SAYS GAYNOR'S FOES CONVICTED BECKER

Ex-Lieutenant's Counsel Begins Fight to Have Death Sentence Reversed.

PRISONER'S WIFE PRESENT

Rosenthal Murder Trial Called Greatest Conspiracy of This Age.

ALBANY, Dec. 1.—Arguments before the Court of Appeals for a reversal of judgment in the case of ex-Police Lieutenant Charles Becker, who was convicted of the murder of Herman Rosenthal in front of the Hotel Metropole in New York city on July 16 of last year, were commenced at to-day's session of the court.

Becker was represented by Arthur Palmer and Joseph A. Shay, his trial attorney, John F. McIntyre, not appearing in the higher court. Assistant District Attorney Robert C. Taylor will conduct the People's side of the case in an hour's argument to-morrow afternoon. Mr. Taylor commenced his argument a few minutes before the court adjourned to-day.

All but Chief Judge Cullen and Associate Judges John Clinton Gray and Willard Bartlett are sitting during this term of the court, Judge William E. Werner presiding as Chief Judge. The session will last until December 19, when an adjournment will be taken until January 5. A decision in the Becker case is not expected before the middle of January.

The appeal in the case of the four gunmen convicted for the same crime was to have been argued to-day, but because the brief of counsel for these four men was not served on the District Attorney until Saturday, Mr. Taylor asked that the arguments on these appeals be postponed until December 16.

Chief Judge Werner stated that the court would decide later whether these arguments would be heard on December 16 or early in the January term of the court.

Mrs. Becker Present.

Mrs. Charles Becker, wife of the convicted lieutenant, was present throughout the session of the court. Now and then she bent forward to hear a question Judge Werner asked and then scribbled something on a pad which she had on her knee. Her brother-in-law, Jackson Becker, sat beside her during the appeals by Attorney Palmer, and while Becker's brother often spoke to her she rarely replied except to nod her head.

Becker's counsel made a strong point on the fact that the alleged Harlem conference arranged by Becker with Rose, Webber and Vallon had never taken place and referred to the fact that they had found the two chauffeurs who were said to have driven these men to attend the meeting. Judge Collins asked why these chauffeurs were not produced at the trial and Mr. Palmer replied that the trial was more like a speed contest than a trial."

Mr. Palmer, in asking the court to reverse Becker's conviction, declared at the outset that the probability of Becker's innocence outweighed the probability of his guilt.

"In speaking of innocence we refer to him being innocent of the crime of murder," said Mr. Palmer. "Whether he was guilty of accepting bribes in connection with the operation of gambling resorts as his predecessors may have done we do not know, but we do know that neither the courts nor the people will justify a conviction of murder merely because guilt of a lesser crime is believed against Becker.

Says Rose Shifted Guilt.

"Soon after the murder, with the public mind fixed on the guilt of Becker, unmistakable evidence was found fixing Rosenthal's death on Rose and his confederates and the electric chair was their inevitable fate unless they could invent a theory to shift the crime to the shoulders of the man believed by the public to have directed them in the perpetration of the murder.

"The District Attorney went to greater extremes to induce such testimony from Rose and his pals than has ever before been done in the history of the State. The stipulation by which Rose and his pals were to receive immunity was actually reduced to writing, making the motive to shift the crime irresistible.

"Whether Becker be deemed guilty or innocent, a review of the record of the trial will convince any Judge that the testimony is in the main a fabrication.

"From the date of the Rosenthal murder the public enemies of the Gaynor administration not only sought to mould and to inflame public opinion against Becker in order to weaken the Mayor with the people of New York. Doubtless the owners of some of the great newspapers believed Becker guilty and thus justified themselves for the frequent attempts to fire the passions of the public and to intimidate, but the objects of the assaults is manifest.

"We say that this man, who has been so shamelessly assailed even in the shadow of the chair, is absolutely innocent and the victim of the greatest conspiracy of the age."

Becker's counsel declared that Justice Goff, in the conduct of the trial, violated that provision of the Constitution which assures every man accused of crime a fair trial. He insisted that the opening address of District Attorney Whitman was extremely prejudicial.

Assistant District Attorney Taylor, in his argument, said in part:

"Life in New York city would be no more secure than it is in a traditional mining camp if such acts as are disclosed in this record were permitted to go unpunished. No valid reason can be discovered for reversing this judgment upon the facts, and grave as its results must be this judgment must be affirmed."

The Assistant District Attorney will continue his argument to-morrow.

SCHEPPS CUTS HIS PRICE.

Will Now Take $500 for "Good Summary," He Says.

Special Cable Despatch to THE SUN.

PARIS, Dec. 1.—Sam Schepps is still trying to sell the affidavit which he says will secure a new trial for Charles Becker, the police lieutenant who was convicted of having murdered Herman Rosenthal, the New York gambler. Schepps sticks to his demand for $10,000, the price he originally asked for his complete affidavit, but has made a new offer.

He offers to sell to any New York newspaper for $500 a fairly full summary of what he would state in a $10,000 affidavit.

This summary would not be very long, he says, nor would it include some of his "most astounding revelations." But considering the small price asked for it Schepps is confident that some New York newspaper will, as he phrases it, "fall for his demands."

Schepps understands that he was the most important witness in the trial of Becker, as without him District Attorney Whitman would have been unable to obtain corroboration of the plot except from accomplices, and outside corroboration is necessary for a conviction. The attention Schepps has won from the Paris correspondents pleases him immensely, and the little man, not quite so dapper as he was in New York, is sure that he will get his price.

Would Appear Before U. S. Consul.

He is trying his best to play one newspaper against the other. At present his hopes have simmered down to three papers, and he is fairly confident that one of the three will accept his terms. He wants $5,000 down on delivery of the affidavit to the Paris correspondent of the newspaper buying it and $5,000 upon publication of the affidavit in New York. He agrees to attest to his affidavit before the American Consul here.

The informer needs ready money and that is the reason of the remarkable bargain he is offering for $500. He thought he had a ready purchaser in one New York newspaper, but that paper suddenly remembered that he had got a fairly large sum from it some months ago on an important tip which he agreed to give it. He never made good on the tip, so that paper has now definitely broken off negotiations with him.

Schepps has hinted at what he will disclose—for $10,000—but only in the most general terms.

"It will astound the world," he says. "It will give Becker a new trial and will free him. It will change the whole situation in regard to the case."

Offers Proof of Perjury.

He adds that the important parts of his affidavit can be verified in New York. He doesn't hesitate to add that his affidavit contains proof that he perjured himself on the stand. He also says that District Attorney Whitman told him what to say in court when the District Attorney met him at Saratoga. This was when Assistant District Attorney Rubin and Detective Al Thomas were bringing Schepps back to New York from Hot Springs, Ark., where he fled after the murder.

THE SUN correspondent suggested to Schepps that Becker might have more use for the affidavit than a newspaper, and Schepps answered:

"I haven't been able to get in touch with Becker."

District Attorney Whitman smiled yesterday when he was asked about the news from Paris about Sam Schepps.

"I believe that Schepps was telling the truth in court," he said. "I believed it at the time and nothing has happened since to make me change my belief."

CHINA IMPORTERS SUED FOR $4,592,150 BY U. S

Ten Firms Being Prosecuted for Customs Frauds on Report of Limoges Commission.

On the basis of disclosures made by the Limoges China Commission, sent to France several years ago to find the real value of the fine chinaware brought into this country by big importers, the Government through Assistant United States Attorney Addison S. Pratt began suit in the United States District Court yesterday to recover $4,592,150 from ten importing concerns in this city.

The suits charge that customs frauds have been in operation for the last three years at least. The defendants named and the amount asked from each are:

Haviland & Co., 11 East Thirty-sixth street, $1,803,132; Theodore Haviland & Co., 200 Fifth avenue, $1,220,849; William Guerin & Co., 33 Park place, $367,534; Voght & Dose, 65 Barclay street, $198,174; Henry Creange, Fifth avenue and Twenty-third street, $142,806; Bawo & Dotter, 20 West Thirty-third street, $169,555; G. D. A. Porcelains, $557,605; Alfred G. Moment, 20 West Thirty-third street, $129,958; Bloch & Co., 44 West Broadway, $12,888, and L. D. Bloch & Co., 44 West Broadway, $23,649.

The damages asked represent the value of all the importations made by the firms since December 1, 1910.

Mr. Pratt said yesterday that the Limoges Commission had discovered that most of the defendants owned or held the controlling interests in the French factories where the chinaware is manufactured. Investigators hired by the commission, he said, got employment in these factories as artists or laborers and discovered that the actual value of the ware was far in excess of the values stated in the Custom House invoices.

Mr. Pratt said that no criminal prosecutions were likely to follow the suits.

The Limoges Commission, Edwin R. Wakefield, G. C. Davis and Frederick Auchenbach, was appointed by Assistant United States Attorney-General Wemple who has charge of the customs branch of the Department of Justice.

CONSTITUENTS HONOR LOFT.

Many Notables Among 400 at Dinner Given to Congressman-Elect.

George W. Loft, Congressman-elect, was the guest of honor at a dinner given by his constituents of the Thirteenth Congressional district last night at Little Hungary, 255 East Houston street. There were 400 men present.

User Marcus presided. The speakers were Myer Greenberg, Edward E. McCall, Magistrate John J. Freschi, Supreme Court Judge John J. Delany, Alfred J. Talley and City Court Judge Peter Schmuck.

At the guest table sat Police Commissioner Rhinelander Waldo, Daniel E. Finn, John J. Fitzgerald, Julius Harburger, Edward Lauterbach, Otto A. Rosalsky, Nathan Straus, Christopher D. Sullivan, David Lazarus, John P. O'Brien and Charles J. McCormack, President-elect of the Borough of Richmond.

TELLS OF BRIBE TO BENSEL AID

Continued from First Page.

knew that he had been secretary to Mr. Bensel before he got that job. We ate and drank and after the general conversation had lasted for an hour or more I went home with Mr. Consalus.

"Either that night or the next morning Consalus suggested that I go to see Hassett in reference to the final payment on my contract. I went to the office of the State Engineer, and after talking with Hassett he told me he would see me out in the hall. When he came out into the hall he said they would have to have something on that job.

"I asked him what he meant, and he said that Charles R. Foley had said they ought to have 10 per cent. on it before my final estimates were passed and that I was to give the money to Hassett.

"I don't want to say all that I said, but I did say that I thought that was crowding the mourners a little bit too hard, inasmuch as I had had to wait so long for my money. He said they wanted it, and since I needed the money and had an idea of the situation up there I finally asked him if he would take $1,500. He said that would be all right, and I told him I would give him the $1,500 when I got the check for my work. The check came shortly after that, within a day or two.

"I sent my stenographer to the bank to get the check cashed and she came back with a roll of small bills. I took the small bills to the Merchants Bank, but they didn't have large enough bills there and I went to the First National Bank. There I got a $1,000 bill and a $500 bill."

"Bribing," Says Whitman.

"Why did you want cash?" asked Mr. Whitman.

"I thought that was the better way."

"You mean the better way when you are bribing public officials?"

"Yes; that's what I mean," answered Mr. Aldrich, as if he didn't like the word the District Attorney had used.

Q. What did you do then? A. I came to New York and registered at the Hotel Knickerbocker.

Q. What did you do next? A. The next day I went to Thomas Hassett's apartment. I don't recall just where it is, but I can go there. I met him and two other men there. I handed Hassett the two bills.

Q. And he took them? A. Yes, sir.

Q. And he never gave them back to you? A. No, he never did.

Q. Did you contribute to the campaign fund in 1912? A. Yes. I gave the contribution to Consalus.

Q. Do you know that that contribution was never recorded anywhere? A. No. I didn't know that.

Q. How was that contribution arranged for? A. I don't recall it. It was the general thing to contribute.

Q. Did you get a receipt? A. No. I did not.

John E. Consalus was then called. He said he was a contractor with an office at 50 State street, Albany. He said he was treasurer of the J. J. Hurley Construction Company, but he wasn't sure if that was the correct title or not. He said he didn't know who the incorporators were. He said he had five or six highway contracts every year.

No List of Collections.

"Have you made collections from persons or corporations that were turned over to the campaign fund?"

"I have got contributions from persons."

Q. Did you ever get a contribution from the General Construction Company or the Bridgeport Construction Company? A. I have no list of those I got contributions from.

Q. Do you recall any others from whom you got contributions? A. No, I do not.

Q. Did you ever file a statement of these contributions? A. No.

Q. Did you ever get a contribution from Mr. Aldrich? A. I don't remember.

Q. Don't you recall that he gave you $300 in 1911? A. I don't recall. To the best of my recollection he did not.

Q. Do you recall meeting him at Keeler's Hotel? A. Not at this particular time. I may recall it later.

Q. Do you remember anything about his contract? A. Yes. I remember talking to him about it. He complained that he could not get his final payment. I told him I hoped he would get it.

Q. To whom did you speak about it; to Hassett, or whom? A. I don't think I spoke to Hassett. I think I spoke to Foley. I did not speak to Reel or Bensel about it. I remember his being held up. I had heard that the county engineer wouldn't accept the road.

Q. Why should you speak about it at all? A. Because he asked me to.

Q. Who is Neville? A. He's a clerk in Bensel's office.

Q. What is Hassett? A. I think he is a secretary there.

Consalus Doesn't Remember.

Q. Do you recall the Keeler meeting now? A. No, I do not.

Q. Do you remember telling Aldrich to see Hassett? A. No.

Q. You remember that Aldrich stayed at your home? A. Yes.

Q. He had never been there before and never has been there since, has he? A. No.

Q. And you don't remember anything special that called him there? A. No.

Mr. Whitman then asked Mr. Consalus if he had gone up to the State Engineer's office with Aldrich. Consalus admitted that he had, but could not remember the date.

Q. Do you know Everett Fowler? A. Yes.

Q. Ever talk to him about contractors? A. He asked me to introduce him to contractors. He said he wanted to get contributions, and so I introduced him. I presumed he was getting up a list of them. He showed me a list afterward in Albany.

"Did you get receipts for the contributions you turned in?" asked the Chief Magistrate.

"I think so, but I haven't been able to find them."

"As I understand it Mr. Aldrich gave you his contribution in cash?" continued the Chief Magistrate.

"Yes."

"And is that true?" Mr. Whitman interrupted.

"No, it isn't," answered Consalus.

Q. "Do you recall now what you and Mr. Aldrich talked about that night he was at your house? A. We discussed his contract.

Q. When did you talk with Foley? A. In December.

Q. And what was the occasion? A. None in particular.

Q. Have you ever introduced contractors to Foley? A. I presume I have introduced contractors to him.

Q. Wasn't it your practice to take new contractors to him—those who didn't yet have contracts? A. I don't remember taking new ones to him.

Q. What others did you take? A. I introduced any number of contractors to him.

Q. What is the nature of your contracts? A. Mostly repair contracts.

Q. And Foley is in charge of all repair work? A. Yes.

Denies Murphy Is Partner.

Mr. Consalus said he knew Joseph Murphy of Troy, but denied that he and Murphy were connected in business in any way. He said he contributed to the campaign fund in 1911 and 1912, and identified two checks, one for $1,500, sent to George M. Palmer, and one for $500, sent to Norman E. Mack. He said he didn't know that neither of them had ever been recorded in the statements filed with the Secretary of State. Mr. Consalus was told to be ready to testify again on Thursday.

Matthew Van Aistyne, who was the Democratic candidate for Mayor of Albany at the last election, was the next witness. He is treasurer of the Shaughnessy Construction Company of Albany, which has had about $1,500,000 worth of road contracts in the last four years. He said his company had contributed to the Democratic campaign fund in 1912. He said that a letter was received from William H. Kelly asking him to meet Everett Fowler in Syracuse. He didn't go, and another letter was sent. Then Mr. Shaughnessy, the president of the company, met Fowler. There was a meeting of the corporation heads and it was decided to contribute $1,000. Mr. Van Alstyne said he purchased a draft with a corporation check and sent the draft to Arthur A. McLean in New York.

"Did you realize at that time that the making or soliciting of a campaign contribution from a corporation was a violation of the law?"

"I did not."

He said the contribution was made voluntarily and that he had signed an immunity waiver before taking the stand.

Dike Dollard of Albany gave the District Attorney a surprise when he took the stand. He had been told that he would not be allowed to testify unless he signed an immunity waiver.

Refused to Waive Immunity.

He asked to be allowed to consult his attorney before he signed or refused to sign. When he took the stand Assistant District Attorney Clark asked him if he was ready to sign an immunity waiver.

"I have conferred with my counsel, Judge Herrick," answered Mr. Dollard, "and he advises me not to sign."

"Then you are excused," said Mr. Clark.

Judge Herrick was chief counsel for William Sulzer in his impeachment trial.

George H. McGuire will not be a witness to-day. His counsel sent word yesterday that his physical condition was such as to prevent his appearance.

Samuel Beskin, a contractor of Beacon, N. Y., is to talk with Mr. Whitman to-day. It will not be decided until this morning whether or not there will be a hearing this afternoon.

The Porto Rican liner Brazos was met on her arrival here yesterday in the hope that James K. McGuire, the former Mayor of Syracuse, who has been indicted for violating the general corporation law, would be aboard. He was not. Major J. M. Hamilton of Kingston said he saw McGuire a few days before the boat left San Juan.

Walter F. Sullivan, insurance broker, was elected forman of the new Grand Jury which will hear the campaign contribution and highway graft cases. The jury will hold its first session on Thursday.

Wood Carver Kills Himself.

Paul Baraghi, a wood carver, who had been in this city only a few days, shot and killed himself yesterday in the home of Mrs. Louise Baugniolotti at 428 East Fifty-first street.

DATE OF GRAFT TRIAL SET.

Cases Against Tammany Leader to Be Heard at Nyack December 15.

NYACK, N. Y., Dec. 1.—In the Rockland Supreme Court to-day Justice A. S. Tompkins, on motion of District Attorney Deegan, designated Monday, December 15, for the trial of Bart Dunn, a Tammany leader, and others under indictment for alleged graft in the construction of State highways in Rockland county.

These will be the first cases of the kind ever tried in Rockland county.