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THE WEATHER Fair

JURY CHOSEN TO TRY BARNES' SUIT AGAINST COLONEL

Talesman of German Birth Says Remarks of T. R. Concerning Belgium Would Not Prejudice Him.

ASKED ABOUT POSSIBLE GRUDGE All Questioned if They Bore Roosevelt Any Ill Feeling Because of 1912 War.

PRINCIPALS FACE ONE ANOTHER

SYRACUSE, N. Y., April 19.—The jury which will try William Barnes' \$50,000 suit for libel against Theodore Roosevelt was completed today.

When the afternoon session opened, Oliver D. Burden, a Syracuse attorney of Colonel Roosevelt's staff, asked the talesman whether they believed a person holding public office might be criticised for maladministration or corruption while in that office.

Not Prejudiced. In reply to questions, one talesman, a native of Germany, said that the fact that Colonel Roosevelt, although having always been friendly to Germany, had criticised the violation of the neutrality of Belgium, would not prejudice him against the defendant.

Mr. Barnes and Colonel Roosevelt sat at adjoining tables, but neither paid any attention to the other. The room was crowded and outside the court house a great crowd, kept in line by policemen, was awaiting opportunity to get in.

Special Jury Panel. Examination of the talesmen in the special panel of seventy-five called for the case began as soon as Justice William S. Andrews ascended the bench and opened court. Each side was informed by the court that it would be allowed six peremptory challenges.

The talesmen were questioned by William L. Barham, a Syracuse attorney, for Mr. Barnes. He wanted to know whether "the political prominence heretofore" of either one or both of the principals would affect the decision of possible jurors. He also asked talesmen whether they believed politicians might be libeled just as other citizens. The fact that the defendant has been president of the United States was also inquired.

Railroad Stocks Active and Higher

NEW YORK, April 19.—Extensive speculation in stocks was resumed today. Investment issues were most prominent. Union Pacific, St. Paul, Northern Pacific, Canadian Pacific, Atchafalpa, Baltimore & Ohio, New York Central, Reading, Lehigh Valley and other dividend payers rose 1 to 3 points in the first hour.

The States Steel was again the active feature, its opening deadline representing 5,200 shares at \$69.25, from which it soon rose a full point over Saturday's close. There was a marked subsidence of speculative gyrations in war specialties.

Michigan Petroleum was the only stock in the special group to make an appreciable advance, gaining 7 1/2 points. Business in the first hour totalled almost \$75,000 shares.

In the afternoon speculation extended to other stocks, Canadian Pacific gaining over four points. The Harriman also rose higher, Southern Pacific being helped by a favorable Supreme court decision. Shares of the Gould system also rose materially.

The Weather

Forecast till 7 p. m. Tuesday: For Omaha, Clear and Pleasant and vicinity—Fair; not much change in temperature.

Table with weather data including temperature, precipitation, and wind speed for Omaha and other locations.

SLATED TO BECOME HEAD OF STATE PRESS ASSOCIATION.



PERKINS SLATED TO HEAD THE EDITORS

Republicans Choose Aurora Man for Vice Presidency, Which Means Presidency in 1916.

REGISTRATION IS NOW 193

Clark Perkins of the Aurora Republican is slated for the presidency of the Nebraska Press association a year from now. This was decided yesterday when a republican caucus of the Press association, now in session at the Rome hotel, agreed on Perkins for vice president for the now ensuing year.

Likewise the old custom is to choose this vice president each year strictly on party lines. It is an understatement to say that the democrats choose a vice president one year and the republicans select one the following year.

Pettit Makes Talk. A. S. Pettit of Bruning, one of the new members of the association, talked on "Making It Go in the Small Town." He declared it to be a good policy to answer questions that people asked the editor by telephone, thus allowing the public that the newspaper office is a necessity to the city.

Registration is Heavy. The registration of out-of-town newspaper men and women the first day was 193. This, with the registration of newspaper editors in Omaha, made a total of 222.

Brainerd's Opening Word. "I should like to see the newspapers of the state take a more active part in politics, not the politics that cause the opponents, but the politics that exercise its influence in the selection of men for public office, men educated and competent to perform the public service."

Reclamation Conference Will be Held at Gering. CHEYENNE, Wyo., April 19.—(Special.)—United States Senator F. E. Warren will go to Gering, Neb., next Saturday, April 24, to attend a meeting between representatives of the reclamation service, Senator Kinkaid of Nebraska, Congressman F. W. Mondell of Wyoming and representatives of farmers in eastern Wyoming and western Nebraska who are interested in the "south side" unit of the North Platte project of the reclamation service.

N. H. Directors Entitled to Bill of Particulars

NEW YORK, April 19.—William Rockefeller is entitled to a bill of particulars specifying the exact offenses charged in the indictment in which he and twenty others connected with the New Haven railroad management are accused of criminal conspiracy.

HIGHEST COURT RULES AGAINST FRANK APPEAL

Opinion in Case of Brooklyn Man Convicted of Murder of Girl at Atlanta Denies Habeas Corpus Writ Asked.

PRISONER'S RIGHTS PROTECTED Justice Pitney Holds that Points Raised Do Not Amount to Denial of Justice.

HOLMES AND HUGHES DISSENT

WASHINGTON, April 19.—Leo M. Frank, the Brooklyn man under death sentence for the murder of Mary Phagan, an Atlanta factory girl, lost another step in his big fight for life in the supreme court of the United States today.

In a decision in which Justices Holmes and Hughes dissented, the court dismissed Frank's appeal from the federal court of Georgia, which refused to release him on a writ of habeas corpus. Frank contended that "alleged mob violence" at his trial and the fact that he was absent from the court room when the jury returned its verdict had removed him from the jurisdiction of the courts of Georgia.

The majority opinion of the supreme court today rejects all those contentions and declared Frank enjoyed all his legal right in the Georgia courts.

Justice Pitney's Opinion. Justice Pitney in the majority decision stated that the obligation rested upon the supreme court to look through the form and into the very heart and substance of the matter, not only of the averment in Frank's petition, but in the trial proceedings in the state court themselves.

The petition contains a narrative of disorder, hostile manifestations and uproar, said the justice, "which if it stood alone and were to be taken to be true, were conceived to be inconsistent with a fair trial and an impartial verdict. But to consider this as standing alone is to take a wholly superficial view of the narrative is coupled with other statements from which it clearly appears that the same allegations of disorder were submitted first to the trial court, at Georgia, as a ground for avoiding the consequences of the trial, and these allegations were considered by those courts successively at times and places and under circumstances wholly apart from the atmosphere of the trial and free from any suggestion of mob violence."

Steel Trust Passed Dividend to Avoid Reduction in Wages

NEW YORK, April 19.—Directors of the United States Steel corporation, it became known today, in voting at their last quarterly meeting in January to pass the dividend on the common stock, did so in the face of opposition on the part of many stockholders who thought the dividend should be declared even if the corporation had to reduce wages to obtain the money.

The management was sorry to be obliged to pass the dividend on the common stock. We had been hoping and had expected to continue the payment of the dividend without interruption, but conditions were such that it was impossible. We were confronted with the choice of passing the dividend or reducing wages. In view of the present high cost of living we believed that the men were entitled to the wages they were receiving which we think are not too much.

Continuing his statement Judge Gary said: "I assure you that the country will prosper and I want to pledge again that the management of this corporation is going to be thorough, open and careful. Our position among the nations of the world is taking the lead. Finance, industry and commerce are better today than ever before."

STOP OFF IN OMAHA THE GATE CITY OF THE WEST

Nebraska Editors are "stopping off" for their annual state convention and the fact that they find Omaha so attractive and hospitable as to make them repeat their visits is another convincing argument why other travelers should put this city on their route cards.

Leo M. Frank Has Lost Out in His Appeal to the United States Supreme Court. Only Recourse for Those Who Believe He Did Not Have a Fair Trial is to Write the Governor for Clemency.

The decision of the United States supreme court apparently ends the legal proceedings to secure a new trial for Leo M. Frank, under sentence of death in Atlanta, where conviction was admittedly forced by race prejudice and threats of mob violence.

Nothing remains for those people convinced this man did not have a fair trial but to join in a nation-wide popular appeal to the governor of Georgia to accord Frank his executive clemency. A proper form for such a letter would be:

Hon. John M. Slaton, Governor of Georgia, Atlanta—Your Excellency: Greeting that full justice has not been done in the case of Leo M. Frank, and believing him still entitled to the benefit of the doubt, we appeal to you in his behalf to save him from the death sentence, and to save Georgia's good name from discredit.

Every right-minded person must be interested in preventing the execution of a man whose guilt is decidedly doubtful and every American citizen, no matter where he resides, has a right to join in the appeal to the governor.

Sixteen Attempts of Austrians to Recover Heights Are Repulsed

PETROGRAD, (Via London), April 19.—[According to reports received by the Russian officials, firmly entrenched on the heights of Telepotch. After this the Austrian attack appeared to have spent itself and there are no indications of a resumption of activity in this region.

GOVERNOR VETOES EFFICIENCY BILL

Norton's Measure for Commission to Survey the State of Doubtful Legality. ALL BILLS ARE DISPOSED OF (From a Staff Correspondent.)

LINCOLN, April 19.—(Special.)—After a strenuous job at signing bills passed by the legislature, the larger number of which came to him in a bunch, Governor Morehead laid aside his pen this afternoon and declared the job over. Three bills of importance received the executive approval this morning. These were the Omaha hospital bill, the maintenance bill and the penitentiary industrial appropriation bill.

The Norton bill for state efficiency survey commission was vetoed by Governor Morehead. The governor objects to inconspicuousness in the bill itself and its encroachment on ground now occupied by the board of control.

What Bill Provided. The commission was to consist of six members of the legislature, and therein lay the objection. The constitution provides "that neither members of the legislature nor employees shall receive any pay or perquisites other than their salary and mileage." The appropriation was only for the commission's expenses.

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Queen of Italy May Lose Her Right Arm

LOS ANGELES, Cal., April 19.—Queen Eleonora of Italy may suffer the loss of her right arm as a result of injuries received several years ago while working among the Messina earthquake sufferers, according to an autograph letter which Miss Irma Guthrie Wright, a cousin of George Guthrie, American ambassador to Japan, said today she had received from the queen.

ALLIES TRYING TO BRING ITALY TO FIRING LINE

Triple Entente Powers Are Making Strenuous Efforts to Close the Back Door Into Germany and Austria.

EMBARGO ON ALL FOODSTUFFS Italy and Roumania Said to Have Prohibited Passage of Shipments to Teutonic Civilians.

GENERAL LULL IN FIGHTING

The Day's War News

BRITISH ARMY has begun another drive at the important section of the German line which holds communications yesterday in Belgium and the official French report of today states that the British captured 300 yards of German trenches.

SPAIN FRIENDLY TO TRIPLE ENTENTE

Former Premier of Spain in Address Says it is Time for Nation to State Its Attitude.

CITIZENS CARTAGENA AGREEMENT MADRID, April 19.—(Via Paris)—"Silence at present is a crime, for if we wait until the moment of victory to show our sympathy for the victor it is probable we shall be too late," was the assertion made by Count Ayra de Romanos, former premier of Spain yesterday. He pointed out that Spain's foreign policy since the Cartagena agreement in 1907 has been more and more favorable to the triple entente.

The present hours are grave and important," said the former premier, "that it is necessary for Spain to make a solemn declaration. Without violating our neutrality, we must say who among the belligerents we consider our friends." Count Romanos' address was enthusiastically cheered by his hearers.

Triple Understanding. The Cartagena agreement was a triple understanding reached between Great Britain, France and Spain, following a visit of the late King Edward to Cartagena in 1907. The agreement between Spain and Great Britain and France were distinct, although following the same lines.

LONDON, April 19.—Whether the negotiations between Rome and Vienna concerning Italy's demands for territorial concessions have been broken off remains for the moment an official secret, but it appears to be universally agreed that the tension is approaching the breaking point.

Petrograd Butchers Will Not Sell Meat And Riots Result

PETROGRAD, April 19.—(Via London.)—Petrograd butchers refused to sell meat today in protest against a recent government order requiring all retailers that prices must not be raised above rates fixed by the government. Customers, who went to the shops for their usual purchases found them empty. The butchers said there was no prospect that a supply of meat would be available.

MAZATLAN, Mexico, April 19.—(By Radio to San Diego, Cal., April 20)—The Villa movement on the west coast of Mexico is said to be rapidly collapsing. Guaymas is the only port on the mainland commanded by the Villa forces. It is believed the Lower California towns held by Villa troops are unable to resist an attack.

Villa Movement in Western Mexico Now Collapsing

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