SCHEPPS AND HIS WHITE SOCKS IN COURT AGAIN

Witness Dictates Date of Postponed Arraignment on Vagrancy Charge.

ENJOYS DAY IN PUBLIC

Prisoner Tells Attorney He Is Tired of Jail and Wants to Get Out.

Sam Schepps, apparently still enjoying his every opportunity to appear in public and be scrutinized, again went before Magistrate House in the West Side court yesterday on the charge of vagrancy, under which he has been held since his return from Hot Springs.

Notwithstanding the charge against him, he still maintained that appearance of prosperity that has marked his repeated appearances in court. His white silk socks, silk shirt, bow tie and patent leather shoes were supplemented by a blue suit of good material and tailoring. It was the third new suit to be worn in public by Schepps since his tenancy of the suite of cells on the top tier of the West Side court prison.

Schepps's debonair appearance, however, belied his feelings if his word is to be taken. He is disgusted with the jail confinement.

"Why, I haven't eaten anything in twenty-four hours," he said. "I can't stand that prison food served me and I don't like my quarters."

Schepps seemed real pleased to be in court. He sat behind the rail separating the bench from the public, smiled and smirked upon all those he caught looking at him and looked over the court room in anticipation of a flattering curiosity of those seated on the benches without. He even talked with a newspaper man who had accompanied him from Hot Springs and whom he recognized in court.

The "vagrant" was to have been arraigned in the forenoon. Bernard Sandler, his lawyer, however, telephoned to court asking Deputy Assistant District Attorney Frederick Sullivan to set the case over for the afternoon. Mr. Sandler wanted to see Mr. Whitman before going to court, as he wanted to see what the District Attorney intended to do with his client. Mr. Whitman was so busy, however, that Sandler did not see him and had to go to court still in doubt as to the best provision he could procure for his client.

After Sandler had informed Schepps of his failure to see Mr. Whitman the latter expressed his disgust so forcibly that Sandler at once called the District Attorney over the telephone. Schepps was tuckered out from his confinement in the jail, Sandler told Mr. Whitman, and asked that his client be removed to the House of Detention or some other place provided by the county where the rules of living and confinement are not so rigid.

Mr. Whitman replied that just at present the provisions for Schepps's detention could not be modified, but that efforts would be made later, if possible, to ameliorate the complexities of his stay in the city.

Whatever promise this held out did not satisfy Mr. Schepps. Mr. Whitman, in order to save the trouble of having this witness rearraigned from week to week, had desired that Schepps consent to a month's adjournment of his case, and when Schepps was arraigned before Magistrate House Deputy Assistant District Attorney Sullivan asked for such a postponement.

Schepps poked his elbow into Sandler's side.

"One week," he whispered. And Sandler repeated the instruction.

"September 10," added Schepps. And this was voiced by Mr. Sandler.

"Well, if we can't have a month by consent we must take a week," said Mr. Sullivan and that date was decided upon.

"Make it 10 o'clock in the morning," said Schepps in a whisper and his lawyer repeated the instructions out loud. So, as per Mr. Schepps's dictation the date and the hour were determined.

Before going back to his cell Schepps, who was prone to linger in the comparative freedom of the court, was asked if he had sold his story for $1,000.

"One thousand dollars?" he said, with as much contempt for such an insignificant amount as he could summon. "I guess not! Why, I can get $250 for every instalment."

Despite his contempt for so much money Schepps was heard to ask Mr. Sandler to send him in some cigarettes.

OPPOSE TRADES UNION BILL.

Members of Newport Congress Demand Action in Parliament.

Special Cable Despatch to THE SUN.

NEWPORT, England, Sept. 3.—The trade union congress in session here by a vote of 1,868,000 to 39,000 adopted a resolution to-day demanding that the Labor members of Parliament oppose the Government's trades union bill unless it reverses the famous Osborne judgment. The vote is significant, as it overruled the arguments of the members of Parliament who addressed the congress.

The supporters of the resolution twitted the members of Parliament for their lukewarmness since Parliament agreed to pay them a salary of $2,000 a year.

AIRSHIP LOSES STEERING GEAR.

Zeppelin Craft Carries 42 Passengers in Flight Around Hamburg.

Special Cable Despatch to THE SUN.

BERLIN, Sept. 3.—The Zeppelin airship Hansa made a record passenger carrying trip around Hamburg yesterday. She carried forty-two passengers and a crew of fifteen.

The ship was badly damaged to-day while entering her shed. She collided with the roof and the steering gear was torn off. Nobody was hurt.

PARIS, Sept. 3.—Aviator Astley and Miss Mary Davies, the aviatrix, ascended from Issy at 5:30 o'clock this morning bound for Berlin and Warsaw in an effort to capture the Pommery prize. Miss Davies's baggage included a magnificent evening hat to wear to-night either at the German or Polish capital.

TURKISH EDITOR SEIZED.

Implicated in Spread of Seditious Literature in Egypt.

Special Cable Despatch to THE SUN.

CONSTANTINOPLE, Sept. 3.—Sheikh Shawish, editor of the Committee of Union and Progress (Young Turk) newspaper *Hilak Osmani*, was arrested to-day at the request of the Egyptian Government in connection with seditious posters seized in Egypt which are supposed to have been printed in the *Hilak* office.

Shawish was handd over to the Egyptian police and sailed for Egypt.

THE LION'S SHARE

In business and in love, in fact, in all of man's pursuits, he aspires to the lion's share.

We have spent ten years in perfecting a building organization and a system, both of which should be so superior to the average as to justify our receiving from the property owners of this country the lion's share of the building business.

This advertisement is to acknowledge that we have received that share.

THOMPSON-STARRETT COMPANY
Building Construction

COUPE SAYS THREE ELKS SAW ROSENTHAL KILLED

Englishman Declares They Fled to Their Rooms in Club Afterward.

FEARS TO RETURN HERE

Cables to Whitman That He Will Swear to Story Before American Consul.

Special Cable Despatch to THE SUN.

LONDON, Sept. 3. Thomas Coupe, the English secretary of the Elks Club in New York, who witnessed the getaway of the Rosenthal murder car, again encountered a squad of detectives when he landed at Liverpool to-day. He was invited to go to police headquarters where he was asked whether or not he would return to New York and testify in the case. Coupe replied that he would not because he feared he would be arrested as a vagrant.

Coupe was allowed to go and went to his home at Preston, where he arrived in the afternoon and where he was treated as a prodigal son after his seven years absence. His accent, tinged with Americanisms, though it still had the Lancashire twang, surprised his relatives. His clothes of American cut, particularly aroused the comment of the conservative Prestonians.

Coupe surrendered himself to-night to the joys of a family reunion with his brothers and a sister. Asked if he knew the whereabouts of Welsh, who was the telephone man at the Elks Club, Coupe said he could not give any additional information about him, but added:

"Welsh knows the identity of three witnesses who saw as much as he or I did. They are members of the Elks Club. After the murder they rushed to their rooms and when the police came they evaded them in order to escape trouble. Welsh refused to tell me their names. He knows them, but I do not."

"There is some additional information I may be able to give District Attorney Whitman," he continued, "and I am ready to go before any United States Consul and depose under oath anything additional Mr. Whitman wishes to know, but I decline to return to New York. Mr. Whitman is the straightest man I ever met. I believe also that the majority of the police are square, but the power of the minority, the crooks, is too great for me to encounter."

Coupe added that after consultation with his father he would decide on what further action to take. In the presence of THE SUN correspondent he wrote the following cablegram to District Attorney Whitman:

Replying to your wireless, I am most anxious to assist your efforts, but in view of the situation I do not desire to return to New York upon the advice of my family, yet any additional statement or information you may desire I will furnish at the nearest American Consulate under oath. Letter follows.

TURKS FIRE ON YANKEE YACHT.

Tourists Returning Home Relate Experience in Dardanelles.

BOSTON, Sept. 3.—After an exciting experience in the Dardanelles, when their yacht was fired on several times by the Turkish forts, Miss Gertrude Barnes, daughter of a prominent flour exporter of Duluth, Minn., and her aunt, Miss Carey, returned from Europe by the steamship Manitou of the Red Star Line last night.

There was a large party of Americans on the yacht, which was en route from Athens to Constantinople, and when abreast of the outer fortifications all hands on board were astounded when without a particle of warning the batteries on shore opened fire on the unprotected pleasure craft. Solid shot fell near the bow of the vessel.

The commander of the yacht promptly ran up the Stars and Stripes to the mainmast head and then decided to stop his engines and convince the Turks that he was not trying the blockade with a band of Italians.

The yacht had no sooner come to a halt than some officials put out from shore and when they were alongside let it be known through signs what they thought about the occurrence. It was discovered that the yacht must take one of the Sultan's pilots aboard after the officials were convinced that none of the Sultan's enemies were stowed away.

WANT NO MORE OF TURKEY.

Alleged Representatives of Aegean Islands Appeal to Italy.

Special Cable Despatches to THE SUN.

ROME, Sept. 3.—Three delegates who profess to be representatives of the Ægean Islands, which have been occupied by Italy, have arrived here to solicit the Italian Government not to return the islands to Turkey. They are believed to be Greek agitators.

CONSTANTINOPLE, Sept. 3.—Although the Turco-Italian peace pourparlers have been temporarilly suspended, the opinion is expressed here that an understanding will be reached soon. The reason for the suspension given is that some of the points raised by the Italian delegates in their conferences with the Turks in Switzerland require further examination by the Porte.

Von Utassy Estate Over $270,000.

Anton W. von Utassy, who died in Philadelphia on February 5, 1911, left an estate appraised at $270,694. The estate was divided among his widow, Laura, his son, George von Utassy, editor of the *Cosmopolitan Magazine*, the latter's wife, Florence and three grandsons. The property in this State comprised 244 shares of the American Meter Company stock, worth $28,840. The estate included large holdings of Philadelphia subway and traction company stock.

MAYOR FIRST WITNESS AT ALDERMANIC INQUIRY

Agrees to Appear Next Monday and Tell About His Police Policy.

WILL SUGGEST REFORMS

Flynn's Resignation From Secret Service Accepted—Headquarters Records Searched.

Mayor Gaynor will be the first witness to testify before the Aldermanic investigating committee. The Aldermen will hold their first public session next Monday afternoon at 2 o'clock. They have asked the Mayor to appear at that time and to be ready to explain to them his relations with the Police Department, with the Commissioner in particular, and to explain his policies.

The Mayor was not subpœnaed, but William A. Moore, one of the assistant counsel to the committee, delivered a letter yesterday at St. James. In it Alderman Henry H. Curran, chairman of the committee, notified the Mayor of the meeting and requested him to testify.

After the Mayor had read the letter carefully he told Mr. Moore that he would testify on Monday and that he would cooperate in every way possible. He said that he would think of things which he might suggest to aid the committee in its constructive efforts.

Emory R. Buckner, chief of counsel to the committee, said yesterday that the Mayor would be the only witness called on Monday. He was not certain that it might not be necessary to have the Mayor go on the stand again in order to complete his testimony. Mr. Buckner was not ready to tell who would follow the Mayor.

One of the questions which are sure to be asked is that concerning the Mayor's policy of "outward decency" in relation to disorderly houses. It was said that the committee was particularly anxious to have the Mayor's full views on this question and that they want him to explain fully why he thought that the problem could be controlled more effectively by having detectives get all their evidence from the outside.

It is believed in this connection that there may be some interesting matter relating to the trial of former Inspector Cornelius Hayes, whose trial begins at Police Headquarters on Friday.

Word was received from Washington yesterday that John E. Wilkie, in charge of the secret service, had received William J. Flynn's resignation and that it had gone into effect on Monday. Mr. Flynn will be succeeded by John Henry, who will have charge of the eastern department of the secret service. It is believed when he is through with his work for the Aldermanic committee that Mr. Flynn will be appointed head of the secret service.

Mr. Flynn said yesterday that he had not received official notice that he had ben released but that as soon as he did he would begin his new duties.

Nathan A. Smyth, associate counsel to the Aldermanic committee, and Assistant Counsel Guthrie began last Monday to search through the records of the last eight years at Police Headquarters.

OPIUM DENS FORCED TO MOVE.

Driven to Tenement Houses by Vice Inquiry, Federal Men Think.

Federal authorities are of the opinion that the vice inquiry resulting from the Rosenthal murder is driving the proprietors of opium dens and other "dope" resorts that formerly did business in the Tenderloin and Chinatown into the tenement house district on the West Side above Twenty-third street.

Only last week the police shut up a "smoking parlor" in a tenement house situated on Forty-fourth street between Eighth and Ninth avenues. Yesterday another opium den was raided by Customs Inspector Walter P. Murphy, who found a number of young men and women smoking the drug. This place, which is located on Thirty-ninth street between Seventh and Eighth avenues, enjoyed extensive patronage.

The alleged proprietor, Frank R. Cooper, was arrested in an apartment on West 109th street. He was arraigned before United States Commissioner Gilchrist and was held in $1,000 bail.

STEAMER HEARS QUEER SIGNAL.

Captain Relates Odd Experience in Region of Titanic Disaster.

The British steamship Bramley finished three months of wandering through many seas yesterday when she docked in South Brooklyn. The Bramley steamed from Yokohama on June 1 for New York, but she made many a digression on her course, stopping at Kobe, Shanghai, Manila, Cebu, Colombo, Port Said and finally Algiers before she passed Gibraltar. On the way she picked up a cargo of hemp, Oriental curios, tea, spices, bean oil and rubber boots of Russian manufacture.

Capt. Ruthven had a story to tell of a sea version of the old fable of "Wolf! Wolf!" The Bramley was steaming through thick weather off the banks of Newfoundland on the morning of Wednesday, July 28, in latitude 43.24 north, longitude 50.03 west. The captain was on the bridge when he heard a blast from a siren. The scream lasted ten minutes and was followed by a report from a gun. Then the prolonged blast was repeated, followed again by the report of some explosive. The Bramley after steaming around for an hour and a half slipped through the fog upon a French fishing schooner. All the dories were out catching fish and although Capt. Ruthven hailed the schooner and the dories from the bridge with his megaphone the Frenchmen merely gazed at the steamship, shrugged their shoulders at his hail and went on pulling in fish.

Capt. Ruthven said that article 31 of the articles says that the distress signal for daytime at sea is a prolonged blast of a whistle followed by the report of an explosive. He said that at such a spot and with the Titanic accident in mind such a game of "Wolf! Wolf!" is a rather serious matter.

WILL FIGHT BROOKLYN VICE.

Grand Jury Told of Coming Investigation in Judge's Address.

That the vice problem is to have an overhauling also in Brooklyn was indicated yesterday by Judge Dike in his address in swearing in the Grand Jury for September in Part I. of the County Court.

He told the jurymen that their experience for the next thirty days would exceed that of a lifetime in the knowledge they would acquire about the doings of the underworld. William A. Arnold, the foreman of the jury, is a real estate man and his associates are active business men

CURTIS GUILD'S HARD TASK.

Ambassador to Russia Finds Much Opposition to U. S.

WASHINGTON, Sept. 3.—It is the belief in Washington that Curtis Guild, Ambassador from the United States to Russia, is meeting with many diplomatic difficulties and that he is now on his way to this country partly to consult directly with President Taft and Secretary of State Knox relative to treaty negotiations.

During the last few days newspaper articles containing caustic criticism of Mr. Guild, and evidently from inspired sources, have been cabled from St. Petersburg and London to America. These articles have charged the Ambassador with having been absent from his post, with having accomplished little or nothing during his stay in Russia and with being generally unsatisfactory.

It is believed by many here that these news articles which of course had to pass the muster of the authorities before they could be dispatched from Russia reflect the tense feeling against the United States on the part of the Russian Government as the time for the closing of the negotiations for a new treaty to take the place of the abrogated treaty draws nearer.

This Government has not made itself popular with Russia by its action last spring in terminating the treaty because of discriminations against the Jews. It is pointed out at the State Department that since the United States took the initial step looking toward ending the treaty it is incumbent of the United States to prepare the ground for a new treaty, and to Ambassador Guild falls the difficult task of handling the case for this Government—a case which includes preliminary advances to the officials of a Government already piqued, besides the usual routine work necessary for the completion to the satisfaction of all parties of such an agreement as must replace the treaty of 1832.

So far as this Government is concerned the services of Ambassador Guild at St. Petersburg have been entirely satisfactory, it was said at the State Department to-day.

WALDO WORRIED ABOUT HIS EVIL RESORT LIST

May Decide Not to Publish Record of Raids Showing Names of Owners.

The list of evil resorts and their owners of record which is being prepared by Commissioner Waldo is giving him serious concern. Because of the protests which have been made to him he is in doubt as to the advisability of making the list public.

More than half the inspectors in Manhattan and The Bronx have turned in records of raids on disorderly houses in their districts. They do not seem to indicate that many of the owners are prominent in civic and social life.

There are few large estates or owners of much realty on the list as owning houses occupied for immoral purposes, and many of the names are those which occurred frequently in the list of gambling houses given out last week.

Commissioner Waldo has been beset since the publication of the gambling house list by men who have protested with all their might against the appearance of their names. They say that they are not responsible for what the lessees of their property may do, although some take the stand that they merely collect the rent and are not responsible for what takes place on the premises. It was intimated at headquarters that the disorderly house list might not be forthcoming.

On einteresting feature in connection with this list relates to the department's attitude toward former Inspector Hayes. When Hayes was reduced and suspended on the charge of having made a false statement in connection with his orders relating to disorderly houses an additional charge of not having kept his district clean was made against him.

Later this charge was dropped. Commissioner Waldo stated it would not be proved against him. The list of the Fourth inspection district, of which Hayes was commander, shows that more than forty raids were made over his head.

Commissioner Waldo was asked yesterday if he would use the raids made by Assistant District Attorney Smith in Inspector Lahey's district as evidence on which to bring charges against Inspector Lahey for failing to suppress vice in his district. He said he had nothing to say about that phase of the disorderly house disclosures.

It was learned from other sources, however, that Commissioner Waldo is investigating Lahey's conduct in the Third inspection district and that charges may be made as a result of the raids made by Attorney Smith.

Lahey is one of the witness who have been called by Commissioner Waldo in the Hayes trial to substantiate his statement that he did not give Hayes orders to do no raiding on disorderly houses until he heard from Headquarters.

BURGLARS AT THE CROMWELL.

Two Homes on Top Floor of Heights Apartment Robbed.

Some time between 7 and 10 o'clock on Saturday night burglars entered the Cromwell apartments at 603 West 137th street and ransacked two homes on the top floor. The apartments broken into were those of Leopold Schlesinger, dry goods dealer of 114 Fifth avenue, and Mrs. H. S. Tejeda, a widow, who lives at the Cromwell with her daughter.

The police think there were two men in the burglary and that they got in by sneaking up the stairs while the elevator boy was at an upper floor. Entrance to the Schlesinger and Tejeda homes was gained by jimmying the doors.

At both places the thieves took silverware, jewelry and clothing. Mr. Schlesinger's loss was about $500 and Mrs. Tejeda's is put at $700.

$1,000,000 Resorts Burned.

LOS ANGELES, Sept. 3.—Ocean Park and Venice, two beach resorts twenty miles from this city, were destroyed by fire this evening, causing a loss of more than $1,000,000. Five Los Angeles fire companies were rushed to the fire. As all the buildings were of wood and very inflammable they burned quickly.

HAYES CONFERS WITH WHITMAN

Continued from First Page.

dropped and that efforts toward getting a new one be taken up.

District Attorney Whitman announced immediately that he would start work at once on a second special Grand Jury panel. As a first step he will go to Albany to confer with Gov. Dix to-day.

The appearance of Becker in court yesterday for arraignment brought his chief counsel, John F. McIntyre, immediately to his feet to begin the fight to delay the trial, as it had been predicted he would do. Mr. McIntyre declared that he would continue his attempts to prevent the trial of Becker during the present state of the public mind and insisted that in justice to his client he should have more time for the preparation of his case.

Has Hope in Change of Venue.

The chief hope of Becker's counsel for delay is a stay on the change of venue motion now being considered by Justice Amend. In the opinion of other lawyers Mr. McIntyre cannot expect to hold back the trial by seeking an injunction or by applying for a writ of habeas corpus. The court might grant a change of venue, although the procedure is unusual in the county. If a writ of habeas corpus were granted it would be only for twenty-four or forty-eight hours anyway and would then be dismissed, it is said, and an injunction is out of the question.

The prosecution is satisfied that Becker will be called to trial on the date set by Justice Goff. The District Attorney was anything but displeased with yesterday's proceedings. He believes that he can very well put in the time before Becker's trial completing the organization necessary before witnesses in the John Doe graft investigation are actually called.

The belief of the prosecution that it has a case strong enough to convict Becker of murder was strengthened after Mr. Whitman came last night from a conference with Rose, Webber and Vallon in the West Side court prison. The District Attorney talked privately with each of the three. After he had had his talk with Rose it was learned at the District Attorney's office that the bald gambler not only was still determined to "go through" as a witness for the prosecution but made additional statements of value.

Rose Gives New Evidence.

Just what Rose had to say yesterday in addition to the information with which he had supplied the District Attorney when Rose confessed could not be learned in detail. From the District Attorney's office, however, it was learned that brand new evidence, altogether new at least to the prosecution, had been offered by Rose very late yesterday afternoon.

In view of the dismissal of the entire panel of fifty yesterday it will now be necessary for Mr. Whitman to ask for another extraordinary term of the Supreme Court. The reason for this is that the John Doe investigation cannot be carried on without a special Grand Jury's assistance, inasmuch as Gov. Dix implicitly directed that such a Grand Jury be in session during the extraordinary term.

The law directs, however, that the special panel must be asked for before the beginning of the extraordinary term. The request for another extraordinary term is merely a technicality. In the meantime the extaordinary term that began yesterday can continue.

Of the fifty men empanelled only thirty-seven were able to be present yesterday. Of the remaining fifteen some were out of the State, a few outside the country, and two were ill.

Since the fifty names were drawn Mr. Whitman and his assistants have been making a searching inquiry into the business dealings and private lives of all. Discoveries made early in this investigation were disconcerting.

One man among the fifty, it was learned, had been convicted of a felony in this State. The conviction had afterward been reversed, but the man in question was not an acceptable Grand Juror. Another man, when asked his business, answered that he was "a manufacturer of plastic materials." He proved to be extensively occupied in manufacturing poker chips.

Another was not acceptable for the reason that he furnishes hotel supplies, which includes towels, napkins and other things handy about a barroom. Three of the fifty are real estate dealers who lease premises of flats where disorderly women reside.

One Indicted for Larceny.

One was indicted twice for larceny in this county. Although one indictment at least was dismissed he was not considered good Grand Jury material. Still another is the proprietor of a place where the State excise officials found it necessary to revoke his liquor license.

One man on the panel said that he had business relations with Becker. The relations, it was learned, consisted of serving beefsteak dinners and other parties which, so the man says, Becker used to give with his strong arm squad as guests.

There was one man on the panel admitted he owned property "in a street in which there are many disorderly houses." Two of the houses owned by this man are said to have harbored disorderly women. This particular member of the panel insisted when he was examined privately previous to yesterday that none of the disreputable places in the block in which his own property is located would exist if it weren't for the "grafting police." The police, he said, "are all grafters up our way."

One Pleaded His Poverty.

Only one man sought to be excused on the ground of poverty. He said every cent he had was in his wife's name. When his wife was looked up it was learned that she had no money either.

Investigation showed that three or four of the panel had shady reputations. Some of the men were manifestly unfit. One man for instance, could give no idea of how old he was further than that he was more than 70. Another was dropped rafterhe said that he had served almost a year on one Grand Jury but "would be tickled to death" to serve on this one. His attitude of mind on certain questions that the investigation will dig into, however, did not make a favorable impression.

The extraordinary term of the Supreme Court to try Lieut. Becker and others for the murder of Herman Rosenthal and to inquire into the relations between the police and crime in the city was opened shortly after 10 o'clock in the morning when Justice Goff, a veteran in such inquiries, took his seat in the court room of the Supreme Court Criminal Branch.

Most of the big murder trials of recent years have been held in this room. It was here that Harry Thaw was tried twice for the killing of Stanford White, and Roland B. Molineaux and Nan Patterson are two of many others who were tried here for murder.

When Justice Goff, bronzed by his summer on the farm, took the bench the room was crowded. Most of the seating space was taken up by lawyers and the members of the special Grand Jury panel. Spectators who could crowd into the room were few in number. The halls of the building outside were filled by a curious crowd and the scene was one that has hardly been equalled since the Thaw trials.

At the long counsel table inside the rail were District Attorney Whitman with his two assistants, Frank Moss and J. Robert Rubin, who have labored during the last month to collect and arrange the mass of evidence in the murder and graft cases. In the rear of the court room were the men who will conduct the defence for Becker, John F. McIntyre, chief counsel; John W. Hart, who was Becker's first lawyer, and George W. Whiteside, assistant counsel.

District Attorney Whitman stepped forward as Justice Goff seated himself and handed up the superseding blanket indictment charging Becker and six others with having murdered Rosenthal. He then moved that the trial of Becker be transferred from the Court of General Sessions to the Supreme Court, Criminal Branch, a motion which Justice Goff at once granted. Becker was then called by the District Attorney to plead, but as he was not in the court room the District Attorney filled up the interval before his appearance by making a motion that he be enabled to examine individually the panel of jurors.

"The occupations of some of them," he said, "may make their services here embarrassing to them."

He had reference to the discoveries that have been related of the personal character and business of men on the special panel, which Mr. Whitman thought made them ineligible to serve in this case.

Becker Enters Smiling.

When Becker finally made his way through the crowded court room, smiling as usual, it became evident that his counsel, Mr. McIntyre, was prepared to make a vigorous fight to stay the proceedings in any way possible.

The indictment was read by the clerk of the court and Becker was asked to make his plea of guilty or not guilty. Mr. McIntyre at once jumped to his feet with an objection.

"If your Honor please," he said, "there are two indictments against this defendant charging him with murder in the first degree. The defendant did not come here this morning to plead. As the District Attorney will inform you, I got a stay of all proceedings which only ended to-day. The defendant is entitled to one day's notice before coming into court for the purpose of pleading. I am not prepared to go on now, and I object to the entire proceeding."

On Mr. McIntyre's refusal to permit his client to plead Justice Goff ordered the clerk to enter the plea of not guilty. Mr. Whitman then urged that the trial be set for September 10 and Mr. McIntyre again vigorously opposed the motion of the District Attorney. He said he could not possibly be ready to go to trial until the middle of October, and protested against the pushing of the Becker trial ahead of other murder trials. Justice Goff finally set the trial for September 12 and overruled Mr. McIntyre's protests.

List of Thirty Witnesses.

District Attorney Whitman later gave out the names of thirty witnesses upon whose testimony he expects to convict Becker of the murder of Rosenthal. The evidence of all but three has been made public in various hearings and investigations. Mr. Whitman expects through them to establish the fact of a conspiracy, with Becker as the head, to cause the murder of the gambler, and to show that gangmen were hired to do the killing and that Becker paid money to them. Following is the list as given out at the District Attorney's office:

Dr. Otto Schultze, Coroner's physician; Policemen John T. Brady, Thomas Smith and Joseph V. Clavin, Mrs. Lillian Rosenthal, Max Margolis, formerly a stool pigeon for Becker; Mrs. Margaret Rose, wife of Jack Rose, an informer; Miss Marie Starr, who saw the shooting; Anna Glattman, cashier in the Forty-second street restaurant, will tell of an alleged meeting by Becker, Rose and Webber after the murder; Henry and Carrie Pollok, at whose home Jack Rose hid; R. G. Barter, the notary public who accompanied Lawyer John W. Hart to the Pollok house to get an affidavit in Becker's favor from Rose; Jack Rose, Bridgie Webber, Harry Vallon and Sam Schepps, who manipulated the conspiracy which led Rosenthal into the murder trap; Giovani Stanish and Louis Kreise, who witnessed the murder and identified some of the alleged participants; Thomas Coupe, who has fled to England and will not come back; J. J. Hickey, who was with Rosenthal in the Metropole just before the murder; John Eastland, a Metropole waiter; Deputy Police Commissioner George S. Dougherty, Rose and Abraham Harris, at whose home Dago Frank Cirofici, indicted jointly with Becker, was captured; Assistant District Attorney Frank Moss, Samuel Spielberger, a Far Rockaway hotel clerk, who saw the four gunmen after the murder; Charles B. Piltz, Jr., Lewis Smith, Hugh Shaw and Ivanhoe Garroway.

After the trial of Becker had been set District Attorney Whitman took up the work of selecting the Special Grand Jury to sit in the John Doe inquiry into police graft.

John P. Kervin, a real estate man interested in the ownership of the Lincoln Hotel, was excused at the beginning of the examinations without being questioned after a conference between District Attorney Whitman and Justice Goff.

Diamond Jim Brady was excused because he explained to Justice Goff that he expected to have to return to the hospital from which he has only recently come out. His face was ruddy and he seemed in good health, but he was excused and retired.

MARTIAL LAW AT MINES.

Glasscock Orders Drastic Action in West Virginia Strike Zone.

CHARLESTON, W. Va., Sept. 3.—Gov. Glasscock proclaimed martial law in the Paint Creek and Cabin Creek mining districts to-day. The militia has been in the districts for a month.

It was the first time that martial law was invoked in the history of West Virginia. The Governor determined to issue the proclamation after a conference in which the destruction of railroad tracks yesterday was discussed.

The territory affected by the proclamation is mountainous. It is about twenty miles long, extending from the Kanawha River to the Fayette county line, and about eight miles in width. It includes all the territory between Paint and Cabin Creeks and extends a mile on each side of either stream. At least sixty mine operations are in the territory.

A court-martial composed of National Guard officers has been appointed and will try all offenders, both civil and military. The issuance of the proclamation has caused renewed activity on the part of the troops and patrols have been marching about through the trouble zone posting the order of the Governor.

Great quantities of ammunition, rifles and machine guns were confiscated by the troops to-day and many persons were arrested for carrying arms. The authority in the strike zone is Adjutant-General Charles Elliott, former United States Marshal, a veteran of the Spanish-American war. He had experience in mountain fighting while hunting moonshiners.

Gov. Glasscock to-night indorsed charges against six men now under arrest at Paint Creek Junction, the military headquarters. Four of these are mine guards, and they will be placed on trial to-morrow. All of them are charged with carrying concealed weapons without a license. One is charged with impersonating an officer.

It has developed that the Baldwin-Felts detective agency has taken a contract to break the strike and have the mines in operation by September 1. Large forces of detectives were sent into the district. Despite the statements of the coal operators that less than fifty guards were on duty, several hundred mine guards are known to have been on duty. Early this morning Major Davis located forty-nine of them at Kayford. All were disarmed and many of them left the district at once.

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