

GERMANS MASS FOR NEW BLOW

London, May 6.—For the first time since the British troops forced the Germans from Hill No. 60, near Ypres, Emperor William's forces have been partly successful in a counter attack there. No advice to the contrary having been received, it is assumed that the Germans are still holding the positions obtained on Hill No. 60 which they gained by the use of asphyxiating gases.

Meantime the German line east of Ypres is within three miles of the town. The British press does not seek to deny or minimize the persistence of the German offensive, but there is no disposition to lament the drawing in of the British front to the eastward and northeastward of Ypres which could only attend a successful counter attack. Confidence is expressed that the new British alignment will prove beneficial in view of the hard fighting expected. Nearly all special news dispatches from Flanders say that the Germans are massing troops for a new assault toward the French ports.

British observers now admit that the Germanic allies inflicted several considerable local defeats on the Russians in west Galicia but point out that the entire Russian front was not crushed as the Germans at first claimed and that stubborn fighting continues.

In view of the complexities of the situation there is comparatively little editorial comment on the Chinese-Japanese trouble. Nevertheless, there are indications that the public are keenly interested in the negotiations between Tokio and Peking.

Artillery boomed in London today in honor of the fifth anniversary of the accession of King George to the throne.

SECRETARIES WILL FORM STATE ORGANIZATION

Will Meet in Raleigh on May 18 to Perfect State Organization.

The Commercial Secretaries of North Carolina will meet in Raleigh on May 18 for the purpose of perfecting an organization. Heretofore efforts have been made on the part of secretaries of chambers of commerce or board of trade in the state to organize but failure has attended the efforts.

The secretary of the Raleigh chamber of commerce is bent on this organization and has labored ceaselessly to bring it about. Programs for the session to be held here on May 18 are being sent to all the commercial secretaries in the state from the office of the Raleigh chamber. It reads as follows:

- 11:30 a. m.—Registration, chamber of commerce hall.
- 12:00 m.—Automobile ride over city.
- 1:00 p. m.—Luncheon, Yarrowburgh Address of welcome Alexander Webb, president Raleigh chamber of commerce.
- Response—Roger Derby, president Sand Hill board of trade.
- "How Can We Link Rural Sections with Cities." Julian S. Miller, Greater Charlotte club.
- Discussion—"How Can the Manufacturers of North Carolina Increase Their Output?" M. R. Beaman, Goldsboro chamber of commerce.
- Discussion—"Our Port and What It Means to North Carolina." H. B. Branch, Wilmington chamber of commerce.
- Discussion—"Commercial Organization Advertising." J. C. Forester, Greensboro chamber of commerce.
- Discussion—"Conventions, Their Cost and Their Value." N. Buckner, Asheville board of trade.
- Discussion—"The Value of an Official Organ." J. C. Forester, Greensboro.
- Discussion.

AFFIRMS DENIAL OF FRANK MOTION

U. S. Supreme Court Facilitates Appeal of Frank to State Pardon Board.

Washington, May 6.—Upon the request of counsel for Leo M. Frank, the Supreme court has issued its mandate by which the decision of the Georgia Federal district court denying Frank a writ of habeas corpus was affirmed. The mandate ordinarily would not have been issued until May 19, thirty days after the court's decision.

It was reported that the action of Frank's counsel was to facilitate his application before the Georgia state officials for commutation of his death sentence for the murder of Mary Phagan.

Atlanta, May 6.—Leo M. Frank's attorneys here in a statement given out yesterday said they understood that the object of the motion in the United States Supreme court was simply to inform the court that Frank's counsel had no intention of filing a motion for rehearing on the habeas corpus application.

"Those representing Frank's application before the prison commission and the governor for commutation of the death sentence," the statement continues, "have no desire to hasten or retard the hearing before the governor or the commission. They wish and expect the application to take the usual and ordinary course."

It is expected that the mandate will reach the Federal court here the last of this week and that Frank will be taken before the county Superior court for sentence next Saturday or Monday. The May term of the prison commission ends Saturday and a hearing on Frank's application will not be given until the June term, which begins June 7, unless a special session of the commission was held and this the prison commission states is unlikely.

CHRISTIAN ENDEAVOR CONVENTION IN JUNE

Sessions Will Be Held in Wilmington and Many Delegates Expected.

The coming state Christian Endeavor convention, which is to be held in the First Presbyterian church, Wilmington, June 4-6, promises to be the largest and best ever held in this state. The convention theme is "Consecrated Enthusiasm," and a strong program is being prepared with able speakers.

Free entertainment will be provided the delegates while attending the convention, and the only necessary expense will be the customary registration fee of \$1 for each person so attending. Delegates can also avail themselves of the summer rate on the railroad, which go into effect June 1. Among the attractions being planned by the local committees are an automobile ride after the afternoon session on Friday, a reception that night, an outing at Wrightsville Beach on Saturday afternoon, a floating Endeavor service Sunday morning, and, possibly, a sunrise meeting on Monday morning. The junior work is so encouraged in certain sections of the state that a Junior Endeavor conference is planned, for some time during the convention. It is certain that the endeavorers of Wilmington will leave nothing undone for the comfort and pleasure of their guests and the various societies of the state, realizing that their calculable good will result to them respectively from the information and enthusiasm brought home by their returning delegates, will see to it that they are represented at this gathering, it is believed.

The condition for the awarding of the state banner are as follows:

1. Percentage of increase in active membership.
2. Percentage of increase of contributions.
3. Number of new societies organized and proportion of strength of each.
4. Efficiency of committee work, using United Society standards.

W. R. Gudder was held for Superior court, at hearing in a case against him charging non-support, which was heard yesterday afternoon by Magistrate W. A. James, Jr. The charges were preferred by Mrs. Lillie Gudder, who recently secured a divorce from Mr. Gudder and she charged him with failing to support his child. He waived preliminary examination and furnished bond in the sum of \$200 for his appearance in Superior court.

COLONEL AGAIN LEAVES STAND

Syracuse, May 6.—Justice Andrews after conferring with counsel for both sides at the opening of court this morning again cautioned the jury in the William Barnes suit against Colonel Roosevelt, not to read the newspapers. The attorneys showed the justice several copies of New York and Syracuse newspapers.

Colonel Roosevelt resumed the witness stand this morning but was excused after his attorney had made an unsuccessful effort to have the colonel answer questions relating to local politics at Albany.

Justice Andrews ruled that "information which the defendant has received, confined to county and city politics at Albany is immaterial."

Both Mr. Bowers, conducting the re-direct examination and Mr. Ivins, in charge of Mr. Barnes legal force, announced that they were through with the witness.

Colonel on Stand. The ethics of boss rule and machine politics as Theodore Roosevelt claims William Barnes expounded them, were related by the former president upon the witness stand in the Supreme court here yesterday.

The colonel swore that Barnes had told him that the "riff-raff could not be trusted to handle political affairs without a leader," and had expressed himself as being in favor of the democratic and republican organizations combining to defeat legislation providing for direct primaries.

The colonel went on the stand at the end of a day congested with testimony about public printing and public money. He related what he alleged to be the substance of conversations he had with the former chairman of the republican state committee over a period of from 1895 until he left the white house. He told his story with all the forcefulness at his command. In part it follows:

"Mr. Barnes and I had many conversations on the nature of the boss and the domination of the machine. There was more than one conversation concerning the franchise tax bill.

"There were some before Payne, (Louis F. Payne, state superintendent of insurance) was removed. They were in the spring of 1899 and again in the beginning of 1900. Those conversations were upon the power and the necessity for the machine system of party government.

"One conversation was just prior to the appointment of a successor to Payne. Mr. Barnes said it was necessary that the head of the organization should have complete control and he instanced Albany county.

TANZER CASE WITNESS CONVICTED OF PERJURY

Frank D. Safford, Hotel Clerk of Plainfield, N. J., Is Found Guilty.

New York, May 6.—A verdict of guilty was returned late last night against Frank D. Safford, the aged Plainfield, N. J., hotel clerk, charged with perjury in connection with proceedings growing out of the \$50,000 breach of promise suit brought by Miss Rae Tanzer against James W. Osborne, the criminal lawyer.

The jury deliberated more than 11 hours. Safford was indicted because, at a hearing given Miss Tanzer before United States Commissioner Boughton on a charge of using the mails to defraud, he testified James W. Osborne was the man, who under the name of Oliver Osborne, stopped at a Plainfield hotel with Miss Tanzer October 13 last, Safford while on the stand in his own defense, reiterated that he was positive James W. Osborne was the man he had seen at the other.

Other important witnesses in the trial were Miss Tanzer and James W. Osborne. Miss Tanzer, who had withdrawn her suit and had said with drawn in alleging that James W. Osborne was the man who promised to marry her changed her ground again and testified that he was the man.

U. S. DECLINES GERMAN PLAN

Washington Does Not Accept Suggestion to Have Wm. P. Frye Case Adjudged in German Prize Court.

THINKS IT IS PURELY DIPLOMATIC QUESTION

In View of Fact That Germany Admits Liability, Holds Prize Court Finding Is Unnecessary.

Washington, May 6.—The text of the American note to Germany declining the suggestion that reparations for the sinking of the American sailing vessel William P. Frye by the German converted cruiser Prinz Eitel Friedrich be made by a German prize court and reiterating the statement that reparations for indemnity were being made, has been made public in the United States. It had already been presented to the Berlin foreign office by Ambassador Gerard.

The note says: "In reply to your excellency's note of the fifth instant which the government of the United States understands to be an admission of the liability of the Imperial German government, it feels that it would be in the sinking of the American sailing ship William P. Frye by the German auxiliary cruiser Prinz Eitel Friedrich on January 28, last, I have the honor to say that, by direction of my government, while the promptness with which the imperial German government admitted the liability is highly appreciated by my government, it feels that it would be inappropriate in the circumstances of the case and would involve unnecessary delay to adopt the suggestion contained in your note that the legality of the capture and destruction of the vessel and the standing of the claimants, as well as the amount of the indemnity, be submitted to a prize court."

The note declares that the destruction of the vessel was in violation of the treaty negotiations between the United States and Prussia and maintains that all the question pertaining to the Frye "lend themselves to diplomatic negotiations."

The note maintains that the question of the destruction of the cargo is not involved in the present discussion and that any proof desired of the American ownership of the Frye will be readily furnished.

The note concludes by saying that the United States "ventures to suggest the advisability of transferring the negotiations for the settlement of these points to the German embassy at Washington."

"In view of the admission of liability it becomes unnecessary to enter into a discussion of the meaning and effect of the declaration of London, which is given some prominence in your excellency's note of April 5, further than to say that, as the German government has advised the United States, the United States does not consider that the declaration of London is being enforced."

TORPEDOED SHIP FLEW U. S. FLAG

Cablegram Received by Bryan Says Ship Was "Torpedoed Without Warning."

Penance, England, May 6.—After the inquest into the death of Captain Alfred Gutter of the American oil tank steamer Gulfight, torpedoed March 1 off the Scilly islands, the verdict found was "heart failure, accelerated by the shock caused by the torpedoing of his ship."

The evidence at the inquest showed that the Gulfight was flying a very large American flag at the time she was struck.

Washington, May 5.—The American steamer Gulfight was flying "a large American ensign" and was "torpedoed without warning" by a submarine whose nationality has not yet been established, according to a cablegram received by Secretary Bryan from Chief Officer Smith of the Gulfight and Consular Agent Danfield.

NINE TRAWLER SUNK ONE DAY

One German Submarine Bagged Nine British Fishing Vessels on Monday of This Week.

London, May 6.—Nine trawlers constitute the bag credited to a German submarine on Monday of this week in a message from Hull. The victims were the Iolantha, Hero, Northward Ho, Hector, Progress Coquette, and Bob White of Hull and the Rugby and Bridge of the Grimstby fleet. So far as is known no lives were lost in the engagements.

The crews of the fishing vessels say that the submarine was of the newest type and had an Iron Cross on her conning tower. The submarine ran amuck of the fishing fleet and sank seen trawlers in quick succession.

The crews were given time to take to their boats but some of them drifted about for hours in their small craft before being picked up.

Each of the fishermen coming ashore exhibited a huge lump of black bread which had been given him by the crew of the submarine. They are preserving the bread as souvenirs.

Hull, Eng., May 5.—Three more British trawlers have been added to those which have been blown up by German submarines in the North sea and it is feared that others also have been lost as they were shelled and fired upon with rifles by the crew of the submarine.

The crews of the trawlers, Iolanthe, Hero and Northward Ho, who have been landed here reported the destruction of their boats. No lives were lost.

A Copenhagen dispatch says that while the three trawlers were fishing a German submarine appeared and ordered them to stop. The crews took to their boats and the trawlers were then blown up by boarding parties from the submarine. They were picked up after eight hours. The Hero attempted to escape but after an exciting chase of an hour the submarine got in close range and opened a fusillade of rifle shots and the fishermen stopped and took to the boats. The trawler Porcia reached Hull safely after an exciting chase by a submarine.

TESTIFIES HE PAID MONEY TO JOURNAL

Syracuse, N. Y., May 6.—Awards of public printing to the Journal company of Albany of which William Barnes is the chief stockholder, were further inquired into at the trial today of the Barnes libel suit against Col. Roosevelt.

Counsel for Col. Roosevelt read into the record a digest of the stockholders of the Journal company compiled from books which Barnes held nearly all of the common stock and that members of his family held the majority of the preferred stock and some of the common.

William J. Nusbaum, certified public accountant of Albany, testified about an examination he made of the books of the Journal company. He said that under the heading of "Job Printing" entries on the debit side appeared to be the cost of job printing and on the credit side the income.

Mr. Bowers of the colonel's counsel said he wanted to show that J. B. Lyon, company paid sums of money, apparently commissions, to the Journal company.

JAP ULTIMATUM REACHES PEKING

TWO MEN HELD ON BRIBERY CHARGES

Judge Holds W. T. White and Mims Taylor for Alleged Tampering With Witness.

The orderly procedure of the United States District court was varied by a sensation in the last hour of the morning session yesterday. The case of the government against Ed White of Cherokee county charged with illegal distilling, was in course of trial; the government witnesses had been heard, the testimony of the defendant's witnesses was being introduced and W. T. White was on the stand. Under cross examination of Assistant District Attorney Clyde R. Hoey, White admitted that he and Mims Taylor made a written contract with a government witness named Wilford by which Wilford was to receive \$20 in consideration of his absence at the trial of Ed White. White had the contract in his pocket and it was produced in court.

Judge James E. Boyd immediately ordered White and Taylor into custody and later placed them under \$500 bonds to appear in court from day to day until the disposition is made of the charge against them. Judge Boyd expressed himself in no uncertain terms in regard to the tampering with witnesses and declared that he was determined to put an end to such conduct.

The testimony of Wilford was to the effect that he had been forced to sign the contract under threats and against his will.

The surprising developments in this case came just before the noon recess, causing much astonishment and comment.

The case against Ed White in the distilling charge was given to the jury just before the court adjourned at 1 o'clock. Other cases before the court yesterday were: Clate Fain, who pleaded guilty to retailing, and W. H. Siler who pleaded guilty to refilling bonded bottles. Fain was fined \$100. The government has tried about 20 cases on the criminal docket already and there are so many more ready for trial that it is doubtful whether the criminal docket will be disposed of this week.

Tuesday Afternoon. At the afternoon session of the court Tuesday the jury returned a verdict of guilty against William Ledbetter, tried at the morning session for illicit distilling, with a recommendation for mercy. Fred Radford and W. L. Young were also convicted of distilling, the jury recommending mercy for Young.

Judge Boyd ordered the cases against Frank Wells and James Groomes to be dismissed when these men were arraigned on charges of retailing. It was shown that the defendants had been convicted in the state court on these charges.

The case against Sam Jones, a young man from Haywood county for concealing whiskey was also stricken from the docket at the court's order. It appeared from the evidence that after Jones was arrested by two members of the Waynesville police department one of them, contrary to the provisions of law, asked the prisoner to make a statement as to the charges against him.

The jury returned verdicts of guilty against the following defendants on charges of removing whiskey on which no tax had been paid: Burt Mashburn, Jesse Walker, Thomas Bradshaw, R. L. Jenkins and J. L. Ledford.

Charles M. Winchester of the J. B. Lyon company was then recalled. He said the books of the concern, showed the accounts with the Journal company and the time when "we paid the Journal company commissions or discounts on contracts for state, city and Albany county printing."

Received by Japanese Legation There and Will Probably Be Presented China This Afternoon.

GENERAL EXODUS OF JAPANESE FROM CHINA

Chinese Apparently Stolidly Indifferent—Not Molesting Japanese Refugees—War Preparations.

Peking, May 6.—Japan's ultimatum to China reached the Japanese legation here today and will probably be presented to the Chinese foreign minister this afternoon.

Prepared for Siege. Hankow, China, May 5.—(Via Peking)—The Japanese barracks have been prepared for a siege. Following the consular advice, many Japanese have left this city, although the Chinese are apparently completely indifferent. Several prominent native residents were entertained last night at a dinner by some of the leading Japanese.

General Flight. Mukden, May 6.—(Via Peking)—The Japanese consular orders have resulted in a general flight of the Japanese residents of Mukden. The value of a gold yen has increased by 30 silver cents and a rich harvest is expected to be reaped by exchange brokers.

All the Japanese civilians except a few bankers and railroad officials have left Mukden. All classes of Chinese view the exodus with stolid indifference. They have not in any way insulted or molested the Japanese leaving, although the natives seem deeply perturbed.

The Japanese troops occupy strategic positions in Mukden, while the Chinese soldiers are reported to have moved their positions south of the city. Many residents of that district are coming north.

COMMITTEE REPORTS ON TAX LEVY QUESTION

Biltmore School Committee Finds No Basis of Compromise on Special Tax.

A committee from the Biltmore school district composed of Rev. Dr. Rodney R. Swopes, L. D. Maney and D. S. Roberts met with the county board of education yesterday and reported that after conferring with the executive committee for the Biltmore school, it was found there was no basis of compromise on the question between the board and the school in the matter of special tax levy for which an election has been called for May 25 throughout Asheville township outside the city of Asheville.

Citizens of Biltmore and Beavertown met Tuesday to discuss the proposed tax levy. A publicity committee was appointed to have charge of the campaign plans against the measure. Julian P. Kitchin is chairman and the other members are T. L. Trantham and W. L. Baird. Some funds were raised at last night's meeting to defray the expenses of the campaign and Rev. Dr. Swopes was made treasurer of the executive committee.

The committee announces that meetings will be held in all of the school districts of the township for the purpose of presenting the views of the opponents of the tax. A meeting is announced for Friday evening at Grace at which Dr. Swopes, Julian P. Kitchin and W. C. Cleveland will make talks on the effects of voting the proposed school tax. It is thought that some of Buncombe's representatives at the last legislature will be asked to discuss the merits of the law under which the election is called.

EXPENSE ACCOUNTS ARE FILED BY CANDIDATES. The following statements of the expense accounts of candidates who participated in Tuesday's election were filed in the office of Clerk of Superior court John H. Calhoun yesterday afternoon: Mayor J. E. Rankin \$200; D. Hiden Ramsey \$112.50; C. L. Bartlett \$15; James G. Stiles \$125.75; R. E. McDowell \$55.85; J. Frazer Glenn \$23.10; and Judge Philip C. Coock, \$7.50.

FUNERAL OF JOHN CRUISE WILL BE HELD TOMORROW

The funeral services over the body of John Cruise, aged 81, who died last night at the home of his daughter, Mrs. Kate O'Donnell, at No. 35 French Broad avenue, will be held tomorrow morning at 9:30 o'clock from St. Lawrence's Catholic church.

The deceased was a native of Ireland, but came to the United States many years ago and for the past 25 years has been a resident of Asheville. He was well known and respected by a large number of Asheville citizens, who will learn of his death with sorrow.

Surviving are three daughters: Mrs. O'Donnell and Miss Jonnie Cruise of this city, and Mrs. C. C. Seawell of High Point, and one son, John Cruise, Jr., of Richmond.

OHIO MAN WILL BE RETURNED TO STATE

Raleigh, May 6.—Governor Craig has honored the requisition of the governor of Ohio for J. J. Forner, wanted in Miami county, Ohio for murder, who is under arrest at Winston-Salem.