

DELAY REALLY AGAINST BECKER, SAYS BISCHOFF

Thinks That Refusal Might Be Ground for Reversal of Possible Conviction.

JEROME SITS IN COURT

Whitman Leaves for Hot Springs Confident He Has Case in Shape.

Before District Attorney Whitman left for Hot Springs yesterday he made an effort to bring the proceedings before Justice Bischoff last Wednesday granting Lieut. Becker a stay of trial until October 7, reopened.

Justice Bischoff pointed out that had he denied the motion made by John F. McIntyre for Lieut. Becker there would have been sufficient grounds for a reversal if Becker should be convicted on trial. So Assistant District Attorney Moss, representing Mr. Whitman, abandoned the effort.

Interest was added to the proceedings before Justice Bischoff by the appearance in Part I of the Special Term of the Supreme Court of William Travels Jerome, who sat with Mr. McIntyre at the counsel table. Mr. Jerome followed closely the argument. His presence revived the story that he is acting in an advisory capacity to Lieut. Becker's counsel.

Mr. Moss argued that if the order granting a stay on the ground that it was necessary to obtain depositions in Hot Springs should be allowed to stand it might establish a dangerous precedent, and that any number of delays might be obtained as a result of applications to take testimony in various parts of the country. He insisted also that the application made by Mr. McIntyre on Wednesday last should have been submitted to Justice Goff, the trial judge.

Justice Bischoff interrupted to say that the District Attorney's interpretation of the law was not liberal and that the defendant had a right to make his application before any Supreme Court Justice in the county where the indictment was found.

Mr. Moss and Assistant District Attorney Johnstone pointed out that in the present case all the depositions made for early trial, that a large number of witnesses had been gathered and that it might be difficult to hold some of these witnesses because their lives had been threatened. Great harm might result, the District Attorney's assistants argued, if the defense were allowed to get delay on the plea that it was necessary to take testimony at far distant points. Justice Bischoff contented himself with this reply: "Suppose this court had denied the application for a commission, and suppose the defendant should be convicted, what would be the result? In my opinion the conviction would be invalid. There was no conspiracy in not referring the matter to Justice Goff. But 'courtesy' is frequently resorted to as a means for shirking duty."

When Mr. Moss and Mr. Johnstone gave in the effort to get Justice Bischoff to reverse himself. They agreed with Mr. McIntyre as to the form of questions which he asked at Hot Springs witnesses' depositions are required. District Attorney Whitman and Assistant District Attorney J. Robert Rubin left for Hot Springs at 4 P. M. yesterday. Mr. McIntyre expects to return to the city acting Mayor Thomas J. Pettit, Deputy Sheriff J. A. Sullivan and Postmaster Douglas Hotchkiss. The three Hot Springs citizens who were arrested and alleged to have said that Lieut. Becker was not implicated in the murder of Herman Rosenthal. They have released details of this story to Mr. Whitman.

Before leaving Mr. Whitman said he was well satisfied with the work that has been done toward the case through the arrest in this city of Sam Schiepp's alleged co-gang members. He said that he believed the case will certainly go to trial October 7.

"I do not think that the courts will entertain any more unnecessary delays, delays secured purely on imaginary or technical grounds," said the District Attorney.

The District Attorney expects to be gone a week or more, as it will require several days to secure the affidavits he wants in order to establish Schiepp's credibility as a witness against Becker. Mr. McIntyre said last evening that he will not start for Hot Springs until next Tuesday. He desires to wait until the interrogatories and cross-interrogatories that are to be put to the Hot Springs witnesses are submitted to Justice Bischoff.

Hot Springs, Ark., Sept. 13.—That District Attorney Whitman and the New York Commission will obtain only such testimony in this city as will benefit the State rather than Becker is the belief entertained here by those who have been connected with the case through the arrest in this city of Sam Schiepp. The alleged co-gang members no statement while in this city that could in any way shape or form be construed to mean an accusation of Becker in the Rosenthal killing at least no such statements were made to newspaper men, or to his guards, according to the letter.

G. D. Burns, said to be an attorney representing the Becker interests and the Morning Telegraph, spent several days in this city last week in search of affidavits from residents who had talked with Schiepp, but he failed to get any affidavits that could possibly be of value to Becker. He obtained an affidavit from

COMMISSIONER WALDO TESTIFYING



Commissioner Waldo testifying before the Civil Service Commission.

WALDO BLAMES THE CIVIL SERVICE

Continued from Sixth Page.

J. L. Wadley, Jr., city editor of the Daily News, and another from Douglas Hotchkiss, city editor of the Sun. Neither of these affidavits was helpful to Becker. They simply swore to articles published in their papers regarding statements made by Schiepp. Many statements made by Schiepp were published, but there were many others not published and District Attorney Whitman will be given these when he arrives here. The evidence which Mr. Whitman gets in this city will be beneficial to the State and not to Becker, judging from the statements of all those who had any conversations with Schiepp.

The names of those to whom the District Attorney will go for information, here are not at this time known, but it is supposed Police Captain George Howell, Editors Wadley and Hotchkiss and possibly one or two other newspaper men will be among those examined.

GYP CAUGHT AFTER HOLDUP!

Posse Runs Down Robber Believed to Be Fugitive Near Buffalo. Buffalo, Sept. 13.—A report comes from Collins, a village in Erie county about thirty miles out of Buffalo, that a man whom the Collins constable believes to be Gyp the Blood, wanted in New York for the killing of Herman Rosenthal, has been captured. The man is not held on this charge alone, but was captured after a posse chase for alleged highway robbers. Jacob Christ, a farmer, was attacked on a lonely road east of Collins about noon, felled with a club and robbed of a large sum of money. Christ was found unconscious in the road. The Collins constable with a posse trailed the fugitive through swamp and brush, running him down in a dense piece of woods. A large sum of money was found in his shoes and clothing and he bears a close resemblance to Gyp the Blood. Even if he is not the New York outlaw he may have to face a charge of murder. Christ has not recovered consciousness and little hope is held for his recovery.

ASKS FOR BIGGER PIERS.

New Jersey Harbor Board Sends Hoboken Report to Taft. The New Jersey Harbor Commission has sent its report recommending the extension of pierhead lines on the steamship docks in Hoboken to President Taft and asks that he approve it and forward it to the Secretary of War. It recommends that the pierhead line from Castle Point, Hoboken, to the Pavonia ferries, Jersey City, be modified at lengths running from fifty feet extensions at Castle Point to 130 feet at the Lackawanna ferries. The New York Harbor Line Board will meet on September 18 in the Custom House, Manhattan, to act upon the matter. Previous petitions have failed. It is expected, however, that a united effort on the part of the steamship companies with the recommendation of the New Jersey Harbor Commission, bearing the indorsement of Gov. Wilson, will carry more weight. Next spring the Hamburg-American's new liner Imperator will arrive in port. She has a length of 900 feet, while the present limit of the Hoboken piers is 800 feet, and unless the extension of the piers is approved the company will be in a quandary.

Did Not Go Over Records.

Q. Well, you did not take time yourself to go over the records of patrolmen nor the promotions of patrolmen? A. I did not. Q. I have gone over the records of forty-five men in about two hours and a half. Do you think it would be worth two hours and a half of the time of the Police Commissioner of New York to find if thirty men had lied under oath? A. It would be if that were the function of the Police Commissioner, but it is not the function of the Police Commissioner. It is the function of the Civil Service Commission. Q. But you have the power, haven't you? A. We have the power to take one of three, and I have explained why we didn't avail ourselves of that power, because every time where any Commissioner has aided himself of that power it has led to wrongdoing and rumors of wrongdoing. Q. You don't understand me. You have the power to have your investigation bureau? A. I have. Q. That has nothing to do whatever with selecting by numerical order. A. None. Q. You could investigate cases and then ask for a re-certification from the bureau? A. I could. Q. And why haven't you done it? A. Because it is not the function of the Police

Department to investigate the work of the Civil Service Commission. When I go through investigating there would be one of two things for me to do, to take the recommendation of the Civil Service Commission or else to slip the man's name. If I do the latter it has always led to wrongdoing. Q. But why do you stand for it? A. For what? Q. For having a man of that character on the force? A. What do you mean? Q. Having a man who lied on the force. A. I don't know whether he lied or not; you say he lied. Q. Is the demoralization of the whole department up to the Civil Service Commission? A. I deny the demoralization has ever been devised. Q. But do you regard that a good system? A. I regard it as good a system as has ever been devised. Q. It is apparent from your testimony that for several years there was an investigation bureau. A. (Interrupting) And for several years there was a continuous allegation of graft and favoritism. Q. That bureau had been abolished by you? A. It was. Q. And some thirty or forty men whom you appointed had been rejected by the Civil Service Commission? A. That is primarily a matter for the Civil Service Commission, and I was not responsible for it.

Keeps at Abolished Bureau.

The purpose of the committee in this part of the inquiry, Mr. Buckner explained, was to try to ascertain whether the investigation bureau in the Police Department ought to be continued. "Gen. Bingham started it," he continued. "Commissioner Baker kept it up. Commissioner Crosey kept it up, and you altered it." Mr. Buckner reminded the Commissioner that the Court of Appeals had considered the matter of appointment and had decided "that the responsibility for appointment could not be shifted, that the head of a department had the right, the legal right, to say who should come into his department." "We have to trust somebody," Mr. Waldo replied, "and I rely upon the Civil Service Commission." Mr. Buckner took up more cases of police officers in the same batch appointed early in Waldo's administration. The Commissioner repeated the same answers that he had put the whole thing in the hands of the Civil Service Commission. The counsel for the committee went over with the Commissioner some of the Mayor's testimony in which the Mayor had said that Waldo had exhibited into all these cases and that if he had not he had been derelict in his duty. Mr. Waldo said that he would have been derelict if he had not had them investigated, but that he had done so through the body whose duty he considered it was to investigate—the Civil Service Commission.

HAYES'S FRIEND TRANSFERRED.

Waldo Shifts Commanders in Five Police Precincts. Five police precincts, including the West Fort-seventh street, which has been much stirred since the killing of Herman Rosenthal, will have new commanders as the result of shifts announced yesterday by Commissioner Waldo. Here are the changes: Capt. Henry Burfield, Thirteenth precinct, goes to the Twenty-sixth (West Forty-seventh street); Capt. William F. Day, Twenty-sixth precinct, to the Seventeenth (Union Market street); Capt. Stephen McDermott, Seventeenth precinct, to the Sixty-fifth (Highbridge); Capt. Dennis J. Brennan, Sixty-fifth precinct, to the Sixty-sixth (Central office); Capt. Thomas Ryan, Central Office, to the Thirteenth precinct (Delancey street); Lieut. Charles J. Fahy, was promoted to captain and was assigned to chief inspector Schudtberg's office.

SHIP'S OFFICER SUICIDE IN SEA.

Jumps Overboard American's Mail During Storm. PHILADELPHIA, Sept. 13.—When the steamship American arrived in port here today from Antwerp it was reported that the second officer, Jan Huyssam, whose home was in Amsterdam, committed suicide when three days out and after he had become insane from worry over the illness of his wife. Last Friday while Huyssam was on the bridge a terrific storm arose and he began to talk incoherently. With a sudden flash of lightning, the members of the crew heard a shriek and saw the officer climb along the side of the vessel. A sailor tried to stop him, and in the struggle that followed Huyssam overpowered the man and leaped to his death. Boats were lowered but his body was not found.

PEACE PROGRAMME IN NICARAGUA OUTLINED

United States Will Supervise New Elections for Presidency.

SITUATION NEAR NORMAL

Rebel Leaders Seek End of Hostilities, Which Is Expected Soon.

WASHINGTON, Sept. 13.—The Nicaraguan situation having passed the critical stage through the subsidence of the Mena revolution, steps looking to a peace programme will be taken soon. The principal feature of this programme will be the holding of new elections for the Presidency under the supervision of the United States. There is now good reason to believe that all factions, including the Government, Gen. Mena and his followers and his temporary allies, the adherents of the Zelaya regime, will agree gladly to an American supervision of elections as soon as the negotiations begin. It is well known that the Government of Nicaragua desires such supervision of the elections, which would occur naturally in this fall, and it is expected that formal request will be made to the United States authorities to take charge. The rebellious factions likewise are expected to fall into line and accept this method as the only possible way in which their aspirations to the Presidency can be settled. Announcement of such a programme will be made probably in the near future.

The negotiations for peace are expected to be hastened by the fact that Admiral Southard and his marines and bluejackets heretofore will not permit any fighting along the line of the one railroad in Nicaragua, which extends from Corinto to Managua and thence to Granada. This road passes through all the vital points of Nicaragua, and if fighting is prohibited in its territory there will be absolutely no live revolution. The realization of this fact is expected to be simultaneous with offers of peace from the rebels. Tentative proposals for peace were made by Gen. Mena ten days ago, but the Government then declined to entertain them. The Government at that moment, in fact, was inflicting severe defeats upon the rebels, and later followed them up with others which have given the President the upper hand. The Government victories and the control of the situation by Admiral Southard's forces are responsible for the decision that there shall be no further bloodshed permitted in Nicaragua. Further fighting upon the part of the Government forces or the rebels would be absolutely futile. This phase of the situation will be made clear to the contending parties in the defunct rebellion.

United States Minister Wetzel will be one of the distinguished guests at the peace conference which inevitably will result from the present state of affairs, and will take an active part toward bringing the opposing parties into agreement on a peace programme. As representative of the United States Government he will protest against further harsh measures against the rebels, and will demand equally reasonable treatment for any persons captured by the revolutionists. Almost from the first, there has been reason to believe that the only solution of the Nicaraguan situation which would prevent continued bloodshed is that of American supervision of the elections, and this has been the policy of the United States since the American forces in Nicaragua are there by invitation of the Nicaraguan Government. It is not expected that the election will be held until the United States will occur without the express request of not only the Government, but of the opposition. The rebel leaders are expected to discern at an early date the advisability of joining with the Government in asking the United States authorities to take charge at the polls.

PINK TEETH—GOOD GIRL.

Coloring Denotes Loving Disposition, Says Dentist. WASHINGTON, Sept. 13.—"If you want a good, loving wife, gentlemen," said Dr. Jacob S. Wells of Fargo, N. D., at the National Dentists' convention yesterday, "be sure before you marry that your sweetheart has pink tinted teeth. Girls who have dull, chalky teeth are hard hearted and insincere. They will not as a rule make loving wives. Pick out the pink teeth girls. Don't misunderstand me. I did not say pink gums but pink teeth. The coloring is in the enamel and is not, as some dentists state, an overhanging of the gums. "I know a young man who had doubts about the sincerity of his sweetheart. He took her to a dentist to have her teeth examined and found that she had chalky teeth and was marrying him for his money. This is a scientific fact. "The disposition of a person can also be told from the formation of his or her teeth. If you see a person with square, white, clear teeth it is very probable that that person has a strong character and will some day come to distinction in the world."

HARMON WON'T BE ACTIVE.

Ohio Governor Will Make Only One or Two Speeches for Wilson. COLUMBUS, Ohio, Sept. 13.—It was learned today that Gov. Harmon will not take an active speaking part in the Wilson campaign. He is to preside at the opening here Friday. On October 1 he leaves for California to remain probably three weeks. If he makes more than one or two campaign speeches they will be delivered outside of Ohio. Friends of the Governor say he still cherishes resentment over Wilson's action in fighting him at the Ohio primaries last spring.

SPARKS FROM THE TELEGRAPH.

A charter was issued yesterday by the Comptroller of the Currency to the Silver Creek National Bank at Silver Creek, N. Y., authorizing it to begin business with a capital stock of \$50,000. Jesse D. Denny is president and L. A. Fouts is cashier. The Interstate Commerce Commission yesterday suspended from September 20 until January 11 the proposed increase in freight rates on news print paper from Salt Lake, Utah, into the United States.

TAFT ORATORS STARTING OUT.

Rev. J. Wesley Hill and Warren G. Harding Among Them.

CHICAGO, Sept. 13.—Next week many Taft orators will be heard throughout the Western States. There is some speaking-making now in progress, but beginning next Monday a widespread campaign will be inaugurated. P. H. Langford, who made many speeches in the pre-convention campaign, will spend two weeks in Indiana, and J. A. Troutman, an attorney of Topeka, will be in Iowa. It is expected that Warren G. Harding of Ohio, who delivered the Taft nominating speech at Chicago, will speak at Detroit on the night of September 24. Dr. J. Wesley Hill, who has been speaking in Michigan, will continue his State until he joins Senator Lodge in Massachusetts in opening the Ohio campaign on the twenty-first. The name of Representative Martin B. Madden of this city has been added to the list of speakers and it is probable he will make his initial address at Berwyn, Ill., on the twenty-fourth. Additions to the speaking schedules are being made by Chairman Diekmann daily.

ARRESTED PUSHING THE BABY.

One of Sebnick's Neighbors Charges Him With Burglary. Sidney Sebnick of 658 East 150th street was arrested near his home yesterday while he was pushing a baby carriage in which was his six-months-old daughter and locked up in the Morrisania police station charged with burglary. His neighbor, Meyer H. Sacks, who lives at 656 East 150th street, complainant in the case and charges Sebnick, who is 22 years old, with the theft of \$180 worth of silverware. The Sacks family went to the Catskills on August 16 and Mr. Sacks asked Harry Sebnick, Sidney's father, to watch his house while he was gone. On August 20 the elder Sebnick found that the rear window on the ground floor of the Sacks house had been broken and that some one had been through the house.

ONE ROAD TO DOMESTIC BLISS.

Detective Buddenmeyer traced the silverware to a pawnshop. According to the detective, Sidney broke down in the station house and admitted his guilt. Philadelphia Judge Says It's to Go Out and Take a Walk. PHILADELPHIA, Sept. 13.—Magistrate Gorman has laid down a rule of marital happiness. In advising a husband who had been unable to refrain from assaulting his wife, the Judge said: "Never talk back to your wife when she starts to argue with you. She'll be boss around the house, so there's no use combating her. Put on your coat and hat and take a walk around the block."

MRS. HARRIMAN AT EXHIBIT.

Tells Audience Tariff Has Nothing to Do With Wages. Mrs. J. Borden Harriman told the men who went to see the tariff exhibit in Union Square yesterday morning that it had been proved conclusively that the tariff had nothing to do with wage schedules. "These are determined by various economic factors and also by the greater or lesser power of the trade unions," she explained. Mrs. Maud Flowerston spoke along the same lines from the point of view of a working woman.

LIFE SAVING RULES APPROVED.

Secretary Nagel Permits Only Slight Relaxation of Old Regulations. WASHINGTON, Sept. 13.—Secretary of Commerce and Labor Nagel today approved rules formulated by steamboat inspectors for maintenance of life saving apparatus on passenger vessels. The only relaxation in the old rules permitted by Secretary Nagel is extension of the "summer service" from September 15 to October 15 for lake, bay and sound steamers. This modification enables reduction of life saving equipment until the latter date. All other new rules were vetoed by the Secretary.

WHY VALENTINE RESIGNED!

Arrest of Indian Agency Clerk May Throw Light on Subject. GETTYSBURG, Okla., Sept. 13.—The arrest last night (Chicago) of M. E. Peairs of Anadarko develops what is understood here to be the real cause of friction in Washington between Secretary of the Interior Fisher and Robert G. Valentine, who recently resigned as Commissioner of Indian Affairs. Peairs has been a clerk in the Kiowa Indian agency at Anadarko under Supt. Ernest Stecker, a former Rough Rider. He was arrested on a warrant charging him with forging the name of Mar Out Dow Ace, a Wichita Indian, to a check. Peairs was recently suspended by Supt. Stecker, who was then ordered by Valentine to reinstate him. Stecker refused and was suspended by Valentine, who placed the agency chief clerk in charge with instructions to reinstate Peairs. Meantime Secretary Fisher, it is said, recommended that Stecker be reinstated. Valentine refused to do so, and his resignation followed. Stecker was charged with insubordination by Valentine and is en route to Washington to answer the charge.

TOOK SHERIFF'S BOOKS; CRY OF POLITICS NOW

Prosecutor Ordered by Court to Return the Volumes To-day.

PART OF CASSIDY ROW?

Quinn Thinks It Was Planned to Punish Him for Bolting.

District Attorney Matthew J. Smith, chairman of Joe Cassidy's campaign committee which is making a bitter fight to return Cassidy to power, acting on a John Doe subpoena issued by himself recently seized three books containing a list of special Deputy Sheriffs from the office of Sheriff Thomas M. Quinn of Queens county. Last night he was served with an order issued by Justice Marean in Brooklyn directing him to return the books forthwith. The order was obtained by James F. Barry, counsel to Sheriff Quinn, and did not reach Long Island City until late in the afternoon. A search was then started for Smith. He was not found at the Cassidy headquarters in the clubhouse opposite the court house, and Sheriff Quinn sent deputies to different parts of the borough for the purpose of locating him. It is probable that the books will be back in the Sheriff's custody by this morning. The seizure of the books took place late on Thursday afternoon during the absence of Sheriff Quinn from his office, and two hours after Quinn had come out in a public interview against Cassidy in which he advised his friends to support Connolly and vote the regular Democratic ticket. Heretofore Quinn, although a Democrat, has been identified with the Independence League, and it was thought by the Cassidy followers that he might side with them or remain passive. When Sheriff Quinn was interviewed yesterday afternoon, District Attorney Smith said he subpoenaed the books for the purpose of making an investigation. He said that a man who had served as a Deputy Sheriff and whose name he refused to reveal had not been paid and he wanted to see if this man was entered on the books as having been paid. Beyond this statement he did not care to discuss the case. Sheriff Quinn said the seizure of the books during his absence was done for political purposes. His repudiation of the Cassidy ticket called for reprisal of some sort, he figured, and he was of the opinion that a fishing expedition was to be made in his office in the hope that something irregular might be discovered. Late last night District Attorney Smith was served with the order signed by Justice Marean. The papers and books will be returned to the Sheriff in his office this morning.

QUESTION OHIO AMENDMENTS.

Business Interests May See to Get Some of Them Aside. COLUMBUS, Ohio, Sept. 13.—It became known to-night that business interests which opposed the adoption of radical amendments to the Ohio Constitution are contemplating a suit to have the result set aside. During the campaign it was announced that such an appeal would be brought, but little attention was paid to the reports because of the flimsy technicalities cited as grounds therefor. It now appears that lawyers have informed business men there may be good legal cause for questioning the people's action, since the constitutional provision relating to new amendments refers to "a majority of the vote cast thereon." The highest total vote on any amendment was 587,000. The majority for several amendments considered on the ballot is not a majority of the figures mentioned. A further point to be made is that the constitutional convention had no legal right to order a special election, as this was purely a legislative function.

TO-MORROW'S SUNDAY SUN
Subway Extension
Doomed Guadalajara
Prof. Stefansson's Own Story of the White Tribe He Found
Burns and Bertillon
Convict Mutineers