saving them. All of us certainly would have been drowned, had not other ships come to the rescue. The Volturno's boats did not save a single passenger.

Hanke, twenty-five years old, lived with his mother in America for several years and then returned to Germany for his three years of compulsory military service. He had completed his term and was going back to his family.

FOUR SAILORS SUFFOCATED BEFORE FIRE WAS KNOWN.

H. Magowsky, a Yiddish sailor of the Volturno, said:

"Four sailors, off watch, were suffocated in the forecastle before we knew there was a fire. Perhaps more died that way. An explosion did not start the fire, as far as I know. It came after. I was scrubbing the deck amidship, when a ship's boy came racing down the deck, yelling fire at every jump. He made the full length of the ship, arousing sailors and passengers alike with his screams.

"This was about 8 A. M. and the first knowledge any of us had of fire. There was much smoke forward, and apparently the flames had been smouldering in the hold for some time. When the fire did break out it shot high in the air forward and spread with amazing rapidity.

"I saw no panic. We all turned in and fought the fire down until the engines stopped. We stayed in that blazing hell as long as mortal men could stay. Our hair and eyebrows were singed off, our hands and faces were blistered and our shoes were burned through. We stayed there until Thursday night. No man quit. No man thought of food. Capt. Inch did not drive any of us back with his pistol, because none tried to leave until all had been done that could be done. The reason we stopped fighting the fire, even though the task had been obviously hopeless for hours, was that the engines stopped and there was no power to pump more water through the hose.

FIRST MATE DROWNED IN THE FIRST BOAT LOWERED.

"That night our first mate was drowned in the first boat lowered. Not a boat was lowered until Thursday night. Four of them were smashed and two were lost. The other boats were useless, because of tangled tackle and Capt. Inch cut them down so that they might not be used. All who attempted to leave the Volturno in our boats were lost.

"The fact that the last to be taken off were mostly women and children does not indicate cowardice on the part of the crew or the men passengers. A great many men and sailors jumped overboard during Thursday night. Some were drowned and others were rescued by the surrounding steamers. There were few besides women and children and the Volturno's officers left aboard when the lifeboats got to us early Friday morning."

Hendrick Hennema, the Dutch second cook on the Volturno, one of those injured in jumping from the burning ship, was in La Touraine's hospital with a broken leg when the liner arrived.

"We first knew of the fire when a ship's boy raced over the ship crying 'Fire!' at the top of his lungs," said Hennema. "Smoke was issuing from the forward hatch, and we found four dead in the forecastle. There was no explosion until later. The chief officer, the purser and their assistants began to prepare boats for lowering, and drove all the steerage passengers aft.

"There was no panic, but much weeping and the cries of the women and children were touching. None of us at that time thought there was grave danger. Until the engines were abandoned I saw no confusion and no trouble. I did not see Capt. Inch draw his pistol and I think that story is a fabrication, because there was no occasion for a display of force. Nobody tried to quit work.

"When the first boat was lowered late Thursday, after the engines stopped and the fire fighting had to be abandoned, the first mate took charge and several men found their way into the boat. When it and three other boats were smashed, drowning all, Capt. Inch ordered no more boats lowered and enforced his order by cutting the ropes. The passengers were reassured from time to time by Capt. Inch, who told them that the fire was being controlled and that the Carmania was coming.

COFFEE, MILK AND SANDWICHES HANDED OUT.

"Stewards stopped fighting fire long enough to distribute coffee and sandwiches among the steerage passengers and bring milk for the babies. I think that everything possible was done by everybody. I saw no cowardice and no cruelty. Those who lost their lives did so through their own haste. I cannot understand how the Carmania came to save only one, as it was the first ship to reach us. I think that the Narragansett deserves the most credit for furnishing the oil that calmed the waves.

"I broke my leg in a three-foot fall, lowering myself by a rope into one of La Touraine's boats. This was my first trip after four years on land."

Few of the survivors aboard La Touraine spoke English or French, and were unable to communicate with their rescuers. They kneeled on the decks and wept to-day when a tugboat meeting the liner at the harbor's entrance brought a score of newspaper correspondents who could speak Dutch and German. When some of those on the tug gave the survivors money, they kissed their hands. All of them had lost their baggage, and had only the clothes they wore and little money.

DENVER ARCHITECT DESCRIBES THE GRAPHIC SCENE.

A. J. Norton, an architect of Denver, who was aboard La Touraine, graphically described the scene at the burning Volturno.

"La Touraine was one of the last of the liners to arrive at the scene on Thursday night," said Norton. "First we could see only a dull red glow over the horizon. It looked as if the world were afire. Then we saw a column of smoke, the top of which spread over the water for miles.

"We got close enough to make out the fear-distorted faces of the women, children and men gathered on the poop of the Volturno, and all around us in the water we could see men. Capt. Caussin ordered boats lowered, and they picked up several survivors. At the risk of their lives, La Touraine's sailors remained in the water in small boats all night, but they were unable to get to the Volturno until early morning.

"I believe that one of our boats was the first to get to the stern of the Volturno on Friday morning. The first boat returned with two survivors. The leg of one was broken. The second boat brought seven. I think the lifeboats on none of the other liner's were working that early.

"I am told that the Volturno's first and second-class passengers insisted on being saved first and fought back the steerage passengers while they crowded into the Volturno's boats. If this be true, they lost their lives by their haste. The Volturno's boats saved none. Four were smashed and all in them were drowned, and the two boats which got away with seventy persons were never heard from again.

"All those who remained aboard the Volturno were saved. No living person was left aboard and the last man, Capt. Inch, was off at 7 A. M. Friday.

"The most heartrending feature of the awful catastrophe was the arrival of the abandoned little babies. One of the first boats brought seven of them to La Touraine at daylight. Our women were most devoted to them and three others that came later. They were given a royal reception.

"We left the scene at 10 A. M. on Friday. Nothing then was to be seen of the two lost boats, or bodies in the water. La Touraine's passengers gave Capt. Caussin a testimonial for bravery. His conduct was superb. He could have done no more than he did."

MANY VOLUNTEERS FOR THE RESCUING BOATS.

Capt. Caussin reports that many volunteered to man the whaleboat when it was launched. He chose the second captain, Rousselet, to command a picked crew. As the whaleboat was lowered it was almost crushed against the side of the ship on the first attempt, but the second attempt was successful, and the passengers cheered as it got away. The boat was quickly lost sight of in the darkness as the seas were running very high.

Lieut. Izenic asked to be allowed to command the second whaleboat, which was got off successfully. From La Touraine the boats' flares could be seen for some time and signals were burned on the ship to guide the boats on their return, while the steam whistle blew continually. Lieut. Izenic returned after being away for three hours with five of the Volturno's passengers, who climbed on board La Touraine up a rope ladder with lines tied around them.

DEVONIAN ALSO SAVED BABY THROWN INTO SEA AND TINY UNKNOWN GIRL

LIVERPOOL, Oct. 14.—On board the Leyland liner Devonian which arrived to-day, were many remnants of families crazed with grief and terror at the great tragedy they had passed through. Ernst Herrman, a German passenger, asserts that he was the first to notice the fire in the hold of the Volturno, and says that the flames even then had made such progress that it was impossible to subdue them.

"The fire broke out at 6.45 A. M. on Thursday," he said. "I discovered it from smoke in the forecastle a few moments later. I informed the captain's steward quietly, and then told a ship's boy to alarm the crew and the passengers. With a general alarm given, the full crew went to work fighting the flames below, while the passengers were brought forward. The women busied themselves preparing ropes and baskets to lower the children to lifeboats, while the men prepared ladders. When the fire was at its hottest and the engines had stopped, I jumped overboard. I sank four times, and after a half an hour's struggle, managed to reach the Devonian."

Capt. Trant of the Devonian says the pitiful screams for help uttered by the passengers of the Volturno made the night hideous to the would-be rescuers, who were unable to reach them. The first survivor to reach the Devonian was a man who had jumped into the boiling sea and had managed to get near to the liner. He was taken out of the water unconscious. As soon as it was possible for the Devonian to launch boats and to proceed to the Volturno the women and children were removed first. They were swung along in coal baskets and lowered to the boats, and the men followed.

Among the rescued was a baby which the hysterical mother had flung into the sea. Arthur Haselwood, a seaman of the Devonian, sprang overboard and rescued the mite.

Another pathetic figure was that of a tiny girl of four years of age, whose nationality even is as yet unknown. She stood among her fellow sufferers bewildered, unrecognized and unclaimed.

Capt. Trant said there was no attempt on the part of the male passengers of the Volturno to rush the rescuing boats when they reached the vessel's side, and the captain and officers of the Volturno did good work in keeping them under control. When the Devonian departed from the scene, Capt. Trant says, the fire on board the Volturno was making progress toward the afterpart of the vessel and smoke was issuing from the main deck far aft through the seams.

CAPTAIN OF VOLTURNO ILL ON KROONLAND; EYES ARE AFFECTED.

Delay on the part of Capt. Francis Inch of the Uranium line Volturno in making a report to his company here of the disaster that met his vessel in mid-ocean last Thursday, costing 144 lives, was explained to-day by a wireless message from the Kroonland, aboard which vessel Capt. Inch was taken when his own vessel went down.

Capt. Inch is temporarily blind from the effects of explosions and the fire on the Volturno. He was the last man to leave the ship. As he swung himself into a lifeboat the fire reached 10,000 cases of gin stored in the after hold and a terrific explosion resulted. Since he was taken aboard the Kroonland he has been in the hospital of that vessel.

E. O. Thomas, general manager of the Uranium Line, sent this afternoon to Capt. Inch the following wireless message:

Confirming my wireless of the 11th inst., please prepare as full a statement as possible of the disaster and give it to the press by wireless. Under no circumstances must information be withheld. Please carry out this order without regard to any instructions you may have from any one whatsoever to the contrary.

There is current in Liverpool and in other foreign ports the monstrous theory that the Volturno was destroyed by a bomb placed by plotters intent upon sinking the ship.

Capt. Tinsley, the agent of the Uranium Line, declared to-day at Rotterdam that the reports of a plot against the vessels of the line published in Europe and America are absolutely untrue. He said:

"I never said a word to anybody relative to a letter having been received by the company threatening to burn the ship."

The Uranium boats are officered by Englishmen and the crews made up of Dutch and Belgians. This diversity of nationality offered a fruitful field for sowing seeds of trouble, and officials have suspected for some time that powerful interests outside the company were taking advantage of the fact.

According to Capt. Tinsley, hostility against the Uranium Line by Dutch and German emigrant carrying lines had reached such an acute stage that German officials had forbidden emigrants from that country to travel in the Uranium's vessels.

MINNEAPOLIS REACHES LONDON WITH SOME MORE SURVIVORS AND STORIES.

LONDON, Oct. 14.—"The crew of the Volturno, most of whom were Dutch, behaved in a cowardly manner and were brutal to the passengers," is the verdict of most of the survivors of the Volturno who arrived at Gravesend on board the Minneapolis of the American Transport line this evening. All the survivors are men, Russians, Hungarians and Poles, who know no English and can tell their stories only through interpreters. They are to proceed to their destination on board the Olympic to-morrow. They agreed that there was no panic aboard the Volturno. The stewards and crew behaved admirably and quieted the passengers, they said.

Abraham Fluck, a Russian Jew, said: "When the first boat was lowered the men immigrants rushed to it, trying to crowd in. Some of those who jumped into the boat fell into the sea in their haste and were drowned. It is untrue that Capt. Inch drew his revolver. It was unnecessary. The first boat that was lowered, which sank with all hands, contained thirty men and five or six women. After the four lifeboat disasters the passengers sat hopeless and helpless on the deck until the Carmania was sighted, when they became frantic with delight. None of us could understand why the Carmania's first boat came away without rescuing anybody, until it was explained to us that the boat left on the orders of a Volturno officer, who saw that it was impossible for the Carmania's boat to get alongside. He saw that any rescue attempted at that time would have meant certain loss of life."

The Volturno was still afloat on the afternoon of Sunday in latitude 47.37 north, longitude 33.45 west, and apparently, there is a possibility of the hulk yet reaching land. The Campania was in her vicinity at a quarter past two on Oct. 12, and Capt. Rostron, in a wireless despatch to the Cunard Company, says the derelict was then "going southeast, making about a knot an hour. Her hull appeared to be in good condition and likely to float indefinitely. A careful search was made by us for the missing boats. La Touraine of the French line, six hours later, continued the search, but did not see any boats."

GROSSER KURFUERST, WITH MANY SURVIVORS, DUE HERE TO-MORROW.

The Grosser Kurfuerst of the North German Lloyd line was reported at 8 o'clock this morning 343 miles east of Sandy Hook. Officials of the line said that she would reach her pier at Hoboken with her quota of survivors of the Volturno at half past nine o'clock tomorrow morning.

Arrangements have been made for special cars for the rescued persons on the Rappahannock which will be attached to a train arriving here at the Grand Central Station on Thursday morning. The Montefiore Society, the United Charities, the United Hebrew Charities and other organizations are preparing to care for the destitute passengers here.

The following request for instructions was received at the New York office of the line to-day from Agent Mooney at Halifax:

"Number of Rappahannock passengers. Have arranged with immigration authorities to permit them to enter without money qualifications, but American authorities state all passengers must have addresses of relatives. Please communicate with agents and relatives and have them wire me addresses before arrival Rappahannock Red Cross liner sails for New York tomorrow (Tuesday). Next sailing for New York Oct. 21. Shall we forward New York and eastern passengers by rail to destination? Otherwise they will have to remain here four or five days. Expect you to wire immediately you have received further names of saved."

Agent Mooney was at once instructed to forward the Rappahannock's passengers by rail as soon as they arrived to New York, Canadian and New England points. He notified the New York office at a little after noon that the Rappahannock would reach Halifax at 5 o'clock this afternoon.

A hundred or more inquirers regarding the fate of passengers on the Volturno were gathered before the doors of the Uranium Steamship Company at No. 13 Broadway when they were opened this morning. The lists of passengers on the Czar and Rappahannock were received late last night and were not straightened out until some time after the arrival of the clerks in the offices. The crowd became impatient and inclined to hysteria and a disposition to climb the counters and take the lists by force, but was quickly quieted when the lists were read a little while after 9 o'clock.

Capt. Thomas, the New York agent of the line, was shown a cable report from Liverpool quoting Capt. Tinsley the Liverpool agent, who said the burning of the Volturno was the result of a threat. Capt. Thomas said that he did not believe Capt. Tinsley could have said anything so absurd. Capt. Tinsley was banished from Holland recently after a quarrel with the Government regarding 50 steerage passengers deported from the United States.

The North German Lloyd to-day instructed the captain of the Seydlitz, which ordinarily makes Baltimore her port, to proceed to Philadelphia to land survivors before going to Baltimore.

A despatch was received at the Uranium line offices here at 2 o'clock that the Czar of the Russo-American line had just docked at Rotterdam. A request was immediately sent to Rotterdam asking that all messages from survivors to relatives or friends in this country be forwarded here.

Earth Shocks on Isthmus.

PANAMA, Oct. 14 — Earthquake tremors continue. Thirty-one have been registered by the Ancon seismograph up to date. Reports received to-day indicate another severe shock in Los Santos Province on Saturday night. This disturbance extended as far as Panama City.

First Officer of the Volturno, Who Was Lost in Lifeboat

© UNDERWOOD AND UNDERWOOD.

List of the Survivors Returning on Liners.

At the office of the Uranium line owners of the burned Volturno, wireless messages were received to-day, containing names of survivors now on way to port on several of the rescue liners, as follows:

On the Devonian—
Ernest Hennianck.
Salme Cunic.
Mrs. Hennety Donart.
Marguerite Donart.
Mrs. Lydia Shubert.
William Shubert.
Rose Schubert.
Rosie Demonee
Mrs. Marga Frans.
Anthony Frans.
Mrs. Jadwiga Drabik.
Roman Dradik.
Mary Drabik.
Sofia Chocienska.
Natlia Kil.
Hegend Kabiowsk.
Roman Kabiowsk.
Anthony Kabiowski
Chiaz Kabiowsk.
Valeria Kabiowsk.
Five Children Above.
Mrs. Brucine Grossman.
Datine Grossman.
Fiect Burgson.
Elizabeth Sevinka.
Natalia Kadowsma.
Laurence Dadosinna.
Chane Grossman.
Trugo Grossman.
Powel Dadosinna.
Michael Dadosinna.
Ignatzi Dadosinna.
Natalia Dadosinna.
Martin Bassso.
Hanna Bassso.
John Bassso.
Mr. Levi Sharapon.
Mrs. Levi Sharapon.
Reba Isenberg.
Kaiher Tarasal.
Amelia Hunt.
Sam Zirasow.
George Colian.
Jacob Hofman.
Hano Wilic.
Natweg Thubewick.
Eli Schatrigs.
Joseph Makotic.
Asparuck Pascaff.
Natalamie Angeloff.
Sticho Detcheff.
Mate Saloiic.
Silvo Dibujak.
Athrat Eisdenbug.
One Child, Name Unknown.
Three Females, Unknown.
Pavel Ivanoff.

On the Seydlitz—
Cherniasowsky Ivan.
Cellinoi Gjuro
Dandel Andreas.
Aeppel Abraham.
Gerapff Peter.
Daff Wasil.
Julkowski Marta.
Julkowski Brune.
Pagronetska Rosalia.
Krajewski Anton.
Kawtky Andre.
Krilenk Krll.
Kaoutto Peter.
Nulocs Gjuro.
Nilatowitsch Ster.
Nilatowitsch Marie.
Pesanta Marie.
Pristrem Pavel.
Pelosi Nicola.
Steenberg Charles.
Stephanie Janko.
Smuiski Nicolas.
Semac Adam.
Tejo Biele.
Tejo Gelo.
Tejo Sura.
Wojek Victoria.

On the Narragansett—
Gershan Gerstein.
Csone Milekowski.
Lazowik Guder.
Lemcie Schimen.
Rieer Joseph.
Dovid Fischbien.
Monkie Bermann.
Yosel Rissenburg.
Berkowitz Louis.
Sorosel Krenzil.
Yosef Mutsko.
Abe Pesach.
Sendorek Mate.
Ginno Zerasimoric.
Paul Brick.
Nolen Tomanovik.
Hyler Eisptherik.
Michael Dada.
Basil Dada.
Dade Petrotie Tode.
Trofkoff Peter.
Markoff Levendowsky.
Yosef Albert.
Sendel Ivan.
Ivanovich Golota.
Ileff Kosta.
Ileff Ivan.

Crew—
Otto, Under Steward.
Jan Keiber, baker.
Mitsnesolis Abraham Singer.
Steven Fedaine.
Volotich Brokof.
Frank Rusman.
Sisto Christoff.
Jura Patelg.
Bronsiav Hoombraski.
Abraham Fing.
Wolff Wisborg.
Ivan Stulki.
Kalabaler Parlovich.
Kalun Kablis.
Vasella Kosodis.
Vasil Saling.
Zuminiof Vilun Botha.
Plaque Hlav.
Chicoloff Gleb.
Chesnoff Mike.
Purgatitz Ivan.
Vlicenski Nolier.
Slaverick Mike.
Bills Perko.
Markovith Ivan.
Kavelk Vasil Antoski.
Leo Gradavitch.
Ivan Lesoff.
Nicoli Barbarich.

On the Czar:
Arcunsky Aaron
Aronjan Lastor
Bartole Teanbinus
Bijaun Paul
Bubat Cofalone
Camilo Deutscher
Wolf Dunansky
Chaimbuscie Buca
Drees Andreas
Feber Wosi
Frenchein Isaak
Gaudit Ivan
Gogoe Hersch
Gitcheff Kalu
Gradie St. Steno
Gadie Steno
Hasenfrienke Heinrich
Holo Martin
Isaaic Ivan
Jakonson Gjuro
Jandrak Imbro
Janie Mill
Jewsunk Jan
Kamajin Sijanan
Kaeclewics Iwan
Kemp Sebastian
Corsic Bednik
Kutkowsky Abram
Ludwig Paul
Malinotie Winko
Mamuric Gjuro
Mackie Ivan
Marienvic
Stanki Martinovic
Vasi Mill
Gersson Milikowsky
Aisek Redino
Stejan
Rosenkranz Moische
Sassendieff Kola
Sikowo Ivan
Steinbaech Josef
Szimaskewicz Simeon
Takac Gjuro
Ventura Antonio Werendam
Jakoe Zemowka
Andrej Zinkewics
Michel Zirkoff.

Steerage females; adults:
Deutscher Marion Grat-tool.
Fiorele Jovanovic
Sarina Kutkowsky
Rachael Lakiar
Mile Lewicka
Marta Lisenka
Rosa Ludwig
Maria Marasca
Aniella Marjes
Mary Otto
Katarina Otto
Paulina Pachczansky
Hane Pachczansky
Haile Pelo
Katarzyna Plottar
Anna Schneider
Marie Sorenka
Julia Stoiko
Rafe Stacaine
Josep Zaslawsky
Rak Zaslawski Rachael
Tejer Sara
Tejer Gilel
Simon Chaden
Deutscher Chane
Krakoer Nasel
Grabcer Kraina
Jocksina Sanil
Kutkowsky Jolane
Ludwig Erhard
Mikoinowsky Josef
Pachczansky
Abraham Pachczansky
Chane Rasale
Pachczansky Perle
Schinkel Rosa
Schneider Eiden
Schneider Manli
Szaczard Barbara
Szaczima Lea
Szaczyma Offecer
Wojek Edward
Wojek Johann
W. L. Brown, nurser.
M. Canton, surgeon.
Eugene Hill, greaser.
R. Paul, fireman.
W. Underwood, steward.

BODY BUILDING TONIC FOOD.

MODEL POLICE SQUAD LOSES TWO MEMBERS

One Held as Result of Killing a Friend; Other Seen Leaving Saloon.

The Fourth Inspection District to which Police Commissioner Waldo sent five hundred and one young police in an effort to make it the model police district of the world is shy two policemen who no longer can be classed as "untainted."

One is James F. Lally, who is in the Tombs as a result of shooting and killing his old friend, John J. Delghen of No. 225 East Forty-third street, on Sunday night.

The other is Edward Zetel who is being detained in the East Fifty-first street station after having been seen emerging from a saloon at Third avenue and Fifty-fourth street about 8 o'clock this morning.

Zetel was assigned to the West Forty-seventh street station and should have reported there yesterday morning. He failed to appear, and this morning some one telephoned that a policeman in uniform was incapacitated in the saloon. Sergeant "Dan" Fogarty went there and met Zetel as he was coming out. He took the policeman to the station, where Police Surgeon Ernest Hubbard examined him.

The doctor said that Zetel was "unfit for duty" but would not explain what had incapacitated him. He instructed Lieut. Donnelly to keep Zetel in the station until 1 o'clock, then to allow him to go home and to direct that he return for another examination by the surgeon at 7 o'clock to-night.

SNOW FALLS IN BAY STATE.

Taunton Has a Wintry Squall and Other Places Have Flurries.

TAUNTON, Mass., Oct. 14.—Commencing with a slight flurry, Taunton enjoyed a real midwinter snowstorm today. Shortly after noon, the snow appeared in a blinding squall, and for hours fell heavily.

There were also snowfalls at other points in the State.

Clergyman's Home Burned.

PORTLAND, Conn., Oct. 14.—The home of Rev. John F. Nichols, an Episcopal clergyman, was burned early to-day, with practically all of its contents. The loss is estimated at about $25,000, covered by insurance. Mr. Nichols and his wife are attending the general convention of the Protestant Episcopal Church in New York, and there was no one in the house at the time. The cause of the fire has not been determined.

Judge Speer's Condition Alarms.

MT. AIRY, Ga., Oct. 14.—Federal Judge Emory Speer has been brought to his home here from the North Carolina mountains in a condition of health which gives his friends and family much alarm. He has not left his bed since his return. An investigation of charges against the Judge's official conduct is being delayed by the House Judiciary Committee because of his ill health.

Prince of Monaco's Hunt Ends.

OMAHA, Neb., Oct. 14.—The Prince of Monaco, who with a party has been for some weeks hunting big game in Wyoming, left Cody to-day and will go direct to Chicago, arriving there Thursday, according to a telegram received to-day. The Prince reports success in his hunt.

BREAKS A COLD IN A FEW HOURS—PAPE'S

First dose of Pape's Cold Compound relieves all grippe misery.

Don't stay stuffed up!

Quit blowing and snuffling! A dose of "Pape's Cold Compound" taken every two hours until three doses are taken will end grippe misery and break up a severe cold either in the head, chest, body or limbs.

It promptly opens clogged-up nostrils and air passages; stops nasty discharge or nose running; relieves sick headache, dulness, feverishness, sore throat, sneezing, soreness and stiffness.

"Pape's Cold Compound" is the quickest, surest relief known and costs only 25 cents at drug stores. It acts without assistance, tastes nice, and causes no inconvenience. Don't accept a substitute.

SULZER LAWYERS RIDDLE PROSECUTOR'S PLEA IN THE CASE

(Continued from First Page.)

expenses for the trip to the Capitol. A number of Senators want an adjournment until after election, but this will be opposed by the Judges of Appeals, who are urging speedy procedure.

Mr. Stanchfield in his opening address made four distinct propositions:

1. That the text of the article be changed in certain specified details so that it would include the testimony of Morgenthau and Peck relating to the Governor's attempts to influence their testimony.

2. That if this amendment were made the prosecution would not offer any additional testimony, but stand upon that already in the record.

3. That the defense could put in additional testimony and special invitation was extended to Gov. Sulzer to take the witness stand.

In his argument Mr. Stanchfield maintained that this was not a criminal trial. Therefore it would be proper at any stage of the proceedings to make the pleadings conform with the proof.

CONCEDES THAT ASSEMBLY ALONE CAN IMPEACH.

"I do not mean to argue," he said, "that this tribunal possesses the power to amend these charges in such a way as to contort or twist this tribunal into an impeaching body. I concede with the utmost frankness that the Assembly alone is the impeaching power of the State."

"That by no means precludes this court from amending the impeachment to conform to the proof," continued Stanchfield, "the basic exception being that the amendment shall not work hurt or detriment or be unjust to the respondent.

"In asking you to grant that relief I reiterate that it does not change the basic character of the offense—an effort to tamper with the administration of justice, an effort in some way to control and color and distort the testimony of a witness, a confession upon its face of the weakness of his cause and an admission upon its face that he is obliged to support the defense if any he may have by dishonest means and evidence.

SAYS DOOR IS OPEN FOR SULZER TO TESTIFY.

"Once more we repeat that if with this change of view the respondent feels now that he wishes in person to make answer from the witness stand or that there is other testimony he desires to produce aside from himself, the door is open and there will be no objection raised by the managers of this trial."

Stanchfield emphasized the fact that Article IV., as it now stands, charges Sulzer with a misdemeanor, whereas, he maintained, the testimony of Peck and Morgenthau showed he was guilty of attempted subornation of perjury, a felony.

Senator Duhamel, an ardent supporter of Gov. Sulzer, inquired if Peck had ever appeared before the Frawley Committee, and was informed by Attorney Stanchfield that he had not.

HERRICK CALLS IT ATTEMPT TO STRENGTHEN WEAK CASE.

In beginning his argument Judge Herrick declared it had seemed to him and his associates that the testimony of Peck and Morgenthau "had no bearing on Article IV., but only on the general features of the case—the general creditability of the respondent's defense." Reviewing briefly the testimony of Peck, Herrick declared "it did not come within gunshot of the threats, fraud or deceit mentioned in the articles.

"If the suggestion for argument on the status of this testimony came from the managers—and I must assume it did not," Judge Herrick continued, "I should say that it was an afterthought by which the managers sought to bolster up an otherwise failed case. Coming as it does from a member of the court, Judge Miller, I must submit that if there is any doubt of its status this respondent must be given the benefit of that doubt."

The admission of this evidence into Article IV. would constitute in effect, he said, a new article of impeachment.

The defense originally had made no objection to the admission of the testimony of Peck, said Judge Herrick, because it had no objection to offer.

"Peck's testimony was admissible," he said, "as showing an unreported contribution and because it purported to disclose a weakness in the respondent's proposed defense—that he wanted to suppress evidence against him. It was not admitted as intending to establish any substantive charge in the case."

Judge Herrick declared that the managers' counsel "practically conceded that the testimony of Peck, Morgenthau and Ryan does not have any bearing on Article IV., as it now stands, when they asked to amend that article."

He then recited numerous precedents in support of his contention.

Judge Herrick quoted an opinion of Judge Miller of the Court of Appeals in support of his contention. It was Judge Miller who yesterday raised the question which caused to-day's argument.

HERRICK POINTS OUT EFFECT OF A CHANGE.

"Suppose you find him guilty under an amended Article IV.," said Judge Herrick, "then you will have found him guilty upon something that the Assembly never presented to you, and upon something we have a right to assume never was presented to the Assembly—you will have found him guilty under an article prepared by yourselves. You will have impeached him and tried him on the impeachment found by yourselves."

Louis Marshall of the Governor's counsel, took up the argument.

"This amendment," he said, "is a plea of bankruptcy as far as Article IV. is concerned—that the impeachment managers have no evidence to prove it. This is demonstrated by the fact that counsel comes here in cold blood and asks for an entirely new article as a substitute for the present one. It is virtually taking a poodle dog, cutting off his head, his tail and his legs, substituting new tissues and changing the poodle into a wolf."

EIGHT CHARGES ON WHICH SULZER IS BEING TRIED

1. That he filed with the Secretary of State a false statement of his receipts in his Gubernatorial campaign.

2. That he committed perjury in his statement to the Secretary of State relative to his expenditures.

3. That he bribed witnesses to withhold testimony from the legislative committee.

4. That he suppressed evidence by means of threats to keep witnesses from testifying.

5. That he prevented and dissuaded Frederick L. Colwell from testifying before the investigating committee.

6. That he committed larceny in speculating in stocks with money contributed for his campaign.

7. That as Governor he threatened to use his office and influence to affect the vote or political action of certain public officers.

8. That while Governor he corruptly used his authority to affect the prices of securities in some of which he was interested.

IDENTIFY HEADLESS BODY.

But Death of Victim, a Rochester Man, Is Deep Mystery.

BATAVIA, N. Y., Oct. 14.—The headless body found by hunters in the woods north of Batavia yesterday was identified to-day as David W. Chamberlain of Rochester, who was employed on a neighboring farm.

The head has not been recovered and authorities offer no solution of the mystery.

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