

LEO FRANK'S CASE ARGUED

(Continued from Page 1.)

including Attorney General Warren Grice and Solicitor General Hugh M. Dorsey, known as "Frank's enemies," who prosecuted the case in the Georgia courts.

Heading Frank's battery of lawyers was Louise Marshall of the firm of Marshall, Guggenheim & Untermyer of New York. Atlanta lawyers were Henry C. Peoples and Henry A. Alexander, with Fulton Bylawski of this city. Jewish friends of Frank in Brooklyn, his former home, have rallied to his aid, morally and financially, it is reported.

The courtroom was crowded today to hear the legal battle. Unique legal points involved caused much professional interest. There was a stir of interest among the spectators as Frank's case was called.

Alleged denial of constitutional rights of Frank on two grounds were the principal plea made by his counsel. One was Frank's absence from the court room when the jury's verdict was rendered. The other was the alleged "mob spirit" during the trial which, Frank contends, intimidated or at least swayed the jury.

The Georgia attorneys combatted Frank's plea with the explanation that Frank's lawyers waived his presence in court of fear of mob violence in case the jury brought in an acquittal or disagreed. They also contended that Frank's move to set aside the verdict because of his absence from court was made too late by his counsel.

Technically, the proceedings today were reviewed by the supreme court of dismissal by U. S. District Judge Newman of Georgia of Frank's application for a writ of habeas corpus, based largely upon his absence from court. Justice Lamar, in charge of the Georgia circuit, granted the writ or review last December after the court had previously refused to review the original trial proceedings.

The supreme court has never ruled whether on a murder trial in a state court the "due process" clause of the constitution guaranteed the defendant the right to be present when the verdict is rendered. Neither has it ruled whether Frank's failure to ask a new trial because of his absence from court, after the state court's rule permit filing of such a motion, is a denial of the defendant's constitutional rights.

These were the two principal unique legal questions presented in the arguments today.

Frank's attorneys contend that Frank, personally or by counsel, could not waive his constitutional right to be present in court, nor be recited afterward by them.

Regarding the "mob spirit" prevalent at trial, Frank's attorneys contended, and presented numerous affidavits in substantiation, that the jury was dominated by the mob. It was stated that the mob's conduct "intimidated their judicial functions" in violation of the "due process" clause of the constitution guarantee-

ing all persons due process of law.

In detail, it was stated the courtroom crowd was openly hostile and could not be restrained from applause and other demonstrations of points of evidence or argument against Frank.

If the supreme court grants the writ of habeas corpus, Frank will be freed technically but will probably be immediately re-arrested and forced to a new trial. Denial of the writ will spell death on the gallows for Frank, after being re-sentenced by the Georgia trial court.

The murder of the Phagan girl was brutal. Her face was bruised so that identification was difficult. A cord was tied tightly around her neck and her clothing torn to shreds. Criminal assault was the object of her assailant.

"Jim" Conley, the negro, declared Frank murdered the girl on the top floor of the factory, cleared for the holiday, and forced him to help take the body to the basement. Conley received a sentence of one year, which has almost expired, as an accessory.

STOCK AND SWINE INCREASING IN QUANTITY

Washington, Feb. 24.—Meat at 50 cents a pound and shoes at \$10 a pair are further away than ever, the department of agriculture announces, for the reason that for the first time in many years all classes of live stock in the United States are increasing in numbers.

Despite the ravages of foot and mouth disease, the number of beef cattle increased by nearly a million and a quarter, or 3.4 per cent last year, after declining steadily ever since 1910. There were half a million more milch cows on January 1 than a year ago. Swine increased nearly 6,000,000, or more than nine per cent. In the face of the exportation of horses to the allies, these animals increased 233,000 head, and there is no reason for a shortage of horses, says the department. The increasing use of autos took the average price of horses down to .6 and mules down \$11.50 during the year.

Importation of hides showed a falling off. "There is, however," says the department, "little reason to suppose this decrease will be permanent or of sufficient importance to create

any real scarcity. Since the great bulk of the imported hides come from countries now at war, shipments are not interfered with in any way, and the only new factor to be considered is the possibility of an increasing demand by the warring countries."

"It is believed," the department continues, "that the United States is in better condition to face such a situation than for years past. The tide, it seems, has turned. Instead of live stock steadily decreasing year after year, this year, for the first time, all classes show an appreciable increase, including horses, mules, milch cows, beef cattle, sheep, and swine, there were on January 1, 1915, 7,712,000 more farm animals in the United States than on January 1, 1914. The increase in the total value was \$78,024,000 or 1.3 per cent. It is quite true that this increase is not yet proportional to the increase in population, which is approximately 2 per cent; but the fact that there is an increase, that the tide seems definitely to have turned, is regarded as a sufficient answer to alarming exaggerations and misleading figures."

Asiatic exclusion should not be applied to Chinese trees, says the department of agriculture. These trees thrive in the United States for the reason that the climate of eastern China is about the same as that of eastern United States. The department advises importation of Chinese maple which is a particularly ornamental shade tree. Chinese peaches, quinces, hazelnuts, and holly, will take an important place in the American market if the trees and bushes are imported and planted in accordance with the department's advice, it is stated.

Holiday apple eating fell off last year and dealers have large cold storage holdings on their hands, the department of agriculture announces. "A regular, vigorous movement throughout the remainder of the season may be necessary to prevent disaster in the spring," says the department. "Growers and dealers are urged neither to dump their holdings nor to stand for arbitrarily high prices. Panicky selling usually means grief, but all concerned should seek to move cold storage apples gradually and with such rapidity as the market allows, so that the deal may be wound up in relatively good shape."

Bowley Will Continue.
(By United Press Association)
Salem, Feb. 24.—The state highway commission has agreed to permit the state highway engineer, Bowley, to continue indefinitely in his official capacity. His resignation was demanded two weeks ago.

EDUCATORS IN CONFERENCE.
Cincinnati, Feb. 24.—Public school superintendents from many cities of from 10,000 to 25,000 population gathered here today in response to a call by the Federation Education commissioner. The meeting is in connection with the convention of the N. E. A. superintendents.

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