

SUSPECTS HUMMEL'S A CROOK

JEROME DOESN'T MIND WORDS BEFORE JUSTICE DAVY

Questions the Indicted Lawyer Refused to Answer Before Grand Jury About Dodge Case Brought Out—Court Not Likely to Dismiss Indictments.

After hearing an argument that lasted most of the day Justice Davy in the Supreme Court Criminal Branch, intimated very strongly last evening that it is not his intention to dismiss the indictments—two for subornation of perjury and one for conspiracy—against Abraham H. Hummel, growing out of the investigation of the Dodge-Morse marriage and divorce tangle. De Lancey Nicolai has until Monday to submit additional papers, it is probable that Justice Davy will announce his decision on Wednesday. It is expected Mr. Hummel is expected that a demurrer to the indictments will be filed and that an application will be made for a commission to take testimony, so that it is not likely that the trial will begin on the date specified, June 5.

Mr. Nicolai argued that if the Grand Jury was conducting a general inquisitorial investigation in the Dodge-Morse tangle it was exceeding its powers, and further, that if it was the purpose to indict Hummel and make him a defendant his constitutional rights had been violated and the indictment was invalid. To this District Attorney Jerome replied that "this man Hummel," a lawyer of twenty-five years standing, knew his rights very well, and having been a witness before the Grand Jury a year before and having been notified of charges pending against him before the Bar Association, was perfectly aware of the investigation concerned when he was called to testify in the case of Charles F. Dodge and others. After listening to the lawyers patiently Justice Davy said:

"It seems to me, Mr. Nicolai, that a lawyer of Mr. Hummel's experience and knowledge of the criminal law when he testifies to anything that would tend to incriminate him. He knew when he was called before the Grand Jury the nature of the investigations, and if he chose to waive his constitutional privileges and give testimony I am inclined to think he had that right and that the Grand Jury might have taken it into consideration. But it seems from the affidavit of the District Attorney that the Grand Jury was instructed not to take any of his testimony into consideration in finding an indictment against him, and therefore I must assume that if they found the indictment they had ample and abundant evidence upon which to base the indictment.

"It would, it seems to me, be rather a narrow rule to hold to your doctrine that because a man was subpoenaed and appeared before the Grand Jury and was not called to testify or certain questions were put to him and he declined to answer those questions on the ground that it might tend to incriminate him, it vitiated the indictment, although there was abundant evidence aside from his statements upon which the Grand Jury might have based an indictment. The Court must assume when an indictment is found that there was legal evidence upon which the Grand Jury based it.

"Mr. Nicolai declared that the Grand Jury had no right to begin an investigation on its own accord; somebody had to make a complaint. "If a crime has been committed and there is every evidence that murder has been committed must the Grand Jury wait until somebody comes and tells them?" asked Justice Davy.

"The duty of investigating crime belongs to the Police Department, to the executive department of the government, not the Grand Jury," replied Mr. Nicolai.

When Mr. Jerome went to the Bar Association with his charges against Mr. Hummel he threw out the word "fraud" and it became apparent that he was trying to fasten it on Mr. Hummel. The case had no parallel in the history of criminal procedure, Mr. Jerome said.

Mr. Jerome said that Mr. Hummel had been fully advised of his rights. He had been a witness before the Grand Jury in February, 1904, when he said he would be willing to testify at any time and bring the books and papers of his office. Then came the charges to the Bar Association, based on Mr. Hummel's connection with Dodge's attempt to have the divorce obtained by a fraudulent affidavit she had married Charles W. Morse.

"This man Hummel, lawyer of twenty-five years standing, was informed that, if he declined to answer, he would be charged with conduct so gross that it came very near being a crime. So would this astute lawyer have any doubts as to why he was called to testify before the Grand Jury? They say the District Attorney wanted to indict him. I am perfectly frank to say that I believe that he committed a crime. I believe that he has overwhelming evidence to prove it.

"When this man Hummel is before the Grand Jury he is given to corner and harassed, according to my friend, the criminal risk (looking at Mr. Nicolai), and we have him sacrificed by a persecuting District Attorney. I believe that the District Attorney suspected of being a crook, was asked a number of questions—some of which he answered and others he declined to answer—here and there and he was compelled to answer. Violation of his constitutional rights. That seems to me to be a contention that shocks one's intelligence.

Mr. Jerome's charges to the Bar Association and the questions asked of Mr. Hummel before the Grand Jury were made public by the course of yesterday's proceedings. The charges accuse Mr. Hummel of "fraud, deceit and gross professional misconduct," in that he acted as an attorney for Dodge in the action brought by Dodge to have the divorce obtained by his wife vacated, when (Hummel) knew that Dodge had been served with a summons and complaint, and had supplied the evidence for the divorce and had authorized a lawyer to appear for him. Mr. Jerome added: "Such action constituted a gross fraud and imposition on the Supreme Court, and a violation of a scandal to the profession of the law."

"There were many questions that Mr. Hummel declined to answer before the Grand Jury, either on the ground that he was answering would tend to incriminate him or on the ground of professional privilege. Before being sworn he filed with the Grand Jury a statement asking the purpose of the investigation. Then he declined to produce the books of his firm or to state if the books would show communications made to him by his clients. He declined to answer whether in the Dodge divorce action he rendered any service for any one else than Charles F. Dodge. He refused to tell what services, if any, he rendered Dodge, on the ground that it might tend to incriminate him. He explained that the books of the firm were destroyed, and that the practice of the law was split up by the members of the firm. The firm kept no bank account. Then these questions were asked by Assistant District Attorney Farnham and answered as follows:

decline to answer that question? A. As to whom my counsel fee was paid by I decline to answer.

Q. I didn't ask you that. You don't pay any attention to the questions. A. Yes, I do.

Q. You did receive a fee? A. Why, yes. Q. From whom? A. I decline to answer. Q. Let me ground it. A. I ground it may incriminate me.

Q. Well, it is a good ground. Mr. Hummel, are the same grounds for Charles F. Dodge? A. I am not.

Hummel admitted that he paid fees to other lawyers, but he said he had brought back from Texas but he refused to tell who gave him the money to pay the fees on the ground that it might incriminate him.

"By the way, Mr. Hummel," asked Mr. Rand, "when you state, Mr. Dodge became your client, did he come and retain you or did you send him?"

Mr. Hummel declined to answer, saying it was a privileged communication. Justice Davy then asked Mr. Charles F. Dodge, "A. I decline to answer."

Q. You know, at the time you made that motion that Dodge had himself supplied the money, did you know that Dodge was paying his attorney in the divorce proceedings, didn't you? A. I decline to answer; I declined to answer because a client and myself, and I avail myself of it.

These questions and answers were brought out by Mr. Nicolai.

PRIZE FOR THE PRESIDENT.

Ohio Platform Approves His Enforcement of the Laws and Rate Legislation.

COLUMBUS, Ohio, May 25.—The Republican State convention met to-day, and in one hour and thirty minutes named Secretary Warren William H. Taft as permanent chairman, adopted a platform and nominated the ticket, as follows: Governor, Myron T. Herrick of Cleveland; Lieutenant-Governor, Andrew L. Harris, Eaton; Judge of the Supreme Court, William Z. Davis, Marion; Attorney-General, Wade H. Ellis, Cincinnati; State Treasurer, W. S. McKim, Columbus; Auditor, Albert J. Smith, Columbus; Director of Public Works, William Kirtley, Jr., Defiance.

This is the slate decided upon by George B. Cox, the Cincinnati boss; Gov. Herrick and Senator Dick, and every man was nominated by acclamation. No seconding speeches were allowed and the nominating speeches were limited to five minutes each. There was not a hitch in the program as testified by the leaders, and before noon many of the delegates were on the way to their homes.

GOSSIP OVER MR. LITTLETON.

His Advocacy of Municipal Ownership Interests the Politicians.

The bitter denunciation of public service corporations and the strong advocacy of the municipal ownership of gas and railroads by President Martin W. Littleton of the Midwood Club on Wednesday night caused a good deal of gossip yesterday.

Prisoner for St. Louis.

Deputy Sheriff Robert Lee Killian of St. Louis arrived yesterday aboard the White Star liner Teutonic, from Liverpool and Queenstown, with Arthur P. McIntyre, formerly head of a grain brokerage firm in St. Louis, who was sentenced to eight months imprisonment by the United States District Court last December. Pending an appeal he was released on bail, which he posted, for passage to Europe. He was arrested in London on April 8 and extradited.

The Weather.

There was a belt of low pressure extending west from the northern section of the case regions southward to northern Texas, with local rains and thunderstorms. Three inches of rain fell at Kansas City and over one inch at places in Kansas elsewhere. The weather was light. The depression and unsettled conditions were moving northeastward into Canada. The high pressure area still covered the Atlantic coast, with the weather was fair. The center was moving off the coast, which caused easterly winds. The temperature was rising in all districts except the north. A fresh breeze from the west was fair and warmer, winds fresh to brisk yesterday; average high, 63 per cent; barometer, corrected to read to sea level, 30.2; at 2 P. M., 30.1; at 3 P. M., 30.0; at 4 P. M., 29.9; at 5 P. M., 29.8; at 6 P. M., 29.7; at 7 P. M., 29.6; at 8 P. M., 29.5; at 9 P. M., 29.4; at 10 P. M., 29.3; at 11 P. M., 29.2; at 12 M., 29.1; at 1 P. M., 29.0; at 2 P. M., 28.9; at 3 P. M., 28.8; at 4 P. M., 28.7; at 5 P. 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M., -26.0; at 12 M., -26.1; at 1 P. M., -26.2; at 2 P. M., -26.3; at 3 P. M., -26.4; at 4 P. M., -26.5; at 5 P. M., -26.6; at 6 P. M., -26.7; at 7 P. M., -26.8; at 8 P. M., -26.9; at 9 P. M., -27.0; at 10 P. M., -27.1; at 11 P. M., -27.2; at 12 M., -27.3; at 1 P. M., -27.4; at 2 P. M., -27.5; at 3 P. M., -27.6; at 4 P. M., -27.7; at 5 P. M., -27.8; at 6 P. M., -27.9; at 7 P. M., -28.0; at 8 P. M., -28.1; at 9 P. M., -28.2; at 10 P. M., -28.3; at 11 P. M., -28.4; at 12 M., -28.5; at 1 P. M., -28.6; at 2 P. M., -28.7; at 3 P. M., -28.8; at 4 P. M., -28.9; at 5 P. M., -29.0; at 6 P. M., -29.1; at 7 P. M., -29.2; at 8 P. M., -29.3; at 9 P. M., -29.4; at 10 P. M., -29.5; at 11 P. M., -29.6; at 12 M., -29.7; at 1 P. M., -29.8; at 2 P. M., -29.9; at 3 P. M., -30.0; at 4 P. M., -30.1; at 5 P. M., -30.2; at 6 P. M., -30.3; at 7 P. M., -30.4; at 8 P. M., -30.5; at 9 P. M., -30.6; at 10 P. M., -30.7; at 11 P. M., -30.8; at 12 M., -30.9; at 1 P. M., -31.0; at 2 P. M., -31.1; at 3 P. M., -31.2; at 4 P. M., -31.3; at 5 P. M., -31.4; at 6 P. M., -31.5; at 7 P. M., -31.6; at 8 P. M., -31.7; at 9 P. M., -31.8; at 10 P. M., -31.9; at 11 P. M., -32.0; at 12 M., -32.1; at 1 P. M., -32.2; at 2 P. M., -32.3; at 3 P. M., -32.4; at 4 P. M., -32.5; at 5 P. M., -32.6; at 6 P. M., -32.7; at 7 P. M., -32.8; at 8 P. M., -32.9; at 9 P. M., -33.0; at 10 P. M., -33.1; at 11 P. M., -33.2; at 12 M., -33.3; at 1 P. M., -33.4; at 2 P. M., -33.5; at 3 P. M., -33.6; at 4 P. M., -33.7; at 5 P. M., -33.8; at 6 P. M., -33.9; at 7 P. M., -34.0; at 8 P. M., -34.1; at 9 P. M., -34.2; at 10 P. M., -34.3; at 11 P. M., -34.4; at 12 M., -34.5; at 1 P. M., -34.6; at 2 P. M., -34.7; at 3 P. M., -34.8; at 4 P. M., -34.9; at 5 P. M., -35.0; at 6 P. M., -35.1; at 7 P. M., -35.2; at 8 P. M., -35.3; at 9 P. M., -35.4; at 10 P. M., -35.5; at 11 P. M., -35.6; at 12 M., -35.7; at 1 P. M., -35.8; at 2 P. M., -35.9; at 3 P. M., -36.0; at 4 P. M., -36.1; at 5 P. M., -36.2; at 6 P. M., -36.3; at 7 P. M., -36.4; at 8 P. M., -36.5; at 9 P. M., -36.6; at 10 P. M., -36.7; at 11 P. M., -36.8; at 12 M., -36.9; at 1 P. M., -37.0; at 2 P. M., -37.1; at 3 P. M., -37.2; at 4 P. M., -37.3; at 5 P. M., -37.4; at 6 P. M., -37.5; at 7 P. M., -37.6; at 8 P. M., -37.7; at 9 P. M., -37.8; at 10 P. M., -37.9; at 11 P. M., -38.0; at 12 M., -38.1; at 1 P. M., -38.2; at 2 P. M., -38.3; at 3 P. M., -38.4; at 4 P. M., -38.5; at 5 P. M., -38.6; at 6 P. M., -38.7; at 7 P. M., -38.8; at 8 P. M., -38.9; at 9 P. M., -39.0; at 10 P. M., -39.1; at 11 P. M., -