On a Five Mile Wide Stage
First complete story of the making of "The Birth of a Nation," and the remarkable career of D. W. Griffith. In next Sunday's SUN.

The Sun.

THE WEATHER FORECAST.
Fair to-day and probably to-morrow; little much change in temperature.
Highest temperature yesterday, 78; lowest, 58.
Detailed weather, mail and marine reports, page 13.

VOL. LXXXII.—NO. 232. NEW YORK, TUESDAY, APRIL 20, 1915. —Copyright, 1915, by the Sun Printing and Publishing Association. PRICE TWO CENTS.

FIND CAUSE TO REMOVE BOTH P. S. BOARDS

Legislative Investigators Assail McCall, Cram, Wood and Williams.

FAILED TO SEE THAT ORDERS WERE OBEYED

ALBANY, April 20 (Tuesday) 3 A. M.—The Thompson Public Service Investigation Committee at 2:30 o'clock this morning completed its report and recommended the removal of the Public Service Commissioners of the First and Second districts. The report said:

"If the commissions of the First and Second districts of this State are to carry out the purposes for which they were created; if the public service corporations of the State are to respect the law and obey the mandates of the commission created for their regulation, it will be necessary to place the administration of the Public Service Commissions' law in the hands of commissioners who have a clear conception of the provisions of the law and a keener sense of their responsibilities than has been shown by the records of the hearings in either the First or Second district commissions.

"Your committee after a careful examination of the evidence is forced to the conclusion that Commisioners McCall, Wood, Cram and Williams have, for unreasonable periods of time, permitted the orders of the Commission to be ignored, that they failed in many instances of substantial public concern, to render their determinations upon matters submitted to them with reasonable promptness; that they failed to supervise properly and within the intent of the law the activities of their subordinates; that they failed to adequately inform themselves of the essential powers conferred upon them by the law and they have neglected and refused to avail themselves of the remedies provided by the law for the enforcement of the mandatory provisions of the law.

"But the Governor having preferred charges based upon such report against Commissioners McCall, Cram, Williams and Wood, and the answers of such Commissioners having been presented to the Governor and a hearing had thereon before him and the Governor having taken the matter under advisement and not yet having rendered his decision upon such charges, while this committee, upon the testimony taken before them without further explanation or denial, find them inefficient as defined in this report, it appears to this committee inadvisable if not improper to express any opinion as to whether the charges so preferred have been sustained. The Governor should be left free, without action by this committee in any way, to render such decisions as in his judgment may seem just and proper.

"The cases brought to our attention, in the opinion of your committee, disclose conduct on the part of the commissioners of the Second district, which it is impossible for your committee to harmonize with a rational conception of the meaning of the word efficiency.

"They have failed adequately to inform themselves upon the provisions of the public service commissions law. They have failed to give prompt and intelligent attention to some of the complaints filed with the commission and have failed to render decisions promptly upon such complaints and when rendered they have failed to enforce reasonable compliance therewith."

Chairman Thompson introduced a bill last night legislating the two Public Service Commissions out of existence and providing for the appointment of a commission of seven members, with State-wide powers.

He proposes to reduce the salaries of the Commissioners from $15,000 a year to $10,000, but gives them seven year terms instead of five, as at present.

Senator Thompson's bill creates the commission of seven with statewide powers and then divides this board into two commissions of three each, with a joint chairman. Provision is made that at least three shall be from New York city, who shall serve on the New York city commission, and three from up state to serve as members of the upstate district commission. Mr. Thompson also would provide for the appointment of two additional members to the New York city commission to aid the board in rapid transit matters only.

When Senator Thompson introduced the bill he stated that it represented his own ideas, and was not framed as a result of any action by his committee. He tried to have the bill advanced to the order of final passage, but Democratic Leader Wagner objected. The bill went to the Public Service Committee, of which Senator Thompson also is chairman.

CROWD WATCHES AMPUTATION.

Doctor Cuts Off Boy's Foot While East Side Looks On.

Seymour Richman, 8, of 228 South Third street, Brooklyn, got his foot caught in the chain of an automobile truck on which he was riding in Delancey street last night. The chauffeur stopped his car quickly. The boy lay on the ground with his left foot caught and crushed in the gearing.

Reserves were called from the Clinton street police station; firemen came from Truck 15. Dr. Lemorsa came with an ambulance from Gouverneur Hospital and all tried to release the lad's foot. First Dr. Lemorsa decided that something must be done and done quickly. So he cut the boy's foot off while a great East Side crowd looked on. The boy was taken to the hospital afterward. His condition is serious.

Chief Justice Gummere Confirmed.

TRENTON, N. J., April 20 (Tuesday), 1 A. M.—The Senate confirmed the nomination of Chief Justice William S. Gummere at 1 o'clock this morning after a protracted executive session, in which Senator Hennessy renewed his attacks against the Chief Justice.

Tammany Tiger Votes to Leave His Old Wigwam

Move Up Town Decided On Unanimously by 400 Members.

Tammany will move uptown from Fourteenth street as soon as the members find a site that they like and decide as to the kind of building they want. They may put up a big new home of their own or they may buy a clubhouse if a suitable offer is made.

The decision to quit Fourteenth street and the Bowery associations was reached by unanimous vote of 400 members of the Society of Tammany, or Columbian Order, in its annual meeting at the wigwam last night. Grand Sachem John R. Voorhis offered this resolution and it was passed without dissent:

"*Resolved*, That it is the sense of the meeting that a change should be made to another location at the earliest opportunity that may present itself."

Somebody moved that the selection of a new site and form of building be entrusted to a committee of five, but he was reminded that the thirteen sachems themselves constitute the building committee. So the matter is now in the hands of the sachems. They will meet regularly on the third Monday in May, but may have a special conference before then. The Tammany society is to meet again on May 3.

Most of the speakers last night favored the region south of Central Park and north of Forty-second street and Fifty-ninth street as the best district for new Tammany headquarters. As to the general type of building there were various suggestions.

Charles B. Meyers, a member of Tammany and architect of the New York State building at the San Francisco exposition, submitted plans for a building of Colonial type, which he thought about right.

Charles F. Murphy attended last night's meeting, but said nothing. Waunhope Lynn, in a speech, showered sentiment on Fourteenth street and the old East Side.

Secretary Thomas F. Smith said the long time agitation for an uptown hegira had finally reached a head because of several offers from real estate men for the Fourteenth street building. The principals behind these offers have not revealed themselves. There is a suspicion that one of them is the Consolidated Gas Company, whose structure at Irving place and Fifteenth street backs up against Tammany Hall.

Tammany Hall was built in 1867. In that year the society moved to Fourteenth street from the present SUN building at Nassau and Frankfort streets, which it had occupied since 1813.

The society had its annual election of officers last night. Henry W. Unger was chosen sachem to succeed the late Julius Hasburger. All the other officers were reelected, including Secretary Smith, Treasurer William Sohmer, Sagamore Bryan P. Henry and Wiskinkle John A. Boyle.

T. R. FOR G. O. P. IF CLEANSED.

Will Return if Reactionaries Fail, Says an Editor Friend.

WASHINGTON, April 19.—"Theodore Roosevelt will be back in the Republican party ranks for the 1916 campaign unless the 'reactionaries' insist upon adopting a policy and programme which neither he nor those who left the party in 1912 can support."

In these words Frank Knox, publisher of the Manchester, N. H., *Union*, who is a friend of Col. Roosevelt, expressed himself here to-day. Mr. Knox and other progressive Republicans recently had luncheon with Col. Roosevelt and the political situation was carefully considered. Mr. Knox says he feels confident that his statement will not be contradicted.

Mr. Knox added:

"Col. Roosevelt is waiting. He recognizes the present as a 'hair trigger' situation and he is observing developments with the earnest hope that the position of the Republican party and its candidate will take will be such as to permit hearty support by the millions of voters who cast Progressive ballots in 1912 and the 2,000,000 who persisted in voting the Progressive ticket in 1914.

"No man has the slightest authority to say that Col. Roosevelt is 'for' this particular candidate or that; that he will support none but this one, or support any candidate the Republicans name but one."

F-4 LIFTED TOWARD SHORE.

Salvage Crew Move Submarine Sunk at Honolulu.

HONOLULU, April 19.—The salvage crew working on the United States submarine F-4, submerged outside the harbor here since March 25, raised her twelve feet to-day and towed her toward the shore until she rested on an upward inclining bottom. Work was stopped so as to strengthen the lifting tackle.

The work done, it is believed, will make unnecessary the pontoon methods of raising the craft.

WASHINGTON, April 19.—Rear Admiral Moore at Honolulu reported to the Navy Department to-day that Diver Loughman, who was submerged for four hours as a result of becoming entangled in the lines about the sunken submarine F-4, is in a serious condition. Diver Grilley, who rescued Loughman, is also very ill.

GUM CHEWERS, BEWARE!

Columbia Professor Declares Habit Wastes Much Energy.

Apostles of the habit of gum chewing had better beware of Prof. Herbert Gardner Lord, professor of psychology at Columbia University. Prof. Lord surprised one of his students yesterday morning by calling on him out of turn and the young man had the alternative of swallowing the gum he was chewing or being marked a flunk. He swallowed and choked, whereupon Prof. Lord seized the opportunity for a lecture on gum masticators.

The gist of the talk was that a man who dissipates his energy in chewing gum is wasting unlimited power. With students, he said, the results are extremely bad because after a chew of ordinary duration the average student's jaw is too tired to wag out an answer.

There will be no more gum chewing in Prof. Lord's classes this spring.

BROADWAY TO HAVE $1,500,000 MOVIE CENTRE

Building With Five Theatres to Go Up on Hotel Lincoln Site.

HOMES PLANNED FOR FILM CORPORATIONS

A sixteen story building which, it is expected, will be the centre of the moving picture industry in this part of the country is planned for the site of the Hotel Lincoln at the northwest corner of Broadway and Fifty-second street.

Frank L. Dyer of 31 Nassau street, president of the Dyreda Art Film Corporation and director of the World's Film Company and associated with many of the big film concerns, is at the head of the project to centre the moving picture industry at Broadway and Fifty-second street. As the head of a syndicate in which several well known film manufacturers are interested he has entered into negotiations with the owners of the Hotel Lincoln for leasing the property and a sixteen story building to be erected by them.

The deal is in the hands of J. Arthur Fischer. He refused yesterday to say how far matters had progressed. From another source it was learned that negotiations were well advanced and that it would be no surprise if the deal was closed before many days had elapsed. Mr. Dyer, members of his syndicate and John P. Kirwan and other owners of the Hotel Lincoln held a meeting yesterday afternoon at the Engineers Club.

The operation means an investment of nearly $4,000,000, or to be exact $3,600,000, which makes it one of the largest real estate deals consummated since the first of the year. It has been several years since a deal of this size has been announced from the Longacre Square section. The building, which has been designed by F. E. Townsend, will cost with the site at least $1,500,000. Statements made along upper Broadway yesterday had it the improvement would cost nearer $2,000,000 before it had been finished, as many novel features are to be introduced.

Rental of $100,000 a Year.

The building is to be put up by the owners of the property for the syndicate, which will pay $100,000 a year for the big structure for the next twenty-one years. For the second twenty-one years the syndicate will pay five per cent. of the appraised value of the property at the expiration of the first term if they decide to exercise the privilege which is to go with the lease.

The building will be the tallest on Broadway between Forty-third street and the home of the United States Rubber Company at the southeast corner of Broadway and Fifty-eighth street. It will be 100.1 feet on Broadway and 109.11 feet on Fifty-second street. The building which Mr. Townsend has designed is what he calls a combination of styles or what may be termed a New York commercial building type. It will be absolutely fireproof because of the inflammable material which is to be stored in the building.

Protection from the spread of fire has been given more consideration, probably, in this building than in most office and loft buildings. Because of the exhaustive measures against fire and other features that will be found in the building the cost is expected to be much more than the figure now considered ample to produce the building demanded by the film syndicate.

Among the features in the structure will be five theatres. Every one will be up to date in every respect but in seating capacity. In this respect they will be far behind other Broadway showhouses, not being intended for the general public. The five theatres are for the purposes of projecting pictures before prospective buyers. In other words, they will be the salesrooms of the concerns in the building. Every concern will have the use of the theatre at a regular period each day according to the plans as they now stand.

The films will be stored in vaults similar to those in Wall Street. They will be steel and will be guarded night and day, not only against fire but burglary as well. Tenants in the building will have first call on the vaults. The remainder of the building will be offices and producing rooms, where scenes will be stored for recording on films.

Passing of a Landmark.

The improvement will mean the end of one of the old time hotels of the Longacre section of Broadway, among which are the Albany on the block below. The Lincoln was put up about the same time as the Albany and for many years was a hotel which catered to well known folks. The change in the section brought a change in the character of the hotel and for the last few years it has been under the attention of the police most of the time.

The income from the property has been very little for several years. It is valued by the Tax Department at $390,000, of which $40,000 represents the value of the hotel, a six story building. The city's valuation, however, is far under the market value of the corner. The property is held by the owners at $750,000.

The Posada Realty Company, which is the name under which the property is held by John P. Kirwan, Charles Rohe, Charles R. Bauerdorf and John E. Ludin, has owned the hotel since September, 1905. Two years ago the property was brought into the auction market in voluntary procedure and bid in by Oscar Wagner for a party at interest on a bid of $595,000.

MOVIE OPPOSED IN BAY STATE.

Gov. Walsh Fights "The Birth of a Nation."

BOSTON, MASS., April 19.—Several thousand negroes waited on the State House steps to-day while a delegation lodged a protest with Gov. Walsh against the movie show called "The Birth of a Nation."

The Governor will ask the Legislature to pass a law to prevent the production of this show and of all plays that tend to raise race or religious prejudice in case the courts decide that there is no law prohibiting such exhibitions.

A complaint will be filed and if the court finds that the law has been violated Commissioner O'Meara will report to Mayor Hurley and he can stop its production; otherwise the Governor will ask for a new law.

FRANK LOSES FINAL COURT PLEA FOR LIFE

Supreme Tribunal Decides Trial Was Fair and Conviction Legal.

TWO JUSTICES DISSENT: ONLY HOPE IS PARDON

WASHINGTON, April 19.—Leo M. Frank of Atlanta, convicted of the murder of Mary Phagan, the thirteen-year-old factory girl, and under sentence of death, will have to go to the scaffold unless the Governor of Georgia and the State Board of Pardons commute his sentence.

The Supreme Court of the United States, for the second time to-day, refused to intervene in the case to set aside the judgment of the courts of Georgia and order a new trial. The first application was for a writ of error to the Supreme Court of Georgia, which was denied by two Justices, Lamar and Holmes, and later by the full bench. The second appeal was from the judgment of the District Court for one of the Federal districts of Georgia, denying an application for a writ of habeas corpus.

Justice Pitney delivered the opinion to-day for the majority of the court, affirming the judgment of the Federal court. A strong dissenting opinion was read by Justice Holmes, in which Justice Hughes concurred.

While the attorneys for Frank intimate that their legal resources have not been exhausted and that the case may again come before the Supreme Court, it is not clear to members of the bar just how the question can again be brought before the highest tribunal.

Life Term Only Hope.

It is believed to be significant also that Frank's next appeal for clemency will be made to the Board of Pardons of the State of Georgia and to the Governor. The best that can be hoped for, in the opinion of persons familiar with the case, is a commutation of sentence to life imprisonment and it is extremely doubtful if this scant clemency will be allowed to the prisoner.

The dissenting opinion to-day was very vigorous. There were frequent references to the "mobs" that filled and surrounded the court room at the trial of Frank, and more than once Justice Holmes referred to the trial of the prisoner as a clear denial of justice and of the due process of law guaranteed by the Federal Constitution.

The majority opinion was exhaustive. The burden was that the prisoner had had a fair trial by an impartial jury and that while there was a difference of opinion as to what the record showed as to the influences of the demonstrative crowd in and around the court room during the trial, the majority of the court expressed the opinion that there had been no denial of due process of law, that Frank had been legally convicted and there was nothing on the face of the record that disclosed a denial of any of the prisoner's rights guaranteed by the Federal Constitution.

In no murder case that has come before the Supreme Court for review in recent years has there been shown so much nationwide, popular interest as has been evoked by the appeal of Leo M. Frank.

Justice Pitney's Opinion.

The Supreme Court exhaustively considered and reviewed the case. Both the majority and minority opinions were elaborate. In the majority opinion Justice Pitney said among other things:

"The principal points raised in support of Frank's application for release on habeas corpus as presented to the United States District Court in Georgia and to the Supreme Court of the United States upon this appeal are, first, that the disorder in and about the court room during the trial and up to and at the rendition of the verdict amounted to 'mob domination' to which not only the jury but the presiding Judge succumbed, and that this in effect brought about a dissolution of the court and deprived it of jurisdiction to receive a verdict and pronounce sentence against the prisoner; second, that Frank's involuntary absence at the time the verdict was rendered deprived him of an essential part of the right of trial by jury and was a deprivation of the due process of law guaranteed by the Fourteenth Amendment and that such absence could not be waived by Frank, and thirdly, that the ground upon which the Supreme Court of Georgia overruled his objection based upon his absence when the verdict was rendered (namely that this objection was waived because it was not raised at the first motion for new trial, although the facts were known to Frank and his counsel) was so far inconsistent with previous decisions of the same court that it was equivalent in effect to an ex post facto law.

"Frank's allegations of hostile public sentiment and disorder in and about the court room improperly influencing the trial court and the jury against him have been rejected because found untrue in point of fact on evidence presumably justifying that finding and which he has not produced in the present proceeding; his contention that his lawful rights are infringed because he was not permitted to be present when the jury rendered its verdict has been set aside because it was waived by his failure to raise the objection in due season when fully cognizant of the facts.

"In the opinion of this court he is not shown to have been deprived of any right guaranteed to him by the Fourteenth Amendment or any other provision 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."

The Dissenting Opinion.

In the dissenting opinion Justice Holmes and Justice Hughes say in part:

"Whatever disagreement there may be as to the scope of the phrase 'due process of law,' there can be no doubt that it embraces the fundamental conception of a fair trial, with opportunity to be heard. Mob law does not become due process of law by securing the assent of a terrorized jury.

"We are not speaking of mere disorder or mere irregularities in procedure, but of a case where the processes

Continued on Third Page.

Roosevelt Plans to Take the Stand To-day; Loses His First Trial Plea

PHOTOS © UNDERWOOD & UNDERWOOD

Theodore Roosevelt in court yesterday.

William Barnes, jr., on his way to court.

Jurors Represent Three Big Parties, Seven Belonging to the G. O. P.

COLONEL'S WAR VIEWS FACTOR IN SELECTION

SYRACUSE, April 19.—Seven Republicans, three Progressives and two Democrats constitute the jury in William Barnes's $50,000 libel suit against Col. Roosevelt.

They will determine whether Col. Roosevelt, in his public statement last July to the effect that Mr. Barnes and Mr. Murphy were the invisible Government that made for an alliance between crooked business and crooked politics, meant to say that Mr. Barnes was personally corrupt or whether he was only whacking at bad government.

These are the issues of the case, as simply as they can be put. William M. Ivins, senior counsel for Mr. Barnes, will contend in his opening address to-morrow morning that Col. Roosevelt's statement was maliciously personal and that he must be made to pay in hard cash.

It was pretty generally understood around the Hotel Onondaga to-night that Col. Roosevelt would take the stand to-morrow as his own first witness. No authoritative statement to that effect could be obtained from Mr. Bowers or his associates, but the rumor was widely current and generally credited. If the Colonel is called to-morrow it will take him two days to tell the jury all he knows or has heard about the past of Mr. Barnes.

John M. Bowers, senior counsel for the ex-President, bared the Roosevelt defence this evening when in a motion to dismiss the case he argued that Col. Roosevelt never declared that either Mr. Barnes or Mr. Murphy got personal gain from their control of the "invisible government" and that the Colonel's language did not necessarily charge personal corruption.

Mr. Bowers's motion to dismiss on the ground that the statement was not libel per se and that even if a libel per se it was subject to an innocent construction was offered to Supreme Court Justice William S. Andrews at 5 P. M. after the jury box had been filled and the jurors dismissed until to-morrow morning.

Motion to Dismiss Denied.

Justice Andrews, who had given careful study to Mr. Ivins's and Mr. Bowers's briefs for many days, promptly denied the motion and cleared the ground for the real opening of the case.

There were murmurs of surprise when Mr. Bowers explained that Col. Roosevelt never meant to charge that Mr. Barnes was a boss for profit only or that he made "invisible government" pay rich dividends.

Some persons jumped to the conclusion that the Colonel was backing water and that the motion to dismiss was an indication that he wasn't nearly so full of fight as he looked.

It can be said straight out, however, that this view of the preliminaries is far from the truth. The Rough Rider and big game hunter has come to Syracuse full of fight, and if Justice Andrews permits, intends to open a lot of secret doors and rattle many old skeletons in Republican politics. Mr. Bowers's motion was simply for the purpose of knitting together the law points of his case and to pave the way for his array of evidence.

The ease and speed with which the jury was selected amazed the New York lawyers, who had hardly expected to find twelve good men and true picked in fewer than two days, possibly three. Even Justice Andrews rather figured on a two days examination of talesmen.

As a matter of fact, it required just four hours and fifty minutes of hard work to qualify three farmers, two manufacturers, a woodworker, a contracting painter, a carpenter, a grocer, a motorman, a coal dealer and a clerk for the business of determining whether or not the Colonel meant to be personal when he talked about bad bosses and rotten government. Several reasons accounted for the celerity in jury building.

Reasons for the Celerity.

First of all, it appeared at the outset that every man summoned from farm or office or factory was a little more than eager to be accepted as a juror. Some of them were a trifle too keen, much too complaisant; but this was due probably to their desire to earn $3 a day at an agreeably exciting job getting an unfamiliar place in the sun, rather than to "putting something over" on one side or the other.

But one and all of the twenty-two talesmen quizzed said just about this:

They knew of no reason on earth they couldn't decide fairly between Republican Barnes and Progressive Roosevelt. They hadn't read about the case (or much, at any rate); they hadn't discussed the merits of the libel complaint; they hadn't any opinions; they believed that a man in politics (Mr. Barnes was under discussion) had as much right to be protected from loose talk as a man in private life; they had no grudge against the Colonel for running for President in 1912 or for his accusations against Germany in regard to the vio-

Continued on Last Page.

HERE IS THE JURY IN THE LIBEL CASE

1.—HENRY HOAG, Republican, clerk, Fayetteville.
2.—IRVING J. MILLS, Republican, woodworker, Syracuse.
3.—WALTER J. ZULLE, Progressive, manufacturer, Syracuse.
4.—FRANKLIN S. RHOADES, Republican, farmer, Elbridge.
5.—LEONARD K. HUNGERFORD, Progressive, painter, Syracuse.
6.—F. W. PIERCE, Republican, carpenter, Syracuse.
7.—WARREN W. SOMERS, Republican, grocer, Syracuse.
8.—RAY TANNER, Democrat, farmer, Marcellus.
9.—JOHN W. BROWN, Republican, farmer, Memphis.
10.—GEORGE E. ROSCHERT, Progressive, manufacturer, Syracuse.
11.—EDWARD BURNS, Republican, motorman, Syracuse.
12.—PETER BENEKE, Democrat, coal dealer, Liverpool.

GAS KILLS A BABY; MAID DIES IN RESCUE

Parents Find Bodies as They Return Home After Visit to Friends.

On their return from the home of friends early this morning Mr. and Mrs. Frederick Judson of 872 East Twenty-third street, Flatbush, found their thirteen-months-old son, Frederick Judson, Jr.; Mrs. Eleanor Pollock, a negro maid employed in the house, and her husband, Leslie Pollock, overcome by gas. The child and the maid were dead. Pollock is at Kings County Hospital with small chance for recovery.

From the position of the bodies it is supposed that Mrs. Pollock smelled gas and had gone to the baby's sleeping room, lifted the child, turned off the open gas jet and was making her way with the baby to a window at the end of the hall on the second floor when she was overcome.

Mr. and Mrs. Judson were unable to get into their house when they returned about 1 o'clock this morning. Mr. Judson made an entrance through a kitchen window and went at once toward the room where his only child had been left asleep. Near the door he stumbled over the body of the maid. Near by was the infant. Pollock slept in a room at the rear of the hall, an extension. He was unconscious in his bed. Mr. Judson called Policeman Thomas Caughlin of the Vanderveer Park station. It was he who advanced the conclusion that the maid had died trying to save the child. Frederick Judson is connected with the Bankers Trust Company of Manhattan.

BOY, 15, KILLS HIS UNCLE.

Insult to Dead Mother Given as Cause of Shooting.

Raymond Fisher, 15 years old, shot and killed his uncle, Henry Taylor, 45, of 134 Union street, Jersey City, last night. The boy accused Taylor of insulting his mother just before her death a year ago.

"You slurred my mother and now I am going to fix you," cried the boy as he pulled a .32 calibre revolver out of his pocket and fired. The bullet entered Taylor's mouth and he died on his way to the hospital.

Young Fisher escaped, but five hours later walked into the Communipaw avenue police station and surrendered himself. He was held on a charge of murder.

SAYS PART OF EITEL'S CREW IS IN EUROPE

Second Officer and Men on Way to Germany, Copenhagen Reports.

Special Cable Despatch to THE SUN.

LONDON, April 19.—The correspondent of the *Daily Mail* at Copenhagen telegraphs that the steamship Hellig Olav arrived there to-day with the second officer and part of the crew of the Prinz Eitel Friedrich.

They carried false passports describing themselves as Swedes and were on their way to Germany with a secret report from the Eitel's commander.

The Hellig Olav sailed for New York for Kirkwall on April 1. She arrived at Kirkwall on April 11 and departed for Copenhagen and Christiansand. From this it seems apparent that the second officer and part of the Prinz Eitel Friedrich's crew managed to evade the British authorities at Kirkwall.

Admiral Beatty, commanding officer at the Norfolk Navy Yard, said last night to THE SUN correspondent at Norfolk that the report that men of the Prinz Eitel Friedrich's crew had arrived at Copenhagen is not true. He said that all of the cruiser's crew and officers are still at Norfolk.

Prinz Eitel interned at Norfolk on April 9. By the conditions of her internment her officers are permitted unrestricted liberty in the matter of going ashore and her crew are permitted leave from the steamer. None of the men, however, will be permitted to leave that section of the country.

If any of her crew or officers did get away on the Hellig Olav they left Norfolk before the Prinz Eitel interned, as the Hellig Olav sailed from New York on April 1.

Say Second Officer Left Ship in September.

NORFOLK, VA., April 19.—Officers of the Eitel Friedrich say that William Kominenn, who was second officer before the war started, left the ship at Buenos Ayres to return to his home in Copenhagen in September. They say he was not a naval officer and desired to be with relatives in Copenhagen. He had no reports, because the vessel had done nothing up to that time.

FRENCH MAKE NEW GAINS IN ALSACE DRIVE

Summits Are Taken in Advance Toward Colmar and the Rhine.

FIGHTING VIGOROUS ALONG THE FECHT

Notable Progress Is Announced in Struggle for Series of Elevations.

BRITISH TROOPS SUCCEED IN BELGIUM

Victory Is Reported Near Zwartalen, Where Foe Loses Trenches.

SUMMARY OF THE WAR NEWS.

French official reports show that French troops are advancing down both banks of the Fecht River in the move toward Colmar. They report the capture of Eselbrucke, north of Metzeral, the latter being the key to Colmar. The French admit that Lieut. Roland Garros, the famous aviator, was compelled to descend within German lines and was made a prisoner.

An English official report announces the capture by British troops of a hill east of Ypres. The British still hold the hill despite desperate efforts of the Germans to dislodge them.

The German War Office reports that Roland Garros, the well known French aviator, has been captured in Belgium. The report says the British have been driven from German positions which they had occupied south of Ypres. There is no change in the situation on the eastern front.

The steamship Hellig Olav arrived at Copenhagen, carrying, it is said, the second officer and several members of the crew of the German auxiliary cruiser Prinz Eitel Friedrich, now interned at Norfolk. The Hellig Olav left New York on April 1. The Prinz Eitel was interned on April 9.

Holland has received a note from Germany stating that there is no intention to interfere with Dutch shipping and if it is found that the Dutch steamer Katwijk was destroyed by a German submarine proper compensation and reparation will be made at once.

There is another break in the negotiations between China and Japan. China is reported to have refused to grant several of the demands by Japan. The matter is regarded with much importance in Great Britain.

A British trawler was sunk by a German submarine in the North Sea yesterday. The submarine endeavored to sink another vessel which tried to save the crew of the trawler, so all aboard the trawler were lost.

Russia reports the capture of two more heights in the Carpathians, thus further facilitating the invasion of Hungary. The capture of a battalion of Austrians is also reported.

FRENCH GAIN NEW HEIGHTS IN ALSACE

Advance Continues Steadily Toward Colmar and Rhine.

PARIS, April 19.—A further development of the new French offensive in Alsace, its object being Colmar, is indicated in both official statements of the French War Office to-day. The French in considerable force are advancing down both banks of the Fecht River and they now control the greater part of the heights at the headwaters of that stream. The latest success reported to-night was the capture of Eselbrucke, which is north of Metzeral, the latter being the key position to Colmar. The Germans, in the face of a strong attack, were forced to evacuate Eselbrucke so hastily that they abandoned many guns and much ammunition.

Roland Garros, the famous French aviator, who shares with Pegoud the honor of being the most daring French airman, was forced to land at Ingelmunster, north of Courtrai, yesterday and is now a prisoner of the Germans. The night statement is as follows:

A German counter attack at Les Eparges was repulsed at 3:30 o'clock this morning.

In the Mortmare wood there was an infantry action without any definite result.

In the region of Regniéville there was a violent artillery duel, in which the advantage rested with our troops.

In the Vosges we carried out attacks on both banks of the Fecht and forced the enemy to evacuate Eselbrucke, above Metzeral. They abandoned much material.

A French aviator, Lieut. Garros, was forced to land at Ingelmunster, north of Courtrai, yesterday and was captured.

British gains near Zwartelen in Belgium are reported in the afternoon communiqué. There the Germans have been forced to evacuate 200 yards of trenches, when the British have held despite counter attacks.

The communiqué was as follows:

British troops yesterday captured in Belgium, near Zwartelen, 200 yards of German trenches. These they have retained in spite of several counter attacks.

We have been successful on both