

DAMAGE SUIT NEARING FINALE

Neither Side Spares Feelings of Their Opponents in Case

COSPIRACY CHARGES DISCREDITED

After Four Hours' Argument by Defense Today, the Case Will Go to the Jury

(By Associated Press) Oklahoma City, Okla., Feb. 17.—Six of the twelve hours allotted for argument in the damage suit brought by Mrs. Minnie E. Bond of Oklahoma City against United States Senator Thomas P. Gore today had been consumed when court adjourned, and unless some unforeseen contingency prevents, the case will be submitted to the jury late tomorrow.

Two attorneys today spoke for the plaintiff and one for the defense. Neither spared the parties to the suit and both Senator Gore and Mrs. Bond, as well as those characterized by Senator Gore as "disgruntled politicians, whose pleadings for pleasure were unswayed," and who the defense charges engineered the suit, were severely arraigned.

Summing up began after Judge Clark read his instructions to the jury at the opening of court, counsel for Mrs. Bond announcing that they would not exercise their privileges of presenting additional evidence in rebuttal. Before court convened it was understood that at least three witnesses would be called for today, among them James R. Jacobs, in whose room at a Washington hotel, the alleged attack, which Mrs. Bond cites as the basis for her suit, is said to have occurred last May 27. No explanation other than they considered their case established was given by Mrs. Bond's counsel in ending the evidence.

Mrs. Bond's attorney, in the plaintiff, who opened the argument, declared the contention of the defense that the senator had been made the victim of a conspiracy was without foundation.

"Why, after nine months, has no effort been made to have the alleged conspirators arrested," he asked the jury. "And is it not true that to impute to another a crime, is a criminal act in itself?"

He described Mrs. Bond as a "plain woman, the daughter of a simple farmer," and cautioned counsel for Senator Gore "to show from the records where this woman once stepped aside from the path of virtue."

"Even though she be a United States senator," Juddings shouted, "I say that Senator Gore is lying when he says that Mrs. Bond improperly approached him."

The senator testified that Mrs. Bond selected him while they were discussing the possibility of an appointment for her husband to a federal position. Moman, Frank, who spoke for Senator Gore, denounced the witness, Mrs. Bond, who he pointed out, were disappointed candidates for federal patronage, either directly or indirectly, at the hands of Senator Gore.

Attorneys for both parties to the suit expressed themselves as satisfied with the instructions of the court to the jury. Judge Clark devoted himself almost entirely to setting forth what constituted a conspiracy under the Oklahoma statutes and instructing the jurors that the past character of neither Senator Gore nor Mrs. Bond should influence them, confining themselves to the direct allegation in Mrs. Bond's petition, and Senator Gore's counter charge of conspiracy. Tomorrow attorneys for the defense will have four hours for argument and counsel for Mrs. Bond, two.

MRS. CLARK ABSENT

Washington, Feb. 17.—The President and Mrs. Wilson tonight were hosts at the final state dinner of the winter at the White House in honor of Speaker Champ Clark. In the absence from the city of Mrs. Clark, the speaker was accompanied by Miss Clark.

Sen. Sullivan Retires From Public Service

Special Correspondence. Columbia, Feb. 17.—In the course of a debate Tuesday morning Senator G. W. Sullivan announced incidentally that this would be his last year in the Senate and that he intended to stand for reelection. His many friends regretted to hear him say that he did not expect to come back to the Senate where he is regarded as a most estimable member. His views are conservative without being reactionary, and he has stood firmly for conservative and prudent legislation.

CONGRESS MAKING AN INVESTIGATION

To See That Competition Exists in Manufacture of Radium

Washington, Feb. 17.—Testifying today before the Senate Mines Committee, W. L. Cummings of Placerville, Colo., declared impossibility of radium lands an monopolization because of the great extent of the mineral zone. He said his own properties had been idle for many months because he had been unable to work them profitably.

A letter from George J. Jordan of Durango, Colo., and a telegram from David Taylor of Salt Lake, Utah, urged the need of federal intervention to prevent the formation of a radium monopoly. Jordan said the disappearance of all but one or two buyers or of the Colorado fields indicated that a monopoly already was forming.

Senator Shafroth told the committee that Gov. Spry of Utah, now in Washington, might ask to be heard.

MRS. FRANCES E. WILSON

For Years Head of the W. C. T. U. in This Country. (By Associated Press) Chicago, Feb. 16.—Memorial services today were held here for Frances E. Willard, for years the head of the Woman's Christian Temperance Union. Willard Hall, named for the temperance leader, was filled with wearers of the white ribbon. The services marked the sixtieth anniversary of the death of Frances E. Willard and the flowers which decked the hall afterwards were laid on her grave in Rose Hill cemetery.

MAYFLOWER TO MEXICO

(By Associated Press) Washington, Feb. 17.—After a conference with President Wilson today, Secretary Daniels ordered the presidential yacht Mayflower to Mexican waters to relieve one of the battleships at Vera Cruz. The President has had no use for the yacht lately, and boats of the gunboat class are regarded as particularly useful in Mexican waters because of their light draft.

CONTRACT LET FOR NEW SHIPS

Supply Ship and Transport To Cost Approximately \$3,000,000

(By Associated Press) Washington, Feb. 17.—Contracts today were awarded by Secretary Daniels to the Boston navy yard for the construction of a supply ship at \$1,171,718, and to the Philadelphia navy yard for a transport at \$1,458,295. The government plans submitted estimates considerably below the lowest bid from private shipbuilders seeking the contracts.

AGE OF CONSENT IS NOW EIGHTEEN

Bill to This Effect Passed by Legislature in State of Mississippi

(By Associated Press) Jackson, Miss., Feb. 17.—More than 200 women waging an aggressive campaign for a bill pending before the lower house of the legislature, providing for raising the age of consent to 18 years, today left the house galleries during a bitter debate on that measure.

The debate was on an amendment to the effect of which was that the present statutes of some dresses worn by many women on the streets should be considered as evidence of bad character. The exit of the women from the galleries followed remarks by Representative Morrison of Greysda, which referred to the "immorality of present day fashions," referring particularly to "slashed skirts." Mr. Morrison advocated adoption of the amendment.

The amendment offered by Representative Walker, of Lauderdale county, was defeated, 50 to 46. The bill raising the age of consent to 18 years finally passed by a vote of 18 to 12.

The Anderson delegation bill increasing the number of county commissioners from two to four in the Senate this morning and was ordered enrolled as an act. The Senate bill was tabled in the House Monday as but one bill is needed. The Senate spent the morning debating the bill which will give Charleston a high license system for the sale of liquor. The Senate refused to kill the bill, but did not pass it. The House bill passed the House last session.

LEO M. FRANK TO DEATH CHAIR

Supreme Court Denied His Appeal for New Trial

HIS ATTORNEYS WILL FIGHT ON

The Sensational Atlanta Murder Case Appears to Be Approaching the Last Chapter

(By Associated Press) Atlanta, Ga., Feb. 17.—Leo M. Frank, under sentence of death for the murder of 14-year-old Mary Phagan here on April 26 of last year, today was advanced one step closer to the gallows when the Georgia supreme court sustained the verdict of the lower court which pronounced him guilty.

The opinion, written by Justice Atkinson, also was signed by Justice Hill, Lumpkin and Evans. A dissenting opinion was entered by Chief Justice Fish and Justice Beck.

Although Frank's lawyers tonight would make no statement as to what steps they would take next, it was reported that they had not yet given up the determined battle which they have waged for the freedom of the young factory superintendent. News that the highest court of the State had denied him the right to be again tried failed to shake the iron nerve of the condemned man. His friends say he received the tidings quietly, refusing to comment thereon.

While the supreme court's decision is voluminous, the pith of the ruling is contained in the head-note which says: "The evidence supports the verdict and there was no abuse of discretion in returning a new trial."

In his dissenting opinion, Chief Justice Fish and Justice Beck held that the trial court erred in admitting the testimony of James Conley and C. B. Dalton regarding alleged acts involving immoral conduct on Frank's part toward women prior to the murder of the Phagan girl.

Unless an extraordinary motion for a new trial, or some other move in behalf of the convicted man is made, he will be re-executed within the next two weeks. The decision of the supreme court first must be followed, as that of the trial court, after which sentence again may be imposed. Frank's fight for freedom may be prolonged in a number of ways, and tonight it was pointed out that months may elapse before his fate finally is decided. According to court officials here, it is possible that in view of the dissenting opinion of two of the six justices of the supreme court, Frank's lawyers may move to reargue the case before that body.

In the event that such a motion should be denied, an attempt then probably would be made to get the case before the United States supreme court on the grounds that Frank had been deprived of his liberty without due process of law. Another course open to Frank would be to file an extraordinary motion for a new trial before the court in which he was convicted. Should the court deny this motion, an appeal could be taken to the State supreme court. As a last resort, it was pointed out, an appeal could be made to the governor for an extension of executive clemency.

Backed Over All the Straw. When the Frank case was appealed to the supreme court, more than a hundred counts were entered in the plea. Stress was laid on allegations of prejudice on the part of two jurors, and charges were made that the feeling against the young factory superintendent, who is a Jew, had made itself felt in the courtroom and influenced the verdict. Significance was also attached to the statement of the trial judge, who is denying a motion for a new trial, said that, although he had heard all the evidence, he was not convinced of the defendant's innocence of the deed.

Today's decision adds another chapter to a case whose records are already said to be more voluminous than any other in Georgia annals. Every step of the prosecution since Frank's arrest on suspicion on April 26, 1913, has been stubbornly contested, each popular feeling has been manifested both for and against the defendant. Frank's arrest came two days after the body of Mary Phagan was found by a night watchman in the basement of the National Pencil Factory, where she had been employed, and of which Frank was superintendent. On May 8, a coroner's jury ordered that Frank and Sawt Lee, the negro workman who discovered the body, be held for grand jury investigation. Frank was indicted for murder on May 23. Charges against Lee were dismissed.

NO PRIMARY REFORM FOR THIS SESSION

All Chance Was Lost in The House of Representatives Yesterday

Special Correspondence. Columbia, Feb. 17.—Practically all chance of safeguarding the primary elections from fraudulent voting by enacting legislation to eliminate the possibility of it, vanished Tuesday night when the House killed the primary reform bill offered by the Judiciary committee.

The primary reform bill pending in the Senate was substituted for the Judiciary committee's primary reform bill by a vote of 53 to 52. The vote on the question of passing the primary reform bill as amended to the third reading resulted in a vote of 54 to 53. Consequently the bill was lost for the lack of one vote. The debate tonight over the bill lasted for two hours and followed the beaten track.

The Wiley and Nicholson bills proposing systems of safeguarding the primary elections are still on the calendar on the House. The Judiciary committee's bill was offered as a substitute for them. If the House should pass either the Nicholson or the Wiley bills it is hardly possible that it could be put through the Senate this late in the session.

The best chance for enacting primary reform legislation was lost last night when the House killed the Senate bill by one vote after agreeing by one vote to substitute it for the House bill.

ALL FAYE IT NOW

(By Associated Press) Washington, Feb. 17.—Official count today shows that 1,067 national banks and 60 State banks and trust companies have made formal applications to become members of the new Federal reserve banking system.

FIRE IN NEW MEXICO MURDERED MAN

Mexican Bandit Taken By United States Troops

WHAT TO DO NOW IS THE QUESTION

Entire Passenger Train Was Destroyed by Being Run Into the Fiery Trap

(By Associated Press) El Paso, Tex., Feb. 17.—Maximo Castillo, the Mexican bandit charged with responsibility for the Cumbre tunnel disaster in which ten Americans and forty-one others lost their lives, today was captured thirty-eight miles south of Hachita, N. M., by American troops.

The information today was conveyed to Gen. Hugh Scott, commandant at Ft. Bliss, in an official telegram from Capt. White, Ninth United States cavalry.

With the bandit were six of his followers, who, according to Capt. White, surrendered without a fight. They will be brought here. Castillo, to avoid a range of mountains on the Mexican side, made a detour which brought him into American territory. Capt. White was on the watch, having received news yesterday from Walter McCormick, manager of Los Pinos ranch on the Mexican side that the bandit was in the vicinity.

Whether the prisoner will be surrendered to the rebels is a legal question which remains to be settled. If this is done, there is no doubt that he will be executed for the Cumbre disaster. He is not charged with any Castillo act five miles from El Paso.

In the Cumbre tunnel two weeks ago. The cars were burned, when a passenger train crashed into it, and every life aboard was lost. The tunnel still is burning. A special to the Times from Hachita, N. M., says the capture was made by Lieut. Rothwell, of Troop A. It continues: "The band of outlaws, under heavy guard is marching overland to Hachita and should arrive about midnight. Charles McLow, a prominent rancher who knows Castillo, identified them and the latter made no attempt to deny it." "Capt. White will ask that Castillo and Capt. Emilio Garcia, a member of the band's syndicate, be captured and transported immediately to El Paso, as the number of soldiers on duty here is limited." General Villa expressed his gratification at the capture, saying Gen. Scott was no less jubilant.

SENATE AMAZED AT VETO THREAT

Smith of South Carolina is Chairman of Committee

WILSON'S MOVE NOT EXPECTED

It is Urged That The Senate Sought Particularly to Know President's Wishes

(By Associated Press) Washington, Feb. 17.—Information that President Wilson would veto the immigration bill if it is sent to Congress including the literacy provision, today has given members of the Senate Immigration committee, many of them, much to think that they were bewildered, inasmuch as they had determined to retain the literacy test in their draft of the immigration measure as it passed the house under the impression that the President would accept the bill if it passed the senate. An interesting session of this committee is looked for.

Two weeks ago the senate directed Senator Smith of South Carolina, the chairman, to consult with President Wilson on immigration legislation. It was said today that the members especially desired to learn whether the veto power might be directed at the literacy provision of the Burnett bill.

Some of the senators were inclined to the belief that it would be a waste of time to take up consideration of the immigration reform at all if the restrictive literacy test again would fail. They were committed to that provision as a beneficial form of restriction, had voted for it twice before and felt constrained to insist upon it again, but they did not want to waste the time of a busy congress should the bill be vetoed.

Senator Smith reported that while the president did not look upon the literacy test with favor, he would sign the bill if it passed the senate. Upon that basis, the committee went to work. Now the members are inclined to stand by their guns despite the president's attitude, certain that the measure can pass the senate and not at all sure that it might not repass both houses by a two-thirds vote over the head of the president. The senate repassed a similar bill over President Taft's veto, but failed in the house.

BICHLORIDE OF MERCURY

The Tablets Must Be Marked Finally Hereafter

New York, Feb. 17.—Bichloride of mercury can be sold at retail in this city after March 1 next, only upon prescription of a physician. A regulation adopted today by the board of health so provides. As an additional precaution the tablets must have the word "poison" stamped on them.

Preparations containing less than one-tenth of a grain of the agent are not included in the regulation.

WORK, NOT ALMS IS THEIR SLOGAN

The Unemployed in St. Louis Made Quite a Fizz on Tuesday

(By Associated Press) St. Louis, Feb. 17.—Carrying banners reading "We want work, not alms" and singing "Throw out the Life Line," 500 homeless men today marched on the city hall, and the mayor and then attended a meeting of the city council where they asked for appropriations for the relief of the poor. The parade was called the "pageant of the unemployed," by its promoters, in contrast to the proposed "pageant of St. Louis," for which thousands of dollars are being spent. It was headed by James Eads How, "millionaire hobo," and Cora D. Hovey, secretary of the National Brotherhood Welfare Association.

The men asked the erection of a new municipal lodging house, for the lack of unneeded tools and vacant buildings belonging to the city and the establishment of a commissary where the unemployed might buy food at its cost. The mayor told the men he could do nothing for them on his own initiative, but said he would approve of any aid offered the homeless by the municipal assembly.

RADIUM FAILED

(By Associated Press) Chicago, Feb. 17.—Margaret Quayle, daughter of William A. Quayle of St. Paul, died at a hospital here today while her father was rushing to her bedside on a fast train. Miss Quayle had been in the hospital for two weeks. She underwent the radium treatment for a growth on her left leg at a Baltimore hospital after having retired to her home at St. Paul when she became critically ill.

NAVAL AERONAUT FALLS TO DEATH

Lieut. J. McC. Murray of U. S. Naval Corps Drowned in Pensacola Bay

(By Associated Press) Pensacola, Fla., Feb. 17.—Drowning caused the death of Lieut. J. McC. Murray, of the United States naval aviation corps, who late yesterday lost his life when his hydroaeroplane plunged several hundred feet into Pensacola Bay. At first it was thought he had been killed by an explosion of the engine of his craft or injuries sustained in his fall, but an examination by physicians today showed his body to be almost unmarked by the accident. Officials of the naval station said his death was doubtless due to his inability to free himself from the floating wreckage of his craft.

Whether a defect in the mechanism of the hydroaeroplane caused its fatal plunge, or whether the aviator lost control of his machine today remained a mystery. The wreckage of the craft was towed to the naval station and an official investigation begun.

OHIO LEGISLATURE BROKE OUT WITH ROW

(By Associated Press) Columbus, O., Feb. 17.—Scenes of tumult, which at times bordered on riot, marked the close late today of the special session of the legislature which adjourned sine die.

An altercation in the house between Representative M. A. Warner, democratic floor leader, and Representative J. G. Cooper, a republican, was prevented by other members separating them during a quarrel over the automobile license tax bill, an administration measure, which was passed and sent to the governor.

Gov. Cox left tonight on a ten days' vacation trip to Florida.

WITH NECK BROKEN LIVES SIX MONTHS

Twenty-Second Victim of New Haven Auto Accident

(By Associated Press) New Haven, Conn., Feb. 17.—Mrs. Rose Zimmerman of New York City, whose neck was broken in the collision of the White Mountain express with the Bar Harbor express on Sept. 21 last, died at a hospital today. She is the twenty-second person to die as the result of the wreck. Several other persons were crippled for life.

DEBATED AUTOMOBILIST IS AMERICAN CITIZEN

(By Associated Press) London, Feb. 17.—Les Bond, the demented automobilist of Lindhurst, Hampshire, who tried to commit suicide in prison yesterday, is an American citizen. Among his papers was found a letter of identification, No. 2744, issued on Oct. 5, 1911, by the Shanghai branch of the International Banking Corporation of 60, Wall street, New York.

Little was known of Bond at Lindhurst, where he had lived for a year, except in connection with his wild motor and horseback rides through the neighboring forest. This culminated on Sunday afternoon, when he was arrested after a thrilling thirty hour automobile drive through four counties.

On Monday he cut his throat in the prison cell. His condition is practically hopeless and it is reported a military hospital is being sought.

ITALY THIRDS HIGHEST

(By Associated Press) New York, Feb. 17.—Miss Elizabeth Frances Hatch, daughter of the late James S. Hagan of Brooklyn, today was married here to Duke Don Arturo de Majo Durando of Italy, in St. Thomas church.

President Denies Charge of Religious Prejudice

(By Associated Press) Washington, Feb. 17.—In a letter to W. W. Prescott, editor of a protestant magazine, published here, President Wilson has denied emphatically that his correspondence is handled with religious prejudice by his secretary, Jos. P. Tumulty. The correspondence made public today by the magazine follows:

"The President, Washington, D. C., Jan. 10, 1914.—Sir: I learn from personal interviews and correspondence that there is a widespread feeling among protestants that it is practically impossible for any communication relating to the activities of the Roman Catholic church to reach you personally. For this reason all such letters are withheld from you by your private secretary, Mr. Tumulty. It is unfortunate both for you and for the country that such an impression prevails, and that it seems to have some foundation. "Before dealing with this subject in this magazine, I am writing to ask for a statement from you which might be of service in restoring confidence among some of the best citizens of this republic. Any reply, however brief, assuring that this letter actually reaches you, would be a source of actual satisfaction. "When you were governor of New Jersey, I wrote you concerning some criticisms of your course in which you were charged with showing favoritism to the Roman Catholic church and your reply places the matter in such a light that I did not deem it necessary to make any reference to the subject. I may desire to discuss with public men and hence this letter. "Thanking you for any attention which you may give to my request, I am, yours very truly, "W. W. Prescott." "The President's reply under date Jan. 14, 1914, reads: "My Dear Sir: Allow me to acknowledge the receipt of your letter of Jan. 15, and to thank you for your candor in writing me. "I beg leave to assure you that the impression that any part of my correspondence is withheld from me in any circumstances by my secretary on account of religious predilections on his part, is absurd and entirely false. I venture to say that no president ever had more frank and satisfactory relations with his secretary than I have with mine. The whole of my correspondence is constantly open to me. Mr. Tumulty is prompt, perhaps, to call my attention to matters in which his prejudices are supposed to be engaged than to other matters of relative indifference. "Of course, I need hardly add that not coming from an impression, but from my knowledge of just how my correspondence is handled. "Sincerely yours, "Woodrow Wilson."

PANAMA TOLLS LEADING ISSUE

Congress Anxious to Clear Up Foreign Relations

CONSIDER GREAT BRITAIN TREATY

Treaty With England Awaiting Ratification for Extension, Will Open Floodgates of Oratory

(By Associated Press) Washington, Feb. 17.—That the senate may not wait for legislative action in its house before taking into serious consideration the matter of repealing the toll exemption of the Panama canal act, became apparent today. It was stated by several senators who are anxious to have the matter settled to aid in clearing up foreign relations, generally, that some action toward a solution of the question was probable within the next few days.

Thursday is set as the day for beginning the discussion on the general arbitration treaties in executive session. The expired treaty with Great Britain, which awaits ratification for extension will be taken up first and it will be certain to open the floodgates of oratory on the Panama tolls question, as this was the stumbling block to ratification of the treaty last summer. Senator O'Gorman, who opposed the convention, and also opposed to the president's desire that the canal tolls exemption for American coastwise ships be removed, will lead the attack. That the matter yet would be sent to a democratic caucus for determination is the view held by many senators.

President Wilson, it was learned today, is confident that formidable opposition in the senate to his bill will be met. It was learned that the senate will be held by many senators.

It was learned that the president will take no time in the light of his confidence at the white house with the arbitration committee that they would remove their position and vote to repeal the free toll section of the canal act.

In the house, however, considerable opposition to repeal of the tolls provisions has developed and to this the president has turned his attention. Tomorrow he will confer with Secretary Underwood, who has been a staunch advocate of the toll exemption for American ships.

Representatives Covington and Doremus of the house commerce committee have submitted a proposition to confine the exemption of the American ships engaged "exclusively" in coastwise shipping. They have told the president intimations were contained in the diplomatic correspondence that Great Britain might not object to exempting American coastwise shipping and the carrying of cargoes from foreign ports to the United States in American ships, as coastwise trade.

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