MECEIVEU,

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RALEIGH, N. C., TUESDAY MORNING, DECEMBER 29, 1914.

AT BATTLE FRONT

Fighting in Belglum On Christmas Day Was Fiercest of Month

THAT CUXHAVEN

French Are Enthusiastic Over The Success of British Cruisers and Seaplanes But Germans Assert No Damage Was Done; London Still Expecting Visit From Fleet

(By the Associated Press.) London, Dec. 28.—(11:00 p. m.)— The battle lines in the east and wes have undergone few changes in the past day. French and German reports agree that the Germans have captured a section of trenches near Holle-beke, south of Ypres. The French assert that the Germans gave up trenches on the first line, to the ex-tent of about 800 or 909 yards impthe Lens region, farther east, while un successful demonstrations have bee made from both sides at various points along the extended lines.

Fierce Fighting in Belgium.

The reports of the numbers of younded both armies are sending back from the lines in Belgium appear to show that the fighting on Christmas in that country was the fiercest of the past month. Correspondents in the rear say the Belgians, as a result of five days sapping, captured nearly 3,-000 Germans with only small losses to themselves.

According to Russian reports, German attempts to capture Warsaw have failed, while the Berlin official state ment mays there is general confidence that the German and Austro-Hungarian forces are making progress along he great front.

Newspapers Enthusiastic French newspapers are enthusias-tic over the raid by British cruisers and sea planes on Cuxhaven. They consider improbable the German consider improbable the German statement that, although ships at Cuxhaven and the gas works were hit by bombs, no damage was done.

The naval writers speculate on the most remarkable engagement of twentieth century warfare. They conclude that the German ships feared to give battle to the British cruisers because of the uncertainty as to whether the British battleships were lurking behind them. The fact that the Zeppelins were driven off is taken by some as evidence that the Zeppe-lins really are untrustworthy craft. Others think it means that the Ger-mans are husbanding all their dirigibles for a grand raid on England. Some writers argue that if Cuxha-ven can thus be attacked, why not Helgoland, Wilhelmshaven and even the Kiel canal.

Commander Hewlett Killed.
The only damage the British expedition sustained was due the loss of several hydroplanes, while Comman-der Hewlett was the only person who

The British people are losing whatperhaps prematurely, but the exploits of the airmen on the continent and the scouting trip of the German filer over Kent on Christmas day, there is a strong possibility that the taubes may repeat over London, the visit with bombs which they paid over Paris and Warsaw.

Warning to London Residents.
The authorities issued a warning today of the danger to people in the streets from guns which may be used London against hostile aircraft and advised the people to take refuge in basements if they heard the sound of explosives or guns.

heavy windstorm with rain and left snow swept over parts of England and adjacent waters today, and there probably is much suffering among sallors on duty, on the smaller craft.

PREPARATIONS UNDER WAY FOR EVACUATION OF NACO

Both Villa and Carransa Generals Have Agreed to Plan Proposed By Scott.

Naco, Ariz. Dec. 28.—Preparations for the evacuation of Naco, Sonora, were begun today by General Ben-jamia Hill, who plans to take his Car-

ranza force to Agua Prieta, opposite Douglas, Ariz. This is in accordance h the border peace plan propos-by Brigadier General Hugh L.

Scott.

The final word is to come from Gov Maytorena. Hill expects to consolidate with the rest of his troops at Agus Prieta, but Maytorena has thrown outposts all along the border east of here to prevent Hill's movement until the peace plans are fully accounted. Mayterena's main body of Villa

troops is encamped at Villa Verde sixteen miles southwest of here.

NO DAY SET.

Thaw Expects To Remain in New Hampshire Indefinitely.

Manchester, N. H., Dec. 28.-Harry K. Thaw intends to remain in New Hampshire as long as possible, his secretary said, tonight. The statement Thaw was contemplating in view of the recent Supreme Court decision that he should be turned over to the New York authorities to answer an indictment charging conspiracy to es-

cape from Matteawan.

How much longer the fugitive's stay here might be, the secretary declined to estimate. There have been no developments, he added any one of relapments, he added and one of Thaw's leading counsel is expected to visit him for the present. Thaw's mother who has been spending the Christmas holidays with him, left today for Pittsburg.

BY PARCEL POST.

Ashes of Dead Man Sent to Tokio,

(By the Ameriated Press.) Boston, Mass., Dec. 28.—The par-cel post was called on today to con-yey the ashes of Teijino Hasengawa, a Japanese artist to Tokio, Japan. The package was accepted and started on its way after \$1,10 in stampe State. The had been attached.

Politcial Situation in Mexico Although Not Alarming Is Full of Uncertainty

Washington, D. C., Dec. 28 .- Dispatches from the Brazilian minister in Mexico City dated there early today and received here tonight described the political situation as full of un-certainty. The minister referred to the lack of harmony between the sev-eral chiefs but indicated that noth-ing alarming had developed and that good order was being preserved From its own agents also, the State From its own agents also, the State Department was advised that friction existed between the Zapata and Gu-tierrez factions, chieft over Zapata's desire to execute many former Federal army officers. At present a de-cree issued by General Gutierrez sus-pending all executions pending a fair trial is in effect. The Gutierrez-Villa element holds the officers should be given a trial and be represented by counsel, but the Zapatistas are under-stood to desire their summary exter-

mination.

The United States government is endeavoring to obtain a general amnesty and while no promises have been proposed in the constitution will follow the constitution will follow the constitution will follow the constitution will follow the constitution will be constituted in the constitution of the the Mexican factions understand that unless a humanitarian course to-ward their opponents is pursued, rec-ognition will be withheld. The United States has indicated clearly that it will look with disfavor on continued executions and its remonstrance is beleved to have been largely responsible

for the Gutlerrez decree.

The following summary of dispatches from Mexico was assued by the State Department: "Latest information received indi-

cates that quiet prevalls along the entire west coast of Mexico. under date of December 13 reports that roving bands have been piliaging in various parts of the State of Vera

'A mail dispatch from Guadalajara. dated December 15, states that the Carranzaista authorities have made Cludad Guzman the capital of the State of Jalisco. Another dispatch ander date of December 17 reports that the city of Guadalajara is quiet and in the hands of Villa forces. "The department has been inform-

ed officially that Maytorena has with-drawn his forces from the trenches heretofore occupied (at Naco) burn-ing his shalters. He is reported to have gone eight kilometres south.
"Consul Simpich reports from No-gales, Ariz, that telegraph communi-cation with Hermosino mad Cananea s interrupted. He also reports heavy

ways and other property by floods. "Consul Canada at Vera Cruz telegraphs under date of December 26 that Carranga's foreign office claims to have no knowledge of the reported arrest at Vera Cruz of Doctor Villareal of the Mexican Red Cross consul adds that Dr. Villareal's pres ent whereabouts are unknown."

WASHINGTON INTERESTED IN SYRIAN DEVELOPMENTS

Italian Cruiser To Help Ameri Warship Protec: Refugees Is Report. American

had been instructed to help the American cruiser. North Carolina protect refugees on the Syrian coast. Secretary Daniels cabled the dispatch o Captain Oman, of the North Caro-

North Carolina had threatened to fire on the port of Tripoli, Syria, when the Turkish authorities sought to prevent the departure of British

and French consuls on an American steamer. Repetition of this request was ordered because it was feared the first message had failed to reach the cruisers. report from Captain Decker of A report from Captain Decker, of the Tennessee, earlier in the day told of the departure of 500 refugees on his vessel from Jaffa, but did not mention other incidents involving the American ships on the Syrian coast. Government officials, who are skeptical about reports that the North Carolina threatened to fire on skeptical about

Tripoli, expressed the opinion to-night that the United States was a neutral nation, could best maintain its friendly relations with Turkey if it dealt with the situation there with out assistance. It was suggested, therefore that the Italian proffer of co-operation might be rejected made officially to the United States

LODGE PROTEST.

Great Britain Has Put Naval Stores on Contrabrand List.

(By the Associated Press.) Savannah, Ga., Dec. 28.—Protests against the British government's recent action in placing resinous pro-ducts and turpentine on the absolute contraband list were telegraphed to Secretary of State Bryan at Washington today by Governor Slaton of Georgia and Governor Trammell of

The Governors request the State Department to ask Great Britain to reconsider its action and assert that serious injury threatens the naval stores industry if the policy is ad-hered to. Resinous products and tur-

pentine are important industrial items in several Southern States. The board of trade of Tampa, Fig. was learned here tonight, had requested the principal commercial bodies in the South to protest the British government's action.

Catholic Educator Dead

(By the Associated Press.)
New York, Dec. 28,—The Rev. Rich-New York, Dec. 28.—The Rev. Rich-ard K. Wakeham, widely known as an educator in Catholic colleges, died to-day at Cold Spring, N. Y., aged 68 years. For 31 years he had been en-gaged in the education of priests hav-ing taught at seminaries in Boston and Baltimore as well as in this The He will be buried in Co-

AGE WITHDRAWAL ENGLAND WARNED BRIGGS LIKELY TO

Some of Those in Belgium Are Early Improvement in Treat-Congressman E. W. Pou Says Official Paris Statement Admits Convicted Murderer of Mary Persona Non Grata To Germany

Germany it Would Seem Is Trying To Have United States and Other Powers Recognize Her Right To Annex Belgium To Her Domains

(By the Associated Press.) Washington, D. C., Dec. 29 .- Gernany has notified the American State Department that American consuls in Belgium must be acceptable to the German military authorities it was learned today. The notification also said it was desirable that some of the American consuls in Belgium be withdrawn for the present at least.

Secretary Bryan declined to make public the text of the German comnunication or to comment upon it until he had had full opportunity to consider it. The understanding in notice is similar to the one sent Argentina and other neutral countries, and that, while the German govern-ment does not insist that consuls in Belgium take out new exequatur from German officials it announce that such consuls must exercise their functions only by permission from the military authorities in control of the territory in which the consulate territory in which the consulate is situated.

Consuls Have Little to Do.
The United States has consular representatives only in Brussels, Antwerp, Liege and Ghent, and since the war began they have had little work of the ordinary character to de. Their activities have been devoted largely o looking after refugees and miding in relief work.

in relief work.

The request for the withdrawal of certain consuls is said to be entirely impersonal, and to be based upon the law of military necessity which law of military necessity which recognizes the right of a military of ficer in command of occupied territory to dictate absolutely the amount and extent of civil business and the manner in which it shall be conduct. ed in that territory

Disposition of Department.

The disposition of the department apparently is to recognize the right of the authorities of a territory to prescribe at least temporary conditions under which consuls shall discharge their duties, and it is contended this can be done without in any way committing the United States to a political recognition of the right of the military occupant of a terriory to its possession

Regarding the withdrawal of con suls from certain points, under color of military necessity, it is said that there need be no actual interruption of commerce in consequence, because under American consular regulations in the abstace of a consul, two reputable merchants may render acceptable certificates to an invoice of

Italian Cruiser To Help American
Warship Protect Refugees Is
Report.

(ib) the Associated Press.)

Washington, Dec. 28—Officials here, although without official advices were keenly interested tonight in a Rome dispatch saying the Italian cruiser Calabria at Beirut, Syria, had been instructed to help the American cruiser, North Carolina protect refugees on the Syrian coast.

Secretary Daniels cabled the dispatch goods of exclusion runs against consuls of all nations alike, the State Depart

to Captain Oman, of the North Carolina, at Beirut and toe-Captain Deckleft Jaffa yesterday, taking refugees
to Alexandria.

Mr. Daniels also repeated his request for information from the cruisgrs.commanders concerning a recentAthens dispatch announcing that the

North Carolina had therefore.

"The Belgian minister has been informed that the German government has notified the neutral powers its intention to cancel the exequaturs acforeign consular representatives.

The Belgian government has pro-

tested against this step. The issue as well as the cancellation of an exequa-tur are acts which imply the sovereignty of the state from which they emante. Now a power in military ôc-cupation of a territory only enjoys a de facto possession which cannot be transformed, insofar as its relations with neutral states are concerned, into a state of sovereignty Such a change could only become lawful, by the consummation of a treaty of peace letermining definitely the status of after these concessions.

IMMIGRATION BILL WILL ENGAGE CONGRESS

Members Back in Washington, From Short Holiday, Ready to Start

(By the Associated Press.) Washington, Dec. 28-While many numbers of Congress returned to Washington today from the s Christmas holiday, prepared for short

resumption of business tomorrow, ad-ministration leaders feared a quorum ministration leaders feared a quorum might not be present in either House. In the Senate the immigration bill will be the order of business. Should a point of no quorum be made an adjournment probably would be forced. In the House the postoffice appropriation bills is the unfinished business. No agreement has been reached to proceed in the presence of a uterum.

as been reached to proceed in the absence of a quorum.

Opponents of the immigration bill with its proposed literacy test, hope to replace further consideration of the measure temporarily

the measure temporarily at least, by appropriation bills. Senator Smith of South Carolina, chairman of smith of south Carolina, charming the immigration committee said to-day, however, that the bill had enough friends in the Senate to prevent its being replaced and to bring it to a vote, notwithstanding that President Wilson has made known

House leaders said today the forth-coming fight on the resolution to submit a constitutional | amendment for equal suffrage probably would not be brought up until all members particularly interested in the tssues had returned. It may be in the middle of January before the issue is issued.

SERVE OUT TERM

ment of American Commerce | Charges Appear To Be Gen-By British Fleets

DELICATE SITUATION ARISES MUCH. FEELING AROUSED MIND OPEN ON SUCCESSOR

Public Criticism Is General Will Make No Selection Until Throughout Country Over Unwarranted Interference With Legitimate Foreign Trade; Document, Text of Which Was Cabled To Ambassador Page, Constitutes Strong Representation On The Subject

(By the Ameriated Press.) Washington, Dec. 28-The United States government today dispatched a long note to Great Britain insist ing on an early improvement in the treatment of American commerce by British fleets. It warned England thatm uch feeling had been aroused in this country and that public criticism was general over unwarranted interference with the legitimate for eign trade of the United States. The document, constituting

strongest, representation on the sub-ject by the United States to any of the belligerents, was cabled to Am-bassador Fage to be formally present-ed to Sir Edward Grey, the British foreign secretary. Its preparation was begun a month ago by Solicitor Cone ohnson, Counsellor Robert Lansing, and Secretary Bryan, and during the asst two weeks had the personal at-tention of President Wilson, who re-vised its phraseology with minute

Protests Go Unbeeded. As the detailed point of view of the United States in the numerous specific causes of detentions and seizures of eargoes had been set forth in a series of emphatic protests, most of which have gone unheeded, today's communication was couched in general terms covering the entire subject of the relations between the United States and Great Egitain as affected by the latter's naval policy, considered highly objectionable to this government.

The note declares at the outset that the representations are made in a friendly spirit but that the United construed as an aculescene to a policy of Great Britain which infringes the

Inted For France Also. Since France has adopted virtually ment intended for all members of the intended For France Also.

The document points out that com-plaints on every side and public criti-cisms in the United States hold the R. cisms in the United States hold the R. Pou, who went to resume his their birth anniversaries are the same duties as stenographer to the Committee on Claims. Congressman Pous as his. Mr. Wilson usually answers nidustries. Reimbursement alone for cargoes unlawfully detained or seized, it states, does not remedy the evil, as the chief difficulty is the moral effect. the chief difficulty is the moral effect accumulated matters having to on American exporters who are re- with business of two years which strained from taking risks or hazards had to look over, and that he went which in no case ought to surround back to Washington with very little which in no case ought to surround legitimate trade between the United States and other negtral countries.

Much Feeling Aroused.
Feeling has been aroused on the subject to such an extent, the communication adds, that the American government feels compelled to ask for definite information as to Great Britain's attitude in order that it may take such measures as would protect American citizens in their rights

The United States, it points out, was patient at first, realizing that hostilities had heaped a mass of bur dens on the British government and thinking an early adjustment of the situation would come. Five months have elapsed, it asserts, with no improvement in the situation. meantime, American shippers have availed themselves of various sug-gestions from the British government such as shipping cargoes to definitely such as shipping cargoes to definitely named consignees in neutral countries and the taking out of certificates from rossults in this country which followed promises of the British foreign office that the allied fleets consequent. ly would cease detention of these car-goes. The situation, however, is de-scribed as having hardly improved

Principals of Equity Reference si made in the note to the high principles of equity which have actuated Great Britain in her have actuated Great Britain in her championship in the past of the free-dom of the seas to neutral commerce. and the hope is expressed that ever though a belligerent herself, she

of continued interference.

Reserving until some other date the discussion of those articles which Great Britain has taken from the generally accepted lists of non-contraband and placed on the list of ab solute and conditional contraband the American government declares that the British fleets have been regarding absolute and conditional contraband as in the same class, whereas inter-national law defines absolute contra-band as consisting of those articles intended directly for the use of an army or navy, and conditional contra-band those articles susceptible of use tion must be the determining factor

Urges Better Compensation Laws.

(By the Associated Press.) Philadelphia. Dec. 28—A uniform workmen's compensation law providing payment of from 50 to 90 percent of wages in case of occupational accident or disease, to be administered, by State commissions, was urged today at the opening session of the today at the opening session of the loint convention of the American Association for Labor Legislation and the National Conference on Unem-

John Mitchell formerly president of the United Mine Workers of America, pointed out New Jersey, Maryland, West Virginia and New York as States that have adequate compensa-

CERTAIN TRENCHES LEO LOST TO GERMANS

eral and Intangible

Conference With Senator wise it claims advances for the forces Simmons and Secretary of the republic Way, To Washington

If left to Congressman Edward W. Pou, of this district, the indications are that Postmaster Willis G. Briggs will serve to the end of his term, which expires early in February, notwithstanding the recommendations of the postoffice inspector to the Postal Department at Washington that Mr. Briggs be removed on account of gross carelessness.

Congressman Pou was in the city

Congressman Pou was in last night at the Yarborough and when asked as to the charges and the course that the Congressman intended to pursue in the matter, he said:

"While I have not gone into the charges fully, having had to leave west of Perthes, conquered and occupied by the charges and they appear to be general and somewhat intangible.

"On the heights of the Meuse there has been slight progress by our troops along the entire front. and unless it shall appear that some moral turpitude attaches to the pust-master I certainly would not ask for

his removal Before reaching home Mr. Pou wired the authorities at Washington requesting them to take no action in the matter until his return. Upon Mr. Pou strival at Washington he will go through the papers in the case

thoroughly.

As to the future postmaster he would give no indication as to the man he would fecommend; in fact man he would recommend, in the send that his mind was still open on the question.

believes that a candidate should be selected who is satisfactory to Sena-tor Simmons, and he was also of the opinion that the wishes of Secretary Daniels should be consulted, this be-

of Great Britain which infringes the the postmastership were in conferingly of American citizens under ence with him during his stay here, the laws of nations. eigh was brief, as he desired to be in Washington today on the reassem-

the same decrees on contraband as has bling of Congress after the holidays Great Britain today's note is a state- "I have made it a rule," he said "I have made it a rule," he sand,
"never to miss a day in attendance
on the House, and in two years I have possibly been absent four days. Going to Washington with Mr. Pouthis morning was his son, Mr. George

with business of two years which he of any holiday during the recess of British Collier Making Breach of Congress.

British Collier Making Breach of Neutrality Had Not Been Informed

GOVERNMENT TO ISSUE COMMERCIAL DAILY PAPER

Will Be For Purpose of Promoting

Will Be For Purpose of Promoting
Foreign Commerce of United States.

"By has Associated Pirms."

Washington, D. C., Dec. 28.—To promote the foreign commerce of the United States the government will go into the newspaper business January 2, next, when the first number of "The Daily Commercial Report" will be isbally Commercial Report." Will be isbally Commercial Report. sued by the Department of Commerce. In it will be carried all important commercial cablegrams received from the attaches at the various embassies abroad and from consular offices throughout the world. It also will contain brief abstracts of the findings of investigators of the department in many lines of American the captain outside the three mile limit directed to the British consul at Panama. The collier's captain The latter official refused, and also caused the wireless apparatus of the collier to be scaled pending the department in many lines of American port captain the captain of the captain o he Department of Commerce for the

The plan for a commercial daily was worked out by Dr. E. E. Pratt. chief of the Bureau of Foreign and Domestic Commerce. The new publication will take the place of the daily consular reports now larged.

E. A. Brand assistant chief of the E. A. Brand, assistant chief of the

bureau, who returned today from an extended tour of inspection -of the eight new branch offices of the oureau, reported that the branches were meeting with a cordial reception from business houses and were wokr ing to full capacity in co-operation with merchants and manufacturers.

LOOKING FOR RAID. Londoners Warned To Stay in Door. When Firing Is Heard,

(By the Associated Press.) London, Dec. 28-7:55 p. m.-Th British official press bureau this eve ning made the following announce

The naval and military authori ties call the attention of persons using the streets to the danger from fragments of shells and from bullets used in the guns against hostile air-craft attempting a raid on London. The civil population are warned to keep under cover, preferably, in basements, upon hearing the sound of firing by guns or of explosives,"

> Steamer Ashore in Pacific. (By the Associated Press.)

San Francisco, Cal., Dec. 28—The salvage steamship laqua, brought word today that the Danish motorship Malakka, ashore with a valuable cargo on Cedros Island, three dred miles south of San Diego, has holds numbers one and two full of water and that numbers 3 and 4 and the engine room are leaking, but under control. No opinion of the likelihood of salvage is expressed.

That Enemy Has Achieved | Phagan Will Not Be Executed

Some Success

(By the Associated Press.) Paris, Dec. 28,-(2:45 p. m.)-The French official statement given out today concedes the loss of certain

Simmons and Secretary Advances have been made in Bel-gium and near Lens the French pro-gressed 800 yards. In the Meuse there Two or Three Weeks; On has been slight progress and a German attack in upper Alsace was driven back. The French lost trenches to

back. The French lost trenches to the Germans near Ypres. The text of the communications fol-

"In Belgium we have continued to advance. To the west of Lomba, we are actually at the foot of the sand dunes on which the enemy has established his line of resistance. At a point south of Ypres we have lost a advance,

section of trenches near Hollebeke.
"In the region of Lens, near Car-ency, the enemy yielded under our attacks 800 yards of first line trenches.
'In the valley of the river Alsne and in Champagne there has been intermittent artillery fighting, which was

along the entire front.
"In the Vosges, the enemy bombarded the railroad station at St. Die, but the railroad service has not been in-

terrupted.

"In upper Alsace, to the northeast the Steinbach, a counter attack of the Germans was repulsed. The following official communica-

ion was issued o, night: "During the day a violent storm has "During the day a violent storm has with operations along the interfered with operations along the front. It is reported, notwithstanding this, that we have made some progress in the Argonne region.

CONGRATULATE PRESIDENT ON BIRTHDAY ANNIVERSARY

at White House to Offer Felicita-tions. Secretary tseyan Cablact Calls

Washington, Dec. 28—President Wilson tonight began receiving mesthe representations are made in a Daniels should be consulted, this best asigns from foreign refers constant friendly spirit but that the United in States considers it best to speak in Quite a number of Mr. Pou's birthday anniversary. The first to arterms of frankness lest silence be construed as an aculescene to a policy of the friends of the candidates for Britain and President Estrada Cabrera, of Guatemala.

Led by Secretary ryan, the Presi-dent's Cabinet called at the White House during the evening. Because of the cancellation of all State dinners and receptions after Mrs. Wil-son's death, this gathering was the nearest approach to a social affair held in the White House for many months.

Among the messages received here were several from parents of children named for the President because

PANAMA CLOSED INCIDENT

(By the Associated Press.) of Order

many lines of American enterprise, formation of new regulations prohibit-and will present to the business world ing the use of radio outfits in the each day the gist of the business of canal except upon canal business, but otwithstanding that the British authorities concede the attempt to use the wireless was improper and therefore the incident was regarded as closed by report of the facts today to

the State Departments.
One immediate result of the incident was the dispatch of American inval vessels to the Canal Zone to safeguard neutrality

Metropolitan to Matualize. (By the Associated Press.)

New York, Dec. 28—Mutualization of the Metropolitan Life Insurance Company was endorsed by policy holders here today. Only about 1,600 voted against the plan, while 65,000 gave their approval. Most of the votes were b provy. cotes were b proxy.

proved by stockholders and directors. If the State Superintendent of Insurance approves the proposal, control and turpentine,
of the company will pass into the Burcan drawers' in the bedroom of the company will pass into the hands of the policy holders, who will elect a board of directors.

Screno Payne's Will.

Auburn, N. Y., Dec. 28—Ity the will of the late Sereno Elisha Payne, Representative in Congress, admitted to probate today, property valued at \$75,699 is left to three sisters and a soh, William K. Payne.

> Battle in Vosges Mountains. (By the Aturated Press.)

Basel, Switz, via Paris, Dec. 28.— (:55 p. m.)—A battle lasting from (4:55 p. m.)—A battle lasting (December 24 until December 26, curred along the whole front of the French and German armies in the Vosges mountains. The sound of the cannon firing was plainly heard in Switzerland. French aeropianes maneuvering over the town of Muelhau-sen, in Alsace, returned with sufficient information, it is said, to aid the French artillery to conduct an ef-fective fire on the German positions.

Next Month

JUSTICE LAMAR SAVES HIM

United States Supreme Court Justice Overrules Judge Newman and Finds That Several Questions of Federal Law Are Unsettled and Al-Lows Appeal

(By the Associated Press.)

Washington, Dec. 28.-Justice Lamar, of the United States Supreme Court today granted an appeal from the refusal of the federal district court for Northern Georgia to release on habeas corpus proceedings, Leo. M. Frank under death sentence for the murder of Mary Phagan, at At-

Frank has been sentenced to be hanged January 22, but Justice La-mar's action causes a stay of execu-tion. Thirty days are given for the record of the proceedings in the lower court to be filed in the Supreme Court here. The State of Georgia then may here. The State of Georgia their ask that the hearing of the case balask that the case balask th

are granted.

As a result of Justice Lamar's action today the entire court will pass upon Frank's right to seek release from custody on a writ of habeas corpus on the ground that the trial court of Fulton county lost jurisdic-tion over him by its failure to have him present when the jury returned its verdict.

Should the Supreme Court decide

Frank was not entitled to the benefit of the habeas corpus writ, the State of Georgia would not longer be barred or deorgia would not longer be barred from carrying out the death sentence.

If the court decides he was entitled to ask for the writ, the case probably would be remanded to the district court for the taking of evidence on the petition praying for the writ.

May Go Free.

Should the Supreme Court eventual-

y decide that Frank must be released rom custody, it was mid, a further position, about which there is uncretainty, would arise as to the power of the State to indict and try him a sec-ond time. It is said authorities differ as to whether the first trial would be regarded as having placed Frank in regarded as naving placed Frank in jeopardy.

This was the second time Frank's fate has rested in Justice Lamar's hands. After the Georgia court had declined to set aside the verdict of conviction, Justice Lamar was asked to issue a writ of error for the Surreme Court to review the case.

preme Court to review the case. He

declined on the ground that no federal question was presented, inasmuch as questions of proceedure were for the States to decide. Justice Hosenes, and eventually the entire court, pursued the same course. Application was then made in the Georgia federal court for Frank's release on a writ of habeas corpus. Judge Newman held Frank was not entitled to the writ and refused to grand an appeal to the Supreme Court

because he was unwilling to issue a certificate of "probable cause" as required in such appeals by a federal statute of 1988. Justice Lamar then was asked to grant the appeal and issue the certificate. He found that several ques-tions of federal law, unsettled by the tions of federal law, unsettled by the Supreme Court existed in the case and (B) the Associated Press)

Washington, D. C., Dec. 28.—Additional reports to the British embassy and address of the British minister at Panama, clarify the situation as to court; the effect of the accused not raising the point of his absence on a motion for a new trial, and the effect of the Supreme Court's own action in refusing to grant the writ of error in a case where an alleged jurisdictional question was presented in a

motion filed at a time not authorized by the practice of the State where the trial took place.

Atlanta Hears of Decision. Atlanta, Ge., Dec. 28.-Solicitor General Dorsey who conducted the prose-cution of Leo. M. Frank when inform-ed that Justice Lamar had granted Frank's appeal on the habeus corpus proceeding stated that the State would expedite the case as much as possible. He said he hoped to have the cause heard in the United States Supreme Court within sixty days, or sooner if

ing," said Frank in his ceil. WANTED TO MAKE SURE HOUSE WOULD BURN

Oil. Turpentine and Other Inflamma bles Found Burning in House o Hondurus Consul.

San Francisco, Cal., Dec. 28 .- Fernande Somoza Vivas, consul general here of Honduras, was arrested to-day on a charge of arson. He had been under police surveillance since Mutualization already had been approved by stockholders and directors for the State Superintendent of insur-had been liberally sprinkled with oil

were found filled with paper saturated in oil; carpets had been sprinkled with inflammables; holes had been cut through the ceilings of closets for flues, and streamers tied from the rafters to guide the flames, it is al-

leged. Vivas was found partially clad on the sidewalkq shortly after the fre-men arrived. At police headquarters he asserted his consular position as the representative of a foreign nation him immune from prosecution

Carmatt Given a Job.

(By the Aspeciated Press.)

Washington, Dec. 18— 'ames W. Carmalt today was appointed chief examiner of the Inter-State Commerce Commission to succed Ross D. Rynder, resigned. Mr. Carmalt has Rynder, resigned. Mr. Carmalt been connected with the commis for several years and recently the confidential examiner attached to the staff of Chairman Harlan.