

# LEO M. FRANK LOSES LEGAL BATTLE FOR LIFE

## ONLY HOPE RESTS NOW IN PARDON

JUSTICES HOLMES AND HUGHES DISSENT IN OPINION UPHOLDING VERDICT OF LOWER COURT.

## SAY NO RIGHT IS VIOLATED No Murder Case Has Been So Stubbornly Fought in Recent Years.

Washington, April 19.—The supreme court held that the state of Georgia had denied Leo M. Frank his right under the federal constitution in sentencing him to death for the murder of Mary Phagan, the Atlanta factory girl. The court affirmed the action of the United States district court for northern Georgia, refusing to release Frank on a writ of habeas corpus. Justice Holmes dissented, Hughes concurring. This decision, it is believed here, exhausts all means of fighting in the courts to save Frank's life. His attorneys have 30 days in which to file application for a rehearing.

At the end of that time the court's mandate will issue, and apparently only the possibility of a pardon will be between the prisoner and death. **Lost its Jurisdiction.** Habeas corpus proceedings rested on the claim that the trial court had lost jurisdiction over the prisoner by reason of "mob domination" during the trial and by Frank's involuntary absence at the time the verdict was rendered. A majority of the court held that the findings by the supreme court of Georgia, that of alleged "mob domination" amounted to nothing more than irregularities and was not prejudicial to Frank.

**Celebrated Case.** Leo M. Frank's legal fight for life has taken a place among the celebrated murder cases of recent years. Seven times since his conviction in August, 1913, the lower and supreme courts of the state of Georgia refused to grant Frank a new trial or to set aside the verdict, three times the sentence of death was passed upon him and twice appeals were made to the United States supreme court, the first being unsuccessful and the second resulting in the decision today.

The murder of 14-year-old Mary Phagan, a factory employe, of Atlanta, Ga., which at first appeared to be a crime of only local importance, eventually developed into a case of national interest. This was due in large part to the efforts of Frank and his friends to obtain for him a new trial or annulment of the verdict. Added interest in Atlanta was given the case because of its having been brought in to a municipal political controversy, which involved attacks on that city's police and detective departments and wrangles among factions in the city administration.

Soon after the trial ended, the case came in for agitation which spread all over the country. **Murdered April 29, 1913.** Mary Phagan was murdered April 29, 1913, on a southern holiday, in observance of Confederate Memorial Day. Shortly after noon of that day she was seen to enter the pencil factory, in Atlanta, where she had been employed and where she went to obtain wages due her. Her body was found next morning in the basement of the factory, with a cord tied about the neck.

Leo M. Frank, a young Jew, a college graduate and married, whose home had been in Brooklyn, N. Y., was superintendent of the pencil factory. Three days after the murder, Frank was arrested on suspicion of the crime. He and a negro watchman at the factory, Newt Lee, were held by the coroner for the grand jury's action. Lee subsequently was released. Sixteen days later "Jim" Conley, a negro sweeper at the factory, made a confession to the police, in which he accused Frank of having killed the Phagan girl, and declared he had helped dispose of the body. Conley, who was one of the chief witnesses for the state at Frank's trial, was convicted as an accessory after the murder in February, 1911, and sentenced to one year's imprisonment. He began his term last July.

**Verdict of Guilty.** Frank was placed on trial in superior court, July 28, 1913, Judge L. S. Roan presiding. Judge Roan died March 23, 1915, in New York. A verdict of guilty was returned August 23, Frank being sentenced to death. In his statement to the jury at the close of his trial, Frank said he had seen Mary Phagan in his office in the factory, a few minutes before the state contended she was murdered; (Continued on Page Two.)

## TERRE HAUTE CITY OFFICIALS ENTER PRISON

LED BY MAYOR ROBERTS THEY PASS THROUGH THE GATES OF LEAVENWORTH INSTITUTION.

## SOBER UP BEHIND BARS Six Go to Penitentiary Unaccompanied by Guards; To Enjoy Privileges.

Leavenworth, April 19.—Twenty-one city officials, former officials of Tehhe-Haute, convicted in election conspiracy cases, spent tonight in the United States penitentiary here as prisoners, serving time for their crimes. Tomorrow they go into the various departments of the big institution to tasks assigned them by Warden Morgan.

Fifteen, led by Mayor Roberts, came to prison this morning in a special car and were put through the entrance routine, while six, under special permission of the federal court, came unaccompanied later. While the guards and officials on the train reported that the convicted men laughed and joked on the journey from Indianapolis, once inside the prison their demeanor changed, and the officials said they never had been more sober, and a better disciplined group of men. As "first-rate" prisoners, they will enjoy all privileges at prison, including recreation hours and a ticket to baseball games on the prison grounds every Saturday afternoon.

## PRESIDENT URGES SELF POSSESSION

Says This Is the Supreme Test of Nations; Frenchman Praises Administration.

Washington, D. C., April 19.—The need of self possession, calmness and judicial temperament on the part of the United States in the present world crisis was urged by President Wilson in a speech before the opening session of the Twenty-fourth Continental Congress of Daughters of the American Revolution. The President said self possession was the supreme test of the nation's mettle and urged the congress to rally to the cause of righteousness. Following the President's address, Ambassador Jusserand, of France, told the congress that the United States had behaved in the European crisis in such a way as to command the gratitude and thankfulness of the world. The President declared he could speak only in general terms, and that it was "indiscreet" for him to speak even in that way.

## MEDIATION AGREED TO IN CARPENTERS' STRIKE; TWO BEATEN

Chicago, April 19.—The striking carpenters, through John Metz, president of the carpenters' district council, and chairman of the carpenters' committee, meeting with the state board of arbitration, agreed to a proposition for mediation. Metz said the carpenters would not return to work while mediation was pending. The state board of arbitration began an effort to settle the strike, which thus far has thrown 125,000 wage earners out of employment, by sending a lengthy letter to each side of the controversy, asking their acceptance of mediation. Two non-union carpenters were beaten into insensibility while they were working on a new church building. Their assailants escaped in automobiles. The injured men were taken to the hospital.

## JANE ADDAMS WILL PRESIDE AT WOMEN'S PEACE CONFERENCE



Miss Jane Addams of Chicago has just left for The Hague, where she will preside at the Women's Peace Conference. The conference is to be held under the auspices of Holland women who are working for peace, and will be attended by women from the neutral nations.

## COMMISSION TO ORGANIZE

Best and Kirk Take Seats Tonight; Last Meeting of Old Commission.

The new city commission, consisting of Messrs. Lucas, Bettey, Bertsch, Best and Kirk, will meet tonight for the purpose of organizing and the several commissioners will be assigned to the different departments. It is rumored that Messrs. Best and Kirk will draw the departments of streets and alleys and police and fire respectively. It is not known as to how the city patronage will be distributed by the board.

**Last Meeting Held.** The last meeting of the old commission was held last night and Commissioners Hinckley and Patterson performed their last official acts. Several matters of importance came up at this meeting.

**Carnival Coming.** The C. A. Wortham Carnival company contemplates coming to this city the week beginning July 12 and the commissioners instructed the auditor to notify this company that a fee of \$100 would be charged for the company for showing here for a week, including use of the streets for parade purposes only.

**Sewer Petitions.** Petitions for the construction of sewers on Eleventh, Twelfth, Thirteenth and Fourteenth streets were presented and read. The petitions as to sewer on Thirteenth and Fourteenth streets were granted and the city engineer was instructed to prepare plans and specifications. As to sewer on Eleventh and Twelfth streets, there were a number of protests made by property owners and the matter was laid over for future discussion and Commissioner Bertsch was instructed to check up the petitions as regards the number of property owners signing same.

**Pay Judgment.** On motion of Commissioner Bettey, the auditor was instructed to see that the \$2,000 judgment of the Bismarck Water company against the city for lowering water mains was ordered paid. The auditor was also instructed to advertise for bids for the city street sprinkling service.

**Notice of Appeal.** The following noted appeals from the action of the special assessment commission consisting of F. C. Conklin, Frank Grambs and E. C. Taylor, were filed with the city commission, were read last night and referred to the city attorney and city engineer, these officials to consult with the special assessment commission and report to the commissioners at the next regular meeting. Marcus A. Eubertz, appeals from the assessment and combination of taxes in the sum of \$48.50 assessed against lots 6 and 7, block 76, McKenzie and Coffin's addition on the grounds that the property has not been benefited by the said improvements in excess of \$5; that the property is located on grade and has at all times been located (Continued on Page Two.)

## MINNESOTA LEGALIZES TEN ROUND BOUTS

St. Paul, April 19.—The house bill legalizing ten round no decision boxing matches in the three first class cities of Minnesota—Minneapolis, St. Paul and Duluth—passed the state senate today, thirty-five to two, after several minor amendments had been adopted. Concurrence in the house in these amendments will be necessary.

## KNIGHTS TEMPLAR MEETING

TWENTY-SIXTH ANNUAL CONCLAVE GRAND COMMANDERY TO BE HELD HERE FOR TWO DAYS.

## DISTINGUISHED VISITORS TOO

Entertainment Features Provided for the Visiting Sir Knights. **ATTENTION SIR KNIGHTS.** All Sir Knights are ordered to be present in full uniform at the Masonic Temple this, Tuesday morning, at 9:30 o'clock to form an escort for the Grand Commandery, which will open its annual convocation at the Temple at 10:30 o'clock. All Masons and their ladies are invited to attend the dancing party to be given in the evening in honor of the visiting Sir Knights.

A. P. LENHART, Eminent Commander.

The twenty-sixth annual convocation of the Grand Commandery, Knights Templar of North Dakota, will be held in this city today and tomorrow. Visiting Sir Knights to the number of fifty or sixty are expected and Mandan will send a delegation of fifteen or twenty. One of the entertainment features will be an automobile ride about the city this afternoon. A dancing party will be given tonight to which all Masons and their ladies are invited.

**History of Commandery.** The twenty-fifth anniversary of the organization of the Grand Commandery, Knights Templar of North Dakota, will occur in connection with the twenty-sixth annual convocation, which convenes with Tancred Commandery No. 1, at Bismarck today and tomorrow. The convention which organized this Grand Commandery met in Sioux Falls, South Dakota, June 4th, 1890. (Continued on Page Two.)

## RAISED \$2,000,000 FOR THE BELGIANS



Edward B. Lyman. Notwithstanding the handicap of numerous other war charities beginning for American aid, Edward B. Lyman raised nearly \$2,000,000 for the Belgian Relief Fund of which he is the manager. The expense involved in putting the money into food for the Belgians was only a fraction over 1 per cent of the total amount contributed.

## SUBMARINE IS RAISED 12 FT.

Honolulu, April 19.—The United States submarine F-4 submerged on the ocean floor outside the harbor since March 25, was raised twelve feet and towed in shore until it rested on upward inclining bottom. A salvaging crew worked all night accomplishing this, and preparing further work. Satisfactory work so far in towing the submarine, it is believed, will make unnecessary pontoon methods of raising the craft. Diver Loughman, who became entangled in lifting the cable Saturday, was rescued by Crilly at a depth of 220 feet, after four hours work, and is slowly recovering.

# ACTIVITY PREVAILS ALL ALONG WESTERN ZONE

## BARNES LIBEL SUIT AGAINST TEDDY STARTS

ROOSEVELT'S ATTORNEY MOVES TO DISMISS CASE ON GROUND THAT STATEMENTS WERE PRIVILEGED COURT HAS DENIED MOTION

## Seven Republicans' Three Progressives and Two Democrats On Jury.

Syracuse, April 19.—The jury which will try the William Barnes suit for alleged libel against Theodore Roosevelt was completed in supreme court here late today. It is composed of seven republicans, three progressives and two democrats. Twenty-two talesmen were examined. Immediately after the jury was completed Roosevelt's counsel made a motion to dismiss the complaint upon the ground that such allegations as made in the statement and upon which the suit was based, were privileged. The motion was denied. The actual taking of testimony begins tomorrow. The first witnesses will be newspapermen.

## R. S. LEWIS IS VERY ILL

Chairman of Board of Control Has Fighting Chance for His Life.

R. S. Lewis, chairman of the state board of control, has a fighting chance for his life, according to the latest word received from his bedside at Franklin, Va. All of his relatives have been summoned to his bedside. Dr. Carpenter of Fargo, a brother-in-law, receiving a telegram last night calling him. Mr. Lewis started out a couple of weeks ago on an extended buying trip for the state institutions under the board of control. He went to Franklin, with Mrs. Lewis, for a few days with his daughter, Mrs. Beale, who resides there. It was while at Franklin that he became suddenly ill and the case has been pronounced as being pneumonia. He is in a very precarious condition, according to all reports received, and his many friends in this state are hoping for good news from the bedside today.

## VILLA HAS RETREATED

Losses Estimated at 6,000; Will Re-Organize His Army at Early Date.

Washington, April 19.—Villa retreated yesterday from Irapuato to Aguas Calientes with 14 troop trains, according to official dispatches late today to the state department. Villa announced he would reorganize his forces at Aguas Calientes for another attack upon General Obregon, in the vicinity of Celaya. His losses in a recent assault on Celaya were estimated officially at 6,000. Obregon's losses are unknown.

## DEFEAT WAS COMPLETE.

Washington, D. C., April 19.—Consular dispatches from Mexico to the state department confirmed Carranza claims of a great victory for Obregon over Villa at Celaya, and related the latter's retreat northward, destroying the railroad as he went. Villa's losses in six days' fighting ending Saturday, is estimated at 6,000 killed and wounded. The west coast advices from Admiral Howard stated that the Villa movement on the west coast is collapsing and indications point to the control of the entire west coast by Carranza within a few weeks. From the border came the confirmation of the reported withdrawal southward of Villa forces which have been besting Matamoros.

## GERMANS CLAIMING SUCCESSSES

AUSTRIA RECEIVES WITH CONSTERNATION NEWS THAT THERE HAS BEEN LANDSTRUM EXTENSION.

## GERMANY PLACATES HOLLAND Offers to Make Full Reparation For Recent Sinking of Dutch Ship.

London, April 19.—Activity prevails along the western battle front of isolated engagements instead of general offensive. The French claim occupation of dominating positions in Vosges, the Germans declaring the attacks of the French failed. The British claim Hill Sixty and an important point two miles south of Zillebeke, Belgium, was captured from the Germans on the night of April 12. The German communication relates that the British were driven from German positions which were occupied by them to the southeast of Ypres in the neighborhood of Hill Sixty.

**Report Minor Successes.** Petrograd continues to report minor successes in the Carpathians. Official reports on all sides agree that spring virtually ended activity along the remainder of the eastern front. Austria, says a Venice report, was received with consternation, and the news of extension of the Landstrum service to all classes between ages of eighteen and fifty, while a Rome dispatch says it was learned from high German authority that a German general staff has discarded all plans for advance on the French front, deciding to remain on the defensive.

Irritation of Holland, over torpedoing of the Dutch ship Katwyk, has been greatly allayed by Germany's expression of her willingness to make an apology and pay indemnity, if it was found the sinking of the vessel was due to a German submarine. **Will Make Reparation.** Germany's willingness to make reparation for the sinking in the North sea last week by a German submarine of the Dutch steamer Katwyk, is indicated in a Reuter dispatch from Amsterdam. The German government, acting on own initiative, sent a declaration to the Dutch government stating neither Germany nor her naval authorities had intended attacking the Dutch vessel. Notwithstanding this, Germany believes it is possible that owing to an "unfortunate accident" the Katwyk had been torpedoed by a German submarine. It was stated an immediate investigation had been ordered, and that if inquiry proves the Katwyk had been sunk by a German submarine, Germany will express unhesitatingly its sincere regret and offer full compensation.

The admiralty issues the statement, "Yesterday a German submarine torpedoed and sank the trawler Vanilla. The steamer Ferno endeavored to rescue the crew, but was fired at and driven off. All the crew of the Vanilla were lost."

## ATLANTIC FLEET TO BE REVIEWED BY THE PRESIDENT MAY 17

Washington, April 19.—The Atlantic fleet will be reviewed in New York harbor, May 17, by the president. Secretary Daniels announced the date tonight at the conclusion of conferences with Admiral Fletcher, commander-in-chief of the fleet.

The review will be followed by a water carnival at night and a land parade probably the following day. The exact number of war craft to be assembled has not been decided, but practically all the battleships, many of the cruisers, gunboats and destroyers attached to the fleet and some of the submarines and auxiliaries are to be ordered out. It will be the first reviews held since October, 1912. The parade review over the fleet will pass from the harbor no later than May 20, for Narragansett bay, for ten days' maneuver with Newport as base.

Not later than June 25, the fleet will steam for San Francisco, via the Panama canal, passing through July 4. The president stated it would be absolutely impossible for him to be present at that ceremony.

THE WEATHER. Tri-state: Fair and cooler Tuesday; Wednesday fair.