

COURT ORDER MAY SAVE BECKER

WEATHER—Probably Fair To-Night and Saturday.

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OIL STRIKERS OPEN FIRE ON DEPUTIES; 3,000 BESIEGE MAYOR AT POLICE STATION

GERMANY NOW EXPECTED TO CHANGE METHODS OF WARFARE BY SUBMARINES

It Is Believed in Washington That Without Making Formal Pledge Berlin Will Instruct Commanders to Respect Rights of Neutrals.

NO BACKDOWN IN WAR ON ENEMY'S STEAMERS

BERLIN (via wireless to Sayville, L. I.), July 23.—The American note in the Lusitania matter was delivered to the German Foreign Office at 1.15 this afternoon by Ambassador Gerard. Arrangements for its publication are being made.

The note was transmitted in seven sections, the first two arriving last night and the last at 5 A. M. to-day.

Gerard remained at the Foreign Office in conversation with Von Jagow for thirty minutes. He would give no intimation of the contents of the note. Secretary Von Jagow was equally reticent.

By Samuel M. Williams.

Special Staff Correspondent of The Evening World.

WASHINGTON, July 23.—President Wilson expects no crisis to arise over the note to Germany which will be made public to-night. He has arranged to leave Washington within twenty-four hours to renew his holiday in Cornish, N. H.

It is doubtful whether there will be any definite developments from the submarine controversy for some time. Apparently a diplomatic impasse has been reached and each side will continue to stand its own ground.

Intimation is given in German diplomatic circles that no answer need be expected for an indefinite time. In the meantime the German submarine commanders will take scrupulous care not to attack American ships in order to avoid giving fresh cause of offense. The uncertain phase is English passenger ships carrying American passengers. It is understood that submarines will attempt to stop them and give the passengers a chance for the boats before torpedoing.

It is said that one part of note speaks of the "satisfaction" with which the whole world has witnessed the modification by German submarine commanders of their practices. It is understood Ambassador von Bernstorff saw in this an expression that would probably be well received in Germany, because it made plain what has hitherto been a subject of doubt, that the United States was not insisting on the complete abandonment by Germany of her submarine warfare.

But Germany will not consent to modify her warfare against enemy ships or neutral ships carrying contraband.

Secretary of State Lansing spent some time with the President in the White House study this morning. It is believed that their principal discussion was over the forthcoming note to Great Britain, dealing with detained cargoes of American goods. Now that the note to Germany is being pushed vigorously.

In official circles it is stated that this action is not because of German demands, but solely in interest of American shippers. No official cognizance is taken of the German declaration that neutrals who work in factories making munitions of war for the allies are guilty of treason. Such an order could affect only unneutralized German residents in this country, for nationalized ones are beyond the Kaiser's jurisdiction. So long as unneutralized residents do not transgress local laws they are free to quit

work if they please. But the German Government would have no power to punish one of its citizens in this country. Only when such individuals returned to Germany would he become amenable to the treason order. Among the President's callers was Dudley Field Malone, Collector of the Port of New York, who brought a report of his investigation of German submarine attacks on the Ortona. He gave it to Secretary of the Treasury, McAdoo, who turned it over to Secretary of State Lansing. Then Mr. Malone went to the White House and discussed it with Mr. Wilson.

FRENCH SUBMARINE IS REPORTED LOST

BERLIN, July 23 (by wireless to Sayville).—The Overseas News Agency to-day gave out the following dispatch from Geneva:

"The French submarine Joule has been missing since April 23 and is considered lost."

The French submarine Joule was built at Toulon in 1911. Her length is given at 167.3-10 feet, her speed at 12.5 knots, her equipment six torpedoes and her complement twenty-four men.

AZIAYDE WEAKENS AND BEETHOVEN WINS FIRST RACE

Former Leads for Five Furlongs, but Succumbs in Final Sixteenth.

For three-year-olds and upward, selling; purse \$400. Five and a half furlongs. Start good. Win added out of place driving. Winner, Mr. F. Miller, Trainer, R. I. Miller.

For four-year-olds and upward, selling; \$500 added; one and one-eighth miles. Post 3.02. Off 2.04. Time, 1:24. Start good. Win added out of place driving. Winner, Mr. F. Miller, Trainer, R. I. Miller.

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AUSTRIAN FLEET MAKES RAID ON ITALIAN COAST

Bombards City of Ortona and Tremiti Islands in the Adriatic Sea.

ROME, July 23.—An Austrian squadron bombarded the Italian city of Ortona and the Tremiti islands to-day, the War Office announced this afternoon.

Two Italian dirigibles bombarded the Austrian railway station and town of Nabresina, midway between Monfalcone and Trieste.

Despatches to the War Office indicated that Ortona was the first point attacked by the raiding forces of the enemy, who bombarded the railway paralleling the Adriatic coast town. Ortona is a city of about 8,000 and is 100 miles from Rome. A famous cathedral is located there and news of the attack aroused fears for the safety of this structure.

From Ortona the Austrian squadron moved southward and attacked the Italian semaphores and coaling stations on the Tremiti Islands, lying a few miles off the province of Foggia. War Office advices this afternoon do not indicate what damage was done.

The enemy appeared from the direction of the island of Lissa, off the Dalmatian coast.

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LAWYERS FOR BECKER APPLY FOR NEW TRIAL

Justice Philbin Signs Order Based on Discovery of New Evidence.

NOW UP TO STATE. Order Is Returnable Before Justice Ford on Next Monday Morning.

Supreme Court Justice Philbin this afternoon issued an order for the State to show cause why a new trial should not be granted Charles Becker, former police lieutenant, sentenced to die in the electric chair next Wednesday for conspiracy in the murder of gambler Herman Rosenthal.

This order was issued following the filing of affidavits by Becker's attorneys, alleging the discovery of new and important evidence tending to establish Becker's innocence. These affidavits contained statements from East Side gamblers, who are said to have contributed to a fund of \$6,000 to induce Rosenthal to leave New York. The offer was rejected by Rosenthal, and a few hours later he was shot to death.

The order is returnable Monday morning at 10.30 o'clock before Justice Ford. The District Attorney's Office was represented by Assistant District Attorney Johnstone.

SAYS BECKER CALLED "CROAKING" BETTER WAY. Jack Rose, in the course of a long statement last night, denied this story and declared the gamblers from whom he was supposed to have collected \$6,000 "didn't have a two-dollar bill at that time." Becker, he said, stopped any such move by saying:

"What, give up \$6,000 to that scoundrel? The only thing to do is to have him croaked and let everybody know we croaked him, and we won't have any one coming around for money."

A part of Rose's latest statement is not supported by Gov. Whitman. Rose said: "District Attorney Whitman was battling between sentiment and duty when he prosecuted Charles Becker for the murder of Herman Rosenthal." He went on to tell how Whitman hated to act because when the prosecutor's father, a minister, lived in East Forty-fifth Street fifteen years ago Becker, then a young policeman, took his meals in a house near by and became friendly with the preacher. The Rev. Mr. Whitman, Rose said, took such a fancy to Becker he spoke to his son about him, and Whitman as a Magistrate and later as District Attorney gave Becker special work.

When Gov. Whitman was told of this part of Rose's statement last night at Camp Whitman, Fiehlke, he said: "Fifteen years ago my father boarded at a house on West Seventy-third Street. Becker boarded there occasionally and discussed the Bible with my father. I don't know how strong my father's interest in Becker was, but I understood that it was not very deep."

Rose's statement that I found myself between duty and sentiment is not founded on fact."

The only other statement the Governor made on the Becker case was (Continued on Second Page.)

GROUT JURY, OUT 22 HOURS, HAS NOT REACHED VERDICT

Request to Hear Again Portion of Testimony Favorable to Defendant.

CROPSEY SCORED HIM. Judge Will Hold Jurors as Long as Possible to Avoid Retrial.

The jury in the case of Edward M. Grout, indicted for perjury in swearing to a false statement to the Banking Department as to the condition of the Union Bank of Brooklyn, had been unable to reach a verdict late this afternoon and the prospect of an agreement grew more remote with the passing hours.

At 11 o'clock to-day the jury entered the court room and asked that certain parts of Grout's testimony be read. The testimony on which the attention of the jury appeared to be directed was favorable to Grout and the defense hoped for an acquittal.

At 4 o'clock the jurors sent for more exhibits.

The jury retired at 5 o'clock last night. Justice Lewis will insist on a verdict until the last hope is gone, for the trial has lasted for many weeks and has cost Kings County a great deal of money.

In his summing up, which occupied the entire day, District Attorney Cropsey sought to show Grout knew the report to be false and swore to it in the hope of continuing the existence of the bank, which, the Prosecutor intimated, was a source of prospective profit to the defendant.

Cropsey pointed out that the entire stock interest of Edward M. Grout and his brother, Paul Grout, in the Union Bank was \$60,000, and yet, during the time that Edward M. Grout was its President, bills submitted by his law firm for legal services reached \$70,000.

Judge Lewis defined the law of perjury in his charge to the jury and passed upon eighty-five requests to charge made by Grout's attorney. During the deliberations of the jury Grout was placed in the custody of a deputy sheriff.

ONLY ONE AMERICAN FACES PERIL ON CYMRIC

The White Star liner Cymric, with 62 cabin and 129 steerage passengers and 15,500 tons of freight, sailed for Liverpool this afternoon. There was but one American aboard, Frank Roy Gibson of Buffalo, who was in charge of a big consignment of automobiles which were stored on the forward deck.

Extraordinary precautions were used at the pier to prevent the smuggling of bombs aboard the vessel. All baggage was searched before it was allowed on the ship and none but passengers were permitted to cross the gangplank. With the exception of Mr. Gibson, all the passengers were English or Canadians.

R. N. Giffney and his wife of Crofton, Vancouver, B. C., were passengers. Their son is in the Canadian contingent in the training camps in England, and they are going abroad to visit him before he starts for the front.

Cymric, Liverpool..... 12 M.

SHOOTING IN BAYONNE AFTER DAY OF QUIET; MEDIATORS ON SCENE

Report Had Spread Among the Strikers That Their Money Was at the Police Station and a Concerted Rush Followed.

MAYOR TELLS OF DYNAMITE FUND TO AID THE RIOTERS

The oil strikers in Bayonne made an attack this afternoon on Sheriff Kinkead, who seemed about to persuade them to cease further violence, and chased him and six detectives into a frame building at Prospect and East Twenty-second Streets, where they were held at bay.

Sheriff Kinkead sent for reserves in the fear that the strikers would burn down the building where he is besieged.

Firing began again at 3.40 o'clock this afternoon in the strike-ridden section of the town when the strikers attacked a detachment of sixty-five newly arrived deputies who were proceeding to the plant of the Tidewater Oil Company.

About twenty-five shot were fired by the strikers. The deputies being unarmed had no chance to defend themselves. The shots were accompanied by a shower of bricks, one of which hit a deputy on the head and felled him to the ground.

A crowd of 3,000 strikers besieged Police Headquarters this afternoon and insisted on getting the wages coming to them.

Sheriff Kinkead's assurance to the strikers this morning that he would try to get the Standard Oil Company to pay them off to-day, as usual, provided it was shown that they were in dire need, had been misconstrued by the foreign element, which makes up the greater portion of the body of workmen, and they persisted in the idea that the money was at Police Headquarters and was being withheld for some reason they could not understand.

It was the opinion of Mayor Pierre P. Garvon of Bayonne, after taking a look at the throng in front of headquarters, that at least one-half of them had revolvers. He called upon Sheriff Kinkead to conciliate the strikers until arrangements could be made to get them their money, but he thought payment should be deferred until Monday.

Mayor Garvon this afternoon confirmed the report that money had been subscribed to a "dynamite fund" and that strikers had been sent out of town to procure explosives and cartridges for use in prolonging the battle which has raged intermittently at all hours of day and night since Wednesday morning.

"I know that people have been held up for money to buy dynamite," he said. "I understand that several hundred dollars were procured in that way. Men have gone some place to try to buy it."

On orders from Mayor Garvon the circulation of "The Call" was stopped in Bayonne because of a cartoon showing John D. Rockefeller shooting down strikers. Frank Tannenbaum, the I. W. W. agitator, was given minutes to leave the city, under threat of arrest as a vagrant, and he complied with the order at once.

Anton Doerganski, one of the speakers at the strikers' meeting this afternoon, told the men the best thing they could do was to go to their homes until the matter was adjusted, but most of them went up to Police Headquarters.

SAILING TO-DAY. Cymric, Liverpool..... 12 M.