LAST PLEA TO SAVE BECKER FROM CHAIR

Refuses Reargument of Own . Decision, Leaving Only Hope in Whitman.

HIS WIFE GREATLY AFFECTED BY RULING

The Court of Appeals yesterday denied to Charles Becker a reargument of its recent decision which refused Becker a third trial for the murder of Herman Rosenthal. The action of yesterday means that so far as the State courts are concerned Becker's last hope is gone. "Do you intend to bring the Becker case before the Federal courts?" Becker's chief counsel, Martin T. Man-

ton, was asked last night. "I do not think so," answered the lawver. "Just now I don't see any constitutional grounds upon which to go before the Federal courts with likelihood of success.'

"Do you mean you are through with the case?"

'Oh, no," Mr. Manton answered. "We have in mind an appeal for Executive commutation of sentence. I am not in a position to-night to make definite statements, but we shall probably make an announcement around noon Satur-

The move for Executive elemency will take the form of an aplication to the Governor for an examination of the testimony in the Becker trial, with a request that Gov. Whitman appoint Lieut.-Gov. Schoeneck to examine the testi-

His Only Hope.

The only hope then, and everybody concerned seemed to think the hope a very stim one, is that after going over the case once more the Lieutenant-Governor will recovered. ernor will recommend a commutation of sentence from death to life imprison-

lawyer said last night, will go to Sing Sing early to-day and have a conference with Becker. Becker's counsel expects to get bacg to his office before noon and

friends recently to ask for financial as- quickly enough. sistance to carry on his fight, but it was The big observation stand for the said for him yesterday that he has not officials and members of the christening been any more active along these lines party was in place yesterday, decorated for some time past. His last cent has been spent, persons close to him say.

The final action of yesterday by the Court of Appeals was taken after several days of consideration of Mr. Manton's plea, unprecedented in so noted a criminal case, to review its own work. The court handed down no opinion with

Unless Mr. Manton's plea for executive commutation of sentence is successful Becker will probably be executed on the third anniversary of the murder of Rosenthal. He has been sentened to die during the week of July 12. Friday.

Manufacturer, With Anployee, Testifies of Auto's the day usually selected at Sing Sing by Warden Osborne for executions, will fall on July 16, or four weeks from yesterday, and Rosenthal was killed a few minutes before 2 o'clock A. M. on July 16, 1912.

its decision, but merely denied the mo

JURY GETS CARNIVALE **MURDER CASE MONDAY**

Counsel for Defence in Summing Up Lays Stress on Rofrano's Testimony.

All the evidence against Rocco Carni- attorney. Justice Davis in the Supreme Court for the murder of Michael Gaimari, was in vesterday. The case will be submitted "Never mind what she looked like," yesterday. The case will be submitted said Justice Weeks.

Carnivale's counsel, Lloyd P. Stryker, summed up yesterday for more than summed up yesterday for more than fendant and his secretary had been regthree hours and Assistant District Atthree hours and Assistant District Attorney Brothers will review the evidence on Monday morning. Justice Davis will Gildea. "For a conversation between a Gildea."

Deputy in the Street Cleaning Depart-ment, who has been mentioned as the "man behind" the killing of Gaimari. Rofrano was a witness for the defence to deny the testimony of Joseph La Salle concerning telephone calls between Carnivale and Rofrano at the latter's office in the Municipal Building. Mr. Stryker said about Rofrano: "His festimony shows that my client

'His testimony shows that my client is innocent and the victim of a con-spiracy engineered against this defendant and Rofrano by the latter's political

lawyer, he says, at the time he defended Montimagno.

Indicted Lawyer Disbarred.

Addison S. Sanborn, a lawyer of 189

HIGH COURT DENIES READY FOR LAUNCHING OF THE ARIZONA TO-DAY



Miss Esther Ross,

Sponsor of the battleship Arizona. Mr. Manton and Mrs. Becker, so the Left to right: Miss Salee King and Miss Eva Behn of Phænix, maids of honor to Miss Ross.

of honor to Miss Ross.

The New York Navy Yard was being prinked and primped yesterday in exportably will make a definite announcement as to future steps to be taken before he leaves at noon for his summer home at Nayville.

Becker was told yesterday afternoon by Father Cashin, his spiritual adviser at Sing Sing, that the Court of Appeals had refused to go through a reargument of its own decision denying Becker a little show of feeling.

Ars. Becker evidently had enteitained little hope that the appellate court would consent to review its own work, for he received the message with little show of feeling.

Ars. Becker had nothing to say last right for publication further than to repeat the former statements that she intends to make every possible effort to sent the provisions of honor to Miss Ross.

The New York Navy Yard was being prinked and primped yesterday in expect 60,000 visitors and guests. As for the Arizona, she was being relieved of all but the necessary shortings, and stood bulky and impressive in little show of feeling.

Ars. Becker evidently had enteitied show of feeling.

Ars. Becker had nothing to say last right for publication further than to repeat the former statements that she intends to make every possible effort to show the turn of a wheel by Naval save her husband's life. The realization of holding its biggest crowd to see the battleship Arizona and the date of the event have been deared of its guns to make way for the lunchon to be given by Secretary Daniels. South which we had have been made from metal of the guns carriages of the old battleship Maine and will be distributed among the distributed am

coution had been swept away seemed to be used to christen the big ship. After a controversy between the upholders of a controversy between the upholders of precedent and prohibition workers, Gov. Hunt announced that he had always She has not begun to get a list of signatures to a petition to the Governor as yet, although she is considering this step, together with a number of other suggestions that have come to her. Becker is known to have written to old friends recently to ask for financial as-

during recent days than he has pegal with flags and bunting. On it will be

and Mayor of Nogales: Lindley C. Mc Miss Eva Behn and Miss Salee King,

HIS BEST FRIEND AIDS WIFE TO GET DIVORCE

other Woman.

Mrs. Estelle Corn. wife of Paul J. florist, won a decree of divorce yester-Joseph Gildea, who had been his best friend and who told of taking breakfast with Corn in a Kansas City hotel. "When we reached the table Mr. Corn told the waiter to prepare it for three." said Gildea. "I asked him who the third party was and he said his secretary. Pretty soon she came down and we had breakfast." "Are you sure the secretary wasn't Mr. Corn's wife?" asked Mrs. Corn's

All the evidence against Rocco Carniwale, also known as Rox Cornell, who
"I should say not," replied Gilden.
"She couldn't hold a candle to Mrs. has been on trial for two weeks before Corn. She was a much older woman

then charge the jury.

Mr. Stryker laid considerable stress on the testimony of Michael Rofrano, a Deputy in the Street Clark.

KILLS THREE AND HIMSELF.

Latter's Bride and Policeman.

JAMESTOWN, N. Y., June 18.—Frederick W. Shaver, aged 27, this afternoon murdered his father, H. A. Shaver; the minutered in latter's bride of ten days and also Policeman George Kendall, aged 24, and then
discharged the contents of a shotgun
into his own head. He died immediately.

The tragedy occurred at the Shaver
residence. The elder Shaver, a wealthy
retired Lamestown merchant area of 57. Counsel for Gaetano Montimagno said yesterday he would ask Justice Davis to grant his client another trial on the ground of newly discovered evidence frowing out of the testimony given by higher the was never in conversation on the telephone with Carnivale at the times sworn to by Joseph La Saile.

After shooting the couple Shaver bar-ricaded himself in his father's bedroom. Across the street three policemen had Fifty Mile Bike Race To-morrow.

PELL RUNNING AT 30 MILES, SAYS WITNESS

Corn, a wealthy film manufacturer, and Railroad testified yesterday in Mrs. daughter of H. J. Fleischmann, the S Osgood Pell's \$250,000 damage suit. instituted by reason of the death of her day before Supreme Court Justice Weeks. husband, that the first three cars of where he is now confined. chief witness against Corn was the train were lighted and that the last four were dark. It also appeared from the testimony that the train was going at thirty miles an hour as it approaching Wreck Lead crossing, and that Mr. Pell's automobile was being driven at the same speed. At that driven at the same speed. At that speed the train could have been stopped

in 380 feet, a witness said.

Mrs. Pell's case has been running all week before Justice Aspinwall and a jury in the Queens County Supreme Court and it is not yet finished. Mrs. William Laimbeer has two suits of \$150,000 each against the railroad on account of the Wreck Lead crossing crash, one for her husband's death and the other

for injuries to herself. Augustus Van Wyck, representing
Mrs. Pell, closed his case on Thursday
afternoon. Martin W. Littleton, for the railroad, began the decrease morning. It had been said that the first cars of the train were dark as it approached the scene of the accident.

Mrs. Ivy Sopher, the twenty-year-old bride of Travis W. Sopher, who had charge of the sub-power station near Wreck Lead crossing, was one of the witnesses yesterday. She was at the sub-station with her husband at the time of the crash on the night of August 3, 1913.

The stoop of the special Sessions yesterday for maintain-special special sessions yesterday for maintain-special special sp railroad, began the defence yesterday morning. It had been said that the first

"I was standing on the stoop of the sub-station with my husband," she testified, "when the train came in sight. It could be seen quite a distance down the track. When it passed I heard the whistle and saw that the three forward cars were lighted and that the four rear cars were dark, save for the front

s of a shotgun lied immediately. "I saw an automobile on the road ahead going toward the crossing. The train was going at about thirty miles an hour and it appeared that the automobile was 27 years old, of travelling at about the same speed. I saw the automobile disappear on the crossing and the crossing. started d.finking, the police say, on the afternoon of the wedding and remained drunk ever since. He told his father living with the bride and threatened that he would kill them both.

After shooting the couple Shaver bar.

The attomobile disappear on the saw the automobile disappear on the start of the crash. Then the breakers blew out in the power house. All the lights in the cars ahead had gone out when my husband remained that he would kill them both.

After shooting the couple Shaver bar.

The trial will be resumed on Monday morning.

Addison S. Sanborn, a lawyer of 189 Montague street, who is under indictation as charge of appropriating \$228 ment on a charge of the New blandicap blayele road race of the N

BE DECIDED BY JURY

Justice Hendrick's Ruling Is Upheld by the Court of Appeals.

TRIAL LIKELY NEXT WEEK

the decision.

by Justice Frank H. Hiscock. Chief to. concurred in the opinion, which says:

by way of advice and aid in making sufficient by way of advice and aid in making such ultimate decision, and, therefore, the question is presented whether a Justice before whom such a proceeding is pending has the power in his discretion thus to call to his aid a jury, it being admitted that the relator in the habeas corpus proceedings is not entitled as a matter of right to a jury trial.

But Frederick W. Clifford, who will be the girl's lawyer, doesn't see how Magistrate Handy is going to have the power to quash the case, for the complainant will be Mrs. Marie Young, the police matron, who posed at the school as a student trying the examinations and who trapped Bessie Armstrong with the marked bills she left in a handbag in the wardrobe locker.

Lawyer Clifford said last night that he is the cause of it all. I know that she

a 'summary way' of procedure. This means that it shall be prompt and with-out unreasonable and unnecessary delay. Having in mind ordinary legal pro-cedure, it doubtless means that there shall be no long adjournments, that such a proceeding shall not be placed on a calendar where it would not be reached in some time; that it shall have precedence over other matters. But of course some discretion must be left to the court or Judge as to the time and mode of hearing even such a pro-

"The question whether the submisviolation of the statute is one which might easily be decided by the circum-stances of the particular case. If a

might for publication further than to repeat her former statements that she intends to make every possible effort to save her husband's life. The realization last night that the last hope of State lust night that the last hope of State entition had been every her because her statements that she intends to make every possible effort to save her husband's life. The realization last night that the last hope of State toward her first dip in the water. It has been decided by Gov. Hunt of judicial interference with Becker's exception had been every away every service of the ship. Gov. Hunt arrived at the Waldorf-iciently stated, it is not to be assumed to be present at the christening of the statute by ordering a jury where every had been every away every service. of the statute by ordering a jury whe such step will cause delay, and even

Thaw was tried early in March last before Justice Page in the Criminal Branch of the Supreme Court, charged be principally to determine just how with conspiring with four other persons oliver was brought into the case that to escape from the hospital for the criminal insane at Matteawan. He escaped on August 17, 1913. A jury

| None of the Slades would discuss their coming trial early next week referring. ployee, Testifies of Auto's

Speed Before Crash.

Speed Before Crash.

Several witnesses for the Long Island Railroad testified yesterday in Mrs. S Osgood Pell's \$250,000 damage suit, instituted by reason of the death of her husband, that the first three cars of husband, and husband the had husband that the first three cars of husband and the husband that the first three cars of husband and the husband that the first three cars of husband and the husband that the first three cars of husband and the husband that the first three cars of husband and husband that the first three cars of husband and husband that the first three cars of husband and husband that the first three cars of husband and husband that the first three cars of husband and husband that the first three cars of husband and husband that the first three cars of husband and husband that the first three cars of husband and husband that the first three cars of husband that the first three cars of husband and husband that the first three cars of husband that husband the husband husband that husband h

ppellate Division of the Supreme Court

been granted Thaw's attorneys applied nearer to finding Oliver.

O Justice Hendrick for a trial by jury.

Justice Hendrick agreed to empanel a of a detective agency and whose men

P. S. BOARD SPLIT ON TUNNEL and Wood Oppose McCall. Who Favors Bridge.

Public Service Commissioners J. Ser-geant Cram and Robert C. Wood told the Mayor in a letter vesterday that they favor tunnelling the East River rather than reconstructing the Queensboro Bridge to give the new rapid transit trains access to Queans. Chairman McCall informed the Mayor few days ago that the commission was

THAW'S SANITY WILL PARENTS GUARD GIRL CALLED SCHOOL THIEF

Fear Bessie Armstrong May Attempt Suicide-Father Explains Case.

The parents of Bessle Armstrong, who is to appear in court this morning charged with stealing from her classmates in the Curtis High School, West ALBANY, June 18 .- The Court of Ap- New Brighton, Staten Island, kept a peals ruled to-day that Harry K. Thaw, close watch on her yesterday, fearing slayer of Stanford White, is entitled to that she might attempt suicide. They a jury trial. The decision of Supreme believe that she may be suffering from Court Justice Hendrick is upheld by a form of dementia due to overstudy, and that a mental breakdown has been The opinion of the court was written the cause of the thefts she has confessed

Justice Willard Bartlett took no part When this slight, nineteen-year-old in the case. Judges Seabury, Hogan, girl, poet of a graduating class with Chase, Hiscock, Cuddeback and Miller which she cannot be graduated now, goes before Magistrate Handy in the "It is plain that Mr. Justice Hen- West New Brighton police court this drick does not by calling a jury intend morning everybody concerned in her arat all to evade the burden and responsi- rest will want the case against her bility of ultimately deciding the issue dropped, for the school authorities, from which has been raised, but simply in- the principal down, feel that the loss tends to take the verdict of such jury of her graduation certificate has been

ufficient punishment.
But Frederick W. Clifford, who will

Lawyer Clifford said last night that he thought Miss Armstrong would waive examination and would then be held for trial in Special Sessions, where she would enter a plea of guilty. The score of girls who have identified the various articles found in a closet in Miss Armstrong from at her home. 1952 Richmond Terrace, Port Richmond, declared yesterday that they would not appear against her unless they were subpernaged. William Armstrong, Bessie's father, has urged her to make a complete confession in court to-day, though all her could get her to say to him yesterday in her room all day.

"I want to say that Bessie has always been a good girl," said Mr. Armstrong.
"I want to say that Bessie has always sheen a good girl," said Mr. Armstrong. She's our only child," She's our only child," she's our only child," she's our only child, "read each She's would be decided on the read of the paper would be decided on the read of the paper would be decided on the read of the paper would wait to the character of the cause of the law of the paper would be decided on the read of the paper would wait to give her a dollar a week spending money. At Christmas time I gave her a dollar a week spending money. At Christmas time I gave her a dollar a week spending money. At Christmas time I gave her a dollar a week spending money. At Christmas time I gave her a dollar a week spending money. At Christmas time I gave her a dollar a week spending to the paper would to relieve the sustricking another while both were appearing before the five Justices of the Appellate Division of the Supreme Court threw the court officer of the yesterday afternoon and resulted in the ejection by a court officer of the paper who has a retired from practice and who has an income of \$10,000 from the estate of the fact that the court took no serious action in the matter was due to the belief that because of worry Ketchum was not responsible for his act.

The man Ketchum shad to relieve the sustices of the Appellate Division of the Supreme Court officer of the Ev



Miss Bessie Armstrong. High school girl who says she doesn't

Lawyer Clifford said last night that he thought Miss Armstrong would waive examination and would then be held for trial in Special Sessions, where she would enter a plea of guilty. The score all my pay and let her buy the present of girls who have identified the various lents.

"I want to say that Bessie has always been a good girl," said Mr. Armstrong. and study to be a teacher. This has school in three years. I have a good library and with Bessie it was read, read. She seldom slept more than five hours a night. A year and a half terday only the members of the gradago she had a nervous breakdown and uating class had known of it.

The man Acctuance of W. Whiteside, formerly an Assistant District Attorney, who has been counsel for Mrs. Ada Brown Ketchum, wife of the lawyer, in a suit for separation. The couple were married December 27 last and quarrelled on their honeymoon because, as alleged by Mrs. Ketchum, of insulting remarks made to her by her husband. They parted on February

SLADES MAY SEEK AID OF WASHINGTON

Likely to Appeal for Hearing of Oliver Case by Federal Commission.

TRIAL DUE NEXT WEEK

party with her parents, Mr. and Mrs. Ross of Prescott. Others in the party are Mr. and Mrs. E. S. Clark, Capt. L. W. Mix. chairman of the commission most noned because the Court of Anneals of the law firm of Slade & Slade had fore Justice Hendrick next Tuesday. It nected with the Slade defence that one ing to the evidence at the trial of postponed because the Court of Appeals of the law firm of Slade & Slade had suit against the company, to many

cently with that end in view. The object of the proposed commission hearing, it was said, would be to sift the whole proceedings growing out of Rae \$17,500. Said Frank A. Cook, Deputy At-General, yesterday. "There is no whole proceedings growing out of Rae \$17.5 step we can take to prevent a jury Tanzer's \$50,000 breach of promise suit Cook with Deputy Attorney-Gen- against James W. Osborne-proceedings Mr. Cook with Deputy Attorney-Gen-eral Alfred L. Becker presented the argument before the Court of Appeals to prevent the jury trial. charged by the Slades throughout the

Thaw obtained a writ of habeas corpus.

Attached to the application were affidativits from sanitary experts testifying to dissipate soundness and a legal brief setting forth that he should be released from custody.

When the habeas corpus writ had the reduced the control of the reduced to the application were affidativities and Albert J. McCullough, a private detective who figured in their inspection. Mr. Marshall still retains possession of Oliver's trunk and wardsrobe found in the missing one's room. The Federal detectives are admittedly no

jury to act in an advisory capacity to subpostated Special Treasury Agent Carl nelp him determine the condition of the H. Chandler to appear for the Slades, perisoner's mind. The Supreme Court got a mysterious clue yesterday morn-sustained Justice Hendrick's decision, ing from Lowell, Mass., in the form of a referred to Chandler, who lived in ton until last February. Chandler denied on Thursday that he was Oliver or, as the Slades contend, the man who posed as Oliver before Mrs. James W. Osborne at the Sherman Square Hotel, The case against the Slades and Mc-Cullough will probably be reached by Tuesday afternoon or Wednesday morning in Judge Wallace's branch of the Federal District Court. Assistant United States Attorneys Roger B, Wood and Samuel Herschenstein have subpoensed upward of twenty witnesses. Several ewspaper reporters have been served with subponas. The witnesses the Slades are alleged to have interfered with are

> 12 Bortlandt et at 13th St. Office Coats from 50c up Broadway Gray, Black & Tan



Mohair, Alpaca, Serge Smartly Tailored Athletic Underwear Prices Near Half A M'f'r's Surplus

\$1 Voile Mesh at 69c Garment The Lightest Underwear Made Heavy Wool Bathing Suits, \$1.98 Professional Cut, Fancy Edges

clerk, convicted of perjury: Rae Tanzer and her sisters, and "others unknown to the Grand Jury."

It is maintained by the Slades' counsel that the original case connecting Rae Tanzer with James W. Osborne will not have to be considered at the trial next week, since the alleged tampering with witnesses did not take place until after the arrest of Rae Tanzer on a charge f using the mails to defraud Mr. Os-

GIRL'S \$35,000 VERDICT CUT.

to be present at the christening of the Arizona.

They came on a special train and stopped in Washington long enough to call on Secretary Daniels and show him the bottle of water that will be used in naming the ship. This bottle contains the first water that went over the spill-ways of the new Roosevelt dam, near Phenix, and has been mounted with Arizona crude copper.

Arizona crude copper.

Senger Entitled to Half Amount.

The Appellate Division of the Supreme Court in Brooklyn yesterday cut in half witnesses in the Rae Tanzer-Oliver-lished.

They came on a special train and it should be otherwise the efficacy of the right to appeal is not to be denied begin to appeal is not to be denied begin to appeal is not to be denied begin to appeal in the measure of the Arizona crude and Maxwell Slade, the lawyers in indicted on charges of tampering with witnesses in the Rae Tanzer-Oliver-lished.

"In accordance with these views the order appealed from should be affirmed."

Senger Entitled to Half Amount.

The Appellate Division of the Supreme Court in Brooklyn yesterday cut in half witnesses in the Rae Tanzer-Oliver-lished.

"In accordance with these views the order appealed from should be affirmed."

They came on a special train and it should be oright to appeal is not to be denied begin to appeal to appeal is not to be denied begin to appeal to appeal is not to be denied begin to appeal Arizona crude copper.

Miss Esther Roes came in Gov. Hunt's
party with her parents, Mr. and Mrs.

Affirmed."

mission appointed by the Department of Steamship Campania in April, 1911.

The jury hearing to determine the Justice at Washington. It was learned being the mother of a dead infant found being the mother of a dead in



If you want to strike out the vest!

Vestless suits of thinnest Summer fabrics.

Crash-domestic and imported Flannel-striped and plain Featherweight worsteds. Airy Scotch homespuns. Batiste, silk homespuns, Shants nd mohairs. \$16 to \$35.

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IN ADDITION,

SATURDAY MONEY-SAVING OFFERINGS

Week End Necessities.

LAWYER HITS LAWYER, | When Presiding Justice Ingraham **AMAZING 5 JUSTICES**

AMAZING 5 JUSTICES and the court directed Ketchum to be gin his argument. He arose but to mained silent for a time, and after asking him twice to proceed Justice Ingraham left the bench, and Justice Clark presided. After Justice Clark had said, "Proceed" and Ketchum still Counsel for Wife in Her Separation Suit.

13, and Mrs. Ketchum sued. An order (warding her \$20 a week alimony and (200) counsel fee was made by Justice Weeks, and an appeal by Ketchum from

AMUSEMENTS

PASSING SHOW OF 1915

Sunday Night Concert-All Star Bill

LAST 2 PERFORMANCES.

WINTER GARDEN Byway & S

PLAYHOUSE ASID, E. of B Way. Ev.

SINNERS

DE WOLF

said nothing, he asked, "Do you desire to be heard""

"Would I be here if I didn't desire

to be heard?" replied Ketchum. Ketchum showed no inclination to

side took seats at the counsel

and the court directed Ketchum to

appeal would be decided

Gibson's Conviction Confirmed The Appellate Division of the Sunser

who was sentenced to not less th the estate of Mrs. Rose Szab AMUSEMENTS.

39TH ST. Thea. nr. B'way, Eves tis GEORGE NASH IN THE THREE

NOBODY HOME

Sullivan Opera Co. HTANG PINAFORE & TRIAL BY JURY

LOUIS MANN es, 8-30, Mais. Under Cover

A FULL HOUSE

LONGACRE WASHINST

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WHERE PLEASURE REIGNS SUPREME GLOBE B'way & 16th St. Evs. at 8:15. BRIGHTON Grace La Rue, Conrollemaire, Waltert, kelken Beach, Jackson, 7 Others MONTGOMERY & STONE !!!

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See Tomorrow's Sunday World