ATTACK ON HUGHES ISSUED BY STONE

Senator Brands as Vicious the Invasion of Supreme Court to Find a Candidate.

WOULD MAKE IT ILLEGAL

ST. LOUIS, Mo., June 12.—Senator William J. Stone, head of the Foreign Relations Committee of the Senate, who is slated for chairman of the platform committee, issued a lengthy statement to-day attacking the Republican platform and Charles E. Hughes and expressing pity for the Progressives whom Theodore Roosevelt had deserted. In part it says:

"The Chicago platform is largely devoted to a rabid partisan criticism of the President. This indictment, however, is general in terms, carefully avoiding particular specifications. As a pleading it could be demurred out of court as not stating a cause of action. It merely charges the President with timidity, vacillation, lack of courage and as being unpatriotic and un-American.

"After wrapping this blue flame of wrath around the President's head and seeking to make of him a vicarious sacrifice the distinguished gentlemen who framed this wonderful document stultify themselves by practically indorsing all the things accomplished and to be accomplished under the Wilson Administration, and in so far as they venture to declare any affirmative programme of their own that programme is practically along the line of that hitherto followed and now being followed by the President and the Democratic Congress. This platform is indeed the most wonderful production of its kind known to our history.

Hughes of Good Character.

"As to the candidates, I have only to say that Judge Hughes is a gentleman of good ability and good character. He is so reserved and exclusive as to leave the impression that he emanated from the north pole and came to the Temperate Zone with frost in his whiskers, not yet by any means dissolved. His only public service prior to his appointment to the Supreme bench is confined to gas and insurance frauds in the city of New York, which brought him into such prominence as to make him the Republican candidate for Governor.

"My objection to the nomination of Mr. Hughes lies in the fact that I regard it as bad in every way, even vicious, for a great political party, hard pressed and on its uppers, invading the Supreme Court of the United States and taking down from that bench one of its justices to make of him a party candidate for a political office to meet and serve a party exigency.

"The experiment is full of menace and danger. Hereafter it is more than probable that men appointed to the Supreme Court will begin to regard it not as the honorable and final goal of their ambitions, but as a stepping stone to what they will, as Mr. Hughes does, regard as a political advancement beyond the judicial position they hold. In that view of things it will follow that the decisions of Judges of that great tribunal will become more or less the subject of suspicion. People will begin to surmise whether decisions on questions of wide or general interest have behind them some sinister political design. The tendency will be to undermine public confidence in that great court—a thing that would be full of evil consequences, if not disastrous.

Would Amend Constitution.

"Some State Constitutions, I am told, contain provisions which make the Judges of their Supreme Courts ineligible to a political office during the term for which they were elected or appointed. I am inclined to the opinion that it would be wise to so amend the Constitution of the United States as to make a Justice of the Supreme Court ineligible to any political office while a member of that court or for a period of five years following his retirement or separation therefrom."

Senator Stone says the Progressives in their platform made the issue centre about one man. He adds:

"I will not now comment upon this remarkable declaration. I am content merely to call attention to it. Four years ago this same man called his countrymen to rally around the flag he lifted. They came swarming by hundreds of thousands, singing 'Tramp, Tramp, Tramp, the Boys Are Marching.'

"This year this same rallying host, instinct with the spirit of 'Americanism,' has called for this same man to come forth and lead them again. But he sulks in his tent at Oyster Bay while his loyal following waits uncertain and dispirited. Will he respond and lead them, singing 'Onward, Christian Soldiers,' or will he shrink before the uplifted swords of the Old Guard and thus leave his ready and stalwart adherents victims of one of the most pitiful and tragic betrayals ever recorded in American history? It will be most interesting to await the outcome."

POWERFUL SHIP JOINS NAVY.

The Pennsylvania Goes Into Commission at Norfolk.

NORFOLK, Va., June 12.—What naval experts say is the "most powerful sea fighter in the world" was added to the American navy at this port to-day when the Stars and Stripes were run up on the flagpole of the battleship Pennsylvania.

The big ship arrived this morning from Newport News, where she was built. At 2 o'clock this afternoon she was placed in commission and became a part of the navy of the United States.

The ceremonies in connection with the commissioning of this giant vessel were impressive and of a patriotic nature. They were witnessed by a number of invited guests and by naval officers of almost every rank.

Every ship of the navy yard flew numerous pennants in honor of the occasion, and from the interned German cruisers Eitel Friedrich and Kronprinz Wilhelm the Stars and Stripes were given the place of honor. The "German village," a miniature city of modern houses built by the crews of the interned ships, was decorated in bunting.

Rear Admiral McLean was first to board the big ship before she was commissioned. To Capt. H. B. Wilson, who will command the Pennsylvania, Admiral McLean handed the official order for commissioning the ship. Capt. Wilson in turn read it to his officers and crew, who were lined up on the deck of the big sea fighter.

The keel of the Pennsylvania was laid on October 27, 1913. She was launched March 16, 1916. She is 608 feet long, beam 97½ feet, draught 28 feet 6 inches, displacement 32,000 tons, horse-power 32,000, speed 21 knots. She carries twelve 14 inch guns in four turrets, twenty-two 5 inch guns and 4 inch guns are mounted in four turrets. She is equipped with two armored decks to protect her vital spots from indirect shell fire. Her armor weighs 8,000 tons. She will become flagship for the Atlantic fleet on June 20, and will probably remain here until July 15, when she will go to sea to give her big guns their first trial.

Japan Sends More Troops to China.

TOKIO, June 12.—Two more battalions of soldiers are being sent to Tientsin and Pekin by the Japanese Government.

WALL ST. WELCOMES HUGHES; BANKERS FORESEE VICTORY

Praise Given to Roosevelt for Declining Nomination, Many Prominent Financiers Expressing Gratification at Unification of Republican Factions.

That Wall Street was pleased with the selection of Charles E. Hughes as the Republican candidate for the Presidency was evident yesterday from the behavior of the stock market. Favorable comment regarding Mr. Hughes's selection was by no means lacking, and in all circles there was evident a disposition to regard him as "the man of the hour."

National bankers were naturally somewhat disinclined to speak for quotation regarding the nomination, as they wish to create as little friction as possible with the present Comptroller of the Currency, but they were willing to talk confidentially and in glowing terms of Mr. Hughes. In private banking and trust company circles, however, there was a disposition to talk freely about the Republican candidate.

Calls Roosevelt "Great Patriot."

Henry P. Davison of J. P. Morgan & Co. said:

"I think it is a very strong ticket. It was the thing Mr. Roosevelt might have been expected to have done and it shows him to be a very great patriot. It is an indication of cooperation among the whole Republican party, including the Progressives, and I think it will assure the defeat of Mr. Wilson. Mr. Roosevelt's action means a great deal not only to this country but to the world at large. Private ambition and individual views should be, and have been, sacrificed to the greater good of defeating Mr. Wilson. It is an indication of the return to sanity by the people as represented by their delegates."

Alvin W. Krech, president of the Equitable Trust Company, said:

"Justice Hughes is the ablest as well as the strongest man that could have been selected. He will poll not only the unanimous vote of the Republican party but of every citizen of the United States who believes in the American ideal and appreciates that the surest way to realize the advantage of the unprecedented opportunities, both national and international, now at hand is to have as its Executive a man of force and courage. As President, Hughes will be the right man in the right place."

Seward Prosser, president of the Bankers Trust Company, said: "Mr. Roosevelt's action cannot be overestimated. Nor can too much emphasis be placed on how much his action will be appreciated not only by the members of the Republican party but by the people at large."

Otto T. Bannard, president of the New York Trust Company, said:

"I was a delegate to the convention and my candidate was Elihu Root. I am very much pleased, however, at the selection of Mr. Hughes as the Presidential nominee and I believe that the best choice has been made."

William A. Nash, chairman of the Corn Exchange Bank, expressed himself unreservedly in favor of Hughes.

"I am a Republican and naturally I feel happy over the prospects of a change of administration," he said. "Personally I think Hughes would make an excellent President, giving to the office the dignity and character that would engage the respect of the world."

Says Hughes Will Sweep Country.

Walter E. Frew, president of the Corn Exchange Bank, said he thought Hughes would sweep the country.

"To my mind the convention was wonderfully inspiring. Hughes was evidently the choice of the people. He is the Abraham Lincoln of to-day. My knowledge of Hughes has always shown him to be a thoroughly sane and level headed man. From acquaintances who have had an opportunity of observing I learn that his residence and work in Washington have broadened his views so that I think him in every way capable of handling the great questions, both internal and external, which confront us.

"Now if Roosevelt sees his opportunity he can prove himself a great American by sinking all personal ambitions to support Hughes. By so doing he will render his country a great service."

Henry E. Cooper, vice-president of the Equitable Trust Company, said: "There are two reasons why I am for Hughes and why every voter should support him.

"First, he is absolutely independent and does what he believes to be right irrespective of party claims. This was evidenced by his legislation when he was Governor. He was not moved by political or party considerations.

"Secondly, he is willing to take counsel and listen to advice from people who are on both sides of the question before he acts. He is fair minded, just and earnest and will surround himself with strong and capable men. These are the reasons why I favor Hughes over Wilson."

NOT ONE THRILL IN G. O. P. CONVENTION

But Elisabeth Marbury Found Comedy Relief in the Suffrage Plank.

ALSO MUCH BUNCOMBE

By ELISABETH MARBURY.

Until I went to the Chicago Coliseum on June 7 I had never in my life attended the serio-comic performance of a national convention. There were a great many acts which unfortunately didn't follow each other swiftly. Everything needed speeding up. Nobody seemed to exceed the ten mile an hour limit.

There was an anæmic band which didn't begin to be as good as Jim Europe's. By the way, wouldn't the colored contingent have been influenced to greater kindliness had Jim been selected to appear in his near Sousa white uniform? At least he would have shown how foxtrots and onesteps could have been played in order to dispense cheerfulness rather than gloom.

I had ignorantly expected punch, pep and prop throughout the proceedings, instead of which I was confronted with bluster, bluff and buncombe. When we of the theatre have a very old plot to deal with we always strive to find some new angle which serves as a thriller to mark the climax, but such a cyclonic effect was conspicuously missing in any single paragraph of the platform of the Republican party or in its proceedings.

Everything Droned On.

Everything droned on and on, in the assumption that the patient audience was contributing to the menagerie in the guise of a stuffed monkey. By the way, I hope you noticed the "property" elephant which must have been born in Canton (Ohio). That elephant worked hard, and was walked harder. I have an inkling that it will ultimately be presented to little Miss Olive Whitman as a souvenir from Frank Hitchcock.

To be sure, there was one moment of comedy relief in this same platform speech, when the eager suffragists were assured that the G. O. P. condescended to recommend giving the vote to women, provided that each State would decide the burning question for itself! Even Henry Cabot Lodge, who presented this ultra-bromidic document, didn't forget to smile at this comedy flash.

The delegates seemed to me like a lot of badly trained supers. They had been told when to sit and when to stand and when to march, but at times it was evident that they forgot their cues. They had not had enough rehearsals. They had been doing too much shopping with their wives and daughters. Either this or that their bosses as stage directors were none too skilled.

The speeches all needed expert blue pencilling. Of course it is very hard to edit padding and to compress hot air, still I cannot but feel that a blue pencil judiciously used would have helped somewhat. In the theatre we poor stage folks have to pay heavily for boring our public.

Somehow I have a suspicion which I will confide you—that the Republican party risks the same penalty; for, mark you, the only real electric spark was struck when Albert B. Fall, delegate from New Mexico, submitted the name of his State's candidate. Then we did hear some genuine cheering, and the audience for the first time became attentive and animated.

Character of Applause.

One of the first things we theatrical producers must learn is to detect the difference between the applause which proceeds from people who are paid and that which comes from the people who pay. Sometimes it costs us a great deal to become the dupes of a mistake in this connection.

And there is another suggestion I wanted to make to the distinguished group of political dictators I had the privilege of contemplating during those Chicago days, namely, that many a play which is poor in plot, thin in structure, ancient in device and unoriginal in theme has frequently been saved by the employment of a great popular actor, thus giving the public the favorite it wants.

The salary may be high, but we realize that we had better pay it gracefully than to engage a cheaper actor and have the play close at the end of a week, with scenery and "props" sent back to the storehouse, for, believe me, there are many productions in this city which have been neglected and forgotten for four years, and I imagine that even a Canton flannel elephant may be discovered in some dust heap.

Grape juice is but a poor substitute for Imperial Brut, and it rained seven days and seven nights—still another reminder of the Ark.

JERSEY HITS WEST SIDE PLAN.

Head of Commerce Board Sees Serious Flaw.

The Citizens Union made public yesterday a letter which it had received from J. Spencer Smith, president of the Board of Commerce and Navigation of New Jersey, supporting the union's opposition to that feature of the proposed New York Central West Side settlement relating to the location of the Central tracks south of Thirtieth street. The Citizens Union is urging that the Central tracks south of Thirtieth street be located along West street and the Marginal Way, with the right reserved to permit New Jersey roads to operate over the same tracks.

Mr. Smith says that if "this proposed settlement with the New York Central is entered into it will preclude the possibility of the establishment of terminals for general railroad use in the section north of Canal street, and that once the plan is agreed on by the city to do what the present plans propose the door will be shut for any general railroad organization in the district referred to."

17,000 PARADE; ONE ENLISTS.

Advertising for Recruits After Hartford Demonstration.

HARTFORD, Conn., June 12.—Though 17,000 persons paraded for preparedness through the streets of Hartford a week ago, the commanding officer of the First Infantry found it necessary to-day to advertise for recruits.

He needs thirty-five more men to fill the ranks of the supply company of the regiment, and has received but one application on the blanks that were printed by the thousand in the Hartford newspapers.

HUGHES MEN, BACK, PLAN BARNES FROST

See N. Y. Landslide for Candidate, but Will Bar the Albany Man.

BIG MEETING THURSDAY

The New York delegates to the Republican national convention reached home on a special train yesterday afternoon. There had been about 100 in the party, but only the New York city crowd came to Grand Central Station, the others having dropped off en route. State Chairman Frederick C. Tanner heard on the way about the conferences Justice Hughes intended to have during the day and expected to visit him at the Astor. He went first to his office, though, to try to catch up with business that accumulated in his absence.

The New York county committee will hold a regular meeting on Thursday night in Bryant Hall, Sixth avenue near Fortieth street. It has been decided to turn it into a Hughes ratification meeting. Most of the New York city crowd were for Hughes from the start and their jubilation over the outcome of the Chicago gathering will have vent that night. Resolutions will be adopted of course, and there will be speeches by State Chairman Tanner, County Chairman Samuel Koenig and others.

The talk on the special which left Chicago on Sunday morning was largely of speculation as to how large the expected Hughes majority in New York State will be. Mr. Koenig is predicting that the Republican nominee will win here by about 200,000 votes, and William M. Calder, ex-Representative, acquiesced in that figure too.

Calder Foresaw It a Year Ago.

"One year ago," said Mr. Calder, "I made up my mind that Justice Hughes would be the best candidate. The people know him and believe in him. And at this crisis in the nation's history the party and the country required such a man."

Candidates for the chairmanship of the Republican National Committee have been talked of since the Hughes landslide. The New York special brought here the view that Frank H. Hitchcock, who picked the winner months ago and staked his political pile on him, is anxious for the job, which he filled once before. But his friends are cognizant of the fact that if he were selected undoubtedly a great many persons would say that Justice Hughes had a gentleman's agreement with him all through the convention preliminaries.

Others in the field for national chairman are State Chairman Warren of Michigan and State Chairman Tanner of New York. Before Mr. Tanner left Chicago several of the Republican national committeemen and State chairmen suggested to him that he accept the place or try for it. Mr. Tanner gave them to understand that he was not particularly keen for the position, but it is known among his friends that he would take it if Justice Hughes so willed. Mr. Tanner, however, has no idea how the Republican nominee feels on the subject.

To Watch Barnes Closely.

The group of leaders represented by Mr. Tanner and Gov. Whitman, the original Hughes men in this State, are going to keep their eyes on William Barnes, Senator Wadsworth and their comrades. The Tanner coterie was gleeful over what they regard as a severe blow to the Old Guard at Chicago, but they say they do not intend to play ostrich while Mr. Barnes may be patching up his regiment preparatory to continuing a semblance of a fight so that if opportunity comes later he may be prepared to seize upon it.

The happenings in Chicago are known also to have had a marked effect upon deliberations in the Democratic camps in this State. The Democrats are seriously disturbed by the prospect of a Hughes landslide here. They plainly do not like the looks of things.

It was said in some quarters yesterday that the turn of events would probably result in Justice Daniel Seabury stepping out of the running for Democratic nominee for Governor. Charles E. Tremain of Ithaca, an up-State leader, is being talked of for the place instead of Justice Seabury.

It was the confident conviction in Republican circles too that Job E. Hedges is almost certain not to run for United States Senator in the Senatorial primaries. It was his intention some weeks ago to do so, but not now. Mr. Hedges was one of the leading Root men among the Republicans. But who will be the preferred candidate in his stead has not been intimated.

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OPEN EVENINGS

86

$34,297,000 IN HOUSE BILL FOR U. S. FORTIFICATIONS

Largest Ever Reported to Congress—Two 16 Inch Guns at Rockaway for New York's Defence, 54 Anti-aircraft Guns Provided in Measure.

WASHINGTON, June 12.—The largest fortifications bill ever reported to Congress was taken up in the House to-day. It carries $21,997,050 and authorizes contracts amounting to $12,300,000. The amount of direct appropriations is $16,936,833 more than carried in the bill of last year.

Among other items the measure provides for the immediate manufacture of six 16 inch guns, four of which are to be at Cape Henry for the protection of Chesapeake Bay and the cities of Norfolk, Washington and Baltimore, and two at Rockaway Beach. Provision also is made for fifty-four 3 inch anti-aircraft guns. An appropriation of $750,000 is made to acquire the invention for the radio control of torpedoes, now the property of John Hays Hammond, Jr.

The bill was submitted to the House to-day by Representative Sherley, Democrat, Kentucky, in an elaborate speech in which he emphasized the fact that preliminary protection for New York was to be provided through the erection of a battery of 16 inch guns at Rockaway Beach.

The Need of Defence.

In the course of his speech Mr. Sherley said:

"The people of America have lived for many years past under the belief that our isolation gave us immunity from the obligations and duties that rest upon the other nations of the earth. But they have awakened to a realization that that isolation has in many ways gone and will continue more and more to disappear. They have learned that the justice of your own position is not necessarily a guarantee of its prevailing or of your being free of any obligation to maintain and defend that position.

"They are demanding that the Congress of the United States shall see to it that this country is put in a position to properly maintain its rights, no matter where, when or by whom they may be assailed. Men may have doubted a few months ago whether that was the determination of the people of America, but no man who has looked about him with eyes to see can now doubt the fact.

"There is no more pernicious notion than that preparedness is adequate when it is simply one that would prevent invasion of America. That is not the only problem. In the first place it has become axiomatic that the best defence is the offence. If war comes I want this country to be able to wage that war aggressively and offensively. If we must have war I prefer to carry it to the other man's country and not confine it to my own.

For Offensive if Necessary.

"No defence of America is adequate that does not undertake to enable this country, in the maintenance of its rights, to offensively, in the true sense of that term, wage what war it has to wage. Every war we have had since we won our independence with a foreign nation has been a war of our own making and a war that we did wage offensively.

"There never was a more mistaken idea as to the scope that fortifications play in the defence of the country. The first defence of a country situated as ours is must of necessity be the navy. The second line of defence within a restricted area must be your fortifications, and after that must come your mobile army. And your first line of defence is only made really effective by virtue of your second line.

"Fortifications are not erected with the idea of preventing a landing anywhere upon the shores of America. Fortifications are intended to protect strategic points; intended to preserve for the use of the navy as bases certain harbors, to deny certain waters to an enemy and to compel, in case of a landing, the landing at a point not so favorably situated to the advantage of the enemy as the place fortified. They are intended to enable the fleet of America to act offensively and not defensively.

To Protect New York.

"The usual charge touching the city of New York is that it is possible for certain ships of the largest types to reach a particular point and from that point to be out of range of the existing batteries and still be able to bombard portions of the city. That is true, and that condition will be remedied as speedily as it can be done. But it does not follow that if a war should break to-morrow we would be unable to meet that situation and prevent that bombardment, laying the defence by the navy and the submarines.

"It would not be difficult at all to put up, on temporary emplacements and carriages, guns of sufficient range at Rockaway, where they propose to put permanent fortifications, to make it exceedingly unhealthy for any fleet to undertake to lie outside this particular place and bombard New York. While the condition at New York ought to be and is going to be remedied there is no reason why the people of America should be unduly alarmed or made to believe that the conditions are very much worse than they actually are."

CARDINAL LAUDS MGR. BURKE.

Praises Mission Work Among Negroes—Sends $100 to Aid.

Cardinal Farley has written a letter to the Right Rev. Mgr. John E. Burke congratulating him on his work as head of the Catholic Board for Mission Work among the Colored People. Cardinal Farley enclosed $100 toward the subscription for a Pius X. memorial chapel for the negroes of America.

"Forty-four new missions established among the ten millions of the colored race in this country will ever stand to attest the quality of your zeal," said the Cardinal in his letter. "For these splendid results the Catholic Board is indebted to the loyal support of the American bishops, priests and laity. They have contributed $63,815.79 for buildings and $85,000 for the maintenance of missionaries."

Sues Nixon for $1,000,000.

NEW BRUNSWICK, N. J., June 12.—A million dollar breach of contract suit was started here to-day by Henry G. Layng of New York against Lewis Nixon. Layng charges that at the outbreak of the war he was the only powder expert not in the employ of the Government or the Du Pont interests and that Nixon offered him half of the profits if he would conduct the Nixon plant at Parlin. The case was started here this morning in the Circuit Court before Judge Frank T. Lloyd.

BRANDEIS MOVES UP ON SUPREME BENCH

Hughes Vacancy Makes Changes as Court Adjourns—Interest in Successor.

WASHINGTON, June 12.—The United States Supreme Court, still short of its full number because of the resignation of Justice Hughes, adjourned to-day for the term and will not meet again until October. Because of the vacancy, Justice Brandeis moved up from the place on the extreme left of the bench to the higher place on the right. Justices Van Devanter, McReynolds and Pitney also shifted their positions.

Despite the disposal of almost a record number of cases for the year the docket which goes over to the next term shows no sign of growing smaller. Many important cases were also assigned for rehearing at the outset of the next term. Among these are the suits testing the constitutionality of the Oregon minimum wage law and ten hour employment law and the Long Soo development case, which Henry W. Taft argued before the court some time ago.

In view of the probable close division in the court in the perplexing problems involved in the large number of cases to be reargued more than usual interest attaches to the appointment the President will make to fill the vacancy created by Justice Hughes's resignation.

The Chief Justice also announced today that Justice Brandeis had been assigned to the Second Circuit, which includes New York, Connecticut and Vermont. In addition to looking after the Fourth Circuit the Chief Justice himself will temporarily administer the affairs of the Fifth Circuit.

Only one opinion prepared by Justice Hughes before his resignation and considered and readopted by the court was announced by the Chief Justice. This was delivered in a case brought to test the rights of members of the Seneca Indian tribe to fish and take game within territory ceded by them by the treaty of 1797, with a reservation of hunting and fishing rights.

The Indians in question were arrested for spearing fish in a creek in Erie county, New York, and set up the plea that they were acting within their treaty rights. The Supreme Court held that their right was subject to the public right of protecting fish and game, sustaining the decision of the New York court.

The court granted leave to the State of New York to-day to file bills of complaint against the International Nickel Company, the Standard Oil Company and the Corn Products Refining Company, the fumes from the plants of which are wafted across from New Jersey to the discomfort of the residents of New York city.

MINERS THREATEN TO SECEDE.

40,000 on Strike; Charge They Were "Auctioned Off" in N. Y.

MONONGAHELA, Pa., June 12.—Eight hundred miners from District No. 5, United Mine Workers of America, declaring that treachery was practised at the New York conference which resulted in an unsatisfactory wage scale for miners of the Pittsburg district, met here today for the purpose of seceding from the mine workers' organization and for the formation of a new union. The miners have openly charged officials of the United Mine Workers of America with having "auctioned off the miners" at the New York conference.

The convention to-day adjourned without action, but will reconvene Wednesday morning. There are 40,000 miners in this district, most of whom are now on strike as the result of the New York agreement.

TAUSCHER'S PLEA IN BOMB PLOT FAILS

Krupp Agent, Husband of Mme. Gadski, Vainly Demurs to Indictment.

"NOT MILITARY," HE SAYS

Holding that five undrilled men would in certain circumstances, constitute a military expedition, Federal Judge Wolverton yesterday overruled the demurrer interposed by Capt. Hans Tauscher to the indictment charging him with conspiring to set on foot an enterprise for the purpose of blowing up the Welland Canal in Canada.

Capt. Tauscher is the husband of Mme. Gadski and the agent of the Krupps in this country. His codefendants in the indictment are Capt. von Papen, the dismissed German military attaché, Wolf von Igel, Von Papen's former secretary, and two others. Capt. Tauscher, it is asserted, furnished the dynamite and arms for those who were to do the actual work.

Capt. Tauscher contended it was ridiculous to assume that an expedition of five unorganized, irresponsible individuals could be construed as a military enterprise within the meaning of the statute. Judge Wolverton, however, ruled that the motive behind such an expedition would have more to do with its character than the nature of its organization. On this point he said:

"The purpose of the expedition may serve as well to give caste to the military character as even the organization by which the enterprise is to be carried into effect."

The necessary element to be considered, the Judge concludes, is whether the men were acting according to a preconcerted plan of operations. The indictment, said Judge Wolverton, described such a preconcerted plan in the Tauscher case.

Capt. Eno Bode of the Hamburg-American Steamship Line and Capt. Otto Wolpert, superintendent of the Atlas service, gave notice before Judge Wolverton yesterday that they intended to move for a separate trial from Capt. Charles Von Kleist, Ernest Becker and the others with whom they were indicted for conspiring to plant fire bombs on ships carrying munitions to the Entente Allies. Harold S. Deming, attorney for Wolpert and Bode, will base his application for a severance on the contention that it would be unfair to try his clients with Von Kleist, Becker and others who have practically become Government witnesses in the case. With the consent of Assistant United States Attorney Wood Judge Wolverton adjourned argument on the motion until it can come before the Judge who is to preside at the trial.

WOMAN GETS LIFE SENTENCE

Kittie McCormick, Who Hired George Slayers, Pleads Guilty.

WHITE PLAINS, June 12.—James P. Dalton, counsel for Kittie McCormick of Hoboken, stopped the trial to-day in the Supreme Court here, where the woman was on trial for taking part in the George murder, and offered to plead to murder in the second degree. Mr. Dalton's move followed the testimony of Mrs. Mary Figolio that Kittie McCormick had agreed to accept $50 for hiring the two gunmen who murdered George at Dobbs Ferry on January 13.

William J. Fallon, Assistant District Attorney, accepted the plea, and Justice Morschauser immediately sentenced her to Auburn prison for life.

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