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FRANK'S LAST HOPE RESTS IN CLEMENCY

ONLY PARDON FROM STATE OFFICIALS CAN SAVE HIS LIFE

HIGHEST COURT DENIES HIM WRIT

Seven Justices Concur In Opinion That He Had Fair Trial In Georgia Court.

WASHINGTON, April 19.—The supreme court held that the State of Georgia denied Leo M. Frank no right under the federal constitution in sentencing him to death for the murder of Mary Phagan. The court affirmed the action of the federal court of the northern district of Georgia, which refused to release Frank on a writ of habeas corpus. Justice Pitney announced the decision. Justice Holmes delivered a dissenting opinion in which Justice Hughes concurred.

It is believed here the decision exhausts all means of court fighting to save Frank's life. His attorneys will have thirty days in which to file application for a rehearing. Thereafter the prisoner's only hope, apparently, is the possibility of executive clemency.

A majority of the court held the finding by the Georgia supreme court that alleged "mob dominance" amounted to nothing more than irregularities were not prejudicial to Frank, and should not be disturbed upon the prisoner's mere assertion that the facts were otherwise than found. The dissenting justice held that the case should be sent back to the district court for the taking of evidence on the petition. They said they were impressed with the argument that the prisoner's presence when the verdict was rendered by the constitution. Justice Holmes declared that loss of jurisdiction by trial court could not be restored by any decision of a higher court and declined to accept the findings of the Georgia court as conclusive. He said if the allegations in Frank's petition for habeas corpus were true, and the facts were before the Georgia court, that court sanctioned the situation upon which the federal court should act. If the facts were not before the Georgia supreme court, he added it was the duty of the officials of the court to declare Lynch as little value "when practiced by a regularly drawn jury, as when administered by one elected by a mob intent on death."

WASHINGTON, April 20.—The United States supreme court today denied the application of Leo M. Frank for a writ of habeas corpus, and an Atlanta factory girl for a writ of habeas corpus. The Georgia federal court previously had denied an application to the same end.

As a result of the decision it is believed by the legal authorities here that only a pardon by the state officials of Georgia now can save Frank from being hanged. Seven members of the court concurred in the decision which was read by Justice Pitney. Two dissented, Justice Holmes read the dissenting opinion.

Frank's petition for a writ of habeas corpus rested on the allegations of disorder in his trial at Atlanta, which his counsel declared, amounted to mob violence, and the defendant's absence from the court room when the verdict of guilty was returned.

The court's decision today said: "In all the proceedings in the courts of Georgia, the fullest right and opportunity to be heard had been accorded the defendant. In the opinion of this court, he has not shown that he had been deprived of any right guaranteed him by the fourteenth amendment or any other provision of the constitution and laws of the United States. On the contrary, he has been convicted and is now held in custody under due process law with in the meaning of the constitution."

Justice Pitney held that the obligation rested on the supreme court to look through the form and "into the very near and substance of the matter." "Not only in the averment in Frank's petition, but in trial proceedings in the state courts themselves the petition contains a narrative of disorder, hostile manifestation and uproar, which 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 view, for the narrative, coupled with the other statements from which it clearly appears that the same allegations of disorder were submitted first to trial court and afterwards to the supreme court of Georgia."

McCabe Not to Resign. NEW YORK, April 19.—Chairman McCabe of the Democratic national committee, issued a statement here tonight saying he had no intention of resigning the chairmanship. He declared the report that he is in poor health is untrue.

GERMANS POSTPONE CAMPAIGN IN WEST

WILL DIRECT BEST EFFORTS TOWARD CHECKING RUSSIANS

RUSSIANS STILL CLAIM ADVANCES

Former Premier Urges Spain To State Where Sympathy Lies.

LONDON, April 19.—The abandonment by the German general staff of the plans for a general offensive in France are inferred in Rome and Geneva from information received there. The Geneva advices give the impression that the Austrians and Germans have decided to concentrate their energies on the eastern campaign while the Germans maintain the defensive on the western front.

The war council, presided over by Field Marshal von Hindenburg, is said to have determined on the transfer to Poland of the Austrian heavy artillery before Verdun and to send back to Cracow in Galicia the Hungarian cavalry now in the west.

Rome's deduction was based on the official communications to the Italian cabinet, and statements of Germans in the official circles. Meanwhile the situation in the east is still in doubt. The confident assertions from Berlin last week that the Russian advance in the Carpathians had been halted are offset by Petrograd's claims that the principal chain of mountains, comprising a 75-mile section of the front, are now in Russian hands. In addition the capture of 70,000 Austrians in the last few weeks is claimed.

The Russians declare that the movement toward the interior of Hungary would be resumed after the troops had been rested and reinforced. The Austrian war office, however, maintains that the Austro-German forces are gaining further victories.

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

MAKE ATTEMPT TO RAISE THE F-4

Four Lines Now Fastened To Submarine—Injured Diver Getting Better.

HONOLULU, April 19.—It is expected that an effort to raise the submarine F-4 will be made tonight. Work has been proceeding continuously, preparatory to the effort.

Four lines are now fast to the hull, connecting with the two scow pontoons. The dredges and barges which were engaged in the preliminary work have been moved. The space above the submarine is left clear.

The diving is over for the present. Diver Loughman, who had a narrow escape from drowning, when the air line became entangled at a great depth is slowly recovering.

D. A. R. CONGRESS CONVENED YESTERDAY

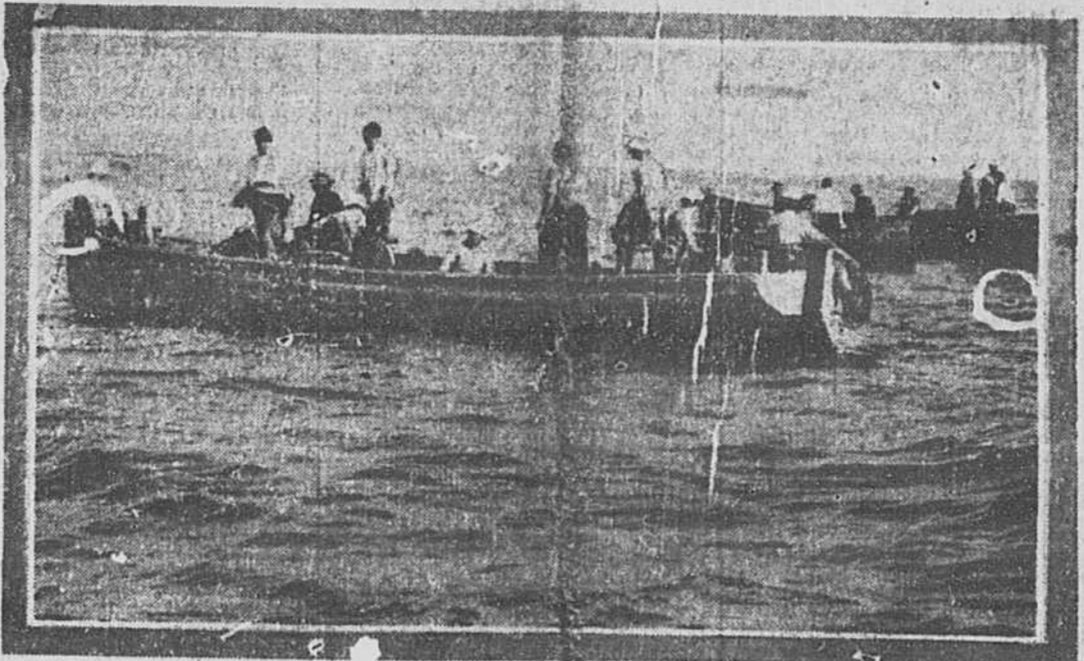
President Wilson Address Meeting—To Elect Officers At This Session.

WASHINGTON, April 19.—President Wilson's address and the annual message of the president, Mrs. Wm. C. Story of New York, at the opening session of the 24th annual congress of the Daughters of the American Revolution here today, shared the interest with the contest between the rival candidates for president general. The election will be held on Wednesday. All the offices should be filled this year.

The congress is apparently divided into two factions, headed by Mrs. Story and Mrs. George T. Guernsey of Kansas. A lively fight is expected. Approximately 5,000 delegates are attending.

Among today's speakers were Jules Jusserand, the French ambassador, Mrs. John Hays Hammond and Mrs. E. A. Tamm, the president of the Sons of the American Revolution, who are also in session here. Many receptions were held today in honor of the candidates and the state officers.

Naval Boats Trying to Locate Sunken Submarine in Honolulu Harbor.



This is the first photograph to arrive in the United States showing the effort of the naval officers to raise the F-4, the United States submarine, which sank in Honolulu harbor. They grappled for many days and several times it was reported the vessel had been found at a depth of 300 feet. Divers were sent down but they could not get that depth. Of

course, long ago hope for the men of the vessel was given up. But the naval officers are very anxious, not only to recover the bodies, but to learn the cause of the sinking of the vessel.

BARNES-ROOSEVELT JURY IS COMPLETED

ACTUAL TAKING OF TESTIMONY IN \$50,000 SUIT STARTS TODAY

DISMISSAL OF CASE WAS REFUSED

Roosevelt Felt He Had Right To Call Barnes "Rotten Government" Boss.

SYRACUS, April 19.—The jury which will try William Barnes's fifty thousand dollar suit for alleged libel against Theodore Roosevelt was completed in the supreme court here today. It comprises seven Republicans, three Progressives and two Democrats. After the jury was sworn, Roosevelt's counsel made a motion to dismiss the complaint against their client on the ground that allegations made in the statement on which the suit was based were privileged, and in naming Barnes and Charles F. Murphy as controllers of "rotten government" in New York, Roosevelt did not mean anything personal, or implied that they had profited by the alleged "rotteness." The court denied the motion. The actual taking of testimony will begin tomorrow.

Four hundred Syracuse students serenaded Roosevelt tonight. Roosevelt talked to them about athletics. He declared that while he did not feel at liberty to discuss his case, he wished the jury had been picked from their number.

TRADING IN STOCKS WEAKENS AT CLOSE

First Reversal Today After Several Weeks Steady Advance.

NEW YORK, April 19.—The stock market suffered its first reversal today after an advance, more or less steady, which began the last week in March. For the first four hours the record showed almost uninterrupted gains, mainly in the investment division. This fact, coupled with persistent peace talk, made the rise more impressive and convincing. But in the last hour a wild spin to a low was noted throughout the entire list. The movement gained force from a cautious utterance by the head of the United States Steel Corporation, who stated that domestic trade conditions were far from desirable. Some gains were entirely wiped out. The day's business amounted to approximately a million and a half shares.

French General Dies. BRIARE, France, April 20.—Gen. Charles Louis Tremou, former commander in chief of the French army, died here today. He was 65 years old.

VILLA'S ARMY SUFFERS A CRUSHING DEFEAT

TROOP TRAINS CARRYING DEFEATED FORCES NORTHWARD

SIX THOUSAND DEAD OR WOUNDED

State Department Agents Say Villa's Movement On West Coast Is Collapsing.

WASHINGTON, April 19.—The state department's consular dispatches today from Mexico confirmed the Carranza claims of a great victory for General Obregon over Villa at Celaya. They said Villa had retreated northward, destroying the railroad behind him. Villa's losses in the six days' fighting is estimated at six thousand killed and wounded. Fourteen troop trains, carrying the defeated Chihuahtla and his battered army arrived yesterday at Aguas Calientes, one hundred and twenty-five miles from Celaya. The department issued summary advices from Rear Admiral Howard, saying "The Villa movement on the west coast apparently is collapsing and indications point to control of the entire west coast by Carranza in a few weeks."

E. M. BLYTHE ELECTED COLONEL 1ST. REGIMENT

Gen. Brooks Not Candidate For Re-election As Commander of U. C. V.

COLUMBIA, April 19.—Official returns of officers for the militia on Saturday show the following results. First Regiment, E. M. Blythe of Greenville was elected colonel; P. K. McCully of Anderson lieutenant colonel; R. F. Watson of Greenville major of the first battalion; W. B. Moore of Yorkville major of the second battalion.

A second race will be necessary to decide on a major for the third battalion. The race will be between W. J. Tiller of Chesterfield and Robert McCorrel of Hartsville. Second Regiment, H. E. Springs of Georgetown, colonel; A. H. Claffy of Orangeburg, lieutenant colonel; A. H. Wilcox of Charleston, major of first battalion; Dibert Jackson of Columbia major of the second battalion; A. H. W. Bradford of Sumter major of third battalion.

It was announced here today that Gen. U. R. Brooks will not seek re-election as commander of the First Brigade U. C. V. on account of pressure of his duties as clerk of the supreme court. Friends of Mr. H. H. Newton of Bennettsville, a gallant Confederate veteran, are urging him as a successor to Gen. Brooks.

The University defeated Wake Forest at baseball here this afternoon, by the score of 14 to 2. Another game will be played between them tomorrow.

ENGLAND'S EMBARGO ON COTTON EFFECTIVE

IS KEPT AWAY FROM GERMANY AND AUSTRIA AS IF CONTRABAND

COUNCIL ORDER BROUGHT RESULTS

Blockade Explained By Attorney General Simons Before Conference.

LONDON, April 19.—The cotton is kept from Germany and Austria just as effectively as if it were declared absolute contraband, is the tenor of a reply addressed by Attorney General Simon to a conference of chemists and engineers who asked whether the government's action was sufficient to make it certain that no cotton reaches those countries. The attorney general ventures some suggestions to those who may be under some misapprehension either as to the law of contraband or as to the steps which in fact are being taken under the order in council of March 11. The steps being taken under authority of that order in council have been extremely effective in stopping cotton from reaching Germany and the declaration of cotton as contraband would not alter the result in the very least so far as preventing cotton reaching Germany is concerned.

"If an article is declared absolute contraband it can be stopped from going to a German port and be stopped even from going to an adjoining neutral port, if it is in course of transit through that neutral port to an enemy country. These are exactly the circumstances in which, under the order in council any article can be stopped whether it is contraband or not, and of course, this order in council is being put into force in all proper cases."

"To imagine that since March 11 anything can be gained, so far as stopping the entrance of cotton into Germany is concerned by calling it contraband is, in effect to suppose that a blockade is rendered more effective if you add that specified contraband articles will not be allowed to break that blockade. A blockade stops all articles whether they are contraband or not, therefore, and additional rulings would not have any practical consequences. What is true of Germany is equally true of Austria."

"Your memorialists no doubt will readily believe that there may be good reasons of quite a different kind for not making cotton contraband in view of the precedent which would thereby be created but as a practical matter in the present war any stoppage of cotton secured by calling it contraband is equally secured by the order in council."

President Goes to New York.

WASHINGTON, April 19.—President Wilson leaves early tomorrow for New York to attend the annual luncheon of the Associated Press. Secretary Daniels, Secretary Tamm, and Dr. Grayson will accompany the president.

LITTLE ACTIVITY IN THE WAR TODAY

ARTILLERY DUELS HAVE TAKEN PLACE OF HAND TO HAND FIGHTING

WILD RUMORS EXCITE AUSTRILIANS

Rumors of Extension of Landstrum Causes Consternation Among Populace.

LONDON, April 19.—Activity along the western battle line seems to consist of isolated engagements rather than a general offensive. Artillery duels have taken place of the hand to hand fighting which has been a feature of the recent struggle along the Meuse. Official statements agree that sharp fighting is occurring at Vosges.

Petrograd continues to report minor success in the Carpathians. Various rumors recently regarding the central powers of Austria are said to have received with consternation the news that Landstrum service had been extended to all classes between the ages of eighteen and fifty years.

Rome is sponsor for a statement, attributed to a high German authority that the German general staff had discarded plans for an advance on the French front, deciding to remain on the defensive. It was unofficially announced that operations are under way in the Dardanelles, where the Turks are reported building defenses against the landing parties.

WAR OF PEOPLE, SAYS PASHA

CONSTANTINOPLE, April 19.—"This is not a war of the Turkish government, but a war of the Turkish people," said Enver Pasha, the most remarkable man in Turkey, who at thirty-three is war minister and generalissimo of the Ottoman army to a Associated Press correspondent today.

RUSSIAN WAR OFFICE REVIEWS CAMPAIGN

Austria And Italy Seem To Have Failed To Reach Agreement.

LONDON, April 19.—The situation in the Carpathians regarding which there has been a dearth of news of late is reviewed in a brief summary issued by the Russian war office, embracing the period from early in March up to the present.

According to this review, the principal chain of the Carpathians, comprising a front of about 75 miles, has fallen into Russian hands since their offensive began on March 19, and up to April 12, the opposing forces including those that had been concentrating for the purpose of relieving Przemyśl, lined up between Lupkow and Uzsok passes, suffered enormous casualties, losing in prisoners alone 70,000 officers and men.

The resistance of the Teutonic allies is described as most stubborn and along the line from Bartfeld to Uzsok pass the Austro-German forces were estimated at 300,000 men.

The subsequent fighting is declared to have been in the nature of detailed actions for the purpose of consolidating the Russian position which therefore would indicate preparations for a further general movement as soon as the troops have rested and reinforcements, of which the Russians are credited with having an abundance, have come up.

Rostok, which lies about 25 miles to the north, west of Uzsok pass, has in the last few days been the objective of the Russian troops, but against an advance in this direction the Austrians have been delivering attacks in great strength. They have, according to their report, "viciously repulsed" Russian attacks near Telepoch and have captured nearly 1,500 prisoners.

In the Western war theatre there is continuous fighting in the Vosges, Lorraine and Alsace and the British infantrymen have attacked the German trenches to the southwest of Ypres after the explosion of several mines in the way of a preliminary. At all these points fighting is still in progress.

Minor incidents in the campaign include the loss of the British submarine E-15, which ran ashore in the Dardanelles, 24 officers and men being taken prisoners, by the Turks and seven being probably lost; the bombardment of a Turkish encampment on the Sinai peninsula by British aeroplanes and the torpedoing by a submarine in the North sea of the Greek steamer Ellipsantos. It is reported from Rome that Italy and Austria have failed to agree on

SHERIFF MAKES BIG HAUL OF WHISKEY

THREE WHITE MEN, AN AUTO AND 5 1-2 GALLONS ARE BEING HELD

SAID TO HAVE HAD LARGER QUANTITY

Believed That Men Came From Georgia And Hid Whiskey Over Saturday Night.

Charged with transporting whiskey in the night time, three white men, H. C. and Ira Stansell and Will Franklin, were arrested Sunday afternoon by Sheriff Ashley and deputies in the vicinity of Riverside Mill and lodged in the county jail. Five and one-half gallons of intoxicating liquor and a Maxwell touring car were taken in custody by the officers at the same time. It being alleged that the men used the machine in bringing the whiskey here from some point in Georgia.

In speaking of the matter yesterday, Sheriff Ashley stated that he had evidence that the three men arrived in the city Saturday afternoon with the whiskey and drove about town for some time with it; that they later got frightened, thinking the sheriff was on their trail, and decided to hide it; that they drove out to Carpenter's Mill south of town, and hid the whiskey in the woods, leaving Franklin and Ira Stansell there to guard it; that H. C. Stansell returned to the city and went back to Carpenter's Mill Saturday night about 1 o'clock in the automobile and got the whiskey, carrying it to the house of G. T. Ferguson, at Riverside Mill.

The sheriff stated that five gallons of whiskey in a kerosene can and one-half gallons in a jug were found in the automobiles when the men were arrested. He believes that the men brought a larger amount of whiskey than this to the city, but managed to dispose of all but five and one-half gallons before being arrested.

PRESIDENT COUNSELS SELF POSSESSION

Urges Calmness In Great Crisis, French Ambassador Lauds U. S. Action.

WASHINGTON, April 19.—The need of self-possession, calmness and 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 Daughters of the American Revolution.

Ambassador Jusserand of France told the congress that United States had behaved in the European crisis so as to command the gratitude and thankfulness of the world. The Daughters will elect a president-general Wednesday.

PAY INDENTITY TO KATKICK OWNERS

Germany To Pay If German Submarine Sunk Dutch Boat Through Mistake.

THE HAGUE, April 19.—Germany's declarations of her willingness to express regret and paying indemnity if an investigation proves that the Dutch steamer, Katwikk, was sunk by a German submarine through a mistake has brought general satisfaction here. The irritation caused by the sinking of the Katwikk has about subsided.

territorial concessions to Italy for her continued neutrality.

AUSTRIA AND ITALY ARE NOT AGREED

ROME, (via Paris), April 20.—From an authoritative source it is learned that notwithstanding Germany's efforts, Italy and Austria have failed to agree on territorial concessions.

Many reports have been current respecting proposals said to have been made by influential Austrians anxious to preserve peace with Italy for the temporary disposition of the province of Trente, provided Austria consented to cede it to Italy. The latest proposal according to these reports, was that the territory be ceded to the pope and that the pontiff turn the territory over to Italy after the war.

Prince von Siewow, German ambassador to Rome is said to have frowned on this suggestion, fearing it would be a new source of friction between Austria and Italy.