

CULLEN AT FAULT, IS ROOT'S REPLY

Sees Anti-Military Clause for New Constitution as Boomerang.

SHOWS HOW LABOR MIGHT SUFFER

Ex-Senator Declares Commandants Could Seize Power by Closing Courts.

Ex-Senator Elihu Root, who was president of the recent Constitutional Convention, issued a statement yesterday in reply to the contention of Edgar M. Cullen, ex-Chief Justice of the Court of Appeals, that the proposed constitution should be defeated at the election on November 2 because it did not include the amendment, offered largely by labor interests, providing that no military tribunal should exercise jurisdiction over a civilian unless engaged in military or naval service.

Military Power Curbed.

Mr. Root cited the additional provision proposed which provides: "No shall any military or naval exercise jurisdiction over a civilian, unless engaged in military or naval service, while the regularly constituted state courts are open to administer justice."

"It is said, however, that we ought to put an additional provision into our constitution because of the decisions in some West Virginia cases which sustained trials by military commissions in that state during the strike controversy of 1912.

"The discussion on this subject has involved some misunderstanding and some misrepresentation to the effect that the new revision changes the present constitution in this respect. Any such idea is wholly false. The revision does not add a word to or take a word from the provisions of the existing constitution affecting this subject. If the revision is adopted the guarantees of the constitution against the abuse of military power will be left exactly as they have been since 1821 and as they have been in substance since 1777.

CHARGES 'WIFE' GUIDED DYING TESTATOR'S PEN

Brother of C. T. P. Baird Wants \$130,000 Bequest Set Aside.

Philadelphia, Oct. 16.—The allegation that the hand of Charles T. Parr, Baird of this city, was guided in making his will, an hour before he died in New York last January, was made in a petition to the Orphans' Court to-day by Wm. Mercer Baird, of Beach Haven, only brother of Charles, who was a grandson of Charles T. Parr, late head of the Baldwin Locomotive Works. At the time Baird signed the document he was unconscious of his death in Hahnemann Hospital, New York, it is said.

The document, which has been probated here and is dated January 16, 1915, the date on which Mr. Baird died, is signed "Chas. T. Parr," and again with an "X," the testator's mark in place of his full signature. This peculiarity, according to Wm. Mercer Baird, is due to the fact that James E. Hopkins, a New York lawyer, at the direction of Marguerite J. Baird, who is named in the will as trustee of the bequest, procured the signature of the testator's own handwriting fifty minutes before death. The woman referred to as the wife of Baird is not known to the petitioner, he says, although the legality of her marriage is not questioned in the petition. She resides in France.

She was also named in the will as executrix. Frederick R. Coudert, of New York, was granted letters of administration.

Judge Gest to-day awarded a citation commanding Mr. Coudert and Marguerite J. Baird to show cause why the petitioner's appeal from the decision of the Register of Wills in admitting the will to probate should not be sustained.

350 IN WAR BENEFIT CHORUS

Verdi's "Requiem Mass" To Be Sung in Aid of Italian Sufferers.

Plans are now complete for the concert to be given for the benefit of Italian war sufferers at Carnegie Hall on Monday evening, November 1. Mr. Valentini has arranged to give Verdi's "Requiem Mass." Before the singing of the mass a concert will be given in which Luca Botto, tenor, of the Metropolitan Opera House; Giovanni Martino, basso from La Scala, of Milan; Philip Hamyken, a young Armenian baritone, and Miss Adele Dilie, an American soprano, who has sung in both Europe and America, will take part.

For the mass the committee has obtained Daniel A. Sullivan, of Boston, basso; Miss Carolyn Lam Cole, soprano, and Mrs. Julia Kuebler, contralto. The chorus will consist of 350 voices, recruited from the Metropolitan Opera House, the Church of St. Ignace and the Labor Temple. The chorus masters are Giulio Selti, of the Metropolitan Opera House, and Cherubino Raffaeli.

400,000 BABIES DYING IN POLAND

Mothers Feed Chalk and Water to Ease Hunger—Paderewski Benefit October 28.

Caught between two contending armies, the provinces of Tarnow, Galicia, Sarnow and Grybow in Russian Poland have been changed from cultivated farming lands, dotted with happy villages, into a vast waste of stony wastes. Where once the city of Wroclaw, in the district of Tarnow, stood, wild dogs and vultures scour the land for corpses left unburied by fleeing armies.

Such is the picture of Poland today as was in a letter recently received by Mme. Paderewski, wife of the pianist, from Miss Henrietta Ely, of Philadelphia, who wrote from Poland while investigating there for the Rockefeller Fund.

"Four hundred thousand babies are starving," said Mme. Paderewski in her apartment at the Hotel Gotham yesterday. "Chalk and water is being given to these poor infants so they will starve more slowly and less painfully. The poor mothers could give their babies beet root at one time, but now that is gone."

"Miss Ely wrote that she and her party could not bear to eat even bread, and when children came, and with their big, wistful eyes watched every morsel that they devoured. The food cooked here, she said, seeing these little children starve."

"My husband wished to keep away from his piano, because music meant joy to him. For ten months he did not touch the keys. It was only the deep feeling for his country that brought him back to music, for he knew that he could make money for them, and money meant relief."

"Americans do not realize the condition of Poland, but we feel that a great wave of sympathy will sweep over them when they learn of actual conditions. Mr. Paderewski will lecture on Saturday, October 28, on 'Poland, Past and Present,' at the Waldorf, and will also give a Chopin recital. The proceeds go to the Polish Victims' Relief Fund."

A bazaar for the Polish victims will be held at the Hotel Biltmore on November 5, at which the dolls of Mme. Paderewski, manikins dressed as Polish peasants, will be sold, along with autographed photographs of prominent artists. Mr. Paderewski will also give an autograph letter to Richard Wagner to his publisher in London, asking why the score of "Rule Britannia" was not being played as he had written it.

ADMIRAL LITTLE'S COURT MARTIAL NOV. 1

Trial Postponed to Let Officer Prepare Defence.

(From The Tribune Bureau.) Washington, Oct. 16.—The court martial of Rear Admiral William N. Little, originally set for next Monday, was postponed by order of Secretary Daniels to-day until November 1. Rear Admiral Little called on the Secretary to-day and asked time to prepare his defence.

The offence charged, which involves "neglect and careless methods in the conduct of his duties" in accepting the submarine K-2, is a technical offence while it was defective, may be punished by dismissal.

It was learned to-day that Rear Admiral Little, on June 2, 1915, implicated the commander of the submarine, Lieutenant Bradford Moore. "After full consultation on all facts and the statements of said officers and contractors' representatives," said Rear Admiral Little, "and with the officer who was in command of the boat concerning the inspector informed the contractors that in consideration of his agreement to stand back of the battery for all time as to the alleged careless workmanship of the battery, the contractor, while it was defective, may be punished by dismissal."

Inquiry of the Fore River Shipbuilding Company, contractors of the K-2, by the Bureau of Engineering, disclosed the information that no record existed of an agreement between Rear Admiral Little and the company regarding the making good of defects which might develop in the service. Even if there had been such an agreement, Secretary Daniels said, Rear Admiral Little would have exceeded his powers in making it, so that it would not stand as a defence for any neglect of duty.

PRESIDENT HONORS NEGRO INNKEEPER

Orders Old-Fashioned Southern Dinner at Harper's Ferry.

Washington, Oct. 16.—President Wilson took a holiday to-day, and with Mrs. Norman Galt, his fiancée, and his cousins, Miss Lucy and Miss Mary Smith, of New Orleans, automobile to Harper's Ferry, W. Va., for lunch. Tonight the party attended a theatre here. The motorists left the White House this morning without telling even White House officials where they were going. It was raining and the roads were muddy, but the holiday makers were not to be discouraged and noon found the White House car at Harper's Ferry, seventy-two miles away. At an inn overlooking the Potomac and Shenandoah rivers, the President registered, writing "Woodrow Wilson and party."

The inn is kept by a negro family, and the President and Mrs. Galt, both of whom were born in Virginia, ordered an old-fashioned Southern dinner which was served in the public dining room, where there were twenty other guests. The President asked particularly for apple pie for dessert, but was given "poor man's pudding."

ST. CECILE HAS GOLDEN JUBILEE

Famous Actors' Lodge of Masons Celebrates This Week.

HIGH DIGNITARIES WILL TAKE PART

Entertainment Programme for Members of Ancient Order Has Many Well Known Names.

St. Cecile, known the Masonic world over as the actors' lodge, is fifty years old, and on Tuesday it will celebrate its golden jubilee in a manner believed to be without precedent in this state. On that afternoon St. Cecile is the only lodge in this jurisdiction which meets in the daytime—it will work the highest degree of the blue lodge with Most Worshipful George Freifeld, Grand Master of Masons in New York, presiding. Assisting him in the several chairs and at the various stations will be past masters of the Grand Lodge.

On that day the historical lecture will be delivered by Most Worshipful E. M. L. Ehlers, the veteran secretary of the Grand Lodge, and in the refreshment hour an entertainment will be given which, it is promised, will be more elaborate than any before given by the lodge, which is famous for its entertainments, with lodge orchestra, under Worshipful Ernest F. Erdman, furnishing the music.

To-day the lodge, in conformity with the teachings of the craft, will hold a thanksgiving service in the Central Presbyterian Church, at which the sermon will be delivered by Right Worshipful William E. Stevens, a chaplain of the Grand Lodge. Wednesday night a banquet at the McAlpin will conclude the jubilee.

St. Cecile was formed at the close of the Civil War for the accommodation of those members of the craft who, because of the nature of their work, were barred from the benefits of the lodges that meet at the usual hour in the evening. For the most part, these were actors, musicians, and from the start it has been distinctly a lodge of Theatians, musicians, writers and those employed in the printing trades. On the list of American actors and musicians, it is a rare meeting that Masons distinguished in other lands do not sign the visitors' roll. At these meetings the entertainment hour is usually a feature, including as it does actors, managers, comedians and vaudeville artists, who were able to induce the actors or musicians to give them.

It is the one place in the world where actors, stage managers and electricians never differ, and where no actor seeks to hog the centre of the stage, whatever his habit or reputation may be elsewhere.

From the nature of their callings the members of St. Cecile are necessarily world wanderers, some at present being domiciled in far-off Australia and South Africa, while a large number are in the war zone. Others are in Asia. Nearest home there is hardly a city of note that some member does not visit in the course of a year.

None of the charter members of St. Cecile is now living, but at the meeting on October 19 it is expected that Edward Russell, who presided at the organ at the first meeting of the lodge, may be present and officiate in part of the work.

ASTOR MARKET OPENS; FLIES FLEE IN DESPAIR

Crowds Visit Spick and Span Building at 95th Street.

The Ninety-fifth Street Market, built by Vincent Astor on Broadway, was opened to the public yesterday morning. As rapidly as rubbish collected it was swept up and carried in the elevator to the basement. "Trae—the architect, boasts that a fly would survive in this market. A large crowd filled the building throughout the day. The building is about 150 feet long and extends for 150 feet along Broadway, taking up the greater part of the block from Ninety-fourth to Ninety-fifth Street. The big windows and the studio-like roof assure ample light to the storekeepers and their customers. The aisles are wide. The floors and counters are tiled. Butcher shops predominate among the stalls, but there are also flower shops and a candy store. In the basement is a fish market, space for delivery wagons and the refrigerating and heating plants. Three cold storage rooms will be kept at temperatures ranging from 22 to 34 degrees. Coiled pipes constantly keep the water cold in the showcases on the floor above. A luncheon room will soon be ready.

HUNT H. SCHUMANN-HEINK

Paterson Police Have Warrant Charging Him with Embezzlement.

Henry Schumann-Heink, son of the famous opera star and ex-clerk of the recorder, court in Paterson, N. J., is sought by detectives who have a warrant for his arrest, charging him with embezzling \$600 of funds intrusted to his care. Within a few days, it was said to-day, a committee will be named which will investigate the whole fake advertising situation and make a report to the association. Fake auction sales also were discussed, and Secretary C. J. Columbus of the organization stated that a bill had been drafted to prevent these being held in the district.

CAPITAL MERCHANTS TO WAR ON FAKE ADS

Crooked Auction Sales and Advt. "Copy" Under Consideration.

(From The Tribune Bureau.) Washington, Oct. 16.—Washington merchants have declared war on false and fake advertising. At a meeting of the Retail Merchants' Association a resolution was adopted condemning all forms of misleading "copy" for the advertisements of members of the organization. Many suggestions as to means of purifying advertising were made, among them being the proposal that a censorship committee should be organized to pass on the advertisements of the members of the Retail Merchants' Association before being printed.

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CROCKER

MOURNING SPECIALTY HOUSE

Hats, Gowns, Waists, Vells, Neckwear, Furs

The Only House in New York Catering Exclusively to This Class of Trade. Strictly high class. No competition, as our designs are our own, and materials are our own importations.

We Have in Stock at All Times Black or White Hats That Are Not Mourning.

Crocker Building, 375 Fifth Ave. at 35th St., New York

Boston Address: The Crocker Bldg., Copley Square.

JUDGE HOYT LEADS SCOUTS

"Boys' Friend" Becomes Chairman of Organization Advisory Committee.

Judge Franklin Chase Hoyt, "the boys' friend" and presiding in the Children's Court, will head the Boy Scouts of New York City, it was announced at the Scout headquarters, in the Fifth Avenue Building, last night. He has been affiliated with the Scouts for years, and last Thursday was elected chairman of the Scout advisory committee of Greater New York.

The committee says it may follow the advice of Sir Robert Baden Powell, recently published in "The English Headquarters' Gazette," who refused a large gift to the Scout funds because the giver insisted that the Scouts receive military drill.

"Military drill tends to make the boy part of a machine, instead of developing him individually, which is our chief aim," said Sir Robert. "Excess of military training tends to bore him and to destroy the ambition to serve which is his best training. Scout training is also far better training for soldiering or sailing than any amount of mere drill."

FEDERAL RESERVES HOLD LESS PAPER

Banks Buy Bonds as Bankers' and Commercial Acceptances Decrease.

(From The Tribune Bureau.) Washington, Oct. 16.—A falling off in commercial paper held by the Federal Reserve banks this week, combined with a decrease of bankers' acceptances and the maturity of municipal warrants held, resulted in the purchase of United States bonds by the banks to have their funds earning something. Commercial paper on hand decreased about \$1,100,000, largely as the result of liquidation of paper held by the three Southern banks. Bankers' acceptances on hand decreased about \$245,000. New York and Boston reported slightly smaller holdings than a week ago.

The average maturity of paper was shortened, as fresh discounts have fallen short of paper liquidated. Thus the proportion of paper maturing within ten days has risen from 10.9 per cent, on September 17, to 15.2 per cent, while the proportion of all paper maturing within thirty days has risen from 40.7 per cent to 44.6 per cent.

Gold holdings of the Federal Reserve system now stand at \$223,000,000, as against \$395,200,000 a month ago and \$528,800,000 three months ago. Of the gold, \$286,900,000 is in the vaults of the banks and \$136,200,000 is in the vaults of the Federal Reserve agents. The proportion of earning assets to capital is about 141 per cent. Net deposits of member banks have increased about \$2,000,000 during the week and about \$3,000,000 in the last three months, New York showing a gain of about \$3,500,000 for the week and of \$24,800,000 for the last quarter.

HILLSTROM, I. W. W. AGITATOR, MUST DIE

Utah Board Refuses to Commute His Sentence.

(By Telegraph to The Tribune.) Salt Lake City, Utah, Oct. 16.—The State Board of Pardons, after a session of twelve hours to-day on the Joseph Hillstrom case, rendered a decision tonight terminating the respite granted Hillstrom by Governor Spry at the request of President Wilson and denying his application for commutation of sentence to life imprisonment.

A long criminal record, established to the satisfaction of state officials, connecting Hillstrom with the Industrial Workers of the World dynamiting plots throughout the country, the invasion of Mexico by the U. S. army and the transportation of dynamite from San Francisco to Los Angeles for the blowing up of "The Los Angeles Times" Building, was presented to the board. This evidence was verified by a report in the Utah state prison, a former accomplice of Hillstrom.

The Fashionable Velour de Laine

52 inches wide; soft velvety finish; self color designs; in an extensive range of the favored Autumn shades and black, \$1.15 a yard

Which is Greatly Below the Usual Price.

Stern Brothers 42nd and 43rd Streets, West of Fifth Avenue

Continuation of the Autumn Sale of Rugs ON THE FIFTH FLOOR, OFFERING EMPHATIC REDUCTIONS Small and Medium Size Oriental Rugs, Persian, Afghan and Beloochistan Rugs Values up to \$32.50 at \$9.00, 11.00, 14.75 and 19.75

Women's Tailored Suits and Coats In which refinement, smartness and distinction characterize the style, fabric and trimming, are being shown in the Ready-to-Wear Sections on the Third Floor, in assortments that meet the requirements of every individual taste, whether conservative or extreme, at reasonable prices.

Women's Smart Tailored Suits of gabardine, whipcord, broadcloth, faille de laine, kittens' ear cloth, diagonal velour, mannish worsteds, velour cloth, chinchilla, duvety, corduroys and velvetens, at \$24.50, 35.00 and 45.00

The Hair Goods Salon has arranged for To-morrow, on the Third Floor, a sale of First Quality Wavy Hair Switches, First Quality Gray Hair Switches, First Quality Transformations, \$8.00 each

Woolen Dress Fabrics An uncommon opportunity is offered To-morrow, on the Main Floor, to procure The Fashionable Velour de Laine 52 inches wide; soft velvety finish; self color designs; in an extensive range of the favored Autumn shades and black, \$1.15 a yard

A Particularly Important Sale of Silks and Velvets On the Second Floor, To-morrow, will include the following most exceptional values, that provide real economies: Chiffon Velvets, Imported, 40 inches wide, soft finish, in black only, \$2.75 Value \$5.00 a yard

Muslin Sheets, Pillow and Bolster Cases, AT REMARKABLE REDUCTIONS FROM PREVAILING PRICES

Blankets and Comfortables Lambs' Wool Comfortables Double Size \$2.95 Plain borders; regular price \$4.00 Printed Satin, at \$6.75 Floral designs; regular price \$8.50 Brocade Satin, at \$8.50 Plain colors; regular price \$10.00