

THE LITIGATION SHALL BE HEARD MONDAY

Attorneys Get Postponement After Both Sides File Briefs.

PLACE OF ACTION ISSUE

Panama Action in Federal Court Because New York World Circulates at West Point—Defense Objects to Supreme Court.

WASHINGTON, Oct. 21.—When the Panama libel suit of the United States against the Press Publishing Company of New York was called for argument today in the Supreme Court of the United States, the attorneys obtained a postponement until Monday.

The case was not reached until so late in the afternoon that the argument could not have been completed today had the attorneys proceeded. The present plan of the court is to hear the case after the rendering of opinions on Monday.

Briefs on behalf of the Government and the Press Publishing Company were filed in the Supreme Court of the United States today.

The case is that in which ex-President Roosevelt ordered the Department of Justice to proceed against the publishers of the New York World because of the publication of stories to the effect that state had been favorably inclined toward the purchase of the Panama Canal property by which capitalists, including Charles P. Taft, brother of the President; Douglas Robinson, brother-in-law of ex-President Roosevelt; and others were charged with having reaped great financial benefit.

Legality of Action Contended.

Because of the fact that the World circulated upon the Government reservation at West Point the libel proceedings were brought in the Federal Courts and on the legality of this action depended the chief contentions of the defendant's counsel.

The brief for the Press Publishing Company was filed by Delaney Nicol, of New York, assistant counsel. This contended that even though the language of the act of 1898 was literally broad enough to cover the case, it should not be so construed for several reasons. The foremost of these was that the "general acquiescence of legal minds for nearly a century in the negative of the proposition forbids the construction now for the first time asserted by the government."

Another reason advanced against the Government construction was "that the whole history and life of the country is against the construction now for the first time asserted by the government."

The Government's brief was argued by Attorney-General Wickersham, James M. Reynolds and Stuart McQuinn. It not only contained a statement of facts, but an argument in support of its position that the indictment against the Press Publishing Company should not have been quashed.

History of Case Reviewed.

"In effect," says the Government's brief, "the published article charges that Charles P. Taft, Douglas Robinson and William Nelson Cromwell, with J. Pierpont Morgan and others acting through an American syndicate, obtained control of the securities of the Panama Canal route and its properties for the approximate sum of \$5,000,000. Aided by the intimacy which they enjoyed with Theodore Roosevelt, then President of the United States, and through in-law connections with Douglas Robinson and William H. Taft, then Secretary of War, and brother of Charles P. Taft, and by the co-operation of these officials with them, they were enabled to effect the sale of the Panama Canal to the United States for \$40,000,000 and reap a profit of some \$30,000,000, which was divided, as charged, among Government favorites in the world of politics and finance."

The substantial question which the Government holds is before the court was set out in the brief as being whether or not the United States courts have jurisdiction to punish a corporation which printed in the City of New York a newspaper containing a libel criminal under the laws of the State of New York, and circulated copies of the same within the Federal Territory of the same within the Federal Territory West Point. The Government's claim is based on an act of Congress of 1898 which the Government urges "operates to transfer the state law to Federal territory, for the purpose of punishing acts committed there which, if performed outside and in the jurisdiction of the state, would be amenable to its laws."

Place of Action is Issue.

In the Government brief, it is argued that it is not only the right, but the duty of Congress, so to legislate concerning territory under its exclusive jurisdiction as to preserve peace and good order therein.

O'Connell on Way to Portland.

DETHRONED MONARCH WHO IS IN EXILE AND SEVERAL PICTURES OF WOMAN WHO AIDED IN HIS DOWNFALL



KING MANUEL, OF PORTUGAL, AND MLE. GABY DES LYS (GABRIELLE OF THE LILIES).

LIST NOT COMPLETE

Disasters at Sea in Storm Remain to Be Counted.

50 MEN STILL MISSING

Authentic Reports Received So Far Show Total of 13 Drowned in Shipwrecks—Most Florida Towns Weathered Blow.

JACKSONVILLE, Fla., Oct. 21.—Only the disasters at sea remain to be counted in obtaining complete reports of the damage done by the great hurricane which swept this state early this week.

Word came from St. Augustine today that three dead had been found in the wreck of an unidentified four-masted schooner near Delroy.

PASSENGERS ARE THANKFUL

Steamer Comus' Experience in Hurricane Very Exciting.

NEW YORK, Oct. 21.—With her 39 or more passengers thankful that they had escaped safely through the hurricane which swept the Gulf and the Caribbean, the Southern Pacific steamer Comus reached port today from New Orleans, four days late.

"The Comus left New Orleans on Wednesday, October 12, and had hardly got into the Gulf when the storm broke. C. De Molinieux, secretary to G. W. Luce, general freight agent of the Southern Pacific Company at San Francisco, told the story today of the exciting experience on the steamer.

"Things began to look alarming on Thursday," said Mr. Molinieux, "and on Friday conditions grew rapidly worse. By Friday night we were in the thick of the hurricane, which Captain Maxon said was the worst he had experienced in 17 years of sailing in these waters. Although the hatches were battened down and everything was locked tight, water forced its way into some of the state-rooms. The decks were continually swept, but both sea and wind continued high and there was not enough sun for an observation. An effort was made to find the vessel's location by soundings, but without result. By Monday things were improved enough to give some encouragement and on Tuesday, when the captain was able to get an observation and head for the Florida Straits, we all felt we had weathered the worst experiences in our lives."

The Southern Pacific steamer Cracle, arrived this morning from New Orleans, 24 hours behind her schedule, reporting that on Monday last she was "holed" for 24 hours and that on Tuesday, while passing through the Florida Straits, she had passed a wrecked sailing vessel and two steamships ashore.

The Brazos of the Mallory line, came into the harbor three days late with

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LONDON, Oct. 21.—(Special.)—His friends fear that poor King Manuel will become a nervous wreck. He never ventures outside the gardens of his palatial stopping place and would not even leave his room did not his mother, Queen Amelie, insist on it.

Manuel looks wrecked, thin, worn, scared, unkempt, in fact. With broken step he walks around the gardens, always lamenting his fate and saying he has nothing left to live for now. His mother is always with him and has him under complete control. He is a boy with no strength of character, emotional, artistic and with all his father's intensest addiction to luxury and pleasures. He is very polite and grateful to those about him, but rebuffs all efforts to arouse and amuse him.

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Manuel talks constantly of his grief at the hatred of his people and the popular declaration that his downfall was largely due to the influence of Gaby des Lys, the actress of whom he was enamored.

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The exiles receive numerous despatches by messenger from Lisbon daily. Several Portuguese monarchists have called on them whose names were not given to the newspaper men.

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It is reported here that Queen Amelie cannot last many days and her son will be recalled, that the Braga ministry already has narrowly passed through two crises and that the threatened economies in the Portuguese civil and military services have raised a host of enemies against the new government.

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Tont to Confer With Del Val.

MYSTERY MADE OF COUNTESS' INJURY

Fall Over Banisters Results Seriously; Husband Not in Attendance.

TWO VERSIONS ARE TOLD

Secrecy of Family of Countess de Beaufort Is Strange Feature. Residence of Kilgallens in Chicago Is Deserted.

CHICAGO, Oct. 21.—(Special.)—Countess de Beaufort, who formerly was Miss Irma Tracy-Kilgallen, of 1239 Michigan avenue, is at St. Luke's Hospital today in a serious condition from injuries received yesterday afternoon at her home under circumstances that every one has made every effort to keep secret.

Mr. and Mrs. Kilgallen, the young woman's parents, spent all night at the hospital at their daughter's bedside and were with her while her injuries, that included a broken leg, were being attended to. The Count, her husband, did not go to her room.

Family Makes Mystery.

Efforts to keep all knowledge of the incident a secret began immediately after it happened. Today the Kilgallen residence was apparently deserted. Servants declared that the family was in the country. At St. Luke's Hospital it was denied that there was any record of any such patient as the Countess de Beaufort. At the offices of the Chicago Heights Land Company, in the Corn Exchange Building, which, Mr. Kilgallen heads, it was said he had not been there since yesterday afternoon. Count de Beaufort was not at the hospital today, nor could he be found.

Two Versions Told.

"Irma and I," he explained, "were standing at the head of the stairway. She was on the stairway and I was on the floor above. She had hold of my hand and was leaning across the banister. In some manner she lost her balance, fell over the banister and crashed to the floor below."

Her father's statement.

M. H. Kilgallen, father of the Countess, yielded tonight and made the following statement:

"There is nothing mysterious about the accident. My daughter was hurt Thursday afternoon at my residence. She was on the third floor and was going down to the second floor. She stepped on a small rug on the landing between the floors. The rug slipped and in trying to regain her footing she fell over a small railing. My wife saw the accident, and also did the Countess' husband. They, however, were not near enough to save her. It was a miracle that my daughter was not more dangerously hurt."

Mrs. Lang's Suit Halted.

Lang Interposed a demurrer to the complaint of his former wife, upon the ground that various members of Lang's family who are charged with having conspired to practice fraud on Mrs. Lang were not made parties defendant in the suit. Argument will probably be made on the demurrer as soon as Judge Campbell can hear it.



From the greatest stars of grand opera clear through to "Bones" and "Tambo" of the minstrel show on the Victor.

In between there's charming vaudeville sketches, band and orchestra music symphonies, special dance music, comic songs, ballads, sacred selections—everything that the heart may desire.

And all played and sung in the world's best way, as the Victor alone can play them.

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