

The Lancaster News.

VOL. 10, NO. 56, SEMI-WEEKLY.

LANCASTER, S. C., TUESDAY, APRIL 20, 1915.

HIGHEST COURT DECIDES AGAINST LEO M. FRANK

Last Avenue of Escape Through Courts Closed to Atlanta Man.

HAS ONE SLIM CHANCE.

Only the Pardon Officials of the State Can Now Save the Convicted Man.

Washington, April 19.—Leo M. Frank, 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, to 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 these contentions and declared Frank had 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.

Justice Pitney delivered the opinion, declaring that in all the proceedings in the courts of Georgia the fullest rights and opportunity to be heard, according to the established modes of procedure, had been accorded Frank.

"In the opinion of this court," continued the justice, "he is not shown to have been deprived of any right guaranteed to him by the 14th amendment or any other provisions of the constitution or laws of the United States; on the contrary, he has been convicted and is now held in custody under due process of law within the meaning of the constitution."

It is believed by legal authorities here that only the state pardon officials of Georgia now can save Frank from paying the death penalty for his conviction of the murder of Mary Phagan, the Atlanta factory girl.

Justice Holmes delivered a dissenting opinion in which Justice Hughes concurred.

The court's decision was based on an appeal from the action of the United States district court for northern Georgia in refusing to release Frank on a writ of habeas corpus.

His petition for habeas corpus rested on allegations of disorder during his trial in Atlanta amounting to a mob domination and his involuntary absence when the verdict was returned.

Justice Pitney, in his decision, held that the obligation rested on the supreme court to look through the form and "into the very heart and substance of the matter," not only in 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 Justice Pitney, "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 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 first to the trial court and afterwards to the supreme court of Georgia as a ground for avoiding the consequences of the trial and these allegations were considered by those courts successively at times and places and under circumstances wholly apart from the atmosphere of the trial, and free from any suggestion of mob domination or the like; the facts were examined by those courts upon evidence submitted on both sides, and both courts found

POLITICIANS OFF FOR FEDERAL PRISON

Mayor Donn M. Roberts and Party to Ride to Leavenworth on Special Train.

Indianapolis, Ind., April 17.—Mayor Donn M. Roberts, Judge H. H. Redman and thirteen others convicted in the Terre Haute election conspiracy case and sentenced to the federal penitentiary at Leavenworth, Kans., will begin the trip to prison tomorrow in a special car. The prisoners are due to arrive at Leavenworth Monday morning.

Announcement that the start for prison would be made tomorrow came late today after efforts to obtain bond for Mayor Roberts and the others had failed. Roberts, against whom the Terre Haute council had voted to bring impeachment proceedings, was hopeful until the last that he would not have to make the trip. He was sentenced to six years in prison and fined \$2,000.

The men were sentenced last Monday, but were permitted to remain in jail here pending efforts to give bonds, which Federal Judge Anderson fixed at \$10,000 for each year of their terms.

William Davern, defence witness in the election case, who was ordered held to the federal grand jury under \$5,000 bond on a charge of perjury, after obtaining bond late today confessed that practically everything he told on the witness stand was untrue, according to United States District Attorney Dailey.

COL. A. B. ANDREWS DEAD.

First Vice President of Southern Railway Passes Away.

Raleigh, N. C., April 17.—Col. A. B. Andrews, first vice president of the Southern Railway, died here tonight after a brief illness. He was 74 years old.

Col. Andrews was stricken last night with an acute attack of pneumonia and today his condition was regarded as serious. The funeral will be held in Raleigh, probably Monday afternoon.

Col. Andrews was born in Franklin county, North Carolina, July 23, 1841. He entered the Confederate army as second lieutenant, 1st North Carolina cavalry; was wounded twice and was a captain at the close of the war. After the war he engaged in railroad work. He held official positions with a number of railroads in this state and Georgia, in 1892 going to the Richmond & Danville Railroad as third vice president. Later he became second vice president, being finally made general agent of the receivers. He was elected first vice president of the Southern Railway in 1895. He also was president of a number of smaller roads owned by the Southern. His greatest constructive work in North Carolina was the building of the Western North Carolina Railroad about 1878.

DRUID HILLS HOME.

Asa G. Candler of Atlanta Plans Beautiful Residence.

Atlanta, April 19.—Asa G. Candler, head of the vast Candler fortunes, is preparing to erect a handsome home in Druid Hills. For years past he has lived in the Inman Park residence section, but last week he made a deal in which he traded his present home to C. W. McClure, who was, by the way, the Bull Moose candidate for the United States senate against Hoke Smith last November.

While Mr. Candler will erect a typical Druid Hills home, in keeping with the most beautiful and modern residential park in the South, it is not believed that he contemplates building a tremendously extravagant castle.

Spain Wants German Goods.

Madrid, April 17.—A commission of Spanish textile manufacturers has asked the government to request the belligerents to permit entry into Spain of "German merchandize shipped prior to blockade decree of the allies, but stopped at Genoa."

These articles were paid for in advance and are the property of Spanish merchants.

Frank's allegations to be groundless except with respect to a few matters of irregularity not harmful to the defendant.

MRS. ROCKEFELLER REMEMBERED MANY

Two Millions of Her Estate Bequeathed to Charity.

WILL WAS FILED FRIDAY.

Half Million Dollars and Valuable Jewelry to Friends and Relatives.

New York, April 17.—The will of the late Mrs. John D. Rockefeller, filed today, leaves about \$500,000 and valuable articles of jewelry to friends and relatives and bequeaths the rest of her estate, which is estimated in all at about \$2,000,000, to charitable institutions.

The charitable bequests are to be distributed at the discretion of her executors, who are her husband, her son, John D. Rockefeller, Jr., and her daughter, Mrs. E. Parmelee Prentice.

John D. Rockefeller, Jr., Mrs. Prentice and Mrs. Harold F. McCormick, another daughter, are given \$100,000 each; Miss Lucy M. Spelman, a sister, \$50,000, and Margaret Strong, a grand-daughter and daughter of Bessie Rockefeller Strong, deceased, \$100,000 in trust until she shall arrive at the age of 35.

A sum sufficient to produce a net annual income of \$1,000 is left to Mrs. Rockefeller's friend, Caroline P. Sked.

CHARITABLE INSTITUTIONS.

Charitable institutions named as beneficiaries of the residuary estate are the Euclid Avenue Baptist church of Cleveland, Ohio; the Baptist Home of Northern Ohio, Women's Baptist Home Missionary Society, Women's Baptist Foreign Missionary Society, Spelman Seminary, Atlanta, Ga., and the Bureau of Social Hygiene.

The said trustees may give to each of said institutions so much of the property as they shall see fit, the will reads, "and shall have the right to exclude any one or more of said institutions absolutely. They shall have the power to specify as to each institution to which the property shall be given whether it shall be used for current expenses, for buildings, for endowments, or for any other of the charitable corporate purposes of said institutions. Any portion of the fund which shall not be used for the foregoing objects, the said trustees may apply to such charitable corporations as they may select, and in such sums respectively as they may deem proper."

JEWELS TO RELATIVES.

With the exception of a few bequests to friends, the will gives Mrs. Rockefeller's jewels to relatives.

To John D. Rockefeller is left a ruby and diamond ring. John D. Rockefeller, Jr., inherits his mother's wedding ring and an emerald and diamond ring. Her daughters, daughter-in-law, sister, granddaughters and nieces also are remembered with gifts of jewels.

EDITOR OLIVER RETIRES.

Severs Connection With The Georgetown Times.

Georgetown Special to Charleston News and Courier, April 17.—A change in the editorial management of The Georgetown Times is announced. Hugh L. Oliver retires as editor and severs all connection with the paper. Mr. Oliver has been editor and part owner since the retirement of the late L. A. Beaty. He has given the paper his best talent, and has made it a live, readable paper. For years he has been doing newspaper work, having represented The News and Courier in this city for a long period. Mr. Oliver retires because of other pressing business interests. His successor has not been named. Temporarily The Times will be edited by R. C. Davis, publisher.

Drastic Steps by Italy.

Milan, via Paris, April 17.—Italy is taking drastic steps to prevent trade in contraband with Austria, according to the Secolo, which says 500 persons were arrested Friday while attempting to smuggle flour, rice and spaghetti across the frontier.

BRITISH SUBMARINE LOST IN MINE FIELD

Boat Runs Aground and Crew is Captured by Turks.

QUIET IN CARPATHIANS.

Austrians Report That They Have Repulsed Russian Attacks Southeast of Lupkow Pass.

London, April 18.—The British, as an offset to their success in destroying a Turkish torpedo boat which attacked the transport Mani-tou off Chios yesterday, lost the submarine E-15 which while carrying out a difficult reconnaissance in the Dardanelles mine field, ran aground on Kephez Point, the crew being made prisoners.

According to the Turkish report seven of the Turkish submarine crew are missing.

In Egypt British airmen have dropped bombs near the border while a French cruiser, the fire of which was directed by a seaplane, has been throwing shells on the Turks near El Arish, where the army for the invasion of Egypt has its headquarters.

These operations were undertaken presumably to harass the Turks as the Turks have not shown an intention of attacking the British since their last repulse along the canal.

In the Carpathians there has been fighting but no battles to be compared with those which the arrival of spring brought to a close. The Austrians report that they have repulsed Russian attacks southeast of Lupkow pass, inflicting heavy losses on their adversaries, but elsewhere comparative calm prevails.

The French again have been active in the Vosges, capturing an important height near Metzeral. The British, too, have attacked the Germans in the neighborhood of Ypres, where fighting was still in progress when the last report was dispatched.

It again is stated that German efforts to bring about an accord between Austria and Italy have failed, a report which, if confirmed, is likely to magnify in the eyes of the Italians the frontier incident which occurred yesterday. According to the latest reports, the Austrians, who were passing over Italian territory, actually fired upon Italian troops, who repulsed them, and in return penetrated into Austrian territory.

The sinking of the Greek steamer Ellispontos by a submarine off the Dutch coast is likely to bring about friction between the Greek and German governments. The Ellispontos was destroyed while on a voyage from Ymuiden, Holland, to Montevideo in ballast.

DECISION AGAINST HARRY K. THAW

New York Supreme Court Rules That State May Send Troublesome Guest to Matteawan.

New York, April 17.—Horry Kendall Thaw was ordered back to the state hospital for the criminal insane at Matteawan yesterday by the appellate division of the New York supreme court. In an opinion concurred in by all the justices, the court affirmed the denial by Supreme Court Justice Page of a motion to return Thaw to the jurisdiction of the state of New Hampshire whence he was extradited to stand trial for conspiring to escape from Matteawan and ruled that the original order committing him to the institution was still valid.

Plans are being formulated to take the case to the state court of appeals.

A decision adverse to Thaw came as a great surprise to his counsel. The order carried with it the provision that Thaw could not be taken from New York county until five days have elapsed.

Estate \$12,500,000.

London, April 17.—The estate of the late Baron Rothchild was provisionally sworn for probate yesterday at 2,500,000 pounds sterling (\$12,500,000). All of it goes to the family.

D. A. RS. STILL IN A FIGHTING MOOD

President Wilson Addresses Twenty-Fourth Annual Congress of Daughters.

Washington, April 19.—President Wilson's address here today opening the 24th annual congress of the Daughters of the American Revolution and the annual message of Mrs. Wm. C. Storey of New York, president-general, shared interest among the delegates with the contest between rival candidates for election as president-general. The contest over offices will reach its climax with the election on Wednesday.

All the officers are to be filled in the biennial election this year, but of overshadowing interest is the contest over the election of a president-general. The congress this year, as was the case two years ago, apparently is divided into two factions—one supporting Mrs. Storey and the other Mrs. George Thatcher Guernsey, of Kansas. Delegates were astray early today awaiting the opening of the congress. Approximately five thousand delegates from all parts of the country were in attendance. The list of speakers today included Jules Jusserand, the French ambassador; John Barrett, director general of the Pan-American Union; Mrs. John Hays Hammond and Rogers Ballard Thurston, president of the Sons of the American Revolution, which organization also is meeting here.

Numerous receptions were held today in honor of the candidates and state officers.

JURY COMPLETE IN ROOSEVELT SUIT

The Colonel and Mr. Barnes Do Not See Each Other as Trial Progresses.

Syracuse, N. Y., April 19.—The jury which will try William Barnes' \$50,000 suit for alleged libel against Theodore Roosevelt was completed in the supreme court here today. It comprises seven Republicans, three Progressives and two Democrats. Twenty-two talesmen were examined before both sides announced they were satisfied with the 12 men in the box. The jurymen are:

Henry Hoag, clerk, Republican, (foreman); Irving J. Mills, woodworker, Republican; Walter J. Zuill, manager, Republican; Franklin S. Rhoades, farmer, Progressive; Leonard K. Hungerford, painter, Progressive; F. W. Pierce, carpenter, Republican; Warren H. Somers, grocer, Republican; Ray Tanner, farm hand, Democrat; John W. Brown, farmer, Republican; George Boschert, manufacturer, Progressive; Edward Burns, motorman, Republican; Peter Bencke, coal dealer, Democrat.

Immediately after the jury had been completed, counsel for Colonel Roosevelt made a motion to dismiss the complaint against their client on the ground that allegations made in the statement on which the suit is based were privileged and that in naming Mr. Barnes and Charles F. Murphy as the controllers of "rotten government" in the state of New York, he did not mean anything personal or to imply that either of the two men named had in any way profited by the alleged "rottenness."

The motion was denied by Justice William S. Andrews.

Actual taking of testimony will begin tomorrow. The first witnesses will be newspaper men to whom Colonel Roosevelt issued the statement. Other reporters who have interviewed Colonel Roosevelt in the last five years also will be called and photographs of nearly a hundred newspapers in which alleged libelous statements, claimed to have been made by Colonel Roosevelt, appeared will be presented in evidence, it was said. The testimony will be issued verbally and in writing by Colonel Roosevelt.

Counsel for Mr. Barnes said tonight that they would make an effort to show that Colonel Roosevelt began to make statements which they consider libelous during the Syracuse convention of 1910. The Barnes attorneys said further that some of the reporters would be called on to testify regarding verbal statements Colonel Roosevelt made to them in amplification of written statements he had prepared.

PRESIDENT URGES NEED OF CALMNESS

Self-Possession the Supreme Test of a Nation's Mettle.

ADDRESS TO DAUGHTERS.

Mr. Wilson Urges Congress of Daughters to Rally to the Cause of Righteousness.

Washington, April 19.—The need of self-possession, calmness and a judicial temperament by the United States in the present world crisis was urged today by President Wilson in a speech before the opening session of the twenty-fourth Continental Congress of the Daughters of the American Revolution.

The President said self-possession was the supreme test of a nation's mettle, and urged the congress to rally to the cause of righteousness, as ministered by those who hold their minds quiet and judge upon principle.

Following the President's speech Ambassador Jusserand of France told the congress that the United States had behaved in the European crisis so as to command the gratitude and thankfulness of the world.

"We in France," he said, "have learned to know what the American heart is made of—the pure American gold that is in it. I am glad that I may affirm the thanks of France for the generosity of America—the neutral United States."

The ambassador said the "chief question in the European struggle" was the same problem that confronted America in revolutionary times. "We thought we had solved the problem of human liberty," he said. "But it again confronts us. It will be solved now just as it was solved in former times, as it was solved in the trenches at Yorktown."

The President, in his speech, declared that he could speak only in general terms and that it was "in-discreet" for him to speak even in that way.

John Hays Hammond, R. C. B. Thurston, president-general of the Sons of the Revolution, and John Barrett, director-general of the Pan-American Union, also spoke today. The routine organization of the congress was completed today and the rival followers of the two candidates for president-general were preparing for the election Wednesday. Mrs. William Cumming Storey, candidate for re-election, will be opposed by Mrs. George Thatcher Guernsey of Kansas City.

LOUGHMAN RECOVERS.

Diver Saved After Spending Four Hours Under Water.

Honolulu, April 18.—Though weak from exhaustion and nervous strain, William F. Loughman, a diver, engaged in the work of raising the submarine F-4, who was forced to remain for four hours under water yesterday at a depth of 220 feet, day. After Loughman was brought to the surface he collapsed.

Loughman reported today that three lines were well fastened to the F-4, sufficient, he thought, to warrant the beginning of work of hauling her into shallow water.

Rear Admiral Moore cabled the navy department tonight the news of Loughman's release. Heroic efforts lasting four hours by comrades who went to his assistance saved the diver.

MALCOLM WILLIAMSON SPEAKS.

Lancaster Boy in Final Contest at Presbyterian College.

Clinton, April 17.—The third annual high school oratorical contest was held at the Presbyterian College of South Carolina April 16. Twenty-nine speakers were present to represent their respective schools. Of this number ten were selected to compete in the final contest. Among this number was Mr. Malcolm Williamson of Lancaster. Mr. A. C. Williamson, Jr., of the Lancaster school, although he did not render a most excellent declamation and did credit to himself, his school and his town.