BRANDEIS TO TAKE THE OATH JUNE 12

Nomination as Member of Supreme Court Confirmed by Senate.

ACTION FOLLOWS BITTER AND PROTRACTED FIGHT

Mr. Newlands Only Democrat to Vote Against Him—Three Republicans With Majority.

Louis D. Brandeis, Boston lawyer, will be sworn in as a member of the Supreme Court probably June 12. The Senate yesterday confirmed Mr. Brandeis' nomination by a vote of 47 to 22.

With one exception, Senate democrats voted solidly for confirmation. The exception was Senator Newlands of Nevada, who, in a formal statement, said his action was based on the ground that he did not regard Mr. Brandeis as a man of "judicial temperament." Three republicans—La Follette, Norris and Poindexter—voted for confirmation.

Mr. Brandeis is the first Jew to be elevated to the highest tribunal in the land. He succeeds the late Associate Justice Lamar of Georgia. The fight over his confirmation was one of the bitterest in the Senate's history. His nomination was sent to the Senate last January.

Throughout the fight President Wilson stood firmly behind his nominee.

How Senators Voted.

Senators who voted for confirmation were:

Democrats — Ashurst, Bankhead, Beckham, Broussard, Chamberlain, Chilton, Culberson, Fletcher, Gore, Hardwick, Hitchcock, Hollis, Hughes, James, Husting, Kern, Lane, Lea of Tennessee, Lee of Maryland, Lewis, Myers, O'Gorman, Overman, Owen, Phelan, Pittman, Ransdell, Reed, Saulsbury, Shafroth, Shields, Sheppard, Simmons, Smith of Arizona, Smith of Georgia, Smith of Maryland, Smith of South Carolina, Stone, Taggart, Thomas, Thompson, Underwood, Vardaman and Walsh. Total, 44.

Republicans—La Follette, Norris and Poindexter. Total, 2.

Voting against confirmation were:

Republicans — Brady, Brandegee, Clark of Wyoming, Cummins, Curtis, Dillingham, du Pont, Fall, Gallinger, Harding, Lippitt, Lodge, Nelson, Oliver, Page, Smith of Michigan, Sterling, Sutherland, Townsend, Warren and Works. Total, 21.

Democrats—Newlands—One.

The following pairs were announced, senators named first being for confirmation and those named second against:

Johnson (Maine) with Wadsworth, Swanson with Jones, Martine with Smoot, Clapp with Kenyon, Gronna with Borah, Bryan with Catron, Pomerene with Weeks, Johnson (South Dakota) with Colt, Martin with McCumber, Williams with Penrose, Tillman with Goff, Robinson with Burleigh. Total, 24.

Senators who were not paired and who did not vote were: Clarke, democrat; Sherman and McLean, republicans.

Many Paired Members Absent.

Of the senators who were paired many were absent because of the approaching republican national convention in Chicago. All absent senators had arranged to be paired in the vote, however, except Senators Clarke of Arkansas and McLean of Connecticut. Senator Sherman of Illinois was paired with Senator Thompson of Kansas, but released the Kansas senator so that he might vote.

The nomination of Mr. Brandeis was sent to the Senate January 28. It was referred to the judiciary committee, and immediately a flood of protests against confirmation and memorials in favor thereof began to pour in.

A subcommittee, consisting of Senators Chilton, Fletcher, Walsh, Cummins and Works, was appointed to report on the nomination. It adopted the unusual course of holding public hearings.

April 3 the subcommittee by a strict party vote recommended confirmation, and May 24 the full committee agreed to a favorable report by another strict party division.

Compromise Agreement Reached.

A compromise agreement was entered into by those opposed and those favoring confirmation by which the vote was taken yesterday without debate, but with publication of the vote and the reports of the majority and of the minority of the judiciary committee.

The minority report declared that twelve charges against Mr. Brandeis had been sustained by the evidence and that in addition proof had been offered of the bad reputation of Mr. Brandeis among the lawyers of the Boston bar. The charges referred to were in regard to the 5 per cent advance rate case, the Glavis-Ballinger investigation, the Lennox bankruptcy case, United Shoe Machinery Company litigation, the Warren will case, the Illinois Central railroad proxy fight, the New England railroad litigation, the Equitable Life Assurance Society agitation, Massachusetts liquor legislation and the United Drug Company merger.

"Never before in the history of the country has a man been appointed a justice of the Supreme Court of the United States whose honesty and integrity were seriously brought in question," declared the minority. "It must be evident to any thinking and unbiased mind that this appointment has resulted from something other than the qualifications and fitness of the appointee for the office.

"We regard it as a great misfortune and a distinct lowering of the standard heretofore maintained in making appointments to this high office that one should be selected for the place whose reputation for honesty and integrity among his associates at the bar has been proved to be bad, which reputation has been justified by his own course of conduct. We cannot conscientiously give our consent to the confirmation of such an appointment."

Majority Defended Brandeis.

In the report of the majority Mr. Brandeis' action in all the cases referred to by the minority was defended. It was recalled that Mr. Brandeis would be the first able judge appointed to the Supreme Court who had been the object of bitter and unjust attack.

"The worst that has been charged against him pales into insignificance," the majority said, "when compared with what was publicly said about Mr. Justice Matthews when his nomination was under consideration; but later the leading senators in opposition to him felt forced to admit their mistake."

The majority held that the petitions and letters in support of Mr. Brandeis, and particularly from Boston, far outweighed the opposition.

"It is easy to make charges," it said, "and there is too much proof in this case of a preconcerted effort to weaken the power of Mr. Brandeis before the public to think of permitting insinuations and innuendoes to take the place of reasonable proof."

The new justice was born sixty years ago in Louisville, Ky.; graduated from Harvard University in 1877 and began the practice of law in Boston after admission to the bar in 1878.

A. D. Whitten, a farmer living near Forks of Buffalo, Va., was shot and fatally wounded near his home by a neighbor, Thomas B. Davis, dying later. The men were at outs over a magistrate's trial.

GERMANS HAMMERING AT RUSSIAN RAILWAYS

Slav Fliers Carry Out Several Raids on Points Behind Enemy Lines.

PETROGRAD, June 2.—The operations on the western front have been confined to spasmodic activity by the Germans along the Dvina and by the Austrians in Galicia. The Germans have several times bombarded the railway between Riga and Ikskull. The railway follows the right bank of the Dvina within comparatively easy range of the German batteries a few miles westward. They also have made a more or less serious effort to cut the Mitau railway immediately north of Jacobstadt, but without success.

Near Gliadki, south of Tarnopol, and at Buczacz, on the Stripa, the Austrians undertook an offensive, but were forced back to their original positions.

The Russian official communication issued from general headquarters reads:

"Along the whole front there were artillery duel and rifle fire. Two of our air squadrons raided points behind the enemy lines. One squadron of six machines bombarded the regions around the town of Soly, northwest of Smorgon; the other, of fourteen machines, bombarded Manievichy station (north of Lutsk) and the Sarna-Kovel railway. In the first case, forty-eight bombs were dropped, and in the second sixty-six, some of them being incendiary. All the aviators returned uninjured, despite a heavy fire."

WANTS COMPLAINT DISMISSED.

Shredded Wheat Co. Holds Trade Commission Is Without Authority.

The Shredded Wheat Company of Niagara Falls, N. Y., charged before the federal trade commission with unfair methods, moved yesterday that the complaint be dismissed for lack of jurisdiction. If the commission holds that it has jurisdiction the company asks that proceedings be suspended until after suits it has brought against a competitor, the Ross Food Company, are decided in the Connecticut federal court.

The Ross company brought the charges on which the complaint was based. In the Connecticut suit the Shredded Wheat Company is making similar charges against the Ross company.

Mrs. Elizabeth Gumbert, eighty-two, dropped dead in St. James' Catholic Church, Baltimore, while attending vespers. Less than two hours afterward Mrs. Wally Rothe, sixty-four, was seized with a paralytic stroke in the church.

COL. ROOSEVELT SPEAKS TO NEWARK CROWDS

Stops on His Way Home to Declare His Belief in Preparedness and the Tariff.

NEWARK, N. J., June 2.—Returning from his middle western trip, Col. Theodore Roosevelt stopped here last night on his way to his home at Oyster Bay to deliver an address at the industrial exposition held in connection with the celebration of the 250th anniversary of the founding of Newark. He was greeted by thousands of persons, who heartily applauded him.

Col. Roosevelt was met at the railroad station by former Gov. Franklin Murphy, Mayor Thomas L. Raymond and a committee of citizens, who escorted him to a hotel, where an informal dinner was served before he started for the armory, where the exposition is being held.

Before he entered the exposition building Col. Roosevelt stopped to address briefly a company of New Jersey National Guardsmen.

Opposes Weasel Words or Deeds.

"I do not believe," he said, "in weasel words or weasel deeds. I don't believe in letting 'George do it.' But I do believe in preparedness. I am glad to greet you men who represent preparedness.

"I do not believe in the kind of preparedness where the patriotic employer tells his employes to 'do it.' I believe the employer and the employe should sleep in the same dog tent if we are to have effective preparedness."

In his formal address in the armory Col. Roosevelt touched at considerable length upon the tariff question. He declared a protective tariff is the barrier behind which American industry can be developed in safety and asserted that unless such a tariff is created the United States will face economic disaster after the close of the European war.

To Face Aggressive Europe.

"After this war," the former President said, "we shall face a Europe which has cast off the shackles of the past and which industrially will be as aggressive as any military power has ever been in a military sense.

"It is time for this great country of ours to be unified in its Americanism. One phase of that Americanism must be the Americanism of our industries. With this end in view, it is an absolute necessity that there shall be protection; that we shall have a protective tariff as I have on other occasions described."

The whole structure of the national welfare, Col. Roosevelt said, "rests on the men who do the work of industry and the men who do the work of agriture."

Consulate in Mexico City Reopened.

GALVESTON, Tex., June 2.—The American consulate in Mexico City has been opened, with J. W. Rowe in charge, according to a message received by the Mexican consulate here. The consulate had been closed for two years.

FRUIT COMPANY OFFERS TO AID PREPAREDNESS

Grants Employes Four Weeks on Pay for Military Training, With $75 Expense Allowance.

NEW YORK, June 2.—The United Fruit Company, its employes learned today, has offered to grant any man in its service who wishes to attend a military training camp this summer, not only four weeks' vacation with full pay, but an expense allowance of $75.

More than 800 corporations have granted their employes four weeks' leave on full pay if they wish to attend the training camp, but the United Fruit Company, so far as known, is the first that has promised to pay expenses as well. The expenses of the recruits are estimated at about $60.

The Military Training Camps Association made public today a telegram sent to President Wilson, asking his assistance in urging the passage of that section of the new army bill authorizing the appropriation of funds to meet the expenses of training camp recruits who will accept government assistance. The association said it feared that Congress may delay passage of the necessary appropriation for another six weeks.

The total enrollment for the Plattsburg camp today reached 10,727.

SEEK PRESIDENT'S AID.

Syrians Hope to Get Food to Starving at Mount Lebanon.

A committee of Syrians from New York appealed yesterday to President Wilson and Counselor Polk of the State Department to seek permission from Turkey and the entente allies to get food to Mt. Lebanon, an autonomous Turkish state, where they said 80,000 persons already had died of starvation and many were suffering.

The delegation told the President practically all of the inhabitants of Mt. Lebanon were Christians and for that reason the Turkish government had treated them with unusual severity. They said massacres had been threatened.

Syrians in Egypt are preparing to send food if permission is given.

The government will see what can be done.

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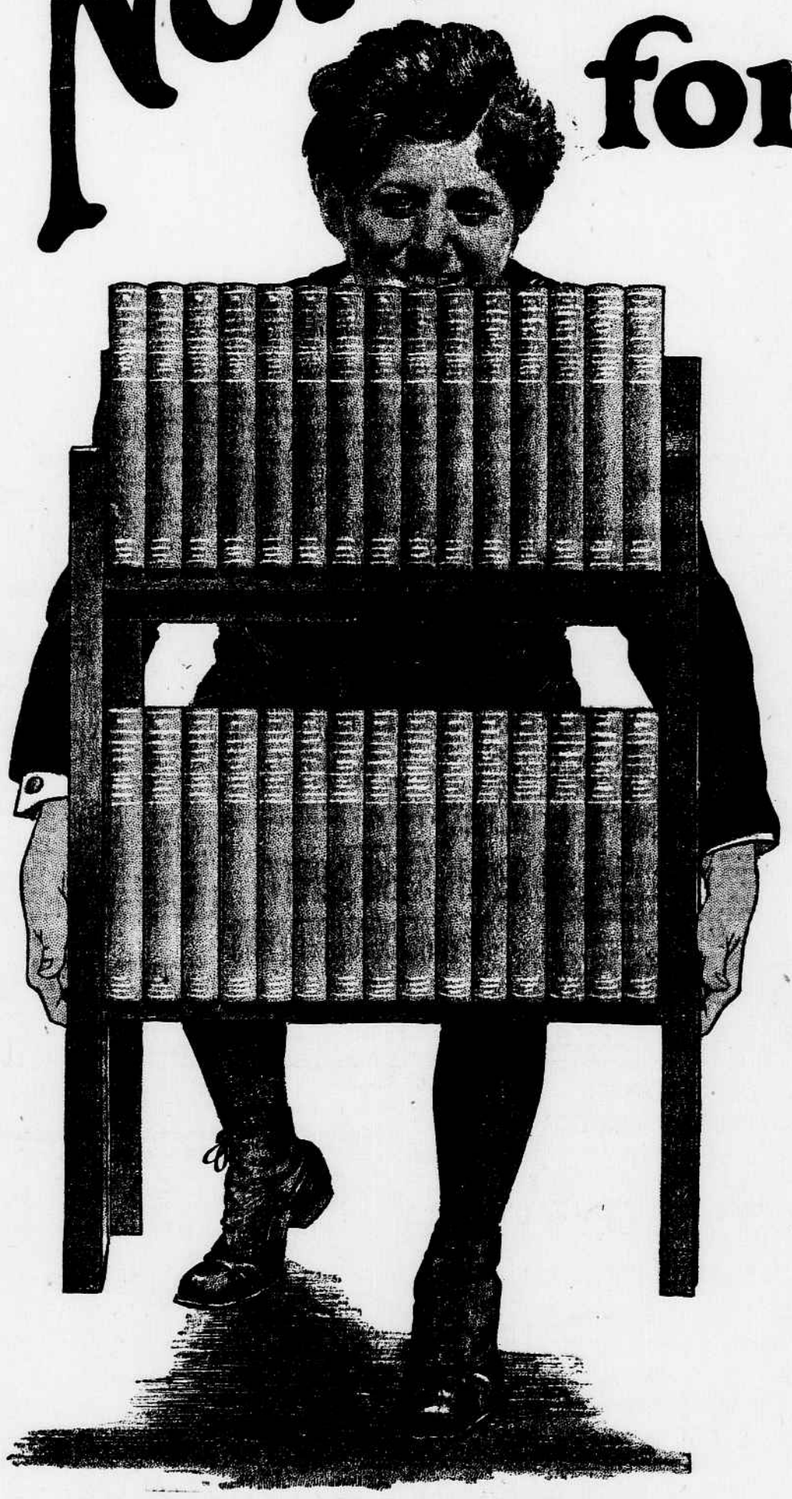

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