

SULZER WON'T ANSWER CHARGES AT PRESENT

"Will Reply to Them All at Once When Proper Time Comes," Says the Governor.

TO START HIS OWN PROBE

Department of Efficiency and Economy Will Be Under Investigation by John A. Hennessy Next Week.

[By Telegraph to The Tribune.] Albany, Aug. 7.—Acting on the advice of his friends, Governor Sulzer to-day refused to make any reply to the disclosures brought out before the Frawley committee in New York concerning his campaign contributions and alleged Wall Street operations.

"I will answer them all at once when the proper time comes," he said. Chester C. Platt, his private secretary, announced later that a full and frank statement of all the facts will be made just as soon as the Governor can learn exactly what are the facts.

"The people understanding the motives that actuate the Frawley committee," he said, "they know who is behind it and why the charges against the Governor are being made."

"Some of these charges are false, some are distorted truths, easily explained, and some of the charges are insinuations, about which at present the Governor is wholly ignorant."

"No one should be misled by the fragmentary and garbled testimony before the Frawley committee as to funds received or expended in Governor Sulzer's campaign last fall. A full and frank statement of all the facts will be made just as soon as the Governor can learn exactly what are the facts. Money was received and paid out to promote the Governor's election of which he had no knowledge. He necessarily must delay making any statement until investigations now under way are finished."

Sulzer's Version of It. "This much of an explanation may be made. The law does not require a candidate for public office to make a statement of moneys received, but only of sums paid out. Those who made out the statement which the Governor signed, and which was filed with the Secretary of State, made a mistake in reporting any receipts, and, in fact, they reported receipts and expenditures which were not those of the Governor at all, but were the receipts and expenditures of a campaign committee working to promote the Governor's election. There is no law restricting the amount which such a committee had a right to receive and expend."

State officials here question the assertion of Mr. Platt that the statement of expense of a candidate does not have to contain the names of contributors. Attention is called to Section 56 of the election law, which comes under the corrupt practices act. This provides that statements of election expenses in each case shall include the amount received, the name of the person or committee from whom received, the date of the receipt, the amount of every expenditure or disbursement, the name of the person or committee to whom it was made and the date thereof.

Section 147 provides that "No person shall in any name except his own directly or indirectly himself or through another person, make a payment or a promise of a payment to a political committee or to any officer or member thereof, or to any person or persons acting under its authority."

Carmody Decision Ignored. An indication that Governor Sulzer does not intend to abide by the decision of Attorney General Carmody that the Legislature is still in session and that the Frawley committee has the right to investigate his acts was given here today by a letter sent out by Mr. Platt to the legislator. He is making a personal canvass to show that a quorum was not present Wednesday night, July 23, when the Legislature adjourned on August 21, to receive the report of the Frawley committee. The letter, in part, follows:

"By direction of the Governor, I am writing to ask you if you were present at the session of the Assembly on July 23. As questions of importance to the public welfare are involved, and as there is some dispute as to who were present and who were absent, it is desired to settle this dispute by a letter from each Assemblyman."

In order to embarrass the Frawley committee, John A. Hennessy, the investigator appointed by Governor Sulzer to investigate the Macleod act to investigate all state departments, to-day subpoenaed Matthew J. Horgan, former deputy commissioner of efficiency and economy and now one of the Frawley committee investigators. Mr. Hennessy intends to start his hearings next Monday, taking up first the department of efficiency and economy, which was created this year on the recommendation of the Governor, and is headed by John H. Delaney, one of the Governor's commission of inquiry.

Delaney is charged with deserting the Governor and turning his department into a "hospital for Tammany detectives." Hennessy intends to investigate the resignation of Governor Duerr, five years ago. Mr. Hennessy has already subpoenaed Mr. Delaney and his secretary, Charles Kerrigan.

SHOOT AT DOG; HITS BOY. A bullet fired by Mounted Patrolman Fred W. Walfschlag, of the Westchester station, at a large bulldog which had attacked his horse George while on the Bear Swamp Road, near Muller avenue, The Bronx, last night, glanced from a stone in the roadway and struck Cornelius Duerr, five years old, of No. 1964 Hunt avenue, Walfschlag jumped from his horse, and the bulldog died.

The injured boy's mother, Emily, who was with him at the time, carried the lad to the office of Dr. W. Walker, at No. 183 Holland avenue, where it was found that the bullet had entered his chest. He was not dangerously injured and was taken to his home.

HARTMAN FOR MUNICIPAL COURT. Dr. Samuel M. Hyman, chairman of the nominating committee of the East Side Business and Professional Men's League, announced last night that at a meeting of the league held in the Café Boulevard, former Assemblyman Gustav A. Hartman was nominated for the office of justice of the Municipal Court, 2d District.

WITNESSES IN THE SULZER INQUIRY.

CHARLES GOTTHELF. PHILIP BOYER.



TAMMANY TO FORCE SULZER TESTIMONY

Continued from first page.

the question of forcing Colwell to testify is settled. Henry A. Kecheissen, a clerk in the office of Peter Doelger, was called as a witness to present and identify a check for \$250 dated October 14, 1912, signed by Doelger and made payable to William Sulzer.

"This check is another of those that were not reported by Governor Sulzer," said Mr. Richards, "and it was made out the same day as the Schiff check. It bears the rubber stamp and is signed by Louis Sarecky. It was deposited in the Mutual Alliance Trust Company."

Accompanying the check Mr. Richards put on the record the following letter of acknowledgment, which was signed by Charles A. Stadler: "Your check to the order of Mr. William Sulzer for \$250 was received this morning, and I shall be glad to hand it to Mr. Sulzer to-day."

"Thanking you in his behalf, I am, Sincerely yours, (Signed) CHARLES A. STADLER." Doelger's voucher, accompanying the letter, had on it the following description: "Campaign contribution, \$250; no receipt necessary. Check mailed to Charles A. Stadler."

Mr. Richards announced that he had issued subpoenas for Frederick H. Allen, of Allen & Camman; Samuel Ulfman, Charles W. Sacke, secretary of F. Augustus Heintze; Archibald B. White, and Herbert H. Lehman, of Lehman Bros.

Richards said he was reliably informed that these men contributed different amounts to the Sulzer campaign fund, which were not listed in Sulzer's sworn statement. He added that he believed most of those mentioned were in Europe and would answer the subpoenas, if desired, when they returned.

As to the three recalcitrant witnesses of Wednesday, Arthur L. Fuller, Melville E. Fuller and Frederick L. Colwell, Senator Frawley specifically directed the counsel to subpoena their attendance at to-day's session, and if they persisted in their refusal to answer vital questions to prepare the necessary papers to submit their cases, along with that of Louis A. Sarecky, to the Legislature next Monday night.

The Rev. Olat R. Miller, who was quoted to the effect that he would be glad to testify before the Frawley committee as to an alleged demand for \$10,000 by three Senators, sent a letter to the committee yesterday. He said he would appear later and give names and circumstances of his story, but that it was impossible for him to attend the present sessions in New York.

Senator Frawley directed Mr. Richards to subpoena Miller in Albany next week and to give Colwell and the Fullers their last chance to testify at to-day's session, which was set for 12 o'clock, noon, in the Board of Estimate room at the City Hall.

Samuel Bell Thomas, a lawyer and friend of Governor Sulzer, last night sent a letter to Eugene Lamb Richards, counsel for the Frawley committee, in which he said: "As Amicus Curie, a member of the bar and most of all a believer in fair play, may I ask you why you have adopted the extraordinary course of forcing a banking institution under due legal protest to produce the bank account of an individual who is under no indictment and under no charge, without showing that the checks produced relate in any way to the subject under investigation by your committee?"

"Moreover, why have you introduced evidence as to the Governor's private disbursements before his election for other than election purposes? "I ask you as a lawyer, is not this a serious invasion of the rights of American citizens? Of course, the committee, if it is its purpose to be decently fair, will strike out all this testimony unless you connect every scintilla of the proof, so far as produced, with the campaign expenses of the Governor. But why did you insist, and why were you permitted to introduce it without first laying the proper foundations under the ordinary rules of evidence?"

"Even a Democratic Governor who has refused to do the bidding of an organization head has some rights which a committee of the Legislature is bound to respect."

Charles Gotthelf, of the American Flag Company, denied at the morning session that he had told a former detective that he had destroyed a letter he considered injurious to Governor Sulzer. Otto Memmert, employed by Theodore W. Myers, a broker of No. 20 Broad street, testified that his employer was abroad. He had seen no checks indorsed by William Sulzer or Louis A. Sarecky.

"POLITICAL," SAYS SMITH TO CONNOLLY CHARGES

Queens District Attorney Denies He Hounded Borough President, as Alleged.

ANSWER GIVEN TO SULZER

Attack Similar to That of Piser, Which Governor Dix Dismissed, Avers Accused Official.

[By Telegraph to The Tribune.] Albany, Aug. 7.—District Attorney Matthew J. Smith of Queens County made a general denial to Governor Sulzer to-day in answer to the charges made against him by Borough President Maurice E. Connolly and others in an application for his removal from office. The charges were "political and personal," said Smith. The District Attorney is a follower of Joseph Cassidy, former Borough President of Queens, who has been fighting Connolly for the Democratic leadership of the county.

Governor Sulzer after receiving the answer from Smith's attorney, Arthur T. Warner, said he would go over the papers and announce as soon as possible whether he would appoint a commissioner to take the testimony. "There is not a scrap of evidence to show that Mr. Smith has done other than his duty," said Mr. Warner. "We don't regard these charges as serious in the light of the facts. Mr. Smith denies that he undertook to prosecute Connolly individually or as Borough President to the end that political capital or anything unwarranted might come of it, as charged."

The charges in part grew out of the suit brought against Connolly by his brother-in-law, Aloysius C. Halleran, to recover \$50,000 for the alleged alienation of the affections of his wife, Sarah G. Halleran. Relative to this suit Connolly charged that since he became Borough President Smith and his assistants endeavored for "political purposes to institute improper, unnecessary and illegal proceedings" against him before the grand jury.

Attached to Smith's answer was an affidavit from Robert P. Bell, counsel for Halleran in his alienation suit, alleging that attempts were made to bribe his witness.

The District Attorney in his answer denies specifically that he had ever kept from the grand jury any witnesses asked for by the jury or that he had ever directed his subordinates to send political literature from his office. He also denied that he neglected to prosecute Louis T. Walter, Jr., Joseph Cassidy or William Willett, Jr. in regard to Supreme Court nominations.

With respect to Walters, Willett and Cassidy, the District Attorney says that, with the assistance of former District Attorney Fred G. DeWitt and Assistant District Attorney John Hetherington, he presented all the evidence to the grand jury in Queens, which, however, failed to indict.

Last December charges were filed against Smith by one Samuel Piser, but they were dismissed by Governor Dix. The present charges, according to Smith, are similar to those filed by Piser.

The District Attorney states that he had no bargain or agreement or understanding of any kind with Joseph Cassidy as to the conduct of his office. In the Connolly charges it is alleged that he is running his office at the dictation of Cassidy. Smith also says that Connolly was heard at length by the grand jury during a recent investigation, after he (Connolly) had a consultation with the foreman and Judge Hurt J. Humphrey at which neither Smith nor any of his assistants were present.

In his answer Smith also repeats the story by Halleran that he received \$150 for the removal of certain building restrictions on a hotel and that the money was for Connolly.

After District Attorney Matthew J. Smith of Queens had filed his answer yesterday at Albany to charges made by Borough President Connolly, thirteen members of the June grand jury filed affidavits supporting the Connolly accusations in so far as the grand jury was concerned. Among those who made affidavits was Walter Faddis, the foreman. The thirteen grand jurors, join with the Borough President in asking for the removal of the District Attorney.

SURROGATE IN AUTO WRECK

He May Sue Railroad for Which He Is Counsel.

Surrogate John J. Graham of Nassau County, who, as one of the Long Island Railroad's principal trial lawyers, defended hundreds of damage cases for the railroad, many of them following collisions of trains and automobiles, narrowly escaped death at noon yesterday, when his own automobile was struck by a single car of the railroad and partly demolished. The surrogate and his chauffeur, Stephen Palmer, were thrown from the machine and badly shaken up.

Surrogate Graham left the Nassau County courthouse at noon to go home for luncheon. He drove the automobile and started to cross the railroad tracks at the Old Country road. A single storage battery car, used by the railroad on its line running from Mineola to Valley Stream, was approaching, but Surrogate Graham evidently thought he could cross the tracks in front of it, and tried to do so.

The motorman of the railroad car shouted a warning and applied the emergency brakes, but he could not avoid the collision. The surrogate's car was practically demolished. If Surrogate Graham, as an individual, brings suit against the railroad for the damage to his machine and feelings, he probably will, as counsel for the railroad, have to defend the action.

MIDSHIPMEN SAIL FROM EUROPE

Washington, Aug. 7.—The battleship Illinois, with 25 midshipmen of the third class aboard, left Funchal, Madeira, this morning, for Hampton Roads. The Illinois sailed from Annapolis for Antwerp on June 1. From there she went to Vigo and Cadiz, thence to Gibraltar. On her way home the Illinois will stop at Tanager Bay for big gun practice. She will arrive at Annapolis on August 23.

SPURNS MOOSE NOMINATION.

[By Telegraph to The Tribune.] Rochester, Aug. 7.—Much to the delight of Republicans ex-Mayor Cutler to-night declined to accept a nomination as a Bull Moose candidate for Mayor. The offer came to him with the assurances that he also would receive the indorsement of Democrats.

YOUNG REPUBLICANS FOR FUSION TICKET

Club Indorses Committee's Choice and Cheers Whitman's Letter of Acceptance.

TANNER OPPOSES ACTION

But Majority of Members, Led by Charles E. Hughes, Jr., Reject Plan of Leader of 25th.

The New York Young Republican Club indorsed the fusion ticket after a long debate last night and passed a vote of thanks to District Attorney Whitman and Borough President McAneny for accepting their nominations. Mr. Whitman's letter of acceptance was read in the meeting at the Prince George Hotel and was followed by loud cheers. A letter from John Purroy Mitchell outlining his position on public matters in the majority ticket campaign also was read and cheered.

Frederick C. Tanner, leader of the 25th Assembly District, read the Whitman letter and at once spoke in opposition to the indorsement of any but the fusion city ticket nomination. He said he had just left Mr. Whitman and he was not sure whether the latter's great sacrifice even could save the fusion ticket. He expressed the fear that the "rank and file" of the Republican party would knife the slate and be held responsible for a Tammany victory. The party leaders, he feared, would not be able to pacify the 180,000 enrolled Republicans.

As the debate progressed it was evident the majority of the members were not in sympathy with Mr. Tanner, who finally denounced what he termed the "peanut politics of a minority of the members of the Committee of 1912." Then he picked out Marcus M. Marks, fusion nominee for Borough President, as an example of the weakness of the ticket. John W. Hughes, leader of the Borough of Queens, he said, had been rejected by fusion in his own borough.

Hughes Deplores Idea of Split. Charles E. Hughes, Jr., jumped into the debate and declared that Republicans were up against a question of expediency. He said there was not a ghost of a show to defeat Tammany with more than one anti-Tammany ticket in the field, and he could not see any more reason for a split than on the nomination for Borough President on the loss of the Board of Estimate to Tammany to split the ticket, he said.

"That is just the sort of a speech one would expect of the son of former Governor Charles E. Hughes, but I just wish he were in practical politics at this time and could see the situation as I see it," retorted Mr. Tanner. "I tell you you must go slowly on this thing or the rank and file of the party will override the leaders. I don't fear the leaders."

"Who are the rank and file, anyway?" asked young Mr. Hughes, springing to his feet. "Aren't we here, the members of this club, a part of it? And are we going to extend an invitation to the rest of them to repudiate fusion by hanging back and falling to indorse the whole ticket? I can't remember an instance where the rank and file of the party overrode the leaders when the leaders were leading in the right direction."

Mitchel Not To Be Partisan. The letter of Mr. Mitchell to the club in part follows: "If elected Mayor I shall in no respect give a partisan or factional administration or recognize partisan affiliation as a basis for any appointment or official act. I trust that my record in public office is a guarantee that this policy will be literally executed. I am a partisan only in the sense that I believe in fusion. It is also a principle which I have always held should be applied in the business of municipal government."

"If I lent myself in the administration of the government to the development or upbuilding of any faction or group after election to the majority of this city I would consider that I had been false to the first and most fundamental of my compacts with the citizenship of this city. My aim, if elected, will be to co-operate and obtain the support and counsel of the best in all parties and to stand steadfast against everything else. I have made no pledge to any person or group nor will I make any."

"I have already said that while I differed with those who believed the terms of the contracts for the operation of the dual subway system were satisfactory, from the point of view of the city, I nevertheless, regard those contracts as now binding obligations upon the city, and, if elected, I propose to do all in my power to secure the construction of the new subways under and pursuant to the terms of these contracts, and to enforce in every way in my power a strict compliance with those terms on the part of the operating companies. In other words, I shall protect the integrity of the contracts."

"I am in favor of enforcing, by all means at the command of the city, a thoroughgoing and effective regulation of public service corporations. I am in favor of municipal operation only as an expedient when regulation fails to protect the community against bad service or excessive rates. It has been suggested recently that I unqualifiedly advocated municipal operation of our rapid transit system. This is wholly untrue, as an examination of the records of my speeches during the last three and a half years will amply demonstrate."

"My position on that question was that municipal operation was unnecessary; that we could secure a satisfactory private contractor on terms such as would ensure to the city both control and a fair share of the net income of the enterprise, but that in the last analysis, if driven thereto by the obscurity of private operators, I would prefer municipal operation to a complete surrender of control of the city's interests in the net earnings of the enterprise."

DELAY IN KRILL CASE

Nurse Will Not Be Examined for Tron Murder To-day.

Utica, N. Y., Aug. 7.—Miss Emma E. Krill, charged with the murder of Dr. Stanley E. Tron, will not be examined in the city court here to-day. Dr. Henry Bernstein of New York, who has been retained as counsel for Miss Krill, telephoned District Attorney Bradley Fuller to-day that although he would be here to-morrow, he would not be ready for the examination. The case will go over for a few days.

Professor Albert N. Hamilton, the chemist who examined the stomach of Dr. Tron, was at the District Attorney's office all day, working over the dozens of bottles of liquid and envelope of tablets taken from Miss Krill's trunk.

CLAIMS DIGGS SCARED GIRLS INTO RENO TRIP

Fear of Scandal the Weapon He and Caminetti Used, Prosecution Charges.

TO INTRODUCE LETTERS

Diggs Said to Have Written Marsha Warrington to Deny There Had Been Improper Relations.

San Francisco, Aug. 7.—A jury was sworn, the government stated its case and the taking of testimony was begun to-day in the first of the Diggs-Caminetti trials. The case was called on Tuesday morning in the United States District court on an indictment charging violation of the Mann act, popularly known as the "white slave" law.

Theodore Roche, of special counsel for the government, set forth baldly and tersely in the closing hour of the afternoon sitting what the prosecution would attempt to prove.

It would be shown by documentary evidence and the testimony of witnesses, he told the jury: 1. That Marsha Warrington and Lola Norris, one twenty years old and the other nineteen, had been frightened by Maury I. Diggs and F. Drew Caminetti, married men with children, one twenty-eight and the other twenty-seven years old, into leaving Sacramento a scandalous and criminal prosecution followed.

2. That marriage had been promised after the two husbands should have divorced their wives.

3. That Caminetti raised the money for the trip from Sacramento to Reno, Nev., and that Diggs bought the transportation and paid the Pullman fares.

4. That the four traveled as married couples, occupying the same stateroom on a night train.

5. That on arriving at Reno, on the morning of March 11, 1913, they registered at a hotel as married couples and occupied adjoining rooms.

Hired a Bungalow. That Diggs hired a four-room bungalow, paying rent in advance for a month and representing to the agent that the party was from Los Angeles and intended to spend six months in Reno.

7. That all four lived in the bungalow for three days before they were arrested. Diggs and Marsha Warrington occupying the front room and Caminetti and Lola Norris a rear room.

8. That Diggs was in his nightclothes when he opened the back door of the bungalow to the officers who arrested him on the morning of the 14th, and that the officer waited in the living room while the two girls dressed.

9. That after the return to Sacramento Diggs had written to Marsha Warrington from Berkeley, advising her to keep up her courage and that all would end well if she would remember what he had told her, particularly if she was firm in denying that there had been any improper relations between them.

After the case had been outlined Roche introduced Diggs's marriage license and identified it by George D. Leslie, a statistician.

Banker Identifies Signatures. J. H. Stevens, vice-president of a Sacramento bank, identified Diggs's handwriting on checks and notes as the same as that shown him in which a letter to Marsha Warrington was penned. Cross-examination did not shake the witness and objections to the introduction of his testimony were overruled.

Just before the case was called on the stand, in cross-examination the defense sought to show that the bungalow the two couples occupied during their stay in Reno was not on the outskirts of the city, and had been rented with no view to sequestration and concealment.

"I don't see," interposed Judge Van Fleet, "how it can make any difference to this case if they went there openly or secretly and clandestinely. Unless the government can show that they went there for the purposes prohibited by the Mann 'white slave' traffic act, then the case of the government falls. Even if the women were public prostitutes, if the defendant procured their transportation and accompanied them there for immoral purposes the case of the government would stand."

The jury is composed entirely of business men, active or retired, and includes one retired liquor dealer and one friend of a former partner of Diggs, as the stand. In cross-examination the defense sought to show that the bungalow the two couples occupied during their stay in Reno was not on the outskirts of the city, and had been rented with no view to sequestration and concealment.

WIDENER TO FIGHT LIQUOR

Ready, It Is Said, to Finance Catholic Crusade.

[By Telegraph to The Tribune.] Philadelphia, Aug. 7.—P. A. B. Widener, millionaire traction magnate, is prepared to finance the activities of the Catholic Total Abstinence Union of America. This statement was made to-day, after a meeting of the finance committee of the union and following the revelation that the treasury became so depleted last season that it was hard to carry on the work.

Mr. Widener is understood to have informed the leaders of the union that he was deeply interested in any movement for the betterment of the younger generation, and that he did not care whether Catholic, Protestant or Atheist opposed the liquor traffic so long as the fight was carried on successfully.

The Rev. John A. Ferry, a Catholic chaplain in the regular army and an officer of the Total Abstinence Union, to-day advocated the return to the army canteen.

BOY'S CHARGE FAILS

Wrote Mayor That Patrolman Kilroy Clubbed Him.

Patrolman John J. Kilroy, who was tried on charges as a result of a letter to Mayor Gaynor, written by Rudolph Pavlik, of No. 431 East 71st street, was restored to duty yesterday. Deputy Commissioner Newburger decided that Kilroy did not assault Pavlik. Pavlik admitted he had served a term in the city court for a crime, but he was not a convict and knew a patrolman for whom the police were searching to clear up a murder in the Italian quarter.

Several character witnesses testified to Kilroy's good behavior. Commissioner Newburger warned Pavlik to get out of Newburgh and to go to work.