

# The Daily Capital Journal

## "SHEER INVENTIONS" IS ASSERTION OF BERLIN CONCERNING VICTORIES

### German War Office Declares French and English Claims of Victory Are Pure Fiction—Heavy Thaws Prevent Movement of Heavy Artillery in Carpathians, Says Petrograd Advices—John Wolert, Escape From War Prison, Is Released

Berlin, via wireless to Sayville, L. I., April 19.—British and French claims of victory on the western front are "sheer inventions," according to an official statement issued today by the German war office. The statements of the British and French are declared to be untrue in every particular.

In the region of Ypres and in other places the British have been ejected from advanced trenches which they were able to occupy during the early part of the year. The losses of the British troops have been extremely heavy near Guillemont.

Between the Meuse and Moselle only minor duels are in progress, the German declared. French attacks at Comblès, in the Vosges, have failed.

**Russians Hold Positions.**  
Petrograd, April 19.—With the movement of artillery still impossible in the Carpathians owing to heavy thaws, the fighting is confined to sporadic engagements, according to dispatches reaching here today. Sporadic fighting by mountain batteries, the Russian forces continue to hold all positions which have been gained in the series of determined attacks by the Austro-Germans.

Renewed efforts by the enemy to retake the village of Poles taken by the Russians, have been repulsed with heavy losses. In the Carpathian region the Russian forces are rapidly concentrating for an attack which is expected to develop even bloodier fighting than that which marked the offensive first ordered by the general staff early in the war. More than 70,000 Austrian and German prisoners taken during the fighting of the past month are now being transported to the interior of Russia.

**Complications Avoided.**  
Seattle, Wash., April 19.—International complications were avoided today, it is believed, when the immigration board at Sumas, Wash., decided to allow John Wolert, 24, a German who had fled to this city from the Nanaimo, B. C., war prison.

Believing the United States will not return a political or military refugee to the country from which the escape was made, Wolert had secured work at West Seattle, where a United States immigration officer arrested him Saturday. The charge against Wolert was that he entered this country without being examined, and it is known that the charges came through activity of Vancouver officials.

**Has Thrilling Experience.**  
Wolert's story of his thrilling experience in running the gauntlet of Canadian troops to freedom in this country, was told Thursday to a Seattle Star reporter. He was promised the papers protection.

## UNIVERSAL PEACE ENTHUSIASTS AFTER THE GERMAN EMPEROR

San Francisco, April 19.—Representatives of the International Bahai congress, which began here today, shortly will be sent to European capitals for the purpose of converting to the Bahai cult Kaiser Wilhelm, King George, President Poincare, Czar Nicholas and Emperor Franz Josef in the interests of universal peace.

This was the assertion here today of Charles Mason Remy, Washington, D. C.; G. O. Latimer, Portland, Ore., and H. F. Ober, Calcutta, India, delegates to the Bahai peace congress.

Already, they declared, overtures have been made to the king of Wurtemberg by Major Consul Schwartz, of the German army. As early as last September, according to Latimer, Major Schwartz was endeavoring to convert the king of Wurtemberg, who is subordinate to the kaiser, and who, if he is won over, may be the one to approach Wilhelm.

Remy and Latimer were in Germany when the war started. Both witnessed some of the early campaigning. They declare that Major Schwartz is in charge of the Bahai propaganda in the German army, that he has won over many soldiers of the kaiser's legions, and that scores of Red Cross workers are influencing wounded men to join the Bahai and follow the teachings of Abdu'l Baha and Baha O'Allah, who founded the Bahai movement in Persia in 1851.

The Bahai convention will hold daily meetings here this week. Among the speakers are Mirza Ali Kuli Kahn, of Washington, and Hooper Harris, of New York. The Bahai has vice presidents in every European capital and in many parts of Asia and the Orient. Remy is its American representative.

## LEO FRANK MUST HANG FOR MURDER OF GIRL

### U. S. Supreme Court Denies Appeal For New Trial On Habeas Corpus Petition—Case Stirrs Country.

Washington, April 19.—Leo M. Frank must hang for the murder of Little Mary Phagan of Atlanta, Ga., unless executive clemency is extended. The United States supreme court today denied the appeal of Frank for a new trial.

The fight through the state courts of Georgia and on to the highest tribunal in the land in an effort to save Frank's life has held the attention of the entire country. His appeal was based on the ground that the rendering of the verdict in which he was found guilty was illegal inasmuch as Frank was not in the courtroom when the jury reported. It was also claimed that the trial was marred by the greatest disorder and that Frank was not given a fair hearing because of the sentiment which was kept stirred against him from the time of his arrest.

The decision of the supreme court today was upon a writ of habeas corpus, through which a new trial was sought. Mary Phagan, a 14-year-old factory girl, was found murdered April 27, 1913, in the National Pencil factory at Atlanta. James Conley, a negro, was arrested but later accused Frank of the murder and on May 24 Frank was indicted on Conley's evidence.

Justice Pitney read the decision of the court, which held that the plea that Frank's rights had been violated because he was not present when the jury returned its verdict was lost because the objection was not raised immediately before the trial court.

"Frank's petition shows that, having been formally indicted for murder, he was placed on trial before a court of competent jurisdiction, had a public trial which was deliberately held, had the benefit of counsel and was found guilty and sentenced pursuant to the laws of the state."

"It was twice moved before the trial court to grant a new trial and once to set aside the verdict. It has been heard three times before the court on its first report in Georgia, and in every instance has met with adverse action and the action of the trial court has been affirmed. His allegations that hostile public sentiment and disorder in and about the courtroom having improperly influenced the trial court and the jury against him have been rejected because this was found untrue in point of fact upon evidence presumably justifying that finding and which he has not produced in the present proceeding."

"The contention that the defendant's lawful rights were infringed because he was not permitted to be present when the jury rendered its verdict was waived by his failure to raise the objection in due season when fully cognizant of the facts."

"In all these proceedings the state, through the courts, has retained jurisdiction over the defendant and has accorded him the fullest right and opportunity to be heard according to established modes of procedure, and now holds him in custody to pay the penalty for the crime of which he has been adjudged guilty."

**Frank Is Unmoved.**  
Atlanta, Ga., April 19.—Leo M. Frank appeared unmoved when informed today that the United States supreme court had refused him a new

## PAVING PLANT FOR PENITENTIARY NOW PRACTICALLY SURE

### County Court Tentatively Agrees To Take 20,000 Yards of Product

## HARD SURFACED ROADS FOR COUNTY AT COST

### Question of Paving Street To Fair Grounds To Be Considered

With the tentative, but not formal or official agreement on the part of the county court for Marion county to guarantee to take 20,000 yards of the product for use upon the county roads, the establishment of the plant for the manufacture of hard-surface paving material at the state penitentiary is practically assured, and it will now be up to the state board of control to sanction the proposition, as made to them last Friday morning, of putting the plant in. Since the question of whether or not a sufficient quantity of the paving material could be contracted for to pay for the trouble and expense of installing the plant was the only point upon which the decision of the board of control hinged, the consent of the board seems now assured.

If the paving plant is installed at the prison, to be operated by convict labor, the material for hard-surfacing can be obtained at a price of 15 cents per square yard, and can be hauled upon the roads at from 45 to 55 cents per square yard, according to the distance of haul. This means that Marion county, and the board of control in co-operation with the county, will be enabled to furnish all of the main travel roads out of this city for a distance of several miles, with a first-class hard-surface finish at the very minimum of expense, or a mere trifle above actual cost of production and labor in performing the work.

In co-operation with the state it is proposed to hard-surface road east of the city, beyond the penitentiary a distance of one mile, and to hard-surface the main roads south and north of Salem for several miles wherever macadam roads are already laid. It is also proposed to take the matter up with the city council, by petition, later on for co-operation with the county in hard-surfacing Summer street from Market, the present end of hard-surface pavement, clear to the fair grounds. H. W. Hatch, who has been working upon the matter for some months, and was instrumental in bringing the question up to the board of control, estimates that this pavement can be laid at a cost of not to exceed 75 cents per square yard to the property owners as against \$1.55 per yard, which has been the ruling price of the past under contract with private paving companies.

The county court went over the matter thoroughly with Mr. J. W. Travis, of the asphalt paving company, who proposes to put in the plant, fully equipped and under the supervision of an expert, although they have practically decided to take at least 20,000 yards of the paving material, formal and final decision will probably not be reached until some time this week. The plant will be operated by convict labor and all that Mr. Travis asks for the use of the plant and the benefit of the expert in charge is 15 cents per square yard for the product, the county and state to furnish all material and labor in connection with the plant.

## M'COMBS DENIES REPORTS.

New York, April 19.—William E. McCombs today denied reports from Washington that he and his wife were separated. He said emphatically that no differences existed between them.

trial, and that he must hang for the murder of Mary Phagan, 14, unless executive clemency is extended.

"I am disappointed, naturally," he said, "but I will fight on."

Frank's lawyers said they would immediately carry the case to the state prison board.

London Worcester, who was held by Villistas at Chihuahua, has been released, the department was informed.

Talk less and think more. This is easy advice to give, but uneasy to take.

## ASSISTANT STATE HIGHWAY ENGINEER NAMED BY CANTINE

State Highway Engineer Cantine announced today the appointment, effective April 20, of H. W. Holmes, of Portland, as assistant engineer, to have charge of the bridges and such other duties as may be assigned him. Mr. Holmes takes over the work which has been under the direction and supervision of Mr. C. H. Purcell, of Salem. Mr. Purcell, who has designed and supervised the construction, to date, of the arches and viaducts between Warrendale and Bonneville on the Columbia highway in Multnomah county, it is understood will continue the work of supervision of said masonry under the direction of Roadmaster J. B. Yeon. The plans for the work in Multnomah county were prepared by the state highway commission under Mr. Purcell's supervision, but the contract has been entirely under the direction of Mr. J. B. Yeon.

## SENSATION-HUNGRY, WOMEN CROWD COURT

### Los Angeles Chief of Police Is On Trial On Charge of Immorality—Sits Grim, Unsmiling.

Los Angeles, Cal., April 19.—Thirteen men who may be chosen to serve on the jury that will clear the reputation of Chief of Police Sebastian or will have a legal stamp on the charges of immorality that have been made against him were passed for cause by the defense before noon adjournment of the first day of the trial was taken. The prosecution was prepared to begin its questioning when the session was resumed.

Sebastian sat among his attorneys, grim and unsmiling. He gravely greeted his friends but refused to let his mind wander from the court. Mrs. Lillian Pratt, similarly accused of cohabiting with the delinquent of her sister, Edith Serkin, aged 17, sat near the chief, but the two made no attempt at conversation.

## DIVERS COLLAPSE UNDER GREAT STRAIN

### Report That Men Had Recovered Proves to Be Unfounded, as Both Are in Serious Condition.

Washington, April 19.—Reports that Diver William Longman, imprisoned under water four hours near the sunken submarine E-4, and Diver Frank Criley, who went to his rescue, had fully recovered from their experience, proved unfounded today when Rear Admiral Moore, in charge of the raising operations, reported to the navy department that Longman was in a serious condition and that Criley was very ill.

Upon being drawn from the water Saturday afternoon both men collapsed. Longman was placed in the recompression chamber for three hours and was then pronounced out of danger. He suffered a relapse today. Criley, according to Moore, is in even worse shape than the man whom he rescued.

## Heavy Fire Loss In Portland Sunday

Portland, Or., April 19.—Fire in the Blake-McFall six-story building at Fourth and Anthony streets, which was extinguished early today after a seven-hour battle, during which thirty firemen were overcome by smoke, did damage aggregating \$300,000.

The principal losses are: Blake-McFall company, wholesale paper, \$150,000; damage to building owned by Ellis G. Hughes estate \$90,000; Portland Stationery and Woodware company \$15,000; George P. Ide and company, \$50,000; W. H. Wahl, incandescent lamp company, \$20,000.

The firemen were reinstated with full pay.

Most of the losses are covered by insurance.

## TAPPAN TO BE RETRIED.

Washington, April 19.—Favorable reports as to two Americans imprisoned in Mexico brought distinct relief to the state department today.

## DISCLOSURES ARE TO BE MERCILESS IN BIG POLITICAL DAMAGE CASE

### Barnes, Republican Leader, Asks \$50,000 Salve For Reputation, Which He Alleges Theodore Roosevelt, Ex-President of the U. S., Smirched In Political Campaign—"Teddy" Pleads "Justification" as His Defense—Veil To Be Torn From Political History.

(By Bond P. Geddes, United Press) Syracuse, N. Y., April 19.—Twelve jurors satisfactory to the plaintiff had been secured in William Barnes' \$50,000 libel suit against Colonel Theodore Roosevelt here today when court recessed at 11 noon. Attorneys for Barnes excused four veniremen on challenges, and left one progressive on the tentative jury.

Lawyers for Roosevelt began questioning the talesmen at the afternoon session. When the noon recess was taken, Justice Andrews warned all jurors and prospective jurors against discussing the case on the outside, and ordered them to refrain from reading newspaper accounts of the proceedings.

**Situation Is Tense.**  
The situation in the courtroom was tense when Colonel Roosevelt and Barnes entered their political life and death battle. Extraordinary care in sifting the talesmen delayed the final selection of a jury. Counsel for Barnes attempted to submerge the big political issues involved and told veniremen that the suit was a personal defense against Barnes' goal name, and not a political war.

But, nevertheless, all involved realized that the result might change the nation's political map, as well as the public careers of both principals. Roosevelt's future course of action regarding the republican party was known to be involved as well as Barnes' political existence, including his reputed senatorial aspirations.

The plaintiff and defendant sat barely 10 feet apart. They ignored each other. Each had scores of witnesses ready to testify.

Syracuse, N. Y., April 19.—Private detectives guarded both Colonel Roosevelt and William Barnes, when they arrived at the courthouse here today to be present at Barnes' \$50,000 libel suit against the former president.

Barnes—"Boss Barnes" as he has been often called—asks the \$50,000 reputation balm for being publicly rebuffed by the former president.

Surging crowds surrounded the courts and jammed its corridors. As Roosevelt approached the crowds rushed toward him. With a cordon of detectives pushing the people back, the colonel, defying his hat in response to applause, reached the courtroom in safety.

The spectacle was repeated when Barnes arrived.

**Roosevelt in Fine Humor.**  
Colonel Roosevelt seemed in a fine humor. He was gaily chatting with admirers when Barnes entered. The colonel looked blankly at Barnes and continued his talk. Barnes gazed over the colonel's shoulder and nodded to a friend on the other side of the room.

When the work of angling for a jury began, five talesmen were immediately excused, as they did not desire to serve, and gave the judge plausible reasons. The remaining 70 veniremen rose in a body, and with right hands raised, swore to tell the truth while being on the stand.

The interrogations of Barnes' counsel indicated that the plaintiff relies on Justice Andrews to hold that the Roosevelt statement linking Barnes' name with that of "Boss" Murphy of Tammany Hall is in itself libelous. All talesmen were asked if they would allow political considerations to influence their verdict.

**BY BOND P. GEDDES.**  
(United Press Staff Correspondent.)  
Syracuse, N. Y., April 19.—Machine politics-bossism was the keynote of the trial, begun here today, of William Barnes' suit against former President Theodore Roosevelt, for \$50,000 damages for alleged libel.

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## MAY DAY CELEBRATION AT WILLAMETTE IS TO BE EXCEPTIONAL EVENT

### Queen Leila Has Issued Proclamation Forbidding Work On May 1—Ceremonies To Start Evening of April 29 With Parade Through Streets—Track and Field Meet Scheduled For April 30 and Crowning and Junior Play For May First

The annual May day festivities are being held at Salem, and Miss Leila Lent, queen of May, has issued a royal proclamation ordering all loyal subjects to refrain from all forms of labor, beginning on the evening of April 29th and continuing in the night of May 1st, since this is the time of the year when nature calls to us to lay aside tools and cares and make merry in this most joyous of seasons, when flowers are blossoming and birds are singing their songs of praise.

The reason for the edict which queen Leila has issued and which she is announcing to all.

The ceremonies will be started on the evening of April 29, when a grand procession will parade through the streets of the capital city, led by the queen's own band, following this will be the actors, who will present a play entitled "The American Citizen" on the evening of May 1st at the Grand Theater, at which Queen Leila will be the patroness. Next in the order will come the royal carriage, followed by the queen and her retinue of lords and ladies. Following the queen's carriage will follow the procession floats electrically lighted, bearing the culinary department of the majesty's kitchen, on which the queen is making waffles will be displayed others displaying the sports of

## HARRY THAW WILL KNOW FATE NEXT THURSDAY

New York, April 19.—Harry K. Thaw will not know until Thursday what success his attorneys will have in their fight to prevent the state authorities from returning him to Matteawan.

After briefs were filed today in the supreme court here, in Thaw's application for a writ of habeas corpus, adjournment was taken for three days. If Judge Hendricks on Thursday denied Thaw's motion for a jury trial, the attorneys will argue the merits of their case in open court.

You should love your neighbor in spite of his spite fence.

If wishes were wishes, most beggars would have more kicks coming.

## The Weather

Oregon: Fair to night, Tuesday probably fair; variable winds, variable winds, mostly easterly.



## Jap Naval Base Plans Are Unfounded

Washington, April 19.—Japan is only endeavoring to salvage the wrecked cruiser, Amatsuka, and there is no indication of plans to establish a naval base at Turtle Bay, according to official reports from Admiral Howard, in the hands of the navy department today.

The admiral declared the only Japanese vessels at Turtle Bay were the Amatsuka, hard aground, one repair ship and two colliers. The report of the admiral was based upon information received from the cruiser New Orleans, which visited Turtle Bay.

Every man is a promoter of his own interests.

## Allies Launch Land Campaign Against Turkey, Says Expert

(By J. W. T. Mason, former European Manager of the United Press.)  
New York, April 19.—The attempt of a Turkish torpedo boat to sink a British transport off Chios Saturday brought the first official announcement that British troops had been sent to the Levant for the operations against Turkey. There have been rumors to this effect, but the only definite fact has been that the French embarked troops for Turkey a month ago, but diverted them to Egypt.

The change in the French plans was not due to the necessity of reinforcing the British army in Egypt. A convenient place was desired, according to Paris, to rest the troops pending the commencement of the land campaign against Turkey. Why there was so long an interval between the arrival of the French and British is a mystery. It is apparent that plans were changed after the French embarked for Turkey.

The reason is kept secret by the London and Paris governments. It is probable that the failure of the naval attack on the Dardanelles forced the conclusion that the Turks, directed by the Germans, were more formidable adversaries than the allies were first willing to admit. Then it was decided that land operations might also fail unless carried out by a larger army. This would explain the holding of the fighting elsewhere.

Now that the British are positively known to be in Levantian waters it seems to be a safe conclusion that the British decided in favor of a serious land movement against the Turks. It is more probable that important gains will result from the Turkish operations than at Neve, Chappelle or St. Mihiel. The disappointing outcome of the western offensive was probably the determining influence of the apparent decision to transport a large army to Turkey. The time is nearing when the opening of the land campaign against Turkey will take precedence in interest over the fighting elsewhere.