Indefinite Stay Is Result of Ruling by Supreme Court Justice Lamar.

### **NEW QUESTIONS ARE FOUND**

State of Georgia May Lose Power Again to Indict and Try Man Convicted of Murder and Sentenced to Be Hanged.

WASHINGTON. Dec. 28.—Justice Lamar, of the Supreme Court, today granted an appeal from the refusal of the Federal District Court for Northern Georgia to release on habeas corpus proceedings Leo M. Frank, under death sentence for the murder of Mary Phagan, a 15-year-old factory girl of Atlanta, Ga. Frank is sentenced to die January

22, but Justice Lamar's action effects an indefinite stay of execution. Thirty days are given for filing the record of the proceedings in the lower court. Immediately after that has been done, the State of Georgia may ask that the case be advanced for hearing and such suggestions are generally granted. although in the regular course the case would not come up for a year and a

The entire court will page on Frank's right to seek release from custody on a writ of habeas corpus on the ground that the trial court in Fulton County, Georgia, lost jurisdiction over him by its failure to have him present when the jury returned its verdict of guilty.

State May Lose Case. Should the court decide he was en-Should the court decide he was entitled to ask for the writ, thus reversing Judge Newman of the lower court, the case may be remanded to the District Court for the taking of evidence in support of the petition. Should it eventually be held that Frank must be released from custody, it is said, a mooted question may arise as to the power of the state to indict and try him a second time.

This was the second time Frank's fate had rested in Justice Lamar's

fate had rested in Justice Lamar's hands. After the Georgia Supreme Court had declined to set aside the verdict of conviction, Justice Lamar was asked to issue a writ of error for the Supreme Court to review the case. He declined on the ground that no President Wilson Said to Have Nar-Federal question was presented, inas-much as questions of procedure were for the states to decide. Other mem-bers of the court took the same

Applications then was made in the Applications then was made in the Georgia Federal Court for Frank's release on a writ of habeas corpus. Judge Newman held the condemned man was not entitled to the writ and refused to bers of the Federal Trade Commission. grant an appeal to the Supreme Court from his decision, because he was un-willing to issue a certificate of "prob-

Unsettled Questions Found. Justice Lamar was then asked to grant the appeal and issued the certi-

ing to grant the writ of error in a case where an alleged jurisdictional question was presented in a motion filed at a time not authorized by the practice of the state where the trial

### CITIES GRIPPED BY CRIME Hoquiam and Aberdeen Victims of

Robberies and Street Fights.

HOQUIAM, Wash., Dec. 28 .- (Special.) The worst wave of crime which Hoquiam and Aberdeen have experienced in a number of years has come with the Christmas holidays, and for the past week not a night has passed without a burglary, holdup or street fight in which knives or revolvers were

fight in which knives or revolvers were Several homes have been burglarized, one store in Aberdeen was held up last night and a number of men have been robbed. The most serious fight occurred in Hoquiam Christmas night when a party of Greeks and another of Finns clashed. Several shots were fired and a Finn received a bullet wound in the back. Knives and clubs also were wielded and two Greeks are in the hospital, badly beaten up.

## WOMEN HELP BELGIANS Columbia County Recallers Accuse

## JAIL ORDER IS REVERSED MAN DIES FROM EXPOSURE H. Syverson's Ball Set at \$3000 by

Supreme Court.

CHEHALIS. Wash., Dec. 28 .- (Spe-

clarify the situation as to the use of wireless by British colliers in Canal Zone waters. In regard to the alleged unneutral

In regard to the alleged unneutral use of wireless recently, it is said the British collier Protesilaus, while in the canal waters, received a radio message from outside the three-mile limit. The collier's captain did not undertake to reply to the message, which was directed to the British Consul at Panama, but endeavored to forward it to the Consul through the American port captain, who refused to transmit the message and caused the wireless apparatus of the Protesilaus to be sealed until she departed from the zone. until she departed from the zone. It appeared that the captain of the Protesilaus had not received official information of the new regulations pro hibiting the use of radio outfits in the canal, except upon canal business, but notwithstanding that, the British authorities concede the attempt to use the wireless was improper and therefore



Leo M. Frank, Defendant in Fa-Atlanta Murder Case, Who Gets Appeal to Supreme Court on Habeas Corpus Peti-

President Wilson Said to Have Narrowed List of 300 Down to Few. Governor West Mentioned,

It was said at the White House to day that while he has not finally able cause" as required by a Federal chosen the commission, he has narrowed his list of eligibles down from 300 to a few men.

Among the men whom the President grant the appeal and issued the certificate. In announcing his decision to-day the Justice said he had found that several questions of Federal law, unsettled by the Supreme Court, existed in the case, giving rise to "probable cause" for the appeal.

These questions were whether the Federal Constitution required an accused to be present when a verdict was returned against him in a state court; the effect of the accused not raising the point of his absence on a motion for a new trial, and the effect of the Supreme Court's own action in refusing to grant the writ of error in a Thomas S. Felder of Georgie; former Attorney-General Thomas S. Felder of Georgie; former Thomas S. Felder of Georgie; former Attorney-General Thomas S. Felder of Georgie; former is understood to be now considering day. America; former Attorney-General Thomas S. Felder, of Georgie; former Governor Ansel, of South Carolina, and Governor Hodges, of Kansas.

Among others under consideration are Joseph N. Teal, of Portland, Or., who has figured prominently in several important cases before the Interstate Commerce Commission, and George Ruble, of New Hampshire, who took an 

"I know absolutely nothing about it," said J. N. Teal last night when informed that he is being considered for appointment to the Trades Commission. "No, I won't say whether I will ac-cept or not. I have not been offered the place, and I learned long ago not to refuse or accept anything that has adjusted.

Governor Not Applicant, He Says. SALEM, Or., Dec. 28,-Governor West declared tonight that he is not an appli-cant for a place on the Trade Com-mission.

## PLEDGE BROKEN ALLEGED

Baker Committee Gets Donations for Relief Ship From Portland.

Baker, Or., Dec. 28.—(Special.)—Baker women today started the collection of funds for the Belgian relief ship which is to leave Portland next month.

They met with a ready response, the donors giving large quantities of flour, sugar, canned goods and other nonperishable foods for the people of warstricken Belgium. There were also many donations of cash and these are being expended in Baker for provsions to be sent as part of Baker's shipment.

The Baker Commercial Club is backing the movement and has obtained some large donations and these are being sugmented by the work of the Baker women, who report success beyond their expectations.

State Highway Engineer.

State Highway Engineer.

State Highway Engineer.

St. HELENS. Or., Dec. 28.—(Special.)—Taxpayers who brought about the recall election of funds for the Belgian relief ship which is to leave Portland next month.

They met with a ready response, the constructed west of the track from Scappoose to Warren, hardsurface it and maintain it as a state road.

A recent letter from Major Bowlby, State Highway is pledges to them. At the time of the recall election it was said that a promise had been made to take over the road to be constructed west of the track from Scappoose to Warren, hardsurface it and maintain it as a state road.

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"May he whom so many believe innocant of the Rev. A. P. Meerdyke, who said:

"In the Rev. A. P. Meerdyke, who s

Oscar Carlson, Homesteader Near Hamilton Creek, Perishes.

LEBANON, Or., Dec. 28 .- (Special.)-

Alleged Violation of Game Laws Results in Death to One Hunter.

Army Men, Sent to Aid Provincial Officer, Assert Americans Shooting Ducks Out of Season, Declare Men Ordered Ashore.

BUFFALO, N. Y., Dec. 28 .- Walter mith and Charles Dorsch, American hunters, were shot by Canadian soldiers on the Niagara River near Fort Eric today. Smith was killed but Dorsch will recover. The shooting was unin-tentional according to information gathered by the military and forwarded to Ottawa tonight.

The soldiers were alding a provinca officer to arrest the men for alleged force them to come ashore with their owboat. A final shot, said to have been fired for the same purpose, struck Smith between the eyes and Dorsch in

the arm.

While deep regret over the incident was expressed by the Fort Erie village officers, it was asserted that the men were not only technically under arrest by the game officer and were attempting to escape, but they had violated a military order which forbade unauthorized persons to approach the international boundary line while armed. This order, it was said, was armed. This order, it was said, was accompanied by a verbal order to the soldiers on patrol to shoot to kill if ersons so armed refused to surrender

Thomas W. Delaney, the provincial officer, said the men were shooting at ducks near the head of the river. He decided to arrest them and Captain Fite, in command of the border patrol. sent three soldiers to help him. They took a position about 500 feet from the boat. Delaney called out to the men that they were under arrest and or-dered them ashore. The soldiers fired a

volley. One bullet splashed the water near the boat.
"Don't hit them," cautioned Delaney.
"We'll come ashore as soon as we pick up the decoys," shouted one of the hunters. They rowed up stream toward the decoys. Suddenly the boat headed for the American shore. "They've got away; let them go," De-

laney told the soldiers.

"I'll give them another scare," said one of the soldiers. He raised his riffe and fired. Both hunters toppled over in the boat, which drifted to the ferry landing. Smith was found dead. Dorsch was brought to a Buffalo hospital. His condition is not serious.

J. B. Curtis, acting United States Consul at Fort Erie, made a preliminary report to the State Department by telegraph tonight. An inquest will be held on Wednes-

"R. W. BAXTER" OFFERS TO CLEAR UP CRIME OF 20 YEARS AGO.

Execution of George H. Painter in 1894 for Sweetheart's Murder Remembered as Peculiarly Shocking.

CHICAGO, Dec. 28.—That an innocent man was executed here in 1894 when George H. Painter was hanged for the murder of Alice Martin, is the state-ment made in a letter received today by Chief of Police Gleason from a per-

The hanging of Painter was made unusually brutal by the breaking of the rope. He fell to the cement paving of the jail yard and had to be supported by two men while the noose was again

Alice Martin, Painter's sweetheart, was beaten to death in 1891 and Painter was arrested nine months later. After two years of fighting the prisoner was convicted and executed. On the scaffold

he said:
"If I killed Alice Martin, the girl I dearly loved, the woman I loved so much that I would almost commit any crime for her, I pray this minute, my last minute on earth, that the eternal God will put me into eternal hell."

The condemned man raised his voice and continued:

"Look here, gentlemen; if there is

To Promote Foreign Trade Is Aim of Publication That Will Supplant Consular Report.

WASHINGON, Dec. 28.—To promote the foreign commerce of the United States, the Government will go into the CHEHALIS. Wash., Dec. 28.—(Special.)—The Washington Supreme Court at Olympia today ordered H. Syverson admitted to \$3000 bail.

Judge D. H. Wright, of Pacific County, had refused to allow Syverson to give bail. The latter, who is a well-known lumberman, is in the County Jail here, his incarceration being due to failure to satisfy a \$20,000 judgment obtained against him by an Adna girl some months ago.

LEBANON, Or., Dec. 28.—(Special.)—Oscar Carlson, a homesteader on the headwaters of Hamilton Creek about 15 miles east of Lebanon, was found dead Christmas day about six miles from his mountain cabin. He had evidently been dead for more than a week. He had been absent from his mountain home for nearly two weeks.

A searching party found his body in the snow within 100 feet of a trail which he missed, as his tracks circled near it.

VIOLATION IS EXPLAINED

Lower Road Levy Asked.

ST. HELENS, Or., Dec. 28.—(Special.)—Petitions are in circulation at Scappoose and Warren asking the County Court to reduce the general road levy 6 mills. The petitions are to be presented at a taxpayers' meeting to be held with the County Court tomorrow.

In the present to the business of the Department of Commerce for the preceding day.

The plan for a lively commercial daily was worked out by Dr. E. E.

Pratt, chief of the bureau of foreign and domestic commerce. The new publication will take the place of the daily consular report, and hereafter the long mail reports from American Consular rep

will be published as supplements to the Commercial Report. E. A. Brand, assistant chief of the bureau, who returned today from an extended tour of inspection of the eight new branch offices of the bureau, re-ported that the branches were meeting with a cordial reception from business houses and were working to full capacity in co-operation with mer-chants and manufacturers.

The branch offices are located at New York, Boston, Chicago, St. Louis, Seat-tle, San Francisco, Atlanta and New Orleans. This gives two offices to each geographical division of the country and no extension is contemplated dur-ing the present fiscal year.

### DECREE FOR SALE IS SIGNED

Assets of H. B. Claflin Company to Be Disposed Of January 14.

NEW YORK, Dec. 28 .- A decree providing for the sale on January 14 of the assets of the H. B. Claflin Company was signed by Judge Hand in United States District Court here to-day. The assets include all property, right and interest held by John Claflin in the insolvent company.

The belief prevailed in mercantile circles that the property be bought in by the Mercantile Stores Corporation, successor to the H. B. Claflin Company in the control and management of the Claflin stores throughout the country The decree of sales is drawn so as to embrace the plan of reorganization, presented in the interest of the Mer-cantile Stores Corporation. Under that plan creditors are to receive 15 per cent in cash and 85 per cent in notes and stock of the reorganized company.

violation of the game laws. Several MAN, 70, KILLS ROBBER Another Is Wounded by Veteran of Union Army in Civil War.

> ST. LOUIS, Dec. 28.—One robber was seriously wounded and another killed by Leonard C. Humphrey, 70 years old, a veteran of the Union Army, whom the pair attacked in his notion store today. The men entered the store and asked permission to warm themselves.
>
> After examining the store carefully they departed.

> Later they returned and again sat by the stove. Humphrey became suspicious and took up his revolver. The men at-tacked him, one with a hatchet taken from beside the stove. The other man

tried to choke Humphrey, who shook them off and fired.

Both men ran from the store. A few feet away one fell dead. The other man ran two blocks and stumbled into a physician's office, where the police found him. found him.

## MOTHER'S PLEA ANSWERED

Mrs. Florence Davis Gets Funds to Enable Her to Join Children.

BAKER, Or., Dec. 28.—(Special.)— A mother's love impelled Mrs. Florence Davis, a week ago destitute and adjudged incapable of providing properly for her children, to make a strenuous appeal to charitably inclined persons in Baker that she might obtain funds to take her to Portland, where her four children, of ages from 7 to 12, are at the Boys' and Girls' Aid

Society, She succeeded in her quest for funds, getting enough from the charity funds of the W. C. T. U and the Christian Church to take her to Portland. She left today.

## Mrs. Davis and her four children were removed from a brush hovel near Durkee a short time ago.

indictment for alleged conspiracy to corrupt the election of November 3, 1914, was released late today under \$10,000 bond, offered by a surety com-

Because of the crowded condition of "Federal row" in the County Jall, Mayor Roberts last night was forced to sleep on a straw stack on the cenent floor. have been unable to furnish bond. It is said 125 indictments in all were re-

turned, and other arrests were pected today. Judge J. S. Coke, of Coos, Better. MARSHFIELD, Or., Dec. 28.—(Special.)—Judge John S. Coke, of the Coos County Circuit Court, who had been ill with a threatened attack of pneu-

monia, is improved slightly, but not

able to resume his duties. Gambling Raid Made at Pasco. PASCO, Wash., Dec. 28.—(Special.)— Walter Stevens, Chief of Police, and Harry Dent, Deputy Sheriff, raided a Greek coffee-house Saturday night and arrested several persons for gambling. The officers effected an entrance

## ECZEMA ON CHILD'S BODY

Began as Rash. Itched so Had to Hold His Hands While Sleeping. Clothing Irritated Trouble. Face and Scalp Covered. Cuticura Soap and Ointment Healed.

570 High St., Oshkosh, Wis.—"When about two months old my nephew had sores break out on different parts of his body.

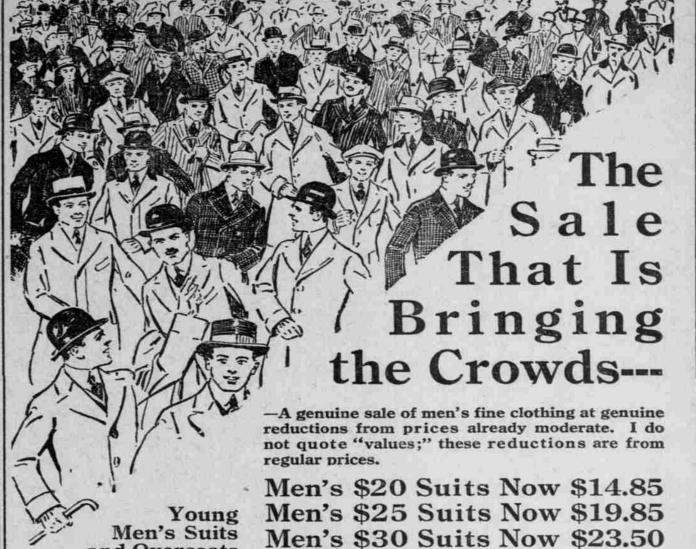
The trouble first began as a rash which itched so at night someone always held his hands even while sleeping as at the least scratching it would run together and form scabs. His night-clothes had to have mittens on them or

the scabs would be raw and bleeding by morning. His clothing or the least friction irritated the trouble. His face and scalp were covered. They called

"We tried different treatments but none cured him. At three years old we commenced the use of Cuticura Soap and Ointment. We could see an improvement after the first month's treatment. It took nearly a year to effect a complete cure and he never had anything like it since." (Signed) Mrs. F. Scoffeld, Mar. 21, 1914.

Samples Free by Mail

Care for your hair with Cuticura Scap and Cuticura Cintment. They keep the scalp clean and free from dandruff, allay Itching and irritation and promote natural hair-growing conditions when all else fails. Although Cuticura Soap (25c.) and Cuti-cura Ointment (50c.) are sold by druggists everywhere, a sample of each with 32-p. Skin Book will be sent free upon request. Address: "Cuticura, Dept. T. Boston."



Blues and Blacks Included The Same Reductions on Overcoats

Men's \$35 Suits Now \$28.50

Men's \$40 Suits Now \$32.50

Men, Main Floor Young Men, Second Floor

Morrison Street at Fourth

and Overcoats

at Same Reductions!

All Boys'

Clothing

Also Reduced

HAS SNOWFALL BAKER Fear for Winter Wheat and Spring

Irrigation Now Quieted. BAKER, Or., Dec. 28 .- (Special.)now fell in all parts of Baker County

**BAKER GRAINS SELL HIGHER** 

Hoggrowers Buying Barley Above Regular Quotations. BAKER, Or., Dec. 28 .- (Special.)-

MAYOR GIVES \$10,000 BOND

MAYOR GIVES \$10,000 BOND

Terre Haute Official Released After

Night on Jail Floor.

Night on Jail Floor.

Indianapolis, Dec. 28,—Donn M. Roberts, Mayor of Terre Haute, who was placed in jail here Saturday under indictment for alleged conspiracy to this morning. In Baker the depth was between four and five inches and in the mountains it was much greater. The highest price ever paid to farmers of Baker County for wheat, \$1.10 a bushel, was paid today by Baker busyers. This was for bluestem. Sales of club wheat, of which there is a larger supply, were at \$1.08 a bushel. All grains advanced materially in price, As much as \$25 a ton was paid for barley and from \$25 to \$26 was will not be enough water for irrigation in the Spring. Some damage has been indictment for alleged conspiracy to this morning. In Baker the depth was of Baker County for wheat, \$1.10 a bushel, was paid today by Baker busyers. This was for bluestem. Sales of club wheat, of which there is a larger supply, were at \$1.08 a bushel. All grains advanced materially in price, As much as \$25 a ton was paid for barley and from \$25 to \$26 was will not be enough water for irrigation offered for oats but there were virtual
offered for oats but there were virtual
in the show relieves fears that there will not be enough water for irrigation in the Spring. Some damage has been by no sales of oats. Hoggrowers con-

through a rear door and took the play-ers unaware. The place has been under surveillance for some time.

done already, it is said, to Winter wheat by the recent cold but today's snow is believed to have checked this particularly firm.

FIFTY EMPLOYES GUESTS Coos & Curry Telephone Company Host and Manager Honored.

MARSHFIELD, Or., Dec. 28 .- (Special.)-The Coos & Curry Telephone

# THE OREGONIAN ANNUAL

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In the forthcoming New Year's Edition there will be a complete review of progress and a comprehensive exploitation of the resources and industries of the state. Among exclusive features will be the Panama Canal and shipping

section, comprising special articles covering subjects of compelling interest to the manufacturer, wholesaler, exporter, farmer and merchant; a double-page drawing of the canal; a drawing showing Portland's relative position with the world's ports; scenes of port and harbor activity in shipping and development work. An entire section will be devoted to state development and another

section to the civic, commercial and industrial progress of Portland. A handsome pictorial section showing Portland's modern business structures will be an interesting feature. Every resident of Portland, the Columbia River Basin and Oregon

should secure a copy of the New Year's Edition of The Oregonian. It should be the duty of every person interested in the welfare and development of the state to send a copy of this great edition to each of his friends in other states.

Fill out blank form and send to Oregonian office, Sixth and Alder Sts.

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Portland, Oregon Gentlemen: Enclosed find ...... for which mail The Oregonian's New Year's Annual to each of the above addresses. (Enclose 10c for each name.)

Sent by.....(Duplicate blanks may be had by calling, telephoning or writing to The Oregonian Circulation Department)