

LEO M. FRANK LOSES APPEAL IN SUPREME COURT

Federal Tribunal Denies Writ of Habeas Corpus in Celebrated Atlanta Case—Frank Given Every Opportunity to Be Heard and Accorded Fullest Rights in Trial.

ATLANTA, Ga., April 19.—"I am very much disappointed, but I will keep up the fight," said Leo M. Frank, when informed that his habeas corpus had gone against him. Frank's attorneys said they believed every means in Frank's behalf before the courts had been exhausted. They added that they would probably prepare a petition asking the Georgia prison commission to commute Frank's sentence.

WASHINGTON, April 19.—Leo M. Frank, the Brooklyn man under death sentence for the murder of Mary Phagan, an Atlanta factory girl, lost another step in his fight for life in the supreme court of the United States today.

In a decision which Justices Holmes and Hughes dissented, the court dismissed Frank's appeal from the federal court of Georgia, which refused to release him on a writ of habeas corpus.

Frank contended that "alleged mob violence" at his trial and the fact that he was absent from the court room when the jury returned its verdict had removed him from the jurisdiction of the courts of Georgia.

The majority opinion of the supreme court rejected all of those contentions and declared Frank enjoyed all his legal rights in the Georgia courts.

Seemingly no other avenue of escape from the death penalty is open to Frank through the courts. The state pardon officials might relieve him.

Court Probe Thorough

Justice Pitney in the majority decision stated that the obligations rested upon the supreme court to look through the form and into the very heart and substance of the matter, not only of the averment in Frank's petition, but in the trial proceedings in the state courts themselves. The petition contains a narrative of disorder, hostile manifestations and uproar, said the justice, "which if it stood alone and were to be taken as true, may be conceded to have been inconsistent with a fair trial and an impartial verdict. But to consider this as standing alone is to take a wholly superficial view; for the narrative is coupled with other statements from which it clearly appears that the same allegations of disorder were submitted to the trial court of Georgia as a ground for avoiding the consequences of the trial and these allegations were considered by these courts successively at time and place and under circumstances wholly apart from the atmosphere of the trial and free from any suggestion of mob domination or the like.

Allegations Groundless

The facts were examined by those courts upon evidence submitted on both sides and both courts found Frank's allegations to be groundless, except with respect to a few matters of irregularity not harmful to the defendant.

"This court holds that such a de-

(Continued on Page 2.)

QUALIFYING ROUND IN GOLF CONTEST

SAN FRANCISCO, April 19.—The qualifying round in the Panama-Pacific exposition amateur golf championship began today on the links of the San Francisco Golf and Country club. Golfers from all parts of the country are entered. The medal round will be played over the thirty-six hole route and sixty-four will qualify to compete for the title.

Charles Evans, Jr., of Chicago, western champion, is matched today against Robert G. Hayne, champion of northern California. There are ninety entries, among them Chandler Egan of Medford, Or., former national champion.

BRITISH BEGIN ANOTHER DRIVE UPON GERMANS

French Claim Capture of 600 Yards of Trenches—Germans Deny—Kaiser's Plans for General Offensive in France Abandoned to Concentrate on Eastern Campaign.

LONDON, April 19.—The British army has begun another important drive at the German line which holds conquered Belgium. Sharp fighting occurred yesterday in Belgium and the official French report of today states that the British captured 200 yards of German trenches, retaining their position in the face of several counter-attacks. The statement from Berlin, however, says the British were ejected from minor positions they had taken from the Germans and that British attacks near Ypres broke down with heavy losses.

The French are again on the offensive on the eastern end of the line and substantial progress in Alsace is announced at Paris. The French troops are said to have pressed forward along the Fecht river. The Berlin report asserts that French onslaughts near Combrès and in the Vosges failed.

Information has reached Petrograd that the Austrian attempts to regain positions in northern Hungary, captured recently by the Russians, have been abandoned.

German Offensive Abandoned

Abandonment by the German general staff of plans for a general offensive in France is inferred in Rome from information received there. It is said this decision is indicated by official communications to the Italian cabinet as well as by statements of Germans in official circles and that hope of penetration further into French territory has been put aside.

A dispatch from Geneva gives the impression that the Austrians and Germans have decided to concentrate their energies on the eastern campaign. It is said that at a council of war presided over by Field Marshal von Hindenburg it was determined to transfer the Austrian heavy artillery, now before Verdun, to Poland and to send back to Cracow, western Galicia, the Hungarian cavalry now in the western front.

Russians Claim Victories

The situation still is to be cleared up. Confident assertions from Berlin last week that the Russian advance in the Carpathian regions had been halted are offset by the claim of the Petrograd war office that the principal chain of the mountains, comprising a 75-mile section of the front, is now in possession of the Russians and that 70,000 Austrians have been captured in the last few weeks. It is said in Petrograd that the movement toward the interior of Hungary will be resumed after the troops have been rested and reinforced. The Austrian war office, however, maintains that the Austro-German forces are gaining further victories.

Count Alvaro de Romanones, former premier of Spain, has made a public statement that "a solemn declaration" should be made by Spain to show where her sympathy lies in the war without violating her neutrality. He pointed out that Spain's relations with the triple entente, consisting of Great Britain, France and Russia, had been more and more friendly during recent years.

DELAY EFFORTS TO RAISE SUNKEN F-4

HONOLULU, T. H., April 19.—An effort to raise the submarine F-4 was delayed a few hours early today to strengthen a minor defect of the drumholder of one of the scow pontoons. In a lifting test made last night the other scow to be used in the work of bringing the scow to the surface was found to be in perfect condition.

The result of the test convinces Rear Admiral Charles B. T. Moore and the other naval authorities in charge of the operations of the feasibility of the plan to remove the craft to shallow water by alternate lifting by the scows and towing with tugs.

ITALY AWAITING ULTIMATUM TO START FIGHTING

Austrian Protest Against Massing of Troops on Frontier Expected to Be Signal for War—Allies Anxious to Close Door to German Shipments—Action at Dardanelles Expected.

LONDON, April 19.—Whether negotiations between Rome and Vienna concerning Italy's demands for territorial concessions have been broken off remains for the moment an official secret, but it appears to be universally agreed that the tension is approaching the breaking point. It is suggested here that the Italian foreign office is awaiting an ultimatum from Vienna on the subject of Italy's military preparations along the frontier as a pretext to sever the remaining ties, bringing an outbreak of hostilities.

Waiting for Italy

The alertness with which every move, diplomatic or otherwise, made by Italy is now followed in London, indicates the high importance attached here to efforts to bring Italy to the fighting line. One of the main reasons advanced for this desire to include Italy in the partnership of the allies is that in no other way is it possible to close effectively the door through which supplies still are reaching the Teutonic allies in considerable amount.

A case in point is the confiscation by the Swiss authorities, announced in Geneva today, of an arsenal of machine guns of American manufacture, which was on the way to Germany from Genoa. Shipments of iron, copper, antimony and sulphate have been reaching Germany with a fair degree of regularity.

Austrian Embargo

It is asserted today that a sudden embargo has been placed at Como on a trainload of these supplies and that Italy and Rumania have taken joint action in refusing to allow foodstuffs for the civilian population of Austria-Hungary to traverse their territories.

Although there has been much fighting in both the eastern and western fields, operations on a big scale are still awaiting improvement in the weather on one side and adequate supplies on the other. Indications are, however, in both the Carpathians and Poland that the greatest battle yet to be fought is imminent and that the coming clash in the Carpathians will coincide with a great German advance from the direction of Cracow.

Activities in the Dardanelles are taken to presage an important movement any day now against the Turkish positions on the straits.

DUNNE TRYING TO SETTLE CHICAGO STRIKE

CHICAGO, April 19.—Sessions designed to bring about a settlement of a strike of 16,000 union carpenters were begun here today by the state board of arbitration. The board is meeting at the request of Governor Dunne.

"I view the strike as a calamity," Governor Dunne said after a conference with members of the board. "Chicago and the state of Illinois are just getting a period of prosperity nicely under way when a strike is pushed in the way of a period of good business."

VILLA RETREATS TO ANGUA CALIENTES

WASHINGTON, April 19.—General Villa retreated yesterday from Irapuato to Agua Calientes with fourteen troop trains, according to official dispatches today to the state department.

Villa announced, the report says, that he would assemble his forces at Agua Calientes for an attack upon Obregon, at Celaya. His losses in the recent engagement at Celaya are estimated at 6000 men. Obregon's losses are unknown.

HUERTA GLAD TO BE UNDER FLAG HE INSULTED



General Huerta, ex-dictator of Mexico, who caused Uncle Sam to send warships to Mexican waters by his refusal to salute the American flag, is visiting in New York now. He says his trip is purely for personal reasons and that he is having an enjoyable time, but from other sources it is rumored that Huerta is planning another revolution in Mexico. In the picture above he is seen with Abraham Z. Ratner, one of his close friends. Ratner, with his brother, owned the Tampico News Co., in Mexico City, but was exiled by the Madero government. They returned to favor under Huerta's regime, as purchasing agents of war supplies.

BRITISH CAPTURE YPRES HILL 60 FROM GERMANS

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

"A successful action commencing on the eve 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 operations, and many Germans were killed by this and fifteen prisoners were captured, including an officer. At daybreak on the 18th the enemy delivered a heavy 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, upon which we are now consolidated in strength, hundreds of dead are lying.

"Yesterday two more German aeroplanes were brought down in this area. Since the 15th inst. the total loss to the enemy is five aeroplanes."

VILLA LOSING WESTERN COAST

ON BOARD U. S. S. COLORADO, Mazatlan, Mex., April 19.—The Villa movement on the west coast of Mexico is said to be rapidly collapsing. Guaymas is the only port on the mainland commanded by the Villa forces. It is believed the Lower California towns held by Villa troops are unable to resist an attack.

Zapotlan has been evacuated by the Carranza troops. General Dieguez, a Carranza commander, arrived today at Colima, 145 miles south of Guadalajara, with many wounded.

The home of a Chinese merchant at Manzanillo was seized by Carranza officials. As a result of a decree issued at Mazatlan all Chinese have disappeared from the booths in the markets there.

Yaqui Indians are now conducting an independent warfare and are giving trouble to both the Villa and Carranza forces.

AUSTRIAN ATTACKS IN CARPATHIANS SEEM ABANDONED

PETROGRAD, April 19.—Austrian attacks on the heights of the Mezo-laborez district of Hungary, where the Austrians for six days have been furiously attempting to regain positions recently taken by the Russians, appear to have definitely subsided.

The attacks, which exceeded in violence any action on this front, reached their greatest intensity on April 17, when sixteen assaults are reported to have been made on that one day. The encounters ended in the evening in a desperate bayonet charge and sustained hand-to-hand encounters, which left the Russians, according to reports received by the Russian officials, firmly ensconced on the height of Telepoch. After this the Austrian attack appeared to have spent itself and there are no indications of a resumption of activity in this region.

Austrian assaults upon the other important height in the east Beskids, namely Zelce, were repulsed chiefly by the fire of rifles and machine guns. After three sharp counter-attacks the Austrians here, too, gave up the attempt to regain the summit.

On the northern front the swampy condition of the thawing ground prevents operations on a large scale.

SALE OF MEAT IN PETROGRAD STOPS

PETROGRAD, April 19.—Petrograd butchers refused to sell meat today in protest against a recent government order warning all retailers that prices must not be raised above rates fixed by the government.

Customers who went to the shops for their usual purchases found them empty. The butchers said there was no prospect that a supply of meat would be available.

This action led to disorders and in some shops excited customers broke into the meat cellars, and on finding them well stocked, insisted that they be served. Incipient riots, which resulted in the partial wrecking of several shops, were ended by the police, who made an investigation as a basis for court procedure against the butchers.

Shops in which no meat was found were closed by the police and will not be permitted to reopen until special permission has been obtained. Butchers who concealed meat will be fined or imprisoned.

POWDER TRUST BACK OF WAR UPON DANIELS

Secretary of Navy Single-Handedly Making Government Independent of Monopoly—Has Forced Price Down From 80 Cents a Pound to 32—Enemies Seek His Destruction.

(By Gilson Gardner.)
WASHINGTON, April 19.—In one respect, Josephus Daniels has been the best secretary the navy ever had. He has done more than any predecessor toward making the government independent of private interests in the matter of its ammunition and naval material. Within two years the government will be making all its powder at Indian Head. Using an appropriation granted by the recent congress, the secretary is greatly enlarging the capacity of the smokeless powder plant at Indian Head and the capacity for the full requirements of the navy will be reached, it is believed, within that period. As a result, the price of powder has been dropping. Originally the powder trust took 80 cents a pound from the government for its smokeless; then they dropped to 56 cents and then the government began making its own powder for 36 cents, and now with improved equipment is making it for 32 cents a pound.

Trust Fights Daniels

It is in doing things like this that Secretary Daniels has made himself one of the most criticized men here. He had the temerity in his first annual report to expose the collusive bidding of the armor plate ring and to recommend the construction of a government armor-making plant. The war trust's influence with congress has been strong enough to prevent legislation to carry out this proposition. Even in the late congress it was defeated for about the ninth time. But Daniels is doing what he can to smash this combination also. The result is that all the tremendous engines of publicity are at work to bring the Daniels administration into discredit. His enemies do not join issue on the real grievance. Nothing is said in their publicity about the armor factory or the powder making activities of the government. On the other hand, the criticism is directed to the introduction of education in the navy's personnel, the abolishment of liquor and the supposed disorganization and neglect of discipline.

Reason for Efficiency

That the navy has become less efficient of late years there is no doubt. A good reason is found in the influence of the "little navy" members of congress who have denied proper appropriations and used their influence for the misapplication of money diverted into political navy yards and private construction of armament and ships. A misguided economy has cut down the number of enlisted men required, so that there are not enough to man the ships. But all these reasons are not the ones which inspire the hostile criticism directed against Secretary Daniels. He is a much better secretary than he is painted.

Private Construction of Armament and Ships

That the navy has become less efficient of late years there is no doubt. A good reason is found in the influence of the "little navy" members of congress who have denied proper appropriations and used their influence for the misapplication of money diverted into political navy yards and private construction of armament and ships. A misguided economy has cut down the number of enlisted men required, so that there are not enough to man the ships. But all these reasons are not the ones which inspire the hostile criticism directed against Secretary Daniels. He is a much better secretary than he is painted.

Reason for Efficiency

That the navy has become less efficient of late years there is no doubt. A good reason is found in the influence of the "little navy" members of congress who have denied proper appropriations and used their influence for the misapplication of money diverted into political navy yards and private construction of armament and ships. A misguided economy has cut down the number of enlisted men required, so that there are not enough to man the ships. But all these reasons are not the ones which inspire the hostile criticism directed against Secretary Daniels. He is a much better secretary than he is painted.

VILLA MODIFIES MINING DECREE

WASHINGTON, April 19.—General Villa's mining decree will not be enforced until "he is in a position to give guarantees and transportation to the industry." State department advices today from Villa's headquarters at Irapuato sent April 16 said the protest of the United States and Great Britain had been laid before Villa and he had given assurances that he would modify the decree to avoid possibility of international complications. The decree provided among other things for the forfeiture of mining property upon which development work was not carried on or when taxes were not paid within a stated period.

Consul Silliman at Vera Cruz reported today that Alfred Tappan of New York, threatened with execution by Carranza forces in Yucatan, now is to be tried on a charge which does not involve the death penalty.

BARNES \$50,000 LIBEL AGAINST TEDDY ON TRIAL

Opening Day Spent Securing Jury to Try Libel Case Against Former President by Political Boss of New York—Each Side Is Allowed Six Challenges.

SYRACUSE, N. Y., April 19.—The jury which will try William Barnes' \$50,000 suit for libel against Theodore Roosevelt was completed late today.

Talesmen Examined

Examination of talesmen in the special panel of 75 called for the case began as soon as Justice William S. Andrews ascended the bench and opened court. Each side was informed by the court that it would be allowed six peremptory challenges. The talesmen were questioned by William L. Barnum, a Syracuse attorney, for Mr. Barnes. He wanted to know whether the "political prominence heretofore" of either one or both the principals would affect the decision of possible jurors. He also asked talesmen whether they believed politicians might be libelled just as other citizens.

German Not Prejudiced

In reply to questions, one talesman, a native of Germany, said that the fact that Colonel Roosevelt, "although having always been friendly to Germany, had criticized the violation of the neutrality of Belgium," would not prejudice him against the defendant. Each talesman was questioned closely as to whether he had any grudge against Colonel Roosevelt because of his actions during the presidential campaign of 1912.

The court upheld an objection by Barnes' counsel to a question as to whether one of the talesmen believed that a citizen had a right to criticize a person in public office, if his motive for so doing was to further the cause of honest government.

As the examination proceeded, Mr. Barnum delved deeper into political and legislative matters, asking the talesmen to what extent they had been interested in such affairs.

Once Mr. Barnes, who had changed his seat, swung around in his chair, and gazed at Colonel Roosevelt for fully two minutes, then turned back and wrote a memorandum on a pad of paper.

Reason for Efficiency

That the navy has become less efficient of late years there is no doubt. A good reason is found in the influence of the "little navy" members of congress who have denied proper appropriations and used their influence for the misapplication of money diverted into political navy yards and private construction of armament and ships. A misguided economy has cut down the number of enlisted men required, so that there are not enough to man the ships. But all these reasons are not the ones which inspire the hostile criticism directed against Secretary Daniels. He is a much better secretary than he is painted.

VON DER GOLTZ COMMANDS TURKS

CONSTANTINOPLE, April 19.—Field Marshal Koltar von der Goltz has been appointed commander in chief of the first Turkish army.

Field Marshal von der Goltz recently returned to Constantinople from a trip to Berlin, the object of which is reported to have been to urge the German government to send an army to attack Serbia. In the early part of the war he served as military governor of Belgium, and in January was sent by Germany to Constantinople to assist in directing the Turkish army which he had reorganized in earlier years.