

THE DAILY JOURNAL

VOL. LXII.—No. 102

NEW BERN, N. C., THURSDAY MORNING FEBRUARY 19, 1914

FIVE CENTS PER COPY

VERDICT IN FRANK CASE SUSTAINED; HE MUST DIE

Atlanta Factory Superintendent Nearer The Gallows.
FIGHT TO BE CONTINUED
Under Sentence Of Death For Murder Of Mary Phagan.

Atlanta, Ga., Feb. 18.—Leo M. Frank, under sentence of death for the murder of fourteen-year-old Mary Phagan here on April 26th 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 Justices 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 have 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 given trial failed to shake the iron nerve of the condemned man. His friends said 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 refusing a new trial."

In their dissenting opinion, Chief Justice Fish and Justice Reck held that the trial court erred in admitting the testimony of James Conley and C. B. Dalton regarding alleged acts involving moral 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-sentenced within the next two weeks. The decision of the Supreme Court first must be entered 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, in view of the dissenting opinion of two of the six justices of the Supreme Court, Frank's lawyers may move to re-argue the case before that body. In the event that such a motion was denied an attempt then probably would be made to get the case before the United States Supreme Court on the grounds that Frank has 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.

When the Frank case was appealed to the Supreme Court more than a hundred counts were contained in the plea. Stress was laid on allegations of prejudice on the part of two jurors, and charges were made that race feeling against the young factory superintendent, who is a Jew, had made it self felt in the court room and influenced the verdict. Significance was also attached to the statement of the trial judge, who in denying a motion for a new trial, said that although he had heard all the evidence, he was not convinced either of the guilt or innocence of the defendant.

D. F. JARVIS LEAVES FOR NORTHERN MARKETS.

D. F. Jarvis, one of the leading merchants of the city, left yesterday for northern markets to purchase a spring and summer stock of dry goods and ladies' furnishings. Mr. Jarvis states that his trade demands the very best and latest styles and that nothing else will be bought.

Mme. Alfredo Aleman



Mme. Alfredo Aleman has just arrived in Washington with her husband on their honeymoon. Senator Aleman is a new attache at the Panama legation and his bride is the daughter of the secretary of State of Panama.

COMMITTEE TO AID THE BENEVOLENT SOCIETY

HAVE HELD TWO IMPORTANT MEETINGS SINCE SUNDAY NIGHT.

The committee appointed at the Union Meeting, at the Baptist Church last Sunday night has had two meetings and they have outlined plans by which they expect to aid the Ladies Benevolent Society raise funds for the ensuing year.

This plan will be offered for ratification at a Union Mass Meeting of all the Churches at Centenary Methodist Church Sunday night.

The program of this meeting will be in the hands of this committee. Short speeches will be delivered by laymen.

The meeting will be opened by a song service. Every choir in New Bern has been invited to augment the Centenary choir and they will place on the platform in the usual manner at revival services.

The service will begin promptly at 7:30 and all are invited to attend.

TRI-STATE DOCTORS GATHER IN WILMINGTON

TWO HUNDRED PHYSICIANS CROWD THE NEW HANOVER CITY.

Wilmington, Feb. 18.—Prominent physicians from all parts of the Carolinas and Virginia are arriving in the city tonight for the sixteenth annual convention of the Tri-State Medical Association, which opens tomorrow morning in the Elks Temple. The convention will bring to the city over 200 visitors it is thought, including members of families of some of the physicians.

The association will be in session through Thursday. The meetings will be held in the Elks' Temple, but headquarters will be at the Orton Hotel, where more than 100 of the visiting physicians will be accommodated. The others will be guests at other hotels of the city.

The meeting promises to be an unusually good one. The scientific part will be of a high order and the hospitality for which the city of Wilmington was always noted is confirmed by the announcement of social events for both days, to the visiting doctors and many other inducements to insure a pleasant as well as profitable meeting.

Baseball For New Bern During Summer

Enthusiasts Plan To Start City League—Will Play One Game Each Week—Team To Be Organized Next Saturday Night

New Bern baseball fans will have an opportunity of attending some real games during the hot summer months. This is not mere hearsay, but it is in fact a reality, and before another week has passed by it is hoped that the team will be formed and that plans for the season will have been formulated.

Last year the local baseball enthusiasts made an attempt to interest the baseball lovers in Wilmington, Goldsboro, Wilson, Rocky Mount, Fayetteville and other towns in the reorganization of the Old Eastern Carolina League. The movement was started late in the season and when the promoters of the project finally had "their ducks in a row" it was found that it was too late in the season to reorganize the league and the plan was abandoned.

Taking a warning from last season the sport lovers a few weeks ago began the agitation of a movement to reorganize the Eastern Carolina League and considerable press "dope" was sent out to the other cities in this part of the State as a "feeler" of the sentiment of the baseball enthusiasts. Unfortunately there has been but little response and it is not believed that the league will ever be revived.

However, local "fans" have another plan on foot and there is every reason to believe that this will materialize as anticipated. Next Saturday night at 8 o'clock every baseball enthusiast in the city is asked to meet in the Elks' club rooms and at that time a City Baseball League will be formed.

This league will be composed of the best local players that can be secured and the present plan is for them to play one game a week during the summer months, that game to take place on Saturday afternoon when the majority of sport lovers will have an opportunity of getting out to witness the game.

It is planned to encourage the other cities and towns in this part of the State to organize similar leagues and if this is done the teams can play at other places, for instance a game here one Saturday and a game at Wilmington on another Saturday. Full plans will be discussed at the meeting Saturday night and every "fan" in the city should be on hand at the meeting.

Formerly elected to position last Saturday night.

TWO DROWN WHEN THEIR BOAT CAPSIZES

LEON GREEN AND AUGUSTUS ANTHONY LOSE THEIR LIVES.

Belhaven, N. C., Feb. 18.—Leon Greene and Augustus Anthony, both about 18 years old, were drowned and Carrie Lynton narrowly escaped the same fate, when the three young men were thrown from a small row boat in the Pamlico river here.

The three boys were bound for the coopeage plant to look at the new dredge built to drain Lake Mattamuskeet when the accident happened. In some unknown way the row boat was upset and its occupants pitched into the icy waters of the river. Greene and Anthony struggled to gain a hold on the overturned boat, but their heavy clothing became soaked and bore them to the bottom. Lynton managed to reach the boat and held on until he was rescued in an almost unconscious condition by Mrs. E. Powell, her son Mark Powell and Johnnie Burgess, who were crossing the river in a boat and heard Leon's frantic cries for help.

Every effort was made to recover the bodies of Greene and Anthony, oyster tongs, drag nets and ropes being used. Hundreds of the town's people went to the river bank to help in the work, but their efforts were unavailing.

M. R. BEAMAN NOW LOCATED AT ASHEVILLE

FORMERLY ELECTED TO POSITION LAST SATURDAY NIGHT.

The Asheville Citizen has the following to say of M. R. Beaman, who was, up to a few weeks ago, connected with the New Bern Chamber of Commerce as Freight Rate Expert:

"About 30 members of the Western Carolina Lumber & Timber Association met in the offices of the association, 17 and 19 Electrical building, Saturday night for an informal banquet and smoker. About half of those present were out-of-town visitors and the meeting was featured by discussions of interest to lumber and timber interests. President W. O. Riddick presided. It was voted to hold such gatherings monthly, and it is probable that the permanent dates will be the last Saturday in each month."

"M. R. Beaman, who assumed the duties of secretary and rate expert for the association last fall, was formerly elected to this position at the meeting Saturday night. Since he arrived here the officers have been handsomely fitted up and this was the first meeting held there since his arrival."

Twice within the annals of the history of New Bern has the city been thrown into utter darkness by a rat—not one of those necessary adjuncts to the toilet of some of the city's feminine population—but a long-tailed four-legged specimen of the rodent family.

The first instance of this variety occurred about two years ago late one afternoon and for two hours or more the force of electricians were kept busy repairing the switchboard on which Mr. Rat had met his Waterloo, and on which he had played havoc with the city's electric lights.

Early yesterday morning another rat attempted to walk across the switchboard out at the light plant and was promptly electrocuted but, in giving himself up as a martyr to science the rodent caused every light in the city to be extinguished and gave the men at the plant a great deal of trouble.

Superintendent Hodges, who is at all times on the lookout for trouble and who is making every effort to give the electric consumers of New Bern the very best possible service, went out to the plant as soon as he was notified of the accident and within the course of half an hour the giant dynamos were again purring and the hundreds of lights in the city were shedding forth their brilliance as of a few hours previous.

When the rat attempted to run across the switchboard his body formed a short circuit between two heavily charged wires and this burned out several fuses. Needless to say his ratship was burned to a crisp.

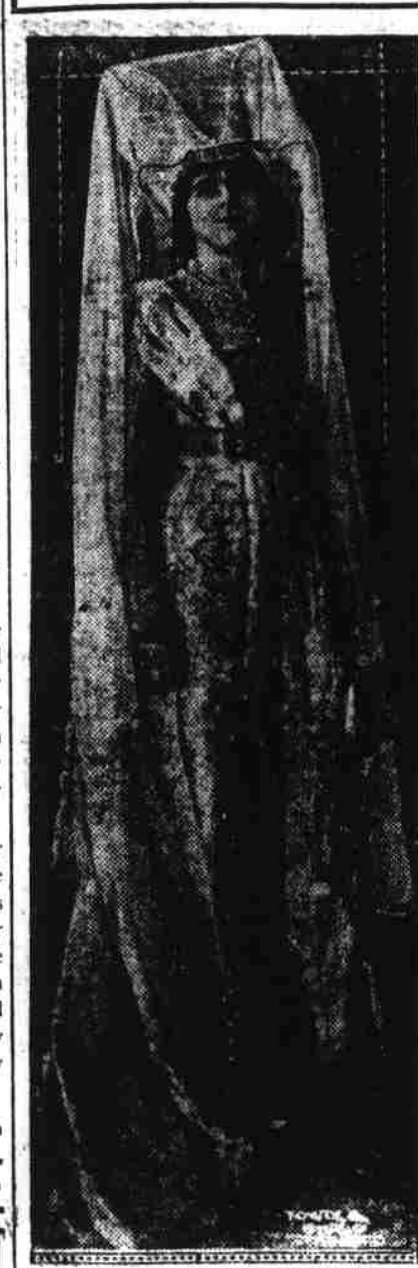
DORTCH MUST RESIGN.

Can't Be Attorney For Railway Company.

Washington, D. C., Feb. 18.—Attorney General McReynolds has notified United States Marshall W. T. Dortch whose office is maintained in Raleigh, that he must either resign as local attorney for the Southern Railway and give up his annual pass or hand in his commission as United States Marshal.

It was said that Marshal Dortch wrote the Department of Justice a few days ago that he was local attorney for the Southern railway and that he had a pass which he was using on his trips throughout the State. Mr. Dortch wanted to know if the Department had any objections to these free rides. The department had serious objections and so notified Mr. Dortch and also Senator Simmons.

Miss Margaret Draper



When Mrs. William F. Draper gave her annual costume ball, the most elaborate social affair ever held in Washington, her daughter Margaret who assisted in receiving the guests dressed, as here photographed, as Marie d'Anjou, the wife of Charles III, of France.

THE JOURNAL'S SERIAL STORY MAKE A HIT

"THE VALIANTS OF VIRGINIA" A SERIAL OF ABSORBING INTEREST.

Last Sunday morning the first installment of "The Valiants of Virginia" appeared in the Journal. This is one of the most absorbing stories of the present day and all over the country has been favorably commented on by those who have read it.

The story is being published in the Journal and is being read with interest by our many subscribers, and we have heard many words of praise of the serial but we want to hear from others.

Whether another story will follow "The Valiants of Virginia" depends entirely upon our readers. If they want it we have in mind another serial of equally as absorbing interest as the one now being published.

If you like the story write us a few lines telling in what particular way it appeals to you, and what you think of the story in general. We want to publish these letters, and will appreciate a word or two along this line from every one of our readers.

NEW BERN DEFEATED.

Dover Boys Too Strong For The Locals.

In a fast and snappy game the basketball team of the New Bern High School was defeated by the Dover High School team at that place Tuesday afternoon by a score of 15 to 14. The game was fast and cleanly played and though the locals put up a hard fight they were defeated in the last four minutes of the conflict by one point. The stars of the game were Gaston and Powell for Dover and Waesche and Pritchard for the locals. The local team is planning for another game tomorrow afternoon and also on Saturday, the first to be with Vanceboro and the second with the Kinston team.

MUSIC TEACHER COMING.

On March 1, Prof. Elmer Francois Piner, a noted violinist and brass instrument player will arrive in New Bern and become a member of the faculty of the Bourdelais School of Music.

DELEGATION TO WASHINGTON ON FRIDAY NIGHT

Go To Invite W. J. Bryan To Visit New Bern.

BELIEVE HE WILL ACCEPT

Want Him To Deliver Address During Big Celebration In April.

Tomorrow night a delegation composed of Mayor Albert H. Bangert, City Attorney R. A. Nunn, E. M. Green, C. L. Ives, President of the Chamber of Commerce, C. D. Bradham, chairman of the Craven County Board of Commissioners; H. B. Craven, Superintendent of Public Instruction; H. K. Land of the New Bern Journal; O. G. Dunn of the afternoon paper, and J. Leon Williams, will leave this city enroute to Washington, D. C., for a conference with Secretary of State, William Jennings Bryan.

Some time during the month of April a big Home-coming Celebration and Aviation Meet is to be held in New Bern and the object of the delegation in going to Washington to see Secretary Bryan, is for the purpose of inducing him to come to this city during that week and deliver an address.

Secretary Bryan was to have visited New Bern during the last Fair but was unable to do so. He has thousands of admirers in this part of the State and these will be on hand to hear the great commoner if he sees fit to pay a visit to the city. Senator F. M. Simmons, chairman of the Finance Committee of the United States Senate, and a citizen of New Bern, and Secretary of the Navy Josephus Daniels have been asked to intercede with Mr. Bryan in behalf of the delegation and there is every reason to believe that he will accept the invitation which is to be tendered him.

The delegation will reach Washington on Saturday morning and will leave that city Saturday night, reaching New Bern on the following day. The personell shows that the interests of the city are represented and there is every reason to believe that they will make an impression on the Secretary.

This approaching Home-Coming Week and Aviation meet will be one of the most successful events in the history of New Bern and visitors from all parts of the State are expected to be in attendance.

THE REVENUE CUTTER PAMLICO SAILS AWAY

OFF ON ANOTHER CRUISE IN NORTH CAROLINA WATERS.

After spending a short time in port the revenue cutter Pamlico left yesterday for another cruise around the waters of Eastern North Carolina and will be away for a week or more.

The past two or three weeks have been trying ones for the Pamlico's crew. The weather conditions on the coast have been far from that which might be desired and in consequence many boats have been disabled.

The last craft to be given assistance by the Pamlico was the schooner Lucretia which ran aground off Middleton Harbor in Pamlico Sound Sunday afternoon. The Pamlico went to the vessel's assistance, but upon arrival there found that the boat's crew had been taken off, and that she was stuck fast on the shoal and could not be pulled off at that time.

DR. IRA M. HARDY LOSES HIS FIGHT.

Kinston, Feb. 18.—At 1 o'clock this morning it was announced that Dr. C. Banks McNairy, of Lenoir, had been elected to succeed Dr. Ira M. Hardy as superintendent of the School for the Feeble-Minded. The vote is understood as being seven for Dr. McNairy, five for Dr. Hardy.

Dr. Hardy in a statement immediately after the report was known, said his interest in the success of the institution would not be abated.