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See Editorial Page, First Column.

New York Tribune

WEATHER
PARTLY CLOUDY TO-DAY, PROB-
ABLY SHOWERS TO-MORROW.
Yesterday's Temperatures:
High, 81; Low, 62.
Full report on Page 8.

Vol. LXXV...No. 25,091. WEDNESDAY, JULY 28, 1915. PRICE ONE CENT In City of New York, Newark, Jersey City and Hoboken, ELSEWHERE TWO CENTS.

ROSE'S FRAUD BECKER'S DOOM SAYS COUNSEL

Bald Jack Accused of Twisting and Hiding Facts.

FORD DECISION DUE TO-DAY

State Denies New Evidence Exists for Third Trial.

Two briefs each were submitted to Justice John Ford, of the Supreme Court, yesterday by W. Bourke Cockran and Martin T. Manton, of counsel for Charles Becker, and by Charles A. Perkins, District Attorney, in Becker's motion for a new trial.

Justice Ford will probably not reach a decision before to-night.

It was rumored last night that Governor Whitman, in Albany, had received word that Justice Ford would either hear Becker's new witnesses or grant a new trial on the strength of their affidavits.

There was no confirmation of these rumors, either here or in Albany.

In closing their main brief Mr. Cockran and Mr. Manton make this interesting statement:

"Against this mass of new proof the District Attorney scarcely interposes a denial. But he claims that the court is powerless to consider it. His contention is that defendant must be executed not because it can now be considered established that he actually committed the crime of killing Rosenthal, but because he remained silent on the trial instead of taking the stand on his own behalf. In other words, it is contended that this court must permit this defendant to be deprived of his life not because he killed or procured the killing of another, but because he made a mistake in the manner of conducting his trial.

Benham Case Cited.

"This court is not reduced to any such state of helplessness. Through its own inherent powers, as well as by virtue of the code, it has the same power exercised so vigorously and beneficially by Mr. Justice Hooker in the Benham case, to require before this defendant is executed that the state must first rebut the evidence now presented, proof of which is not questioned and which is utterly subversive of the theory upon which defendant was convicted."

Becker's attorneys in their briefs assert that "it is now clear that the conviction was secured by suppression of some vital facts and misrepresentation of others by the chief witness for the prosecution (Jack Rose) to a degree that makes the entire proceedings that resulted in his conviction an imposition and a fraud upon the court."

Various decisions are quoted to show that Justice Ford has authority to order a new trial, a statement combated by District Attorney Perkins in his briefs.

"The question now before the court," Cockran and Manton state, "is to be considered under two heads:

"First—Are the facts disclosed in the affidavit and on the argument such that if submitted to a jury the result would probably be different from that reached by the jury which convicted the defendant?"

"Second—If, in the light of the facts embodied in the affidavits, the entire character of the issue submitted to the jury was so completely changed as to justify a new trial, and also before Becker's story concerning the meeting with 'Big Tim' Sullivan at the Circle Theatre on the night of Sunday, July 14, 1915, of which Becker said nothing at either trial, and also before Becker's story of what happened when Becker met Rosenthal at the Elks' Club."

"This statement of Rose to the defendant's brief saw the light before the court as part of the moving papers on behalf of the defendant. It will be observed that Rose does not deny its correctness, although he has submitted an affidavit in opposition to its motion. His failure to question its authenticity is conclusive evidence of its authenticity."

It was stated yesterday that the newspaper interview with Rose, which he made for Becker, really gave his case its greatest strength.

"Again," the brief continues, "the interview with Sullivan, the night previous to the murder, the District Attorney admitted on the argument to have taken place. Rose admits it in his statement. It is therefore no longer open to question. In the light of it, not one of the reasons for desiring Rosenthal's death imputed to the defendant by the prosecution on the trial, as the trial court stated them in its charge to the jury, could possibly have affected him. The object of that meeting was concededly to arrange for Rosenthal's disappearance."

The affidavit of Ginty shows that prior to the murder, Rose had over \$5,000 in his possession for that very purpose. The significance of this evidence could hardly have been appreciated before the former trial, when the Sunday night meeting with Sullivan was the only reason for the testimony on the trial that Rose's testi-

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ARRESTS MAN: PAYS FINE

E. R. Brown Relents When Prisoner Shows Kindness.

After having a man arrested for driving a lame horse up Fifth Avenue yesterday, E. Ruest Brown, who lives at the Hotel Manhattan, relented in the Night Court and paid the man's fine of \$5. The prisoner gave his name as John Glennon, of 1580 Third Avenue.

He admitted to Magistrate House that the horse which Brown saw him driving at Fifth Avenue and Fifty-fourth Street was having some difficulty with one hind leg. When the court fined him \$5 his face clouded.

"Let me pay the fine, your honor," said Brown. "I think this man is kind to animals, after all. He put a blanket over the horse when he left it outside of the police station."

MOSQUITOES HOME BRED

Dr. Emerson Blames Household Carelessness for Pest.

Carelessness of householders is largely responsible for New York's mosquito pest, according to Dr. Haven Emerson, Deputy Commissioner of Health. There are more mosquitoes, particularly on the West Side, Dr. Emerson thinks, than ever.

An examination of Central Park showed that mosquitoes were not bred there in alarming quantities. Dr. Emerson believes people are careless about their drains and water tanks and that the unusually damp summer does the rest.

AMBULANCE SKIDS; PATIENT LAY DEAD

Rushing to Operation, Accident Delays Auto—Blame Denied.

David Schaeffer, who was taken from Knickerbocker Hospital to Miss Alston's sanatorium, 26 West Sixty-first Street, last night, was found to be dead when the sanatorium was reached. It was denied at Knickerbocker Hospital that an accident to the ambulance was responsible for his death. Coroner Feinberg and the police are investigating.

The automobile ambulance which took Schaeffer to the sanatorium was reported as "missing" to the police of the West Sixty-eighth Street station. Nothing had been heard of it for an hour. It was found that at Eighty-third Street and Amsterdam Avenue the chauffeur made a sharp swing to avoid running down a child and the car skidded, ripping up the pavement and blowing out a tire.

Schaeffer was hurt early Monday morning. He was a baker, living at 67 West 18th Street. On his way to work he jumped for the bridle of a runaway horse attached to a milk wagon and was dragged for half a block. His right shoulder and several ribs were broken and he was taken to Knickerbocker Hospital.

Last night his physician directed his removal to Miss Alston's sanatorium for an operation, convinced the trip would not render Schaeffer's condition more serious.

At the hospital it was said Schaeffer was removed despite the protests of hospital physicians. Although it was admitted the ambulance was damaged, it was the one which carried Schaeffer, it was denied that the accident could have caused his death.

TYPHOON IMPERILS TWO U. S. CRUISERS

Great Storm Sweeps Over Shanghai, Leaving Havoc in Its Wake.

Shanghai, July 27.—A great typhoon sprang up at midnight last night and is still raging furiously. The United States cruisers Saratoga and Cincinnati felt the full force of the storm. The Saratoga's anchors are holding, but the Cincinnati is slowly drifting, and preparations are being made to get the cruiser under steam.

A large amount of damage has been done ashore. Most of the trees along the bund have been blown down. A large steamer is ashore at Garden Point, and launches, yachts, pontoons, sampans and cargo boats are being ground to matchwood against the wall of the bund.

AUTO RUNS OVER SISTERS

Dr. Jelliffe, Alienist, Was in Mrs. Cartledge's Car.

Glen Cove, Long Island, July 27.—Two sisters, ten and twelve years old, of the name of Hawowski, were run over on Cedar Swamp Road this evening by an automobile belonging to Mrs. E. Cartledge, of East Neck, Long Island. With Mrs. Cartledge was Dr. Smith Ely Jelliffe, the alienist, of 64 West Sixty-fifth Street, New York.

The accident occurred near Glen Head. Emit Hraček, the chauffeur, was said to be blameless. The elder girl was taken to the Nassau County Hospital with a fractured skull. Her sister was able to go home.

WANTED—PERFECT MAN

Lonesome Widow Advertises—She Owns a Home.

RUSSIANS PUT CHECK ON FOE NEAR WARSAW

Halt Armies on Narew and Below Lublin Road.

GERMANS FIGHT FOR EVERY YARD

Czar's Troops Start New Offensive in Baltic Provinces from Mitau.

London, July 27.—The Austro-German attempts to envelop the Russian armies defending Warsaw and to capture the Polish capital, which for a time progressed almost with the momentum of the offensive which cleared Galicia of the grand duke's troops, and where the Germans are moving forward it is only yard by yard and at tremendous cost in men and material.

The German Field Marshal von Mackensen has taken a few villages on the way to the Lublin-Cholm railway, between the Vistula and the Bug rivers, and the Austrians, by a counter offensive at Sokal, have captured positions which will make the German flank safer. However, as has so often occurred lately, Berlin officially reports that "otherwise the position of the Germans troops under von Mackensen remains unchanged."

Hindenburg Kept Busy.

Along the western bank of the Vistula from Inaugorod to Novo Georgievsk eventless progress apparently has been made, while along the Narew Field Marshal von Hindenburg, who has been directing operations in an effort to drive a wedge in behind the city, is now largely occupied in meeting the Russian counter attacks.

These counter attacks, according to Petrograd, have succeeded in forcing the Germans who had crossed the river to return to the northern bank at several points, but Berlin asserts that they completely failed, and that the German force is advancing in an easterly direction.

The Russians who were defeated in the Baltic provinces recently have also turned and, according to the Berlin official report, have delivered an attack from Mitau, which, however, was repulsed.

Buelow May Change Route.

Further to the south the Germans continue their advance eastward toward the Vilna-Petrograd railway, but there is a lot of territory to cover before this is reached, and it is considered more likely that General von Buelow, who is in command here, will turn to the southwest to threaten the Russian armies which are facing von Hindenburg.

Everywhere the battles are at their height, especially that in which von Mackensen is engaged. All the military critics here believe that this is the most critical of the campaign, for the whole German plan depends on his reaching the Lublin-Cholm railway.

Following is to-night's official communication issued by the Russian General Staff:

"On the Dvina and the Niemen the situation remains unchanged. There have been cavalry outpost actions there. Southwest of Kovno on Monday the enemy was repulsed beyond the Vistula River."

"On the Narew, Sunday and Monday, from Dobrolenka to the Novo Georgievsk region, the fighting increased in energy. On the left bank of the Narew the enemy was held back by energetic attacks. Intense fighting occurred in the forest east of Rozan."

Germans Forced Back.

"Monday evening the enemy brought up enormous reserves above Serock. On both banks of the Narew there have been successful Russian attacks, some of them resulting in the capture of German detachments being compelled to beat a hasty retreat to the region of the village of Serock. We captured one Zeppelin and 700 prisoners and several Maxim guns. An enemy counter attack from Constantinow was repulsed by armored motor cars."

"On the left bank of the Vistula at daybreak Monday there was a successful attack on the German positions."

CITY GETS RECEIVER TO OUST OFFICIALS

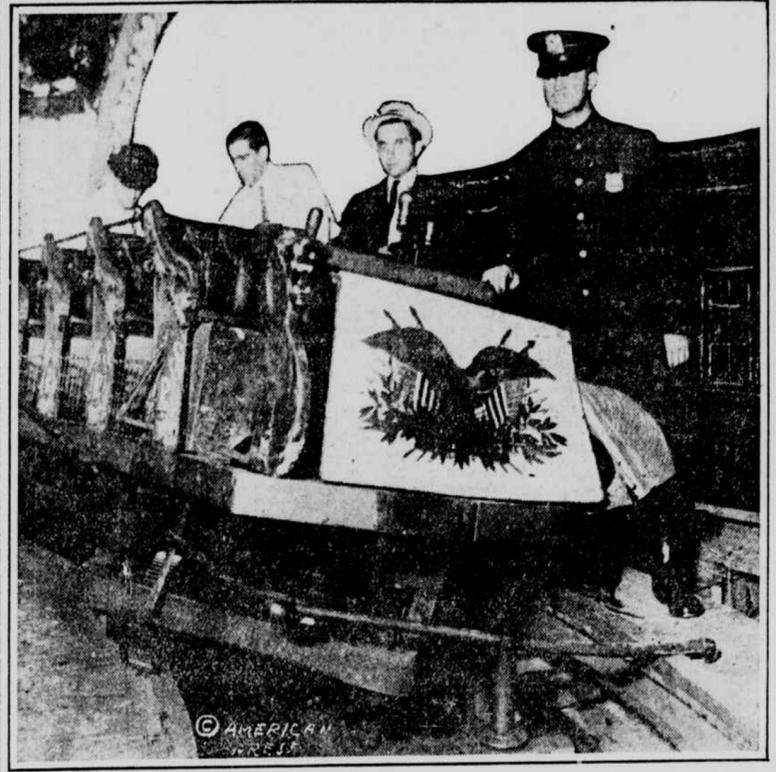
Nashville Suspends Mayor and Commissioners, but Credit Is Sound.

Nashville, Tenn., July 27.—Chancellor Allison to-day appointed Robert Vaughn, a master in chancery, receiver for the City of Nashville. Soon afterward Judge Matthews, in the Circuit Court, in proceedings under Tennessee's new "ouster law," suspended from office Mayor Hilary E. Howe and Commissioners Robert Elliott and Lyle Andrews.

Andrews recently, was dismissed by the City Commission. He and Controller Miles Burns, Treasurer Charles Myers and Assistant Treasurer W. H. West are under indictment in connection with the disappearance of certain books and records from the office of the Controller. West's whereabouts is unknown. An audit and survey of the city's accounts is being conducted as a result of various charges of bad management and irregularities. Out of the charges developed petitions for receivership and ouster.

It is said that the city's credit and financial standing are not involved, the movement being directed only against officials for alleged misconduct.

Coney Coaster Hurls Three to Death; Mother, Baby in Arms, Clings to Trestle



Roller coaster car on "The Rough Rider," at the Bowery and Jones's Walk, Coney Island, which left the rails on a sharp curve and hurled a woman, a girl and the operator to their deaths. The car is shown where it stopped, half-overturned, at the brink of the curve, overhanging the Bowery.

EIGHT MUNITION FACTORIES HERE FEAR A TIE-UP

Strike Call Awaits Effect of Ultimatum to Go to Bliss Plant.

Another step in a movement to obtain higher wages for skilled workmen in war munition factories was taken at the Prince George Hotel yesterday, when J. J. Kepler, first vice-president of the International Association of Machinists, conferred with other officials preparatory to drafting the union's ultimatum, which will be presented to the E. W. Bliss Company, of Brooklyn, within the week. The demands call for an increase in the minimum wage scale from 16 1/2 cents to 41 cents an hour and an eight-hour working day, with Saturday afternoons off.

While Kepler was optimistic in his belief that the Bridgeport difficulties would be amicably settled by J. J. McEntee, his personal representative, he intimated that a strike at the Bliss plant was almost inevitable.

"The question whether or not there will be a strike at the E. W. Bliss Company and its subsidiaries is still undecided," Mr. Kepler said yesterday. "It will be settled before the week is over. If the Bliss people refuse to grant the demands, which we shall present in a day or so, a strike will be called at once. Our demands are reasonable, and we certainly mean business this time."

Would Tie Up Eight Plants.

If a strike is called it will not only affect some 4,000 employees of the Bliss Company, half of whom are members of the machinists' union, but seven other plants in New York and New Jersey will be tied up, according to union officials. Other manufacturing firms which will probably be affected are the Lidgerwood Manufacturing Company, P. H. Gill & Sons and the Atlantic Basin Iron Works, all of Brooklyn; the General Vehicle Company, of Long Island City; the Garvin Machine Works, of Manhattan, and the Standard Motor Construction Company, of Jersey City.

Union officials are confident that they will win should a strike be called. They point out that many of the munition manufacturing plants are violating the Federal law which provides that any plant filling United States government orders cannot work men hired these contracts more than eight hours a day. Mr. Kepler said yesterday that he has proof that many firms evade this law by subcontracting the contracts to affiliated plants.

Besides manufacturing large quantities of munition.

Woman Clings to Railway

Woman, Girl and a Man Drop 30 Feet Into Bowery Crowds—Pleasure Seekers Bare Heads in Silence as Priest Prays Over Victims.

A woman, a girl and a man were killed and three persons were injured at Coney Island early last evening, when the scenic railway car in which they were riding left the rails, thirty feet above the street, and turned over, hurling them into the crowd thronging the Bowery below. The dead are:

Mrs. Anna Hartman, a widow, fifty-five years old, 165 Gates Avenue. Died in a Coney Island ambulance from a fractured skull.

Miss Ruth Cuddy, fourteen, 387 Jackson Avenue, Long Island City. Died in Coney Island Hospital from fractured skull and a broken neck.

James McDonald, twenty-four, operator of the car, West Twenty-eighth Street and Neptune Avenue, Coney Island. Died instantly from a fractured skull and a broken neck.

In the car when it jumped the track, high above the street and directly over the entrance to the scenic railway which is known as "The Rough Rider," were also Mrs. Clara Moles, of Spring Valley, N. Y., and her six-year-old son, Edwin. When the mother felt the lurch she grasped her little boy firmly in one arm, and as the car crashed over on its side reached up and caught hold of a cross piece of the framework of the railway.

U-BOATS SHELL AND SINK TEN BRITISH SHIPS

Attack Trawlers Off Scotland—Norwegian and Danish Vessels Lost.

London, July 27.—Vigorous shell fire from German submarines operating off the north coast of Scotland in an attempt to demoralize the British fish supply has resulted in the sinking of ten trawlers. Two Norwegian sailing vessels and a Danish steamer have been sent to the bottom of the North Sea.

The crews of the Rosslyn, the Celtic, the Cydorns, the Gadwell, the Strathmore, the Honoria, the Cassio, the Hermoine and the Sutton escaped without injury, although the fishermen on the Honoria and the Sutton drifted in their open boats for more than forty hours before being picked up.

The Aberdeen trawler Emblem has been sunk by a German submarine, the German being saved. This is the twenty-ninth Aberdeen trawler thus far destroyed.

All the men were landed safely today. Many of the other fishing vessels have been forced to take refuge in northern harbors. Some of the fishermen declare that the Germans on board the submarines spoke good English. In one case they shouted to the British sailors:

"We have nice little torpedoes here for Winston Churchill (former Secretary of the British navy) and Foreign Secretary Sir Edward Grey."

The crew of the Danish steamship Nellig, bound from Gothenburg, Sweden, for the River Tyne with railway ties, were landed at Wilhelmshaven, near Bremen, after the craft was torpedoed.

The Norwegian bark Harboe was set on fire Sunday by a German submarine. The crew had only five minutes to get into the boats. They were led at Amsterdam. The captain says he saw three other boats on fire near the spot where the Harboe was attacked. The bark was a three-masted vessel, built in 1875 at Port Elgin, N. B. She was owned in Christiania.

The crew of the Norwegian sailing ship G. P. Harbitz were landed at Shields to-day by a Danish steamer. The G. P. Harbitz, which was bound for a British port, was set afire by a German submarine on Sunday.

GERMANS HOLD U. S. EMBASSY EMPLOYEE

Charles Wilson Arrested on Charge of Aiding British Resident to Obtain Passport.

Berlin (via London), July 28.—Charles Wilson, an American, clerk in the American Consulate in Berlin, is in jail here pending an investigation of the escape of a British resident on an alleged fraudulently obtained American passport.

Mr. Wilson is alleged to have certified that he personally knew the applicant for the passport as an American citizen, thus enabling him to obtain the document. When discovery was threatened Wilson disappeared. He was arrested at the Swedish frontier and brought back.

Leelanaw Crew Say Warning Was Given

Aberdeen, July 28.—The captain and crew of the American steamer Leelanaw, which was sunk by a German submarine in the North Sea, arrived here last night. They say that several shots were fired at the vessel by the submarine, but that they were given ample warning before the steamer was sunk.

U. S. FEARS ANOTHER ATTACK ON ORDUNA WILL ANSWER NOTE

SIX BANKS SUBSCRIBE \$401,500,000 TO LOAN.

London, July 27.—A feature of England's recent war loan was the number of large single investments made, particularly by some of the great joint stock banks, nine alone subscribing among them for the enormous amount of \$401,500,000, as shown in the following table:

London City and Midland Bank	.....	\$105,000,000
Lloyds Bank	.....	105,000,000
London County and Westminster Bank	.....	100,000,000
Union of London and Smith's Bank	.....	42,500,000
Manchester and Liverpool District Banking Company	.....	25,000,000
Bank of Liverpool	.....	24,000,000
Total	.....	\$401,500,000

ENGLAND WILL SEND NEW NOTE ON SEA RIGHTS

Asks That Publication of Latest Communication Be Delayed.

Washington, July 27.—A telegram to the State Department to-day from Sir Edward Grey asking that publication of the British note received yesterday be withheld for a week, to allow the submission of a supplementary note, caused much speculation among officials.

Secretary Lansing declined to advance any theory for the action. The American note, which has been in preparation for some time, will be further delayed until the supplementary document is in hand.

Officials first concluded that statements in the American note to Germany, which were of general application and set out in determined language the intention of the United States government to maintain the freedom of the seas, might have influenced the British Foreign Office to deal with that subject in the same note which defends the order in council. From British sources, however, it was learned that the main purpose of asking the postponement was to afford opportunity to the British government to consider and if necessary comment on the communication cabled from Washington July 17, on cases before the British prize courts.

Take Up Prize Court Rights.

This caveat informed England that the American government would insist on recognition of the rights of American citizens under international law, as hitherto established, governing neutral trade in the time of war, without limitation by order in council or other legislation by the British government, and would not recognize the validity of prize court proceedings in derogation of the rights of American citizens under international law.

The British note delivered yesterday is understood to be framed on the theory that the order in council does not transgress the rights of neutrals as laid down in international law, though it is admitted that in some respects the application of the legal principles is new.

In view of the sweeping objection by the United States, the British government feels, it is understood, that this phase requires special treatment at the present time. At first it was thought a separate note might be sent in reply, but the British government is understood to have decided to include this subject in the whole general argument covering the rights of neutrals to the freedom of the seas.

Several officials suggest that England has at last determined to change the character of her campaign against German commerce by legalizing it under the name of blockade, or by placing the articles in dispute on the contraband list. There has been a great agitation in England and France lately for declaring cotton contraband, as well as many other articles over which there has been considerable dispute, and the English government may have yielded to the clamor.

The State Department is not at all pleased over the delay, as it was hoped to send the reply to Great Britain soon after the note to Germany. The moral effect of each note would thus gain force from the other. Great Britain has twice balked this design.

Until the complete note is received no official statement of this government's position will be obtainable, except the general assertion that there is little change from the attitude taken in the previous notes to Great Britain.

Differ on Springbok Case.

Much has been made by the British Foreign Office of the Springbok case, held to be a precedent for the methods now employed in the so-called blockade. Officials here, however, hold that the two cases are not parallel.

The Springbok was seized on the way to Nassau by an American vessel, under the allegation that the cargo, chiefly non-contraband, was in reality destined for a blockaded southern port. The Supreme Court sustained the prize court in ruling that the cargo was liable to confiscation.

In the present cases, the cargoes can be found ultimately for Germany, but they are not destined, for any purpose, to be used by the enemy.

The delivery of arms and munitions does not in any way violate neutrality, but if the fighting power of one of the belligerents exclusively depends upon the delivery of arms and munitions by a neutral power then it constitutes a violation.

"President Wilson speaks of a new and unexpected method of naval warfare, and the May note acknowledged the hostility of submarines detailing the possibilities of submarine details attacking hostile ships. A necessary conse-

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Simonds Reviews the War
On Saturday morning The Tribune's editorial page will be devoted to a review of the first year of the Great War by Frank H. Simonds.
If you have depended upon Simonds for his crystallizations of war events, you know the importance of this announcement.
Saturday's paper will be kept for reference. Be sure to get your copy.
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