

ANTI-BE-LAW OF NEW YORK JOLTED

Oral Wagers Not Violation of
Act, Holds Court of
Appeals.

TWO BOOKMAKERS FREED

Two Judges Decide Record Must Be
Kept or Paraphernalia Used.
Odds, Not Writing, the
Evil, Says One.

ALBANY, N. Y., Nov. 9.—Betting is a crime only when accompanied by a record, registry or the use of some part of the paraphernalia of professional gamblers, according to a decision handed down today by the Court of Appeals.

In effect, the decision holds that oral betting does not constitute bookmaking in violation of the anti-race-track gambling law. The court affirms the order of the lower court for the discharge from custody of Orlando and Sol Lichtenstein, who were indicted in Kings County on a charge of bookmaking.

Odds Not Criminal.

In holding that the laying of odds alone does not constitute a crime, Judge Haught said:

"If a man should offer to bet the odds of his party a pair of gloves or a box of candy, it would be the laying of odds, and punning the same. To hold him to be a bookmaker would, in my judgment, be a departure from the rule that gives to the terms of the statute their ordinary and accepted meaning, and would be a construction which was not within the contemplation of the Legislature."

Laws Should Be Practical.

Chief Judge Cullen, in his opinion, says: "Legislation should be practical, and it is at least doubtful whether a statute making every offer or acceptance of a bet or wager a crime could, in the present state of morals and habits of the community, be enforced. While in reality the statute is directed against gambling, not against its incidents, the law has laid hold of certain incidents on the theory that those being prohibited, the evil itself would be suppressed because of the impracticability of carrying on gambling on a large scale without some of the accessories denounced by the statute."

"How far this plan has proved successful in operation is for the Legislature, not the court, to determine and we cannot hold that the aim of these measures constitutes a crime unless it falls within the terms of the statute."

One Judge Dissents.

In a dissenting opinion, Judge Vann says:

"The Constitution forbids bookmaking without defining it and the statute forbids engaging in it without defining writing in view of the explicit command of the constitution and the history of legislation on the subject as well as the origin of the word bookmaking and its meaning in the country from which we borrowed it. I think the statute prohibits engaging in bookmaking with or without the aid of any writing, because writing is the substance and need not be resorted to; and if resorted to, it is a mere incident."

"Resorting in the business of public gambling by quoting and laying insidious odds to a multitude of persons, was the evil aimed at, not the making of a record of the business, which is comparatively innocent."

LOWER DECISION GAYNOR'S

Mayor-Elect Sustained—Race Track
Status Unchanged.

NEW YORK, Nov. 9.—The status of race-track bookmakers in the Metropolitan district will not be altered by today's decision of the Court of Appeals, except that the seal of the state's highest court is placed on a system which has been employed since shortly after the enactment of the Hart-Appel law.

Betting at the tracks this season has been conducted entirely by word of mouth. The decision, which is affirmed by the Court, is rendered by Justice W. J. Gaynor, Mayor-elect of New York City.

CASHIER GIVES TESTIMONY

Grand Jury Keeps Up Probe of Lew-
iston Bank Shortage.

LEWISTON, Idaho, Nov. 9.—The Federal grand jury at Moscow was occupied all day in taking the testimony of E. C. Smith, cashier, and Lewis M. Gray, Government accountant, in the Lewiston National Bank shortage case. United States Assistant Attorney-General Peyton Gordon says he believes the inquiry will occupy the whole week.

C. W. Robinson, W. E. Chapman are yet to be examined. It is believed Robinson will insist that his superior had knowledge of his transactions, and permitted them on condition that he shoulder the responsibility for all shortages.

Judge Deltrich is awaiting indictments, all other business being practically completed.

TUBERCULAR CATTLE SOLD

Farm Foreman Tells of Conditions
on Idaho Experiment Farm.

MOSCOW, Idaho, Nov. 9.—(Special.)—From Moore, farm foreman of the Agricultural College at the University of Idaho, in an interview today takes issue with Professor Hiram T. French, who was depicted last Spring as director of the Idaho Experimental Station, relative to tubercular cattle having been butchered and sold to local butchers, to be in turn sold to citizens as well as to students of the University of Idaho.

"I told Professor French," said Foreman Moore, "that I could not afford to stay there under the existing conditions, that it was unsafe for my family; and I repeatedly urged him to have the herd tested."

Roller Towel Doomed.

TOPEKA, Kan., Nov. 9.—The State Board of Health has issued a decree against the roller towel, and that time-honored appendage to the country newspaper office and the country hotel will have to go in Kansas.

The roller towel is the most dangerous thing that the public comes in contact with, the Kansas health inspectors claim. The inspectors say that infectious diseases are conveyed through the roller towels used in hotels, railway stations and office buildings.

SHE THOUGHT SHE HAD MARRIED A TITLE, BUT HE WAS
ONLY A "GOLD BRICK."



COUNTRESS D'ALMEIDA, FORMERLY MISS ADAD DURLACHER.

NEW YORK, Nov. 9.—(Special.)—When the "Count D'Almeida" and "Marquis Faucourt" came a-wooing to New York, he met Miss Adah Durlacher and fascinated her with his tales of wealth. Papa Durlacher inquired about the titles and thought they had been proved, so he consented to the wedding. A day after it was celebrated, disquieting rumors came from Paris and the "Count," being confronted with them, acknowledged that the titles he claimed had been bought from a man he had met abroad and admitted that he had probably bought "a gold brick." He has gone into retirement while the matter is under discussion; but his wife says she loves him and not his titles and that she will stick to him.

BANKERS IN TOLS

Thomas Prather and Warren
B. English Arrested.

DUMMY LOANS IS CHARGE

Indictments Are Result of Union
National Bank's Failure and Men
Are Held Under Bonds of
\$5000 Each—Won't Talk.

SAN FRANCISCO, Nov. 9.—As the result of the failure of the Union National Bank of Oakland, Cal., Thomas Prather, who was president of the bank, and ex-Congressman Warren B. English, who was a director, surrendered themselves to the United States Marshal here today.

The indictments were returned secretly several days ago. They were provided with bondsman, who put up \$5000 for the release of each of the bankers. The bank in which the alleged frauds were committed was acquired in August, 1908, by the California Safe Deposit & Trust Company and the Oakland bank suspended business. At the time an investigation was commenced by the Controller of the city.

The two bankers are jointly indicted on the charge of making various dummy loans.

When arrested, Prather declined to make a formal statement. Ex-Congressman English said:

"I am not guilty of any wrong-doing. Upon being notified of the charges I hurried home from the East to meet the accusations."

Both indicted men are well known. English was elected to Congress on the Democratic ticket and has been a member of the National Council of his party. Besides being president of the Union National Bank, Prather is connected with some of the largest corporations in this state.

THIS SALOME BRAND NEW

Gotham Stages Her as Convert of
John the Baptist.

NEW YORK, Nov. 9.—An entirely new version of the story of John the Baptist and Salome was presented last night by Charles Delmore and Mile. Lina Cavalieri, with a strong supporting company, at the opening performance of the Manhattan opera company's fourth season. The opera was Massenet's "Herodias," produced in America for the first time tonight.

In this latest Massenet importation, Salome is represented as a virtuous convert of John the Baptist, whose love she finally wins. The opera ends with Salome a suicide upon learning of the execution, at Herod's jealous command, of her prophet. The dramatic character of the climax is heightened by the suggestion that Queen Herodias, learning that Salome is her long-lost child, by her early marriage, is about to yield to the girl's entreaties and release both her and her prophet.

The plot of the opera, so entirely at variance with both history and tradition, proved artistically satisfactory to a crowded house.

CRAFT IN NOME STREET

Two-Day Storm Wrecks Two Schoon-
ers, Swells Snake River.

NOME, Alaska, Nov. 9.—The second great storm of the year, one even more violent than that which piled up the schooner Olga and a half-dozen other vessels on the beach here two weeks ago, has wrecked the schooner Martha Wilkes, driven the schooner Mary Sachs

ashore far up into the town, damaged buildings along the waterfront, and backed Snake River six blocks up into the street. The fate of the five men who were on the ill-fated Martha Wilkes is not known, as the wreck happened about 50 miles up the coast from Nome.

The storm was the worst since 1908. It began Saturday night and reached its worst at high tide Sunday. Great combers broke on the beach gravel at maximum high-water mark, tearing up the supports of Main-street buildings. Immense seas driven into Snake River overran its banks and spread over part of the town lying in that district. Because of the great height of the water, the Mary Sachs, a coasting vessel, when torn from her anchorage and carried ashore, was lifted far beyond the high-tide line and dropped right into the heart of the city. The Martha Wilkes hugged the lee of Sledge Island at the beginning of the storm, but the increased gale of Sunday night drove her from shelter to Cape Douglas, where she was wrecked.

Though very severe, the storm lasted only two days, having ended yesterday morning about as suddenly as it began.

GIRL FIGHTS HARD WITH ASSAILANTS

Murdered Shopgirl of Cairo
Struggles Against Gag and
Bonds Two Blocks.

FOUR NEGROES ARE CAUGHT

Bloodhounds Follow Trail Again and
Again to Same House—Big Re-
ward Offered to Avenge Tragic
Death of Annie Pelley.

CAIRO, Ill., Nov. 9.—Evidence that Miss Annie Pelley, a Cairo shopgirl, fought through a terrific struggle before succumbing to her brutal assailants last night was discovered today when the authorities were confronted with the task of solving the mystery of her murder.

Bits of torn clothing strewn the alleyway in which children found her disfigured corpse, these mute evidences of the girl's love for life and purity revealing that she fought against her murderers for two blocks.

That her fight was destined to be a losing one was evidenced by the carefully prepared gag and the heavy cloth bands with which her cries for aid were stifled and her strength overcome.

Girl Unusually Strong.

Miss Pelley was a country girl of unusual strength and the authorities are inclined to believe that more than one person was involved in the attack upon her.

Four negroes, a woman named Green and three men—Will James, Arthur Alexander and Will Thomas—were arrested tonight, and are being held as the result of bloodhounds following a trail to Mrs. Green's house.

The first two dogs on the scent followed the trail to the negroes' house. On a second trail they ended at the same place. Three bloodhounds brought over from Wickliffe, Ky., were put on the scent later and wound up at the Green cottage, and for six successive trials the dogs went to the same place.

Two more bloodhounds arrived here tonight and will be placed on the scent.

Large Reward Offered.

Mayor George Parsons, who offered a reward of \$200 early in the day, increased it to \$1000 later and a large fund is being subscribed by the citizens in addition.

Evidence indicates Miss Pelley was attacked in front of her home and dragged nearly a block and a half to an alley.

The victim of the crime was 24 years old. She came here a few months ago from Kansas, Ill., and has been living with a married sister. Because she frequently spent the night with girl friends there was no fear felt by her relatives when Miss Pelley failed to return last night.

She was on her way to take a car home from her work in a drygoods store when last seen by friends, and it is thought the crime was committed early in the evening, at least 12 hours before the body was found.

CO-EDS TO HAVE HOME

SOCIETY WOMEN OF EUGENE TO
BUILD BUNGALOW.

Headquarters for Girls to Rise Near
Campus—Campaign to Begin
Next Friday.

UNIVERSITY OF OREGON, Eugene, Or., Nov. 9.—(Special.)—To build a handsome bungalow to serve as the general headquarters and center of co-ed student life at the University of Oregon, is the unique plan of a number of prominent Eugene society women, including the wives of several university professors.

The bungalow is to cost about \$3000 and will be constructed along craftman lines. It will have one large room for meetings and social affairs, with a small kitchen, bath and rest room. The building will be constructed on a lot just outside the college campus owned by the University Young Women's Christian Association, which will be in charge of the bungalow after it is completed.

At a meeting of the officers of the association, which was held Friday evening in Villard Hall, President Campbell is much pleased with the interest the women are taking in the bungalow. The campaign is being conducted by the

WHEAT ADVANCE IS SHARP

Chicago Quotations Respond to
Activity at Liverpool.

CHICAGO, Nov. 9.—The wheat market opened quietly this morning, with slight indications of an advance, but before an hour had passed the demand became urgent, in sympathy with the increased prices in Liverpool and other European markets, and active trading resulted, with a rapid advance, until the close of the market saw the December option up 2 cents above the opening quotations, at 11.04 1-8. The market closed strong, and further advances are expected tomorrow.

The bulge in the market was entirely unexpected, for the reason that for the past several days the market had been sagging, and the big receipts from the Northwest and the favorable conditions shown by the Government's crop reports, no ray of hope seemed to be in sight.

The corn market, in sympathy with the bulge in wheat, strengthened up, and was aided by the reports of heavy rains and storms in the Missouri Valley corn districts. The corn market closed strong, with the December option at 58 1/2c.

SMUGGLERS SOUGHT FOR

Chinese Are Believed to Bring in
Contraband Opium.

VICTORIA, B. C., Nov. 9.—For some days past inquiries have been made here by the United States authorities concerning reports that opium and Chinese are being smuggled from Victoria to Washington by way of the Gulf Islands in a gasoline launch.

Recently a number of Chinese were brought across as stowaways on the steamers Minnesota and Cymric, being found by the United States immigration officers when the steamers were at Puget Sound ports. On the Cymric a number of cases of opium were shipped from Hongkong to this port some months ago and were stowed away in the hold, on arrival back at Hongkong, to contain treacle tinged with opium water, which had been substituted.

It was then alleged that the scheme to land this opium and run the Chinese had originated in Victoria, and an investigation is being made.

Argentina Feeds England.

WASHINGTON, Nov. 9.—Britons are looking to Argentina for their supply of "the roast beef of old England," and are turning more and more to Argentina for meat and cattle.

R. N. Bartlett, Consul General at Buenos Ayres, informed the Department of Commerce and Labor today that the traffic in beef from Argentina to England was growing rapidly and that the British Isles are becoming more and more dependent on the South American republic for their meat supplies.

Fully one-fourth of the \$13,000,000,000 worth of gold produced in the world since the discovery of America has come from the mines of the United States.

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Park Place, and then to Grants Pass. Two weeks ago he went to Camas to live with his two daughters, where he died. He was buried in the Clackamas Cemetery. He leaves seven sons and two sisters.

CLIMB M'KINLEY, HIS OFFER

Timber Cruiser Would Perform Feat
for \$10,000.

CENTRALIA, Wash., Nov. 9.—(Special.)—Paul De Champlain, head timber cruiser of the Milwaukee Land Company, and who has had considerable experience in Alaska and spent one summer in the vicinity of Mount McKinley, ascending one-third of its height, stated today that for \$10,000 he would guarantee to climb Mount McKinley and do it in such a manner that no doubt would exist about the performance of the feat.

De Champlain says anyone that climbs the mountain may leave a staff and flag there that may be seen for many miles with a glass.

PEARY SEEKS NO SOUTH POLE

Commander's Wife at Washington
Denies Reports to Contrary.

WASHINGTON, Nov. 9.—Commander Robert E. Peary, who has taken up his residence with his family in Washington, is not contemplating an expedition to the South Pole.

Mrs. Peary declared late today, when informed of a report that the Commander would head an expedition to seek the South Pole within the next five years, that she knew positively this was untrue.

BLOW DEALT GRAFT CASES

First Post-Election Action Taken in
San Francisco.

SAN FRANCISCO, Nov. 9.—The first post-election action in any of the cases incidental to the so-called bribery graft developments was disposed of today, when four of the nine men accused of having abstracted private papers from the office of Special Agent William J. Burns were discharged by Police Judge Deasy.

They were Albert McKinley, Jerry Van Wines, Rex M. Hamlin and William J. Corbin.

The five other men against whom similar charges are pending will appear before Judge Deasy on November 23.

DIVORCEE BRIDE IS SUED

Lawyer-Husband Makes Startling
Charges Against Banker.

LOS ANGELES, Cal., Nov. 9.—(Special.)—Attorney George S. Hupper, who married Mrs. Elsie Schenck, former wife of a politician, after acting as her attorney in getting the divorce, today filed suit for divorce himself.

He is reticent about the grounds stated in his petition, but friends who have seen the papers say they contain sensational allegations involving the name of Charles Sandgren, a local banker.

Mrs. Hupper recently secured an injunction to prevent her mother-in-law selling two diamond necklaces, given as security for a loan. Mrs. Hupper is well-known in society circles throughout the country.

EVIDENCE IN; CONFESSES

Man Accused of Forgery Admits
Guilt After Woman Testifies.

BELLINGHAM, Nov. 9.—C. A. Baker, an architect of Everett and Seattle, pleaded guilty today to a charge of forgery after all the evidence was in and the case ready for the jury.

Mrs. Clyde Lutes, wife of the man charged with passing the forged paper, and who had appeared as a witness for the defense, was placed on the stand by the state in rebuttal and admitted that she had accepted \$50 from Baker to testify in favor of the prisoner. After hearing her testimony Baker pleaded guilty.

Baker and his accomplice were caught in British Columbia, after leaving a string of bad paper from San Francisco to Bellingham. The trial had been in progress two days.

Seattle Entertains Germans.

SEATTLE, Wash., Nov. 9.—Officers and men of the German cruiser Arcona, which arrived in the Seattle harbor yesterday morning for a two days' stay, were taken on sightseeing trips about the city today. At noon the officers were guests at a luncheon given by J. E. Childberg. Tonight the officers of the cruiser entertained on board the warship. The cruiser sailed at 11:30 o'clock tonight for Los Angeles.

Hillsboro Jury Drawn.

HILLSBORO, Or., Nov. 9.—The County Judge, County Clerk and Sheriff today drew a jury list for the approaching term of Circuit Court, which convenes on Monday, November 22.

This will be the heaviest term of the year and several criminal cases will be ready for trial, with one murder case.

Astoria Marine Notes.

ASTORIA, Or., Nov. 9.—(Special.)—On her next trip out the steamer Falcon of the American-Hawaiian line will take 20,000 cases of salmon from this port en route to the Atlantic Coast.

A bill of sale was filed in the Custom-house today whereby Oscar Olson

For Nine Years the Home of the Nemo Corsets

Lipman-Wolfe & Co. Buy Now
\$1 Down; \$1 Week

Today Only, Special \$26.75



—38 Suits delayed in transit—not our fault—not our loss—It's of little moment to you—Your interest in these Suits centers in the style and MONETARY INDUCEMENT offered for their sale. Below we describe them:

—Refinement furnishes the keynote of these Suits. They are beautifully man tailored and made in the full length coat design