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WILL REGARD AS "DELIBERATELY UNFRIENDLY" FURTHER VIOLATION OF AMERICAN RIGHTS

RUSSIANS PREPARE STRONG POSITIONS

Will Make Every Effort to Hold Them Until, if Necessary, They Quit Warsaw.

GERMANS REPORT PROGRESS

No Decisive Actions on Any of Fronts Expected Within Next Few Days.

Continue Advance on Riga and Warsaw

THE heavy fighting in the east and between the Italians and Austrians in the south and smaller battles in the west are in progress. From the Baltic provinces southward across Poland to the region of Sokol, in Galicia, the Austrians and Germans claim they continue to advance in their drives on Riga and Warsaw. Petrograd does not deny this, merely indicating that in the Sokol sector the Russians are meeting the attacks of the Germans successfully.

In Courland, according to Berlin, the Germans are pursuing the retreating Russians. Further south, on the upper Narew, near Rozan, Milany and the fortification at Izyet were uncaptured, and a night sortie from the fortress of Novogeorgievsk was repulsed.

Heavy fighting continues along the west bank of the Vistula, while between the Vistula and the Bug the resistance of the Russians is decided to have been broken and the Austrians compelled to retreat. Archduke Joseph Ferdinand's army is declared to have repulsed the Russians at Belzyce, in the Lublin sector.

LONDON, July 23.—The Austrians and Germans are pushing their great attacks against the Russian armies defending Warsaw with undiminished energy, and at some points report progress.

TO VISTULA RIVER

To the south of Warsaw, in front of the fortress of Ivangorod, the Russians have retired to the Vistula River, which, with its forts and a lack of bridges, it is believed, must form a barrier which the Austrians and Germans will find it difficult to overcome. The Northern German Army, under Field Marshal von Hindenburg, also is reported to have made progress, but it is stated that it has not yet been able to cross the Narow River, another natural defense of the Russian triangle behind the Polish capital. In fact, all along this front the Russians have resumed their counterattacks from the fortress of Novogeorgievsk, but these, according to the German accounts, failed in their purpose. Fortresses, the Germans declare they have stormed and taken two fortified villages and have captured many prisoners.

SEVERE FIGHTING IS ON IN THE WEST

Severe fighting is still going on in the Argonne and in the Vosges, on the western battle front, but without any very material changes. It is reported unofficially that the Germans are massing troops at St. Mihiel for a more extended offensive, but the official communication indicates nothing in the nature of a serious engagement. That the Germans will attempt an offensive here is considered by the military observers as likely. They assert that the recent activity of the German Crown Prince's army shows that they are hoping to weaken the French hold on Verdun.

CONTINUES SLEDGE-HAMMER BLOWS AGAINST RUSSIANS

PETROGRAD, July 23 (via London).—German Field Marshal von Macken-

U. S. SOON TO SEND NOTE TO ENGLAND

Will Call Attention to Violations of International Law as Affecting American Commerce.

FREEDOM OF SEAS IS ISSUE

Continued Oppression of Trade Cannot Be Regarded Otherwise Than as Unfriendly.

[Special to The Times-Dispatch.] WASHINGTON, July 23.—The publication by the State Department this afternoon of the text of the note to Germany was immediately followed by statements that the way had now been cleared for the launching of an overdue note to Great Britain calling her attention to violations of international law as affecting United States commerce.

It is stated by an important official that, as the violations of law by Great Britain have been persistent, notwithstanding innumerable protests, the note will contain that country's "most audacious oppression of American trade cannot be regarded otherwise than as unfriendly. This official, however, was anxious to convey the idea that this drastic note to Great Britain is not the direct effect of a German suggestion. The attitude of all officials is that the two cases are not related, although it is known that Germany has been insisting that Great Britain be held responsible to the same construction of international law as has been applied to Germany by the President on the freedom of the seas. The freedom of the seas is at the bottom of the whole controversy between the United States and Germany and the United States and Great Britain, and can scarcely be regarded as any other than a triangular identical problem.

"IN ORDER" NOW THAT NOTE TO ENGLAND IS OUT OF WAY

The new impulse given to the discussion of the note to Great Britain turned on the fact that it was "in order" now that the German note was out of the way. From what officials say, there will be a very blunt statement to the British government. The note will devote itself almost entirely to questions of law and the construction of international law by the President and the State Department. It is pointed out that Great Britain was charged very soon after the opening of the war with the violation of American rights, and there has been no sign of abatement. Innumerable cases were sent to Great Britain on particular seizures. In each protest the British Foreign Office has been advised of the illegality of arrests of ships. The crowning event of British diplomacy affecting United States reports adversely was the ultimatum of Lord Crewe, who told the United States flatly that Great Britain would no longer regard seizures "as diplomatic questions." In the case of the William P. Frye, the State Department told Germany that the United States would continue to regard the case as within diplomatic channels, notwithstanding the protest of Germany. The case of the William P. Frye is somewhat different from British seizures, but the principle of the applicability of diplomacy, and not prize courts, is the same in reference to both countries.

PEREMPTORY CHALLENGE OF ORDER IN COUNCIL

The United States, therefore, in the opinion of officials, is to make a peremptory challenge of Great Britain's order in council, so far as it may affect the future of any American ship or cargo going to a neutral port. This challenge will include a statement that the monopolization of high-sea zones by Great Britain is contrary to the law of nations, and that the United States will not tolerate interference in such areas with American commerce. The United States, it is stated by officials, does regard as sound the position of Great Britain that she can overhaul and take into a British hand bound to a neutral port. The United States is to hold Great Britain to strict proof as against her present practice of detention on suspicion as justification for seizure and detention.

COWBOYS CAPTURE BANDIT

Had Demanded \$5,000 Ransom for Release of Wealthy Rancher.

IDAHO FALLS, IDA., July 23.—Cowboys late to-night captured the abductor of Ernest Empey, a wealthy rancher, who was kidnaped several days ago and held for \$5,000 ransom, according to a report received here. The bandit, it is stated, came down from Sheep Mountain at nightfall and was surrounded and taken on what is known as "Crane's Flat." Empey escaped late to-day while his captor was asleep in a hut on Sheep Mountain, five miles from Empey's ranch, where he was taken at the point of a rifle. According to a report from Montpelier, Empey recognized his abductor as a man employed upon his ranch about five years ago.

Six thousand dollars in gold was taken late to-day to the spot indicated by the abductor for payment to narrow night for the release of the cattleman.

Bayonne Strikers Battling With Police Deputies



This remarkable strike photograph was made in Bayonne, N. J., on July 21, a moment before a striker was killed in the rioting of striking employees at the Standard Oil plant. In the picture the men are seen throwing stones, preparing to hurl them, or searching for weapons. In the foreground is seen a man with his hand thrust in his rear pocket, in the act of withdrawing a weapon.

WILSON ASKS REPORTS ON NATIONAL DEFENSE

Will Be Made to President Personally by Heads of War and Navy Departments.

EXPERT ADVICE BEING SOUGHT

WASHINGTON, July 23.—President Wilson has called for reports on the subject of national defense. These will be made to him personally by the heads of the War and Navy Departments. The fact that this action had been taken became known here to-night after the release for publication of the note to Germany relating to submarine warfare.

Without regard to present-day controversies, the President, in association with various heads of departments, has been giving consideration for some time to the preparation of a reasonable and adequate naval program, which he will propose to Congress at the proper time. He will study this subject on his visit to Cornish, N. H., and when he again returns here may be prepared to discuss it with his advisers. For the time being the President feels that it is desirable to drop all discussion of the controversy with Germany, now that the object of this week's visit to Washington has been accomplished, and he is turning to questions of permanent national policy. Practical advice concerning national defense from every available professional source is being sought. It is known, in fact, that the best minds of the military branches of the government have been at work on these matters for some time.

MEN OF ARMY AND NAVY CALLED UPON FOR VIEWS

Men of the army and navy who have been most directly in touch with conditions of defense that have been evolved out of modern experience have been called upon for their views. The President not only wishes advice from those who have knowledge of actual conditions of warfare existing in Europe to-day, but he is seeking light from those who are able to understand and comprehend all possible phases of altered conditions on both land and sea. He particularly wishes the navy to stand upon equality with the most efficient and serviceable fighting sea force maintained by any power.

As to the army, it is known here that the President is preparing to incorporate in his next message to Congress a definite program relating to the development and equipment of this branch of the service. It will provide a plan for proper military training of citizens in every way consistent with American traditions and national policy, and which the President believes will commend itself to all patriotic and practical minds. In this matter the President is working with the Secretary of War and his professional associates. It is understood that on this portion of the President's general national-defense program some very definite conclusions already have been reached.

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SHERIFF AND DEPUTIES ATTACKED BY STRIKERS

Official's Appeal to Crowd to Disperse Met With Showers of Clubs and Stones.

NO NEED FOR STATE MILITIA

NEW YORK, July 23.—A fresh outbreak late to-day disturbed the comparative quiet which prevailed in the Constable Hook section of Bayonne, N. J., after the cessation of the rioting of the previous three days, when three were killed and several injured. It occurred when Sheriff Eugene Kinkead led fifty deputies through the streets, and was attacked by a crowd of more than 1,000 strikers and sympathizers, necessitating a call for the police reserves. Although the sheriff made an appeal to the crowd to disperse, they answered with showers of clubs and stones, and were only quieted after priests and strike leaders appeared and counseled them to go to their homes. Many shots were fired, but the only known injuries consisted of sore heads and bruised limbs.

While the rioting was going on, the two mediators from the Federal Department of Labor were in conference with officials of the Standard Oil Company in an effort to bring about a settlement of the strike at the oil plant of the Standard, which caused a shut-down of the Tidewater Company's plant. The mediators announced they would have no statement to make to-night regarding their efforts.

GOVERNOR FEELER WAS TOLD LATE TO-DAY BY SHERIFF KINKEAD IT WOULD NOT BE NECESSARY TO CALL THE STATE MILITIA

IF HE CAN GET POLICEMEN JACK ROSE'S STATEMENT, CONFIRMING BECKER'S STORY ABOUT MEETING SULLIVAN AND HARRY APPELBAUM, SECRETARY TO SULLIVAN, AT THE CIRCLE THEATER TWENTY-FOUR HOURS BEFORE THE MURDER OF ROSENTHAL, IS AMONG THE NEW EVIDENCE. ROSE, IN DETAILING HIS MOVEMENTS IN THE TWO BECKER TRIALS, NEVER MENTIONED THIS, BUT TESTIFIED THAT AT THAT PARTICULAR TIME HE WAS ASLEEP IN HIS HOME.

SHERIFF PLEADS WITH OFFICER NOT TO SHOOT

Reserves and a squad of police had reached the scene by this time, and gradually forced the crowd away. When a large rock was hurled from the trestle at the sheriff's party, a policeman drew a revolver and fired over the trestle. Sheriff Kinkead pleaded with the officer not to shoot again. The police then separated the rioters.

RUEBER'S ROOF GARDEN TO-NIGHT. Music, Dancing; Cool and Delightful; 8-12.

SUPREME COURT JUSTICE ACTS ON BECKER APPEAL

Signs Order to Show Cause Why New Trial Should Not Be Granted.

IS RETURNABLE ON MONDAY

NEW YORK, July 23.—Supreme Court Justice Philbin to-day signed an order, returnable on Monday morning before Justice Ford, to show cause why a new trial should not be granted Charles Becker, the former police lieutenant, under sentence to die next Wednesday.

The order was issued upon application of W. Bourke Cockran, Becker's counsel. The district attorney's office was represented by Assistant District Attorney Johnstone. It was announced that newly discovered evidence, in the form of affidavits from Becker's former attorneys which corroborate in part Becker's statement, affidavits from a Tombs prisoner, who claims he heard Rose, Vallon and Wehler conspiring to "frame up" Becker, and other affidavits from gamblers, are the basis of Becker's appeal.

Stating that by his silence in keeping a promise to shield the late Timothy D. Sullivan, one-time Representative in Congress and State Senator, Becker "has placed his own foot on the scaffold," Mr. Cockran, his chief counsel, declared that Becker is now willing to face a cross-examination without any limitations or imposing any conditions. This can be arranged within the next two days, Mr. Cockran said, providing, of course, that the district attorney is willing. This would leave Becker open to question only of police graft, which he has denied that he shared.

JACK ROSE'S STATEMENT

ROSE'S statement, confirming Becker's story about meeting Sullivan and Harry Appelbaum, secretary to Sullivan, at the Circle Theater twenty-four hours before the murder of Rosenthal, is among the new evidence. Rose, in detailing his movements in the two Becker trials, never mentioned this, but testified that at that particular time he was asleep in his home. Edward Ginty, formerly a deputy sheriff of Danbury, Conn., who has known Rose for twenty years, in an affidavit, says that Rose told him that Rosenthal should not have been killed, and that he had \$5,000 to give the gambler to leave town. In another affidavit, Louis Harris, a gambler, known as "Dan the Dude," who was a boyhood companion of Rose and Rosenthal, said that Rose many times counseled him that Becker was "framed up."

U. S. Gunboat at Santo Domingo. SANTO DOMINGO, July 23.—The United States gunboat Nashville, which arrived here to-day, having been ordered here because of the recent revolutionary outbreak. The revolt is unimportant.

EMPHATIC WARNING SENT TO GERMANY BY UNITED STATES

This Government Announces It Will Continue to Contend for Freedom of Seas "Without Compromise and at Any Cost."

BERLIN AGAIN ASKED TO DISAVOW ACT OF SUBMARINE IN SINKING LUSITANIA

Keen Disappointment Expressed at Unsatisfactory Tone of Previous Reply, Which Fails to Meet Real Differences Between the Two Countries—Acts Which Deprive Neutrals of Their Acknowledged Rights Held as Manifestly Indefensible, and Should Be Discontinued, Even Though Done in Retaliation Against an Enemy—Communication Viewed in Official Quarters as Strongest Pronouncement by Washington Since Beginning of Its Correspondence With European Belligerents.

WASHINGTON, July 23.—The text of the American note on submarine warfare, presented at Berlin to-day by Ambassador Gerard, was made public here to-night. It reveals that the imperial government had been informed it is the intention of the United States to regard as "deliberately unfriendly" any repetition by the commanders of German naval vessels of acts in contravention of American rights.

The United States announces that it will continue to contend for the freedom of the seas "from whatever quarter violated, without compromise and at any cost." In official and diplomatic quarters the communication was viewed as the strongest and most emphatic pronouncement that has come from the Washington government since the beginning of its correspondence with the belligerents of Europe. President Wilson returned to Cornish, N. H., to-night to await developments.

On the assumption that Germany has already admitted the illegality of her practices by attempting to justify them as retaliatory moves against Great Britain, the United States expresses the belief that Germany will no longer "refrain from disavowing the wanton act of its naval commander in sinking the Lusitania, or from offering reparation for the American lives lost, so far as reparation can be made for a needless destruction of human life by an illegal act."

Referring to the German government's expression of hope in its last note that the freedom of the seas may be established in some measure before the end of the present war, the United States declares that this object can be accomplished, and invites the practical co-operation of the imperial government. The American government adds, moreover, that it "holds itself ready at any time to act as the common friend who may be privileged to suggest a way" to assist in establishing the freedom of the seas.

At the outset, the German note of July 8 is declared "very unsatisfactory, because it fails to meet the real differences between the two governments, and indicates no way in which the accepted principles of law and humanity may be applied in the grave matter in controversy, but proposes, on the contrary, arrangements for a partial suspension of those principles which virtually set them aside." Contending "that the defense of an act as retaliatory is an admission that it is illegal," the American government then argues that it cannot discuss actions of Great Britain with Germany, and regards as "irrelevant" in the present negotiations the conduct of other belligerents. "Illegal and inhuman acts," says the note, "however justifiable they may be thought against an enemy who is believed to have acted in contravention of law and humanity, are manifestly indefensible when they deprive neutrals of their acknowledged rights, particularly when they violate the right of life itself."

Asserting that a belligerent should give up its measures of retaliation if unable to conduct them "without injuring the lives of neutrals," the note declares that persistence in such measures, under the circumstances, would constitute an unpardonable offense against the sovereignty of the neutral nation affected.

The United States, it is further asserted, is "not unmindful of the extraordinary conditions" created by the present war, and is "ready to make every reasonable allowance for these novel and unexpected aspects of war at sea," but cannot consent "to abate any essential or fundamental right of its people because of a mere alteration of circumstance." The note says that events of the two months clearly indicate that it is "possible and practicable" to conduct submarine operations "in substantial accord with the accepted practices of regulated warfare." The comment is added that the "whole world has looked with interest and increasing satisfaction at the demonstration of this fact by German naval commanders," and that it is "manifestly possible to lift the whole practice of submarine attack above the criticism which it has aroused and remove the chief causes of offense."

Following is the official text of the latest American note to Germany regarding submarine warfare, which was delivered to the Foreign Office at Berlin to-day by Ambassador Gerard:

"You are instructed to deliver textually the following note to the Minister for Foreign Affairs: 'The note of the imperial German government, dated the 8th of July, 1915, has received the careful consideration of the government of the United States, and it regrets to be obliged to say that it has found it very unsatisfactory, because it fails to meet the real differences between the two governments, and indicates no way in which the accepted principles of law and humanity may be applied in the grave matter in controversy, but proposes, on the contrary, arrangements for a partial suspension of those principles which virtually set them aside. 'The government of the United States notes with satisfaction that the imperial German government recognizes without reservation the validity of the principle insisted on in the several communications which this government has addressed to the imperial German government with regard to its announcement of a war zone and the use of submarines against merchantmen on the high seas—the principle that the high seas are free; that the character and cargo of a merchantman must first be ascertained before she can lawfully be seized or destroyed, and that the lives of noncombatants may in no case be put in jeopardy unless the vessel resists or seeks to escape after being summoned to submit to examination; for a belligerent act of retaliation is per se an act beyond the law, and the defense of an act as retaliatory is an admission that it is illegal. 'The government of the United States is, however, keenly disappointed to find that the imperial German government regards itself as in large degree exempt from the obligation to observe these principles,