## LIBEL SUIT WILL 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 so-States against the Frees Publishing Company of New York was called for argument today in the Supreme Court of the United States, the atterneys obtained a postponement until Monday.

The case was not reached until so late in the afternoon that the account of 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 there had been favoritism in the purchase of the Fanama Canal property by whitch contraints to the publisher Charles by which capitalists, including Charles P. Tafi, brother of the President; Douglas Robinson, brother-in-law of ex-President Roosevelt, and others were charged with having resped great financial benefit.

Legality of Action Contended.

Because of the fact that the World circulated upon the Government reserva-tion 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 defendants'

The brief for the Press Publishing Company was filed by Delancey Nicoli, 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 acquiesence of legal minds for nearly a century in the negative of the proposicentury in the negative of the proposi-tion forbids the construction now for the first time asserted by the Government."

#### Action Held Unprecedented.

During this period we have passed through the most momentous events of our history," said the attorney. "In all the fierce discussions of the press no one has ever held till now that the cours of the United States have juris-diction to punish a libel first printed, published and circulated in one of the states and which, in the course of a general circulation, has bappened to pene-trate into this Federal reservation."

Another reason advanced against the Government construction was "that the whole history and life of the country is utterly at variance with any such construction," the necessary result of which, it was contended, would be to confer upon the National authority a general control over the press of the general control over the press of the The Government's brief was argued 50

James M. Reynolds and Stuart McNa-mara. It not only contained a state-ment of facts, but an argument in sup-port of its position that the indict-Atterney-General Wickersham, inst the Press Publishing should not have been

### 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. tained control of the securities of the Panama Canal route and its properties for the approximate sum of \$3,000,000. Added by the intimacy which they enjoyed with Theodore Rooseveit, then President of the United States, and brother-in-law of Douglas Robinson and William H. Taft, then Secretary of War, and brother of Charles P. Total Mar, and brother of Charles P. Taft, and by the co-operation of these officials with them, they were enabled to the United States for \$40.000,000 and reap a profit of some \$28,000,000, which was divided, as charged, among Gov-ernment favorites in the world of pol-ities 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 The Government's clair 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 amendable to its

### 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.

The fact that one may be punished for lessuing a libel in New York is no rea-son," says the Government, "for allow-ing him to go free of all punishment for circulating it at West Point. The people in the latter place are entitled

The inconvenience to the accused of being subjected to prosecutions in sun-dry places, where their alleged libels are circulated, was met with the argument that "the inconvenience which may be suffered by criminals has not

may be suffered by criminals has not generally been regarded as adequate reasons for permitting them to operate without restraint."

The suggestion that the offense charged could be punished in New York State courts and therefore was not intended to be included in the act of 1898 brought forth the argument from the Government "that the state of New York cannot punish an offense com-York cannot punish an offense com-mitted at West Point against the United States."

### O'Conner on Way to Portland.

SEATTLE, Wash... Oct. 21.—T. P. O'Connor, the Irish leader, who is touring America, addressed a large audience here tonight on "Home Rule." During the day he addressed the students at the University of Washington and was entertained at luncheon by the Scattle Press (Ilub. He left late tonight for Portland.

The Southern Pacific steamer Creole. The Southern Pacific steamer Creole was entertained at luncheon by the Scattle Press Club. He left late to-night for Portland.

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



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

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. Although wire and rall communication has not been restored to many places in the state, including Miami and Key West, all points for which fears were enter-tained have been heard from and all weathered the big blow in fairly good

shape.

Thirteen drowned in shipwrecks is the most authentic count at hand today, including those reported last night on both coasts of Florida. Word came from St. Augustine today

that three doad had been found in the wreck of an unidentified four-masted schooner near Detray. The missing total at least 50, including the crew of nine on the oil barge Dallas, which broke adrift from her tow in a 100-mile blow on Tuesday.

PASSENGERS ARE THANKFUL

Steamer Comus' Experience in Hurricane Very Exciting.

NEW YORK, Oct. 21.-With her 39 or nore possengers thankful that they had passed safely through the hurricane which swept the Gulf and the Caribbean, the Southern Pacific steamer Comus reached port today from New Orleans, four days inte.

four days late.

The Comus left New Orleans on Wednesday, October II, and had hardly got into the gulf when the storm broke.
C. De Molineaux, 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. Molineaux, "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 staterooms. The decks were continually swept, the steamer pitched and rolled frightfully and everybody, even Captain

frightfully and everybody, even Captain Maxon, gave up the ship for lost. Maxon, gave up the ship for lost.

"Conditions improved the next day, however, 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 us 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 Creole, arrived this morning from New Orleans.

windows smashed and deck rails bent and twisted by the force of the storm. Cabins and saloons were water-soaked and the wireless appara-

tus was disabled. The Ogeechee, a small freighter, of the Texas Steamship Company's line, was due at this port yesterday, but has not been reported.

LINER'S PASSENGERS ARE SAFE

Cargo Will Have to Be Removed to Save Steamer Louisine.

vana.)-The United States cutter Forward returned here today, bringing the rest of the passengers from the Fre trans-Atlantic steamer Louisine, which went ashore on Sombrero Reef during the hurricane on Monday. of the 547 passengers reached here yes-

The captain of the Louisine reports that it will be impossible to save his ship until the cargo has been removed. The captain of the Norwegian steamer Fos, fast in the quicksand at Mar zuese, has arrived at Tortugas Island, and reports his vessel in good condi-tion. He will return to her today to

discharge cargo. The bark Hugo was towed into port last night by the tug Astral.

The ballast steamer Miami will depart today for Jacksonville with the mails. The steamer Mascotte is ex-

pected from Jacksonville with mails during the day.

The American steamer Herman
Frasche, which was ashore off Alligator

Light, has been floated and is being towed into port. The schooner Hanson B. Boecher is reported water-logged and dismasted off Cape San Antonio, Cuba.

TACOMA RAILWAY & POWER COMPANY LOSES FIGHT.

Corporation to Turn Over \$340,113 to City as Its Assessment for Past Three Years.

TACOMA, Wash., Oct. 21.—The Tacoma Railway & Power Company will on Monday send County Treasurer Meath a certified check for \$340,113, representing taxes for the years 1907, 1908 and 1909. Of this amount \$20,000 is interest. Thus the city wips its long fight.

the city wins its long fight.

The taxes for 1907 will be paid under protest because of the assessment in that year of the franchise under which the company operates in this city. This question has been decided in favor of the county by United States District Judge Hanford, but will probably be appealed by the company to the United States

Court of Appeals. The decision to pay came as a result of a conference today between representatives of the county and J. B. Howe, general counsel, and L. H. Bean, general manager of the street railway company. Treasurer Meath had threatened the lines of the traction company,

### GRAVE FEARS ARE FELT

(Continued From First Page.)

(Continued From First Page.)

Helvetia at Ville Marie, Quebec, arrived at Cobait en route to Montreal, satisfied that they have out-distanced all competitors by several hundred miles.

"We were 46 hours out when we landed," said Schaeck. "We could have gone farther, but it was the only settlement we could see for a long stretch of the country and we decided to alight."

The aeronauts reported that several persons had fired at the balloon during the trip.

Dethroned King Droops and Bemoans His Fate.

KEY WEST, Fla., Oct. 21 .- (Via Ha- GAFY DES LYS IS BLAMED

Former King Says Passion for Parisian Singer Was But Passing Fancy, and Resents Her Published Interview.

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

Manuel looks wretched, thin, worn, scared, unkempt, in fact. With broken step he walks around the gardens, al-

ways 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, emo-tional, artistic and with all his father's intense addiction to luxury and pleasures. He is very polite and grateful to those about him, but rebuffs all efforts to arouse and amuse him.

Manuel talks constantly of his grief at the hatred of his people and the pop-ular declaration that his downfall was largely due to the influence of Gaby des Lys, the actress of whom he was enam-

"I care nothing for Gaby des Lys," he has said often since the downfall of his kingdom. "My passion for her was but a passing fancy."

Manuel reviews the interviews given by the dancer in which she has de-clared herself the sweetheart of the dethroned King.

Both King and Queen, it is said, felt intensely the Spanish government's re-

fusal to permit them to go to her mother's Villa Manrique near Seville. But the Queen, a fine positician, must recognize that this is not the time for King Alfonso to do anything that would give pretext or capital to his enemies. 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.

not given to the newspaper men It is reported here that Queen Amelle says the Republican government can-not last many days and her son will be recalled; that the Braga ministry al-ready has narrowly passed through two crises and that the threatened economies in the Portuguese civil and mili-tary services have raised a host of enemies against the new government.

### More Freedom Is Given.

LISBON, Oct. 21 .- Decrees were published today abelishing the exceptional laws put in force with the advent of the republic, including those concerning anarchists and the ones restraining newspapers from publishing undesirable news.

All the bishops and the higher members of the clercy have announced their bers of the clergy have announced their adhesion to the republic. Soldiers who fought in the revolution have been grant-ed four months' leave of absence with

full pay.

The Minister of the Interior has declined to introduce a number of meas-ures favored by the Socialist party, which has promised to support the government.

order that he may confer with Cardinal Merry del Val, the papal secretary of

on the religious situation in Porti

Tonti to Confer With Del Val. ROME, Oct. Il.—According to the Osservatore Romano, the Vatican organ, Mgr. Tonti has been called to Rome in

SECOND FLOOR CORBETT BLDG.

## 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-Kigallen, of 3230 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

weery one has made every elect to keep secret.

Mr. and Mrs. Kilgallen, the young woman's parents, spent all night at the hospital at their daughter's beside 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 Kilgalien residence was apparently deserted. Servants declared that the family was in 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 Bunding, which Mr. Kingalien 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.

To one of his personal friends, however, the Count gave one of the two ever, the Count gave one of the two versions that there are of the accident that resulted in his wife's injuries.

### Two Versions Told.

"Irms 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."

The other story was that the Count and his wife were descending the stairway when the Countess foot slip-ped on a rug and she plunged head foremost over the banister. It was said that she and the Count were alone in the house at the time, except for the

servants.

However, later it was declared the parents were in the house and reached her side a moment after she was in-

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 afterneon 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 alipped and in trying to regain her footing she fell over a small railing. My wife saw the accident, as also did the Countess' husband. They, however, were not near enough to save statement: 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 Ex-Husband Enters Demurrer to

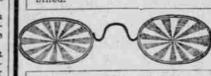
Charges Involving Family.

OREGON CITY, Or., Oct. 21.—(Special.)—Legal formalities have combined to halt the progress in the suit of Mrs. Alice Marie Lang against Louis Lang, a prominent Portland business man, in which the divorced wife of Lang seeks

## THE DANGERS OF **BARGAIN' GLASSES**



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to set aside the decree of divorce and to have the original suit reopened, charging her husband and members of his family with fraud.

After Mrs. Lang's complaint was filed, the attorneys for her divorced husband, Malarkey, Seabrook and Stott, entered a motion to strike out portions of the complaint. This was overruled on October 11 by Judge Campbell, who allowed Lang 10 days in which to file further proceedings. On October 15



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