

LEO FRANK TRIES TO SUPREME COURT

Constitutional Rights Not Denied Man Convicted of Murder, Says Ruling.

EXECUTION SEEMS CERTAIN

Possibility of Pardon Only Chance Left. It Is Thought—Dissenting Opinion, However, Says Mob Charge Should Be Probed.

WASHINGTON, April 19.—The Supreme Court held that the State of Georgia had denied Leo M. Frank no right under the Federal Constitution in sentencing him to death for the murder of Mary Phagan, an Atlanta factory girl.

The court affirmed the action of the United States District Court for Northern Georgia, refusing to release Frank on a writ of habeas corpus. Justice Pitney announced the opinion. Justice Holmes delivered a dissenting opinion, in which Justice Hughes concurred.

This decision, it is believed here, exhausts all means of fighting in the courts to save Frank's life. His attorneys will have, however, 30 days in which to file an application for a rehearing. At that time the court's mandate will issue, and apparently only the possibility of a pardon will be between the prisoner and death.

Georgia Court Is Upheld. The habeas corpus proceedings rested on the claim that the trial court had lost jurisdiction over the prisoner by reason of "mob domination" during the trial, and by Frank's involuntary absence at the time the verdict was rendered. It was contended that this denied him "due process" as guaranteed by the Federal Constitution.

The majority of the court held that the findings by the Supreme Court of Georgia that the alleged "mob domination" amount to nothing more than irregularities, not prejudicial to Frank, and should not be disturbed on the mere assertion of the prisoner that the facts were otherwise than as found.

The dissenting Justices held the case should be sent back to the District Court for the taking of evidence on the petition. They said, however, that they were not impressed with the argument that the presence of a prisoner at time a verdict was rendered was required by the Constitution.

COAST GUARD SEEKS SITE

Commission Is Named to Locate Siuslaw Station.

OREGONIAN NEWS BUREAU, Washington, April 19.—The Coast Guard service today appointed District Superintendent Wollander, Keeper Henderson, of Umpqua station, and Andrew Fureby, as a commission to select the site for new coast guard station to be built at the mouth of the Siuslaw River.

Congress appropriated \$32,000 for this station and if the commission is successful in having a desirable site donated to the government, the appropriation will be adequate to build and equip the station. On the other hand, if a large price has to be paid for the site it may be necessary for Congress to further appropriate before the station can be built.

STRIKERS WOULD MEDIATE

Decision of Chicago Contractors May Be Known Thursday.

CHICAGO, April 19.—Striking carpenters' officials, meeting with the State Board of Arbitration, agreed today to a proposition for mediation. The State Board of Arbitration adjourned until Thursday, and until then the carpenters' contractors are expected to make public any decision they may reach regarding the appliance of mediation.

QUICK DEATH IS NOW HOPE

Monday the tug Navajo, aided by the Makaha, towed, while the dredge California endeavored to lift the submarine and they had succeeded in moving her a slight distance into shallow water, she first having been located in about 200 feet, when the line to the dredge parted at about 5 o'clock Tuesday morning.

"The spot where the submarine lies was buoyed out the tug Navajo held on until a southerly swell blew up about 5 o'clock on Monday afternoon and parted the Navajo's line."

"It had been concluded on Tuesday morning that the method which had been pursued was inadequate to the task and the department had been so informed by telegram. The commandant has refrained telegraphing about the facts, as hopeful conjectures were considered inadvisable as raising false hopes."

"It would be needless for the commandant to attempt to express the deep sorrow that he feels over such a tragedy, as he could not adequately express his feeling in any language known to him."

American Bridge Plant Resumes. GARY, Ind., April 19.—The plant of the American Bridge Company resumed work today, giving employment to 450 men.

PRINCIPALS IN LIBEL CASE WHICH ATTRACTS NATION-WIDE ATTENTION.



PORTRAIT AND SNAPSHOT OF THEODORE ROOSEVELT AND SNAPSHOT OF WILLIAM BARNES, JR.

T. R. JURY CHOSEN

Motion to Dismiss Action for Libel Denied.

COLONEL IGNORES BARNES

Libel Case Opens With Courtroom Jammed to Capacity—Students Serenade Roosevelt; Says He Wishes They Were Jurors.

(Continued From First Page.)

ward in his chair, so as not to miss a single word.

Mr. Barnes also ignored his opponent when he first entered the courtroom. Later, however, he swung around in his chair and watched the Colonel for several minutes. Mr. Barnes listened intently to the questions asked the first two jurors and then occupied himself by making notes on a pad of paper.

While Mr. Roosevelt's attorney was talking Mr. Barnes smiled broadly on more than one occasion.

T. R.'s Counsel Makes Statement.

Attorneys on both sides were in conflict tonight. Later the Roosevelt attorneys gave out the following typewritten statement: "The motion of Mr. Bowers was merely intended to be the usual one in the conduct of such a case and in no way implied any change in the position of the defendant. The defense will proceed along its original lines. There was not and not now any intention to deviate therefrom. Mr. Bowers simply discussed the legal situation which cradled to the article published in the absence of an innuendo, which under well-recognized rules of law requires if possible a harmless construction of the language if such construction is considered by the court to be possible. The motion having been denied, the defense will now proceed to prove the allegations set up in the answer of Colonel Roosevelt. The question was purely a legal one and in no way involved a change of front as to the facts."

Students Serenade Colonel. Late tonight 400 students at Syracuse University serenaded Colonel Roosevelt. He talked to them about athletics and then told them that, while he did not feel at liberty to discuss his case, he wished the jury had been picked from their number.

When the jury was completed, the remainder of the panel was excused. Justice Andrews then warned the jury against reading even headlines in newspapers during the remainder of the trial and against discussing the case with friends.

"And if anyone approaches any of you gentlemen and endeavors to draw you into conversation about the case, I want you to report the matter to me immediately," Justice Andrews said.

Motion to Dismiss Made. The jury was then excused until tomorrow morning and John D. Bowers, chief of Colonel Roosevelt's staff of attorneys, addressed Justice Andrews upon a motion to dismiss the complaint. He began by explaining the statement upon which the suit is based, and asserted that Colonel Roosevelt was prompted to make it by a desire to induce the voters of New York state to express at the polls their disapproval of "maladministration and corruption."

He said such a statement was privileged and then continued as follows: "If Colonel Roosevelt had simply attacked the Republican or the Democratic party, no one would have questioned him. The names that he used just happened to fit the purpose which moved him, and many of the defendant's remarks were based upon knowledge which came to him when he was Governor of New York. He wanted to express at the polls to know just what the situation was."

"Had other men been holding the positions Mr. Barnes and Mr. Murphy have been named the others instead of them. It was necessary for Colonel Roosevelt to name them as he did because

he believed that they formed what is known as the invisible government of the state of New York.

"There was no personal malice," Mr. Bowers then quoted numerous cases in an effort to show that, under the circumstances, the statement was privileged.

"The persons Mr. Roosevelt referred to," continued Mr. Bowers, "were simply illustrative of a situation which he outlined, and if he charged that the government of New York was rotten, he made no allegations that either Mr. Barnes or Mr. Murphy participated in the rottenness or that they had personally profited by it. He did say that they controlled a government which was at times corrupt, but he did not say that either Mr. Barnes or Murphy was corrupt."

Mr. Bowers concluded by saying that, all things considered, he thought there was nothing for the jury to consider. The motion to dismiss was denied by Justice Andrews and court was then adjourned until tomorrow.

HILL TAKEN BY BRITISH

IMPORTANT GAIN IS MADE IN REGION EAST OF YPRES.

Mine Explosion Under German Position Enables Capture, and Strong Counter-Attack Is Failure.

LONDON, April 19.—The following official statement was issued tonight at the War Office:

"A successful action, commencing on the evening of the 17th, culminated last night in the capture and complete occupation of an important point known as Hill 60, which lies about two miles south of Zillebeke, to the east of Ypres. This hill dominates the country to the north and northwest."

"The successful explosion of a mine under the hill commenced the operation, and many Germans were killed by this, and 15 prisoners were captured, including an officer. At daylight the British made a counter-attack against this hill, but were repulsed with a heavy loss. They advanced in close formation and our machine gun battery got well into them.

"Desperate efforts were made all day yesterday by the Germans to recover the hill, but they were everywhere repulsed with great loss.

"In front of the captured position, on which we are now concentrating the strength, hundreds of dead are lying. Yesterday two more German aeroplanes were brought down in this area. Since the 15th the total loss to the enemy is five aeroplanes."

DRUG SHIPMENT SEIZED

PLAN TO EVADE LAW ON BORDER DECLARED REVEALED.

Quantity Valued at \$7000 Confiscated at Calexico and Two Arrests Are Made.

LOS ANGELES, Cal., April 19.—(Special.) An attempt was made to evade the law which demands that records of the distribution and disposal of every grain of habit-forming drugs be given to the Government was revealed today in the seizure of the largest amount of drugs ever confiscated by state authorities.

Morphine, cocaine and opium, worth \$7000, were confiscated by State Inspector Jones, of Los Angeles, at Calexico.

C. P. McGinnis and E. E. Young were placed under arrest and released on \$1500 bail.

Inspector Jones declared that the drugs were shipped to Mexicali, which is practically the same town as Calexico, Cal., although situated across the border in Mexico. The parties to whom the drugs were sent were to call for the shipment in Calexico.

Lieutenant Goschen in Solitary Cell. LONDON, April 19.—Lieutenant Goschen, a son of William Ward Goschen, former British Ambassador in Berlin, is believed to be one of the ten British officers, prisoners of the Germans, who have been placed in solitary confinement at Magdeburg in retaliation for the treatment by Great Britain of the crews of captured German submarines.

PASHA TELLS WHY TURKEY IS FIGHTING

Young Commander - in - Chief Declares People Are Aiding Willingly.

ARMY VIRTUALLY REMADE

Russia and England Encroaching. Ruler Declares in First Interview Ever Given to Press of America.

CONSTANTINOPLE, April 19.—"I am glad you asked me that question. This is not a war of the Turkish government, but a war of the Turkish people," said Enver Pasha, the young commander-in-chief of the Ottoman army, to the Associated Press, in the first interview ever given to the American press.

"Undoubtedly the world finds difficulty in understanding that the Turkey of today is no longer the Turkey of the past, but that, nevertheless, it is a fact which should be apparent to all impartial observers," he continued, showing meanwhile the enthusiasm of a youth, although it was almost in a shamed manner that he admitted his light burden of years.

Commander World's Youngest. The world's youngest commander-in-chief typifies the young Turks in intellectual attainments and ideals.

The conversation with him was carried on in German, and besides having a thorough command of the German language, he speaks excellent French. Enver Pasha would be boyish in appearance but for a rather heavy brown mustache. Alert, frank eyes and pleasing manner make him a delightful conversationalist. He has, moreover, a well-deserved reputation for being the handsomest man in the Turkish army.

When the correspondent entered, Enver Pasha shook hands cordially and said: "I am sorry to have kept you waiting, but my busy day has just had to come to interview me. Well, I will make an exception in your favor. I am averse to talking to men of the press, but you are what you are."

"The exact reasons for Turkey's participating in the war," was the reply.

Incursions by Russia Cited. "You refer, no doubt," said Enver Pasha, "to the incursions by the newspapers of Great Britain, France and Russia that Turkey entered the war to help Germany. That is true at the moment, not when we mobilized. Today Austria-Hungary and Germany help us; we help them. But we mobilized because there was no way out. Long before we took this step Russia had grown ugly on the Black Sea and in the Caucasus, invading our territory, while England had already concentrated a fleet before the Dardanelles. We were unwilling to start the ball rolling and even after the Russians attacked our fleet in the Black Sea we still waited one week before war was declared.

"We know that Turkey would again be led to the slaughter block. Being unwilling that this should happen, we took the only course open. We Turks feel that we have a right to exist, especially when the best of us are straining every effort and are catching up with other countries in industrial and material development. I believe that there is much good in the Turkish people, contrary to what our traducers say. At any rate, we are about to prove it."

People Part of Turkey. "There was a time when Turkey was merely a government clone, which was not trusted by the people, but gradually the people are beginning to feel that they themselves are Turkey. I think that this is the healthiest sign here today, and there also is the promise, the progress of all civil life will be rapid."

At this moment the War Minister's chief of staff entered with papers. When these were disposed of the interview was continued.

"We are taking care of our troops today," said Enver Pasha, "hence their loyalty. Formerly a rifle was given a man and he had to shift for himself as best he could, but now a man is cultivated in his absence. Each village has this system—while a man is at the front his neighbors till his soil."

"This measure has been so effective that the area of cultivated land is 20 per cent more than ordinarily, he went on. "When a man is in the field we see that he is cared for, simply perhaps, but sufficiently. The Turkish soldier moreover now knows how to shoot well; this is instilling the confidence he formerly lacked."

Army Virtually Remade. To the question as to what was responsible for the better quality of troops which has been so apparent, Enver Pasha replied: "When I reached the head of the army I discharged on my second day in office about 2000 old officers who had formerly been merely a burden on the Ottoman military establishment. Next I made every effort to have the common soldier feel that he was part of the service, instead of the subject of it. It can hardly be believed, but the difference this made. The men now have an esprit de corps."

HUNGARIANS TO RETIRE. Cavalry on Western Front to Be Sent Back to Cracow.

GENEVA, via Paris, April 19.—A Vienna dispatch to the Tribune says that at a council of war presided over by Field Marshal von Hindenburg, it was decided that the Austrian heavy artillery now before Verdun (in the department of Meuse, France) should be transferred to Poland.

That the Hungarian cavalry now on the western front be sent back to Cracow also was decided.

ANARCHISTS GET SIX YEARS

Two Convicted of Cathedral Bomb Explosion Attempt Are Sentenced.

NEW YORK, April 19.—Frank Abarno and Carmine Carboni, anarchists who made and set a bomb in St. Patrick's Cathedral March 2, when hundreds were worshipping within the edifice, were sentenced today to serve not less than six years nor more than 12 in Sing Sing Prison.

Abarno and Carboni were found guilty last week.

BIRD ISLANDS CLOSED TO VISITORS.

KLAMATH FALLS, Or., April 19.—(Special.) Game Warden Fisher has received instructions from Chief Henshaw, of the biological survey, not to permit any more visitors to visit Bird

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Coming Thursday MAY BLOSSOM

Islands in the northern part of Lower Klamath Lake, until after the nesting season and the little birds are able to look after themselves. Bird Islands are always a great attraction in the spring season, and heretofore visitors unwittingly have caused the death of great numbers of young birds, principally pelicans, herons, grebes, cranes and cormorants, which nest there.

GERMANS TO REST ON GAIN

Official Reports Say No Offensive Will Be Undertaken in France.

ROME, April 19.—Official communications received by the Italian Cabinet and statements made by Germans in official circles here give the impression that the German General Staff has abandoned plans for a general offensive movement on the French front and has decided simply to maintain the defensive.

This information has caused a deep impression here, because it is believed to signify that Germany has no hope of penetrating further into French territory.

SALEM TO VOTE ON COMMISSION RULE

SALEM, Or., April 19.—(Special.)—A resolution providing that a committee



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Along with the increasing demand for Zerolene, the Standard Oil for Motor Cars, and Red Crown, the Gasoline of Quality, has also come the demand that these products be put where the motorist can get them easily, quickly, conveniently. Standard Service Stations supply this need.

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more frequent, and the general feeling of the community is much more optimistic than at any time during the past two years. The 500 or more acres of young orchards adjoining Monroe are just coming into bearing.

Monroe Prospects Promising.

MONROE, Or., April 19.—(Special.)—Crops of all kinds are promising, and the prospect for an immense yield of fruit is good. The outlook for the coming season in all business is good. Inquiries for farms and business locations from Easterners are becoming

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