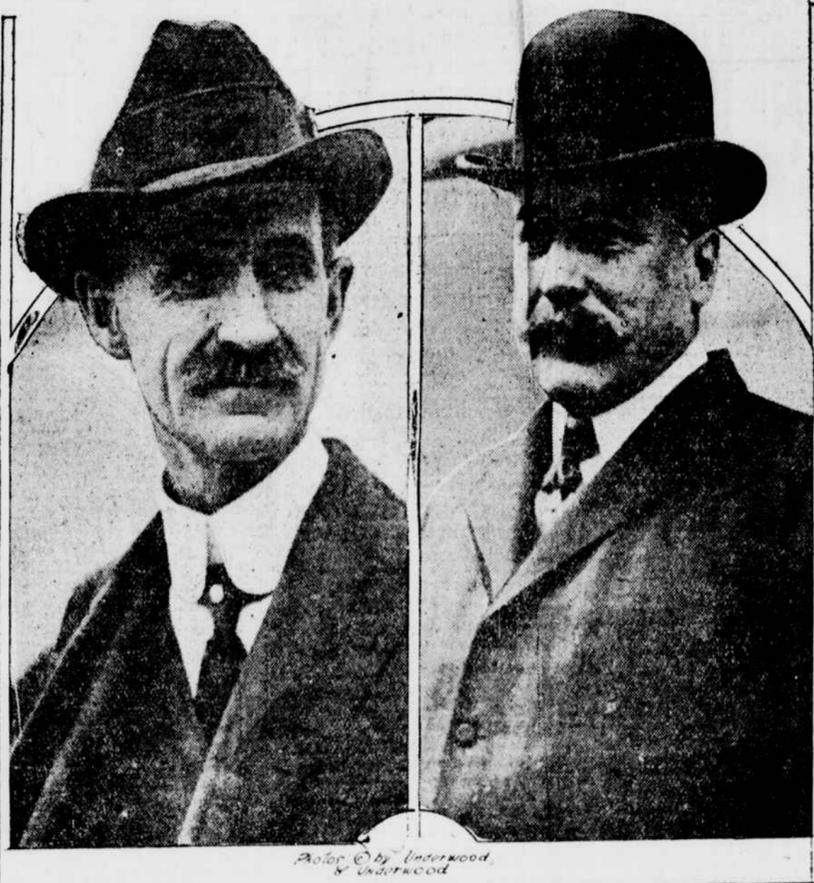


SNAPSHOTS OF COUNSEL FOR DEFENCE AND PROSECUTION.



HARVEY D. HINMAN, Of counsel for Sulzer.

ALTON B. PARKER, Chief of Impeachment Managers' legal staff.

SULZER LOSES HIS FOUR CHALLENGES

First Setback in Impeachment Trial Comes When Senators to Whom He Objected Are Seated.

ARGUMENTS TAKE UP DAY

Louis Marshall in Midst of Contentment That Entire Proceeding Against Governor Is Illegal When Court Adjourns to Monday.

[From a Staff Correspondent of The Tribune.] Albany, Sept. 19.—Governor Sulzer received his first setback to-day in his trial before the High Court of Impeachment on charges of perjury, theft and corrupt use of his official powers when the court decided after a long argument that Senators Frawley, Ramsperger, Senner and Wagner had a right to sit as members of the court and to cast their votes in the final decision.

These Senators were challenged by the Sulzer lawyers—Frawley, Ramsperger and Senner—because they sat as members of the legislative investigating committee which produced the evidence on which the impeachment was voted; Wagner because of the deposing of Sulzer he would become Lieutenant Governor. The question was practically settled by Chief Judge Cullen of the Court of Appeals, who is president of the Impeachment Court, in a speech setting forth his opinion that the Sulzer lawyers had neither law nor precedents on their side in the endeavor to exclude these Senators.

These still remains the possibility that these Senators, because of the imputations of bias and personal interest already lodged against them, may ask to be excused from casting their votes on the question of Governor Sulzer's guilt or innocence. There is precedent for such action.

Marshall Raises Point.

The Sulzer side introduced at the afternoon session the first of the constitutional questions which must be passed on by this court before the taking of testimony can begin. This was the contention that since the Assembly had met in extraordinary session when it adopted the impeachment resolution and since Governor Sulzer had not recommended action on such a subject under the constitution the attempted impeachment was wholly illegal and void.

Louis Marshall, of the Sulzer staff, advanced this argument in a long brief, filled with extracts ranging from Blackstone and various state court decisions up to the United States Supreme Court. He said that an impeachment of a Governor was equivalent to a grand jury indictment. He contended that as a grand jury could find no valid indictment unless all the legal forms were duly complied with, and could not meet informally, the Assembly likewise must stick to the limitations of the constitution, which would prevent it from adopting any impeachment resolution after the adjournment of a regular session unless such action were recommended by the Governor.

He ridiculed the idea of its having power within itself to assemble or to be called together by the Speaker or any member for the purpose of adopting impeachment articles, as Attorney General Carmody argued it had. The Governor's lawyer said no directors of a corporation, or trustees of a religious corporation, or members of political boards could so act under various quoted decisions. Therefore, the Assembly, part of the Legislature, could have no such powers.

Danger to Government.

If it were conceivable that the Assembly could meet of itself, he went on, what was there to prevent a bare majority in such circumstances from meeting in secrecy at a private house, in a hotel, at a political club in an atmosphere surcharged with prejudice, hatred and malice, without giving notice to the other members of the Assembly, and to concoct under the illegality of the impeachment, which the Assembly adopted at an extraordinary session of the Legislature.

He will complete his argument on Monday afternoon, but there is the possibility that he will want to call some witnesses to give testimony on a point he made—the alleged illegality of the adjournment of the Legislature from July 22 until August 11—when they began the debate which resulted in the adoption of the impeachment articles.

When Mr. Marshall has finished Alton B. Parker will answer him for the Assembly board of impeachment managers. His argument will run over into the session on Tuesday morning. After that it is expected that D. Cady Herrick will challenge several of the individual counts in the impeachment articles, especially those relating to the campaign contributions and their alleged use in stock speculation.

These are the really important charges in the impeachment articles. Ex-Senator Brackett is expected to meet this move of the defence, and the arguments probably will occupy all the rest of Tuesday. If the court's decisions go against the Sulzer side it is likely the examination of witnesses will begin thereafter. The counsel for the board of managers will follow in the direct presentation of their witnesses, much the same order as that before the Frawley committee. Governor Sulzer's statement of campaign receipts and expenditures will be introduced in evidence; then will come presentation of testimony to prove that he had failed to account for many contributions, given by the men who made those contributions, or through the introduction of indorsed checks as exhibits.

Thereafter will come testimony regarding the Sulzer stock deals and whatever new matters the managers may have to present. Presentation of this will be handled by Messrs. Krosel and Richards, who worked for the Frawley committee.

pursuant to statute, which I am informed under the present circumstances require your attention and signature.

"Very respectfully,  
"CHESTER C. PLATT,  
"Secretary to the Governor."

The Moses Gutman mentioned in a fugitive from justice from New York State, and his extradition has been requested through the Department of State at Washington. He is under arrest in Chile. Papers for his extradition have been presented to the Chilean government. District Attorney Whitman has advised the acting Governor that in returning the fugitive to this country it may be necessary to bring him through the Argentine Republic, and he requested the acting Governor to send a warrant to the Secretary of State at Washington with a request that he forward it to the Argentine government and ask from that government a remission for the transit of Gutman through that territory on his return to New York in case he is surrendered by Chile.

Resignation Rumor Denied.

This letter was so generally held to be an indication of weakening in the Sulzer defence that it produced at once a new crop of reports that the impeached executive was on the point of resigning. All that was denied for him.

The explanation given for his stepping aside was that pending the decision of the Court of Impeachment itself on the legality of the impeachment proceedings his lawyers had convinced him it was best to give heed to the decisions of Justices Hasbrouck and Chester that he was no longer Governor.

SARECKY, IN BUFFALO, DENIES RUNNING AWAY

Missing Witness Appears with Hennessy and Says He Will Return to Albany.

Buffalo, Sept. 19.—John A. Hennessy, Governor Sulzer's special investigator, accompanied by Louis A. Sarecky, secretary to Mr. Sulzer in his campaign for Governor; William J. Ellis and Elmer Garrison, of New York, arrived here to-night from Albany. Mr. Hennessy said he would confer with Wesley C. Dudley, District Attorney, to-morrow regarding alleged frauds in connection with state road building which he alleges involved William H. Fitzpatrick, Democratic county chairman, and others.

Mr. Sarecky issued a statement denying that he had run away from the jurisdiction of the Legislature and saying that he would return to Albany on Monday. Mr. Sarecky declined to answer certain questions when called as a witness before the Frawley committee, and his arrest was ordered for alleged contempt. Chairman Levy of the Assembly board of managers said Mr. Sarecky had run away, and he sent Lee Betts, sergeant-at-arms of the Assembly, here yesterday in search of him.

"I have seen Aaron J. Levy's statement that I have run away from the jurisdiction of the Legislature," said Mr. Sarecky to-night. "This, of course, is not true. I have been constantly in Albany under subpoena from the Frawley committee for more than six weeks. In this time I have never been more than four hours' traveling time from Albany until to-day. I have been always ready to respond to any notice, and Senator Frawley, I believe, would cheerfully admit this. Assemblyman Levy has never requested my presence at any time before any committee or anybody."

"I was in Albany to-day, as usual, and came to Buffalo on the Empire State Express, which left that city at 11:31. I shall be in Albany again on Monday, as usual."

Mr. Levy's statement is on a par with his recent statements about the testimony alleged to have been taken secretly by one of his lawyers against the Governor. It has been shown that there was no truth in this statement of Mr. Levy in respect to certain testimony which he said had been obtained, and there is no truth in his statement that he has sought me, nor is there any truth in his statement that I am attempting to escape the jurisdiction of the Legislature.

TESTIMONY DELAYED AT IMPEACHMENT TRIAL

Argument Expected to Continue Until Tuesday Afternoon or Wednesday.

[From a Staff Correspondent of The Tribune.] Albany, Sept. 19.—It is unlikely that the High Court of Impeachment will be able to begin taking the testimony of witnesses regarding the alleged perjury and theft by Governor Sulzer before Tuesday afternoon or Wednesday morning. When adjournment was taken this afternoon Louis Marshall, of the Sulzer counsel, had not finished his argument on the illegality of the impeachment, which the Assembly adopted at an extraordinary session of the Legislature.

He will complete his argument on Monday afternoon, but there is the possibility that he will want to call some witnesses to give testimony on a point he made—the alleged illegality of the adjournment of the Legislature from July 22 until August 11—when they began the debate which resulted in the adoption of the impeachment articles.

When Mr. Marshall has finished Alton B. Parker will answer him for the Assembly board of impeachment managers. His argument will run over into the session on Tuesday morning. After that it is expected that D. Cady Herrick will challenge several of the individual counts in the impeachment articles, especially those relating to the campaign contributions and their alleged use in stock speculation.

These are the really important charges in the impeachment articles. Ex-Senator Brackett is expected to meet this move of the defence, and the arguments probably will occupy all the rest of Tuesday. If the court's decisions go against the Sulzer side it is likely the examination of witnesses will begin thereafter. The counsel for the board of managers will follow in the direct presentation of their witnesses, much the same order as that before the Frawley committee. Governor Sulzer's statement of campaign receipts and expenditures will be introduced in evidence; then will come presentation of testimony to prove that he had failed to account for many contributions, given by the men who made those contributions, or through the introduction of indorsed checks as exhibits.

Thereafter will come testimony regarding the Sulzer stock deals and whatever new matters the managers may have to present. Presentation of this will be handled by Messrs. Krosel and Richards, who worked for the Frawley committee.

Leave was granted him, and he said that later, possibly, he would call witnesses.

Admitted by Stanchfield.

The points raised by the Governor which were admitted by Mr. Stanchfield were that the Governor had been duly elected, that he had called an extraordinary session of the Legislature, that the Legislature adjourned from July 23 to August 11, and that there was nothing in the call asking that impeachment proceedings be instituted.

Subsequently Mr. Marshall began a long argument in support of the contention of Governor Sulzer's counsel that the Assembly was not constitutionally convened when the impeachment articles were adopted, and that, therefore, the impeachment was invalid. Standing on the rostrum, facing the members of the court, he read from a bulky printed brief. Mr. Marshall was the first attorney to leave the counsel tables and address the High Court from the platform in front of the presiding judge's desk.

He first questioned the jurisdiction of the Assembly to impeach when convened in extraordinary session without the Governor's recommendation. He said that the opinion of Attorney General Carmody, holding that the impeachment was a judicial and not a legislative act, and that therefore the Assembly was within its rights in adopting the articles without the recommendation of the Governor, was "fallacious and unsound."

"If," he said, "any body of the state was given constitutional power to convene a majority of its members and impeach an executive, revolution and anarchy would inevitably result and our country would be effectually Mexicanized."

Argument to Go On Monday.

He challenged his opponents to cite one instance in which a Congress or a Legislature or a component part of either had convened itself, "or assumed to act and usurp the functions of government without convening." The State Assembly and Senate, he said, were patterned after the House of Commons and the House of Lords of England.

"Neither of these legislative bodies," he continued, "can be convened without the royal mandate of the crown."

Mr. Marshall was in the midst of his argument when Judge Cullen interrupted at 3:30 p. m. and announced that he would be heard further on Monday at 2 p. m., when the court is to reconvene. All witnesses under subpoena were ordered to be in readiness to testify at that time.

Judge Cullen announced the appointment of Senators Murtagh and Walters and Judge Hogan as a committee "to maintain order and enforce the proper performance of their duties by all officers and attendants of the court."

D. Cady Herrick, for the Sulzer forces, based his challenge of Senator Wagner on the ground that Wagner as president pro tem. of the Senate would succeed to the job of Lieutenant Governor if Sulzer were ousted from office. The opposition to Frawley, Sanner and Ramsperger was based on the contention that as members of the Frawley committee they had prejudged the entire case on the identical lines of the articles of impeachment. This prejudgment, said Herrick, was manifest in their report with conclusions of the guilt of Governor Sulzer which was later made the basis for the Assembly's action in finding the impeachment.

The Sulzer lawyers made no point whatever of the fact that Senator Elton B. Brown, the Republican leader, was also a member of the Frawley committee. While Brown admittedly did not sit with the committee in its investigations, he was not recorded as opposing the report and conclusions.

Insinuation in His Emphasis.

President Cullen ruled first, as soon as the court convened at 10 o'clock this morning, that counsel should address themselves solely to the question whether any challenge against a member of the Senate or the Court of Appeals could be entertained.

Ex-Judge Herrick said that the case was arousing the attention of the entire country, and that the court itself, as well as the Governor, was on trial. It must be above suspicion in membership, he said. He cited the common law provision that no judge should sit in a case which, because of any circumstances, he had prejudged, and in citing cases referred to length to the Dorn and Barnard impeachments in New York State. Senator Sanford, who was chairman of the investigating committee in the Dorn case, Herrick said, was challenged, and while the challenge was not sustained, Senator Sanford himself asked to be excused.

"He was an honorable man and asked to be excused from serving," said Judge Herrick with an insinuating emphasis, but the suggestion in his utterance produced no such result in the case of the members challenged, as occurred in Sanford's case.

Alton B. Parker, of counsel for the board of managers, replied to Judge Herrick's argument, basing his address on the contention that the makeup of the High Court of Impeachment was mandatory under the constitution and offered no provision for rulings designed to exclude any member of the Senate or of the Court of Appeals.

Opposed by A. B. Parker. "Very respectfully, but yet most earnestly, I shall contend before this high court that the court is without authority to exclude from its membership any member of the court," said Mr. Parker.

Ex-Judge Herrick's rebuttal cited other cases in which judges had asked to be excused, but the prosecution ignored that suggestion and responded with the proposition that if the Robin case, on the recent pardon action, should have been carried up to the Court of Appeals before the beginning of the impeachment trial the entire Court of Appeals would have been thereby excluded and impeachment made impossible.

President Cullen pronounced his opinion in advance of the vote at the end of the arguments, and that opinion, to the effect that the contention of the counsel for the managers was sound law, apparently governed the vote, which was unanimous. The interested Senators—Wagner, Frawley, Sanner and Ramsperger—asked to be excused from voting as their respective names were called.

In the event that the court again rules against the Governor, as many of his partisans feared would be the case, the next question the Governor's counsel will raise will be that of the impeachability of the charges. According to the plans outlined to-night, D. Cady Herrick will move to strike out the first, second and sixth articles, on the ground that they pertain to acts committed by the Governor before he took the oath of office, and are not within the jurisdiction of the court.

These articles all have to do with the Governor's campaign contributions; the act of perjury he is alleged to have committed in failing to include certain contributions in his sworn report, and the act of larceny in the alleged use of omitted contributions for speculation in Wall Street. Austin G. Fox will support Judge Herrick.

Previous to the opening arguments on the challenges the rules were adopted by unanimous vote.

Prior to adjournment of the morning session Senator Carswell's motion that before each session of the high court the members of the Senate assemble in the Senate lobby and accompany the Court of Appeals judges into the court room was adopted unanimously, and the reconvening of the court was attended by greater ceremony than has featured previous sessions. The members of the Senate formed in long double lines in the outer lobby. Then the Senate sergeant-at-arms and the crier of the Court of Appeals appeared, escorting the judges of the court walking side by side, with President Cullen leading. As they passed through the lines of Senators the crier advanced to the rostrum and in measured tones announced the approach of the "High Court of Impeachment."

ASSEMBLY BALKS AT NEW SULZER CHARGES

Members Kept Prisoners Four Hours in Chamber, but No Action Is Taken.

ESQUIROL REFUSES TO VOTE

Levy Then Announces That Additional Impeachment Articles Will Be Preferred on Thursday.

[From a Staff Correspondent of The Tribune.] Albany, Sept. 19.—After keeping the members of the Assembly imprisoned in the Assembly chamber for four hours this afternoon the board of impeachment managers failed in the attempt to pass additional impeachment articles against Governor Sulzer. The lower House met at noon and took a recess until 4 o'clock.

In the mean time the managers counted noses, and in the belief that they had the necessary seventy-six votes to adopt the additional articles ordered a close call of the House when the session reconvened. Guards were placed at the front and rear doors to prevent any members from escaping, but to the chagrin of Speaker Smith and Aaron J. Levy, chairman of the board of managers, one of the supposed faithful ones was found to be missing.

An hour went by while the sergeant-at-arms and door tenders scoured the city for the missing member. The Assemblymen began to get impatient. They begged the Speaker and Levy to dispose of the business before them, and threats were made to rush the guards from the doors, so that they could get out to take evening trains for their homes. The Assemblymen had become thoroughly disgusted and did not seem to care whether Sulzer was impeached or not.

"If the members will only be patient the matter will soon be disposed of," pleaded Speaker Smith. "The fact that one man left this chamber without permission is causing the delay."

A little while later Assemblyman Joseph H. Esquirol, of Kings County, the missing man, appeared in the chamber, Speaker Smith and Chairman Levy took him in hand, but after a long argument with him were apparently unable to persuade him to vote for the additional impeachment articles.

A meeting of the board of managers was then called, and at its conclusion Levy announced that it had been decided to defer action on the additional articles of impeachment until Thursday, the Assembly having concurred in a Senate resolution to take a recess until that time.

It was learned from Mr. Levy after the session that one of the additional articles of impeachment involved handwriting on stock certificates which, the Governor said, were purchased by Mrs. Sulzer.

"In the investigation by the board of managers in New York of various features of this case," said Mr. Levy, "there has developed an extremely important fact regarding handwriting which has a strong bearing on the alleged defence that Mrs. Sulzer purchased stock."

The other proposed articles, it is said, will charge usurpation of office, in that Mr. Sulzer continued not to recognize Lieutenant Governor Glynn as the acting Governor, although he had been declared to occupy that position by a Supreme Court decision; that he made a pre-election promise to make Dr. Broder, of New York, State Commissioner of Health; that he had used inflammatory language against members of the Legislature in his direct primary campaign speeches, and that he failed to account for the contributions made for that campaign.

IMPEACHMENT COURT DOMINATED BY CULLEN

Senators Follow Without Dissent Any Opinion Expressed by President of Tribunal.

INDICATED IN THREE CASES

Apparent to Onlookers That Chief Judge of Appeals and His Associates on the Bench Are to Mould Result.

[From a Staff Correspondent of The Tribune.] Albany, Sept. 19.—The opening hours of the legal jockeying at the beginning of the impeachment trial of Governor Sulzer today disclosed immediately that Chief Judge Edgar M. Cullen of the Court of Appeals, who is president of the High Court of Impeachment, will dominate the proceedings.

Two or three incidents of the session stamped that fact on the case. It is already evident that the Sulzer impeachment trial will go down in history as a case in which the chief judge and the judges of the Court of Appeals led the Senate, which, of course, greatly outnumbered them in membership.

The physical dignity of the judges of the Court of Appeals, as well as the prominence of their seats, ranged almost entirely across the front of the modified Senate chamber, is an indication of their dominance as clearly marked as is the distinction between their flowing black robes and the civilian attire of the Senators.

First of the points which arose to demonstrate to any doubting Senator where the seat of power was to be found was the statement of Judge Cullen on the merits of the question raised by Governor Sulzer's counsel about entertaining a challenge against the seating of Senators Frawley, Ramsperger, Sanner and Wagner in the Court of Impeachment.

All Follow Judge Cullen.

Although the rules which had just been adopted gave the president the right to decide all such questions by his rulings, which should stand as final unless overruled by the court itself, Judge Cullen announced at the end of argument that he had decided to submit the case to the court. He added, however, that he felt it proper that he should "express his opinion of what would be the proper disposition of the question." With that naive introduction, he laid down a dictum, sugar-coated under the name of opinion, together with a clear exposition of the law and constitution bearing on the question.

"This challenge cannot be entertained in the uniform current of authority," he said. "All the precedents are against it. I equally think it is not sustained by principle."

The vote which followed seemed almost perfunctory, and the "opinion" of the presiding judge was accepted unanimously by the court.

One other incident along the same line was interjected just previous to the taking of the vote, when Senator Walter R. Herrick, Tammany member from the 17th District, Manhattan, attempted to have the court go into "executive consultation" on the question.

Two Senators Rebuked.

Senator Herrick popped up with his resolution in true legislative manner, but he reckoned not only without the new dignity lent to the Senate chamber by the presence of the Court of Appeals, but also without the tremendous influence which President Cullen's legal "opinion" had already had on every Senator present. The result was that his motion was lost by a unanimous vote. Herrick himself forsaking it when he saw the blunder of even appearing in Cullen's line of opposition to the Chief Judge.

To one other Tammany Senator, Henry W. Pollock, from the 18th District, Manhattan, was the lesson of the Herrick incident lost. When the question of adjournment was called, he proposed that the four challenged Senators had been disposed of President Cullen announced that the clerk would immediately proceed to read the articles of impeachment. Senator Pollock jumped up with a motion, on the heels of the announcement, that the reading of the articles be dispensed with—a familiar move in Senate proceedings. President Cullen looked inquiringly, to put it mildly, at the Senator who was offering motions in flat opposition to his directions, but immediately recovered his poise and blandly put the motion.

Like the previous attempt by Herrick, it was lost by a unanimous viva voce vote. Pollock himself did not vote for his own motion.

The three little incidents while not of great importance in themselves indicated so plainly to the onlookers that Judge Cullen and his associates were to control the entire case that the suspicions of a Tammany decision on the Governor's guilt practically vanished.

SULZER MEN WIN AND LOSE

Organization and Opposition Each Get District in Suffolk.

[By Telegraph to The Tribune.] Riverhead, Long Island, Sept. 19.—Corrected returns of the Democratic primaries held Tuesday show that Assemblyman Stephen A. Fallow has been renominated in the 1st Assembly District of Suffolk County by a majority of 40 votes over his opponent, William A. French, the candidate of the Sulzer faction. In Suffolk's 2d Assembly District James W. Eaton, a strong Sulzerite and direct primary advocate, defeated Assemblyman John J. Robinson for renomination by a majority of 155.

Both Assemblymen Fallow and Robinson voted against the Sulzer direct primary bills and also for the impeachment of the Governor. The new Democratic county committee is anti-Sulzer by a vote of 42 to 23.

TAMMANY IGNORES GAYNOR

General Committee Neglects to Take Notice of Mayor's Death.

The Tammany Hall general committee, meeting for organization in Tammany Hall last night, neglected to take any notice of the death of Mayor Gaynor, who was his candidate four years ago. The Republican County Committee the night before adopted resolutions calling attention to the many good qualities of the Mayor.

SULZER FOES TIGHTEN GRIP ON AID IN PRISON

Warden Takes Away Garrison's Privileges on Private Hint from Assembly Authority.

ONLY ONE VISITOR A MONTH

Counsel to Seek Habeas Corpus Writ, but Belief Prevails That the Legislature Possesses Plenary Powers.

[From a Staff Correspondent of The Tribune.] Albany, Sept. 19.—James C. Garrison, the Sulzer press agent, who was imprisoned by resolution of the Assembly in the Albany County Penitentiary early this morning, will attempt to gain his freedom through a habeas corpus writ which his lawyer, Gilbert E. Roe, of New York, said he would institute to-morrow morning.

W. C. De Rouville, deputy sheriff, at the county penitentiary, was apparently willing this morning to treat Garrison on a slightly different basis from his regular prisoners, which seemed justified from the fact that, according to the jail records, Garrison is the first legislative prisoner who has ever been confined there. A call on the telephone at the jail at 10 o'clock this morning resulted in a grudging consent from the sheriff to bring the Assembly's prisoner to the telephone.

Earlier than that he replied to a previous telephone inquiry that Garrison had "got in so late, or rather, so early this morning" that he ought not to be disturbed.

The second call, however, brought Garrison to the telephone, where he said that he was leaving up well under the confinement and had no intention of retreating from the position he had taken before the Assembly bar. Late this afternoon, however, conditions at the jail had changed. It appeared that some one in authority in the Assembly had taken pains to notify the warden that Garrison had no rights or privileges that prisoners committed by the courts did not have.

To a Tribune representative who called at the jail asking to see Garrison the warden said that neither Garrison nor any other prisoners could have more than one visitor in a month.

"He can see his counsel, of course," said the warden, "but as for other visitors he is in exactly the same class as any prisoner here. The rules provide that a prisoner may have one visitor each month."

Garrison's Case Outlined.

Garrison's lawyer will base his habeas corpus action on the proposition that the Assembly overrode Garrison's constitutional rights when it cited him for contempt. The argument to be presented will recite that Garrison appeared before the Judiciary Committee of the Assembly in proper response to a subpoena, but that when he presented himself he found that while the Judiciary Committee had been especially authorized by an Assembly resolution to investigate his charges, the Judiciary Committee had transferred its work to a sub-committee. Garrison alleged that the subpoena was invalid in that account, and that he was fully justified in asking for an adjournment until his counsel arrived.

Nevertheless, the resolution of the Assembly on which he was committed to the penitentiary covered far broader ground than that, and the Assembly leaders contended that no good case can be made in his defence or to procure his release. The Assembly's resolution cited his charges, his previous offenses against the dignity of that body and its committee, but the actual defiance of the Speaker and the Assembly which Garrison uttered this morning in the well of the Assembly chamber.

The leaders say that Speaker Smith went out of his way to give Garrison every chance to explain his charges of accepting bribes against four Assemblymen. Garrison, they say, instead of meeting the Speaker half way and admitting what they contend he has admitted he actually body and its committee, but the Assembly which Garrison uttered this morning in the well of the Assembly chamber.

There is considerable speculation here as to whether any court will attempt to overrule the Assembly, a co-ordinate branch of government. The Assembly will probably remain in session, with a recess or recesses, until the impeachment trial is finished, and even Garrison's closest friends are afraid that he will be kept in jail until this Legislature adjourns sine die.

ADOPT SUPREME COURT RULES IN SULZER TRIAL

Sessions To Be Held Every Weekday, Except Saturday, Until Case Ends.

Albany, Sept. 19.—Under the rules adopted to-day by the High Court of Impeachment for the trial of Governor Sulzer, sessions will be held daily except on Saturday—on Tuesdays, Wednesdays and Thursdays from 9 a. m. to 12:30 p. m. and from 2 to 5 p. m. The hour of final adjournment on Fridays will be 3:30 p. m. On Mondays the court will convene at 2 p. m. and sit until 5 p. m. These hours may be changed from time to time by the court for lack of witnesses or other reasons. The conduct of the trial is to be governed by the rules prevailing in the Supreme Court of the state. Rule 3 reads:

"The final decision of the court upon the articles preferred shall be taken by the president of the court, who, upon each of the articles as it shall be separately read by the clerk, shall with its number propose to each member of the court in alphabetical order, the question, 'Senator (or judge), how say you, is the respondent guilty or not guilty as charged in the — article of impeachment?'"

"Each member of the court, when so questioned, shall rise in his place and answer 'guilty' or 'not guilty,' and the president of the court shall also 'guilty' or 'not guilty,' and when the rollcall shall be completed upon each charge, the result upon each charge shall be announced, and shall be entered upon the records of the court."

"If two-thirds of the members present shall concur in the finding upon any one or more of said articles, the president of the court shall in the same manner put, and the members of the court shall in the same manner answer separately, the further questions: 'Shall William Sulzer be removed from his office of Governor of this state, for the cause stated in the article (or articles) of the charges preferred against him upon which you have found him guilty?'"

"Shall William Sulzer be disqualified to hold any office of honor, trust or profit under this state?"

"And the final judgment of the court shall be certified by the president of the court and clerk of the court."