

THE WEATHER FORECAST.
Fair and warmer to-day; to-morrow
fair; gentle to moderate south winds.
Highest temperature yesterday, 70; lowest, 55.
Detailed weather reports on page 5.



Sun.
IT SHINES FOR ALL

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VOL. LXXXV.—NO. 26.

NEW YORK, WEDNESDAY, SEPTEMBER 26, 1917.—Copyright, 1917, by the Sun Printing and Publishing Association.

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BENNETT GAINS 86; LONG COURT FIGHT FORECAST

Many Ballots Bear Erasures or Too Many Crosses, Recount Shows.

WORK WILL TAKE WEEK

Legal Battle for Nomination Seems Sure—Gary Unions Defend School System.

The first day's examination of the ballots cast in the recent Republican primary for John Purroy Mitchell and William M. Bennett brought to light yesterday a situation which may require a long legal battle to decide which of the two candidates is entitled to the nomination.

While no official figures were available an unofficial recapitulation of the results of the election in the first four Assembly districts at midnight last night showed a gain for Mr. Bennett of 56 votes. He gained 13 in the First Assembly district, 10 in the second, 10 in the third and 1 in the fourth, while Mitchell lost 19 in the First district, 13 in the second, 14 in the third and 13 in the fourth.

The evoked situation created by the examination rests in the great number of so-called void ballots, ballots upon which X marks were made, or upon which the voter puts an X before the name of more than the required number of candidates.

Under the election law these voids void the ballot. However, there were those who contended yesterday that it is possible that the Supreme Court, in considering these ballots, may take into consideration the intent of the voter, as was done in the recount of the Hearst-McClellan ballots some years ago.

The proceedings now under way will not change the official vote announced yesterday by the Board of Elections, which gives Mr. Mitchell a majority of 85 in the greater city. It merely will clarify grounds, if there be any, for Mr. Bennett or Mr. Mitchell, for the Supreme Court for a recount or to declare void ballots with erasure marks or more X marks than are necessary.

Recourse to Courts Seems Certain.

That there will be recourse to the Supreme Court, under section 55 of the election law, for a recount or a review of the so-called void ballots cast there appears no doubt in the view of those who found yesterday. Taking the first two Assembly districts in Manhattan the number of void ballots was 1,000 in the square opposite the Mayor's name. Several were also found where the same procedure was reversed. But there were more erasures, which appeared to be erasures, in front of Mr. Bennett's name than in front of the Mayor's name.

In addition to this irregularity it was found that about one ballot in every four contained too many crosses. In this respect the name of J. Logan Campbell, who ran for City Court Justice, was the most prominent. There were five City Court Justice candidates to be nominated, but Campbell's name, appearing on the sixth one of the ballot, drew hundreds of voters off and in numerous instances a cross was written against every one of the six candidates. A number of erasures in front of Campbell's name also appear, indicating, according to some, that after the voter had voted for the entire six he had discovered his mistake and endeavored to erase the sixth cross.

Nearly all the ballots examined yesterday on which mistakes appeared upon the name of Mr. Campbell were found to be for Mr. Mitchell, and the court should hold, as it has in practically every other such case, that this irregularity makes the ballot void. This appears to be the view of the majority of the Republican voters in placing an X mark in front of Campbell's name.

On the other hand, it was suggested that the Supreme Court could hardly decide whether more voters cast their ballots for Mitchell or for Bennett by throwing out hundreds of Mitchell votes because of a mistake in voting for a minor candidate.

Will Speed Up Recount.

The examination was continued all last night. To-day a number of extra clerks will be put on and from four to ten districts will be examined at one time. By this method it is hoped to finish the examination within a week.

As the examination proceeded, it became apparent that there would undoubtedly be a large gain for Bennett in Manhattan, and that there would be hundreds of probable void ballots. But the Mitchell people, who were in passing judgment, and asserted that when the ballots for Brooklyn are examined hundreds and hundreds of void Bennett ballots will be discovered.

But whether the examination and subsequent court action makes Mr. Bennett the regular Republican candidate or not, the Republican fusion leaders are not going to be caught napping. They are already preparing petitions to place Mr. Mitchell in nomination as an independent.

The City Democracy, which was organized early in the campaign to corral all the independent Democrats for the fusion cause and incidentally to try to crush Tammany, has been the dominant Democratic organization in the city, yesterday changed its name to the City party, and adopted a roster as its emblem. The article of "Columbia," the new party filed its petition placing in nomination, under the roster, all the candidates of the fusion ticket, including the Mayor. So far, the fusion ticket, the Mayor is sure to appear on the ballot.

The Board of Elections yesterday made public the first official report for Mitchell and Bennett in the Republican primary for the entire city. They were as follows:

| | | | |
|-----------|---------|--------|--------|
| Manhattan | Bennett | 7,493 | 16,111 |
| Brooklyn | Bennett | 4,436 | 8,692 |
| Queens | Bennett | 20,118 | 39,118 |
| Richmond | Bennett | 9,617 | 18,772 |
| Total | Bennett | 35,491 | 62,944 |
| Mitchell | Bennett | 115 | 1,946 |

The time for filing independent nominations began yesterday. One of the candidates named was...

GUYNEMER, 50 TIMES AIR VICTOR, KILLED

Noted French Flier Lost on Flanders Front.

PARIS, Sept. 25.—Capt. George Guynemer, the famous French aviator, believed to be dead, Capt. Guynemer is thought to have been killed during a reconnaissance flight over Flanders on which he left Flanders on September 11. Nothing has been heard of him since.

Capt. Guynemer, who attained worldwide fame by his exploits, was perhaps the most brilliant aviator of the war. He was last cited in the official French announcement of September 10 for having won his fiftieth aerial victory. An official press dispatch a few days earlier said he had accounted for fifty-two enemy machines. He was 31 years old.

Only a little more than two years ago Capt. Guynemer was a simple soldier. Joining the aviation corps, he rose rapidly in rank until he attained the grade of Captain, winning the Cross of the Legion of Honor, the Military Medal, the War Cross and almost every other honor which his country could bestow.

Capt. Guynemer first came into public notice in the summer of 1915, by bringing down his fifth enemy, thus becoming an "ace" and earning an official citation. Victories followed in rapid succession in March of last year he was wounded.

One of the most spectacular achievements of Capt. Guynemer was the shooting down of three German airplanes in two minutes and thirty seconds. Guynemer was admitted to the French army as a volunteer after having been granted five times by medical inspectors. He operated his airplane alone, serving as both pilot and gunner.

LIEUT. VOSSE KILLED.

German Aviator Victim in His 80th Encounter.

AMSTERDAM, Sept. 25.—Lieut. Vosse, a leading German aviator, has been killed in an aerial encounter with an English aviator, according to a report received here from Berlin.

Lieut. Vosse was considered the greatest German aviator after Baron von Richthofen. He was credited in German official reports with having brought down forty-two enemy machines up to September 10.

FOOD DISTRIBUTORS FORM ASSOCIATION

Representatives of 27 Business and Trade Organizations to Aid Public.

The New York Food Distributors Association, which promises to play an important part in working out troublesome food problems now uppermost in the minds of most men, was established yesterday afternoon on a permanent basis at a meeting of its central committee in the assembly room of the Merchants Association. This action was accomplished by unanimous vote approving the report of a committee "to investigate and consider the forming of a closer organization," of which J. H. Killough, representative of the fruit and produce trade, is chairman.

After a number of experts in their lines took part in the discussion preceding the formal launching of the organization were Frank A. Horne, president of the Merchants Association; Victor L. Zorn of the Fruit Exchange; R. S. French, secretary of the National League of Commission Merchants of the United States; independent of the Merchants Association; J. H. Killough of J. H. Killough & Co., Horace Haverley, John H. Love and others. C. W. Kim, president of the executive committee and of the central organization, was in the chair.

The New York Food Distributors Association is made up of the authorized representatives of twenty-seven business and trade organizations engaged in the sale and distribution of food.

Big Army-Navy Show for "Sun" Tobacco Fund

THERE'S to be a great baseball game at Ebbets Field next Saturday, Charles E. Ebbets having donated the use of the grounds to the SUN Tobacco Fund. The American Junior Naval and Marine Scouts will relaunch their great campaign with a contest between two crack teams. There will be a military and naval display, with a concert by the Navy Yard Band, a drill by Major Kipp's prize company of marines and other features.

To-morrow at noon Mrs. Germaine Clerget, operatic singer, will give an open air concert for the fund at Wall and Broad streets. Mrs. Clerget's seven-year-old daughter is held a prisoner by the Germans in Belgium and her mother is doing everything possible to help the allied cause.

Mary Garden, Gladys Hanson, Alfred Newman, Joseph Fejer's Orchestra and others will participate at the special musicale tea at the Vanderbilt to-morrow afternoon at 4 o'clock at the Harris Theatre, donated by Selwyn & Co., will be auctioned.

The fund has received a check for \$400, representing the purchase of an open air concert for the fund at Wall and Broad streets. Mrs. Clerget's seven-year-old daughter is held a prisoner by the Germans in Belgium and her mother is doing everything possible to help the allied cause.

The fund is close to \$80,000 this morning. Watch it grow! And record of the day's developments on page 3.

WARNING! THE SUN TOBACCO FUND has no connection with any other fund, organization or publication. It employs no agents or solicitors.

COOLING'S RUSE UPSETS PLANS TO FREE MEANS

Extradition Threat Forces Defence to Have Him Com- mitted.

GUN PLAY IS AVERTED

Attempt to Recover Papers Fails—New Yorkers Cow Concord Police.

SALISBURY, N. C., Sept. 25.—Assistant District Attorney John Dooling of New York, announced here tonight that additional arrests "probably will be made" in connection with the case arising from the death of Mrs. Maude King.

Special Dispatch to The Sun.—CONCORD, N. C., Sept. 25.—Gaston Bullock Means was committed to jail to-day on the charge of slaying Mrs. Maude A. King, the wealthy widow whose vanishing fortune he managed.

He is held to await the action of the Grand Jury, which convenes here on October 29. As ball cannot be given for the offence charged, Means will remain in a cell in the little concrete jail building which abuts the old court house here.

The commitment of Means came as a climax to a day of intense excitement in which gun play twice was narrowly averted. A bitter encounter took place between counsel of the opposing forces and a major of the Concord police.

The party of lawyers for Means and Mrs. King, the sister of Mrs. King, to obtain possession of all the papers the New York authorities seized in the Park avenue apartment of Means.

These papers, which are important to the prosecution's case, are just as essential to the defence as they are to the prosecution. The operators, when they learned to-night of the extraordinary raises demanded by the miners, branded them as unreasonable, unjustified and impossible of fulfillment.

It was said that should the operators be forced by the emergency of the situation to grant wage increases they would be necessary an immediate readjustment of the coal prices set by President Wilson through the War Food Administration.

Substance of Demands.—The demands of the miners provide an average increase of about 25 per cent for the miners who are working on the tonnage basis. For those working by the day the increase is 15 per cent. The specific demand of the miners follows:

1. An increase of 15 cents a ton for rock and machine mining at all basing points.

2. The percentage of advance granted in machine mining to be applied to all differentials existing between thick and thin veins.

3. An advance of \$1.00 a day for all day men.

4. A 20 per cent. advance on all yardage and dead work.

The chief of the miners who framed the demands are the same men who asked and agreed to a 6 per cent. raise in April, 1916. This supposedly was a two-year agreement, but the miners wanted more money, and in April, 1917, asked and were given a 20 per cent. increase, this agreement to run until March 1, 1918. The two-year agreement has expired, they are asking another 25 per cent. increase on the ground that the cost of living has increased enormously, that the miners are being attracted by higher wages in munition plants and other war industries and that the mines in consequence are being worked on a smaller scale.

The Pittsburgh district, for example, was said to be 15,000 men short.

Compromise Proposal Expected.—The operators will confer to-morrow. It is regarded as certain that the increases will not be granted. The expectation is that the operators will offer a compromise counter proposal.

Proportionally the greatest increase is being asked for the day men. They get now from \$2.35 to \$3.60 a day. It is proposed to add \$1.00 a day to the pay of each of them. A small minority who are getting the lower wage would thus get an increase of more than 80 per cent, but three-fourths of the men are getting the maximum and under the proposed scale would get \$4.60. The average increase is estimated at about 70 per cent. for this class of men.

The conference of miners and operators was called by John P. White, president of the United Mine Workers of America, after a similar conference had adjourned September 6 in Indianapolis. Dr. Harry A. Garfield, the coal administrator.

Dr. Garfield spoke to the men at a joint session to-day, urging concerted effort that they might be led down in the production of coal at this critical time.

AMERICAN AVIATOR KILLED.

Douglas MacMonagle Loses Life on French Front.

FRANCIS, France, Sept. 25.—Douglas MacMonagle of San Francisco and a member of the Lafayette Escadrille, was killed in an aerial fight on the French front on August 5 and was promoted to sergeant August 5.

Douglas MacMonagle was student at the University of California. He was decorated with the War Cross for bravery under fire on August 9. He was shot down by a German plane on August 5 and participated in various dangerous operations undertaken by the American aviators.

Governor Ferguson Removed.—AUSTIN, Tex., Sept. 25.—The last act in the impeachment proceeding against Gov. James E. Ferguson of Texas was recorded to-day when the Senate High Court of Impeachment pronounced judgment, removing Mr. Ferguson from office and disqualifying him from holding hereafter any office of "honor, trust or profit" in Texas.

British Casualties for Week Drop to 23,035

LONDON, Sept. 25.—Total casualties in all British ranks in all theatres for the week ended to-day are reported officially to have been 23,035.

Officers killed or died of wounds, 103.
Men killed or died of wounds, 4,480.
Officers wounded or missing, 432.
Men wounded or missing, 18,070.

For the week ended September 18 British army casualties aggregated 27,164. The report for the present week included the operations in Flanders last Thursday, when the British made a considerable advance, while in the previous week there was no marked infantry activity on any British front.

MARTIN WARNS SENATE OF U. S. EXTRAVAGANCE

Nation's Finance Imperilled by Reckless Expendi- ture, He Says.

DEFICIENCY BILL PASSES

Employment Bureau Gets \$500,000 in \$8,000,000- 000 Measure.

Special Dispatch to The Sun.—WASHINGTON, Sept. 25.—Senator Martin, chairman of the Appropriations Committee and Democratic floor leader in the upper house, warned the Senate to-day against the reckless extravagance in departmental estimates and urged the closest scrutiny of the demands for vast funds which have been pouring in upon Congress and to which Mrs. Stuyvesant Livingston's warning came as part of a speech in opposition to an amendment to the pending \$8,000,000,000 deficiency bill.

Senator Martin said that appropriations during the five months of the war would reach about \$10,000,000,000 and expressed concern lest next year's total might be \$20,000,000,000. "These demands expressed in the estimate furnished Congress by the executive departments are extravagant to the last degree. They are, I might say, recklessly extravagant," he asserted.

Finances in Peril.—"We are compelled to shut our eyes and appropriate a great deal rather than hamper our men on the battlefield, but the budget grows every hour. We must give every dollar necessary to prosecute the war, but our duty is to trim down extravagance wherever it can be found. The Government's finances are in a perilous situation."

"Are we going to impoverish the country, if necessary to win this war, but in God's name don't let's spend money unless absolutely necessary."

The remarks of Senator Martin caused a lively reaction through the Senate. Ten minutes later, however, the Senate voted to accept the proposal for the \$500,000 appropriation over his protest that even up to the moment when the urgent deficiency bill was introduced in the House, from the moment of its introduction to the moment of its introduction in the Senate, there had been a continuous parade of departmental requests for money.

Republicans Rejoice.—Coming as it did from the Democratic leader who only ten weeks ago brought all the influence of the party organization in the Senate to the aid of the Administration in the passage of the special committee on expenditure incident to the war, this frank admission of the recklessness of Administration officials in the handling of the appropriations bill was greeted with relief by the Republicans with glees.

The urgent deficiency bill was passed by the Senate without roll call and without a dissenting vote during the Senate session. The bill passed the House unanimously a week ago and it is now awaiting conference with the Senate.

The principal items included in the bill are: \$400,000,000 cash for the construction programme authorized by the War Relocation Act; \$1,749,000,000; army and navy emergency fund; \$100,000,000 each; construction of torpedo boat destroyers; \$225,000,000 to start a \$350,000,000 programme; army transportation, \$418,000,000; fortifications, \$485,000,000; appropriations and \$275,000,000 more authorized; army subsistence, \$320,000,000; clothing and camp equipment, \$337,000,000; engineering operations, \$131,000,000; medical department, \$125,000,000; pay increases for foreign service, \$13,000,000; horses, \$48,000,000; barracks, \$49,000,000; ordnance stores and ammunition, \$732,270,000; small arms factory practice, \$89,876,000; ordnance stores and supplies, \$113,520,000; manufacture of arms and munitions, \$113,520,000; additional authorized; armored motor cars, \$48,750,000; with \$75,500,000 additional authorized; \$100,000,000 authorized; naval ammunition, \$40,146,000; with \$16,000,000 more authorized; naval batteries, \$50,000,000; and \$28,000,000 more authorized; naval reserve ordnance, \$47,500,000; and \$17,500,000 more authorized; naval training camps, \$12,500,000.

With the understanding that it would be passed and reported in conference the Senate struck out the appropriation of \$1,240,000 for civilian training camps. It also rejected amendments of Senator Frelinghuysen of New Jersey for a \$5,000,000 cantonment road in New Jersey and of Senator Fletcher for \$350,000 for Key West naval station improvements. After a tart debate on the controversy between Secretary Daniels and the Navy League officers, Senator Curtis' amendment authorizing the navy to accept contributions from the heads of women's auxiliary was defeated.

The Senate yielded to the demand of the Administration for alterations in their work. In the section of the bill making appropriations for the use of the United States there had been drafted a section whereunder the Secretary of War was directed to stop further calls on the 1916 campaign in Rumania on Saturday, according to a report received here from Berlin, spoke of the Hohenzollern who had succeeded a great and noble prince and despite all traditions, did not know how to keep the faith.

The Emperor also described King Ferdinand of Rumania (a member of the House of Hohenzollern) as "the renegade who at the time when Germany was engaged in a terrible war joined the enemies of the empire." He also spoke of the "sterling miracle of Germany's former friend, what the Lord of Hosts may still have in store we are able to look confidently to the world in the face. We did not will this war and if it be prolonged it is not our fault."

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WASHINGTON, Sept. 25.—The \$11,000,000,000 war credits bill, authorizing the second Liberty bond issue was signed late yesterday by President Wilson.

AIR RAIDERS BOMB LONDON AGAIN, BUT ARE DRIVEN OFF

Second Foray Within Twenty-four Hours Includes Two Attacks on Kent and Essex Coast—Twenty Casual- ties Reported in Latest Exploit.

LONDON, Sept. 25.—The second airplane raid on London within twenty-four hours took place to-night. There were apparently two attacks, for after a forty minutes quiet interval, anti-aircraft guns resumed firing in the London district.

In the first attack, after brisk firing by the defensive guns, lasting only ten minutes, the raiders were driven off without succeeding in reaching the city of London. The firing of the anti-aircraft guns in the second attack was of brief duration. The raiders were finally driven off and the police gave out the "all clear" signal at 9:30 o'clock.

A report of the raid was issued by Field Marshal French as follows:

The Thames estuary was again the objective of a hostile raid to-night. The Kent and Essex coast was crossed at various points and a few bombs were dropped but no casualties are yet reported.

One raider penetrated as far as the southeastern outskirts of London, where two bombs fell, causing some property damage. The other raider, which was driven off by gun-fire, was driven off by gun-fire. Three women were injured.

It appears that the fierce battle which the British airplanes and anti-aircraft artillery put up drove the raiders to leave London without dropping any considerable amount of bombs. The raiders were driven off by gun-fire. Three women were injured.

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LIBERALS URGE KAISER TO LEVY WAR INDEMNITY

They Assert Germany's Future Security Cannot Rest on Treaties Alone.

OPPOSE A PARLIAMENT

Reichstag's Peace Resolu- tion Called Inimical to Country's Interests.

WOULD IGNORE BELGIUM

Alsace-Lorraine Problem Not to Be Discussed—Wilson Criticized.

Special Cable Dispatch to The Sun from the London Times.

AMSTERDAM, Sept. 24.—(Delayed).—The quarrel about the Reichstag majority peace resolution grows more violent every day. The National Liberals now have taken up officially an attitude of hostility to it, declaring at yesterday's party meeting in Berlin: that they consider the peace resolution a great danger to the further development of the German people.

They thanked the party representatives in the Reichstag for opposing the resolution and declared Germany could not be safeguarded against a future menacing her political and economic existence without extending her power east and west, safeguarding the political position of her overseas dominions and obtaining a sufficient war indemnity. Without these three things Germany would be set back decades.

The conference protested against President Wilson's impudent intervention, refused to discuss the peace resolution, and declared Germany could not be safeguarded against a future menacing her political and economic existence without extending her power east and west, safeguarding the political position of her overseas dominions and obtaining a sufficient war indemnity. Without these three things Germany would be set back decades.

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