

JUDGE'S RULING IS IN FAVOR OF BIXBY

Prosecution Not Permitted to Impeach Assertion as to Moral Status.

LAWYER ON DEFENSIVE

Testimony in Case Involving Millionaire in Serious Charges Expected to Be Completed by Both Sides Today.

LOS ANGELES, Sept. 26.—An advantage was secured today by the defense at the trial of George H. Bixby, the Long Beach millionaire, charged with offenses against girls, when Judge Bledsoe ruled that no testimony designed to impeach the statement of the defendant that he had had no immoral relations with any inmate of the Jonquil "Hotel" could be offered.

W. H. Stevens, one of the attorneys who represented Cleo Helen Barker, Mae Brown-Levy and Jeanette Ellis in damage suits against Bixby for \$50,000 each, was then sworn as a witness. He said he had been employed by the mothers of the girls and had interviewed three men they had accused, to learn if there were foundations for suits against them. He said those men were W. H. Evans, an elderly justice of the peace, Octavian Morgan, 64 years old, an architect, and the defendant, Bixby.

Justice Evans told me he never had been intimate with either the Barker girl or the Brown-Levy girl," said Stevens, "but that he had visited the Jonquil "Hotel" and had seen Myrtle O'Dair, whose picture he said he carried in his wallet until the exposure of that report was made by the police.

"I never demanded money from him nor from either of the others. I did not know there was apparently no ground for a suit against him and none was brought.

"Regarding Mr. Morgan, I received from him for my clients checks for sums aggregating \$2500. They were given by him in voluntary settlement after I had told him the mothers of the Barker and Brown-Levy girls as well as the mothers of the girls who had been injured by acts they attributed to him. When he made his voluntary settlement I gave him a written receipt and written promise that no damage suit would be brought against him.

Suits Against Bixby Charged. "Suits were brought against Bixby, but only after men who told me they were emissaries of that Haskins, one of Bixby's attorneys, said Haskins had said settlements of claims against Bixby would not be made before suits were filed. My clients had planned at first to sue Bixby on the grounds of seduction, but later found that the alleged facts did not justify such action."

Stevens' testimony was heard with special attention, in view of the suggestion by Judge Bledsoe that charges against him and his partner, Charles S. McKelvey, be made before the Los Angeles County Bar Association because of acts attributed to them as attorneys for girls whom the defense freely termed blackmailers.

Adjournment was taken until tomorrow, when it was expected tonight, all testimony for both sides would be completed, leaving the way clear for the beginning of arguments Monday morning.

DIGGS RULING AGREED TO

Federal Judge in Pennsylvania Differs With Kansas Jurist.

PHILADELPHIA, Sept. 26.—Disagreeing with the opinion of the Kansas judge who recently held that it was necessary under the Mann "white slave" act to establish that the woman was for commercial purposes, Judge Thompson in the United States District Court here today sent W. D. Mayhew Gillies, a young married man of this city, to serve a year and eight months in the penitentiary for persuading 18-year-old Florence Summerschuch to elope with him to Buffalo last February. Gillies also is under indictment, charged with taking Jessie Odyette, 19 years old, from this city to Buffalo.

Counsel for Gillies in arguing for a suspension of sentence quoted the recent Kansas decision that the Mann act was not intended to punish a man for an indiscretion.

"The crime for which this man was found guilty is undoubtedly covered by the statute," declared Judge Thompson, who then pronounced sentence. His ruling is in line with the ruling of Van Fleet in the Diggs-Caminetti cases in San Francisco.

LITERACY TEST UP AGAIN

Bill Vetted by Taft May Be Passed by New Congress.

WASHINGTON, Sept. 26.—An attempt will be made before the adjournment of the special session of Congress to pass an immigration bill with a literacy test as its leading feature, such as was vetoed by President Taft.

At a meeting today of the House committee on immigration the old Burnett-Dillingham bill, which met Mr. Taft's disapproval, was ordered reported to the House. Democrats back of the measure will get to work immediately to have this legislation introduced by the caucus, an action which is necessary to insure its consideration at the present session.

The bill came within seven votes of passage over Mr. Taft's veto and the completion of the House has changed materially since then.

SIUSLAW RESURVEY ASKED

Port Commission Ready to Issue Bonds for Improvement.

OREGONIAN NEWS BUREAU, Washington, Sept. 26.—Porter Brock, Timber Company, representing timber owners in the Siuslaw, have requested Senator Lane to secure a new survey of the proposed Siuslaw harbor improvement. They assert that the Siuslaw River Port Commission is ready to issue bonds for the continuation of the improvement upon the completion of the survey and the granting of Government authority to proceed in accordance with it.

German Aviator Killed.

JOHANNISTHAL, Germany, Sept. 26.—Lieutenant Schulz, a German military aviator, was killed here today. His monoplane capsized at a height of 150 feet.

TEACHER, PART CHOCTAW INDIAN, WHO HAS BEEN CHOSEN FOR POST IN TREASURY.



GABE E. PARKER.

TEACHER GETS JOB

Register of Treasury Taken From Indian School.

RED MAN IS RECOGNIZED

Being One-Eighth Choctaw, Gabe E. Parker Is First Person of Indian Blood to Hold Important Federal Place.

WASHINGTON, Sept. 26.—(Special.)

Gabe E. Parker, the new Register of the Treasury, who has the distinction of being the first man of Indian blood to hold an important Government position, is another example of the Administration's preference for pedagogues. Mr. Parker, who is one-eighth Choctaw Indian, has spent the last 14 years in teaching Indian boys in the Government Indian schools of Oklahoma.

Mr. Parker is a native of Oklahoma, and in addition to his Indian blood includes Scotch, Irish, English and French Huguenot in his ancestry, making him probably one of the most representative Americans in the Government service. He was educated in the Choctaw tribal schools and later attended the Henry Kendall School in Muskogee, Okla., receiving the degree of bachelor of arts.

Half-Breed Takes Place in School. As soon as he had completed his education he began teaching in the Government schools for Indian boys and soon rose to be superintendent of the Armstrong Academy, which position he left to accept the appointment as Register of the Treasury. When Mr. Parker left the academy he installed in his place as superintendent one of his pupils, who is half Choctaw Indian.

Mr. Parker was a member of the Oklahoma constitutional convention in 1907, when the territory of Oklahoma was admitted to statehood, and he designed the seal of the state of Oklahoma, which is considered unique among state seals in design and significance.

Seal Unique in Design. The principal part is a large star representing the new state. Between the points of this star are 45 small stars representing the other states. In the center of the large star is the seal of the territory of Oklahoma and in each of the points is the tribal seal of one of the civilized tribes of Indians.

Mr. Parker is especially proud of this original design and takes great pleasure in showing it to his new friends in Washington. He will be sworn in and will take up his duties October 1.

For many years the office of Register of the Treasury has been held by a negro.

FIANCEE STAYS LOYAL

WOMAN REFUSES TO BELIEVE SHE WAS FLEECE.

DETECTIVES ARREST MAN WHO SAYS HE IS ENGLISH NOBLEMAN AND INVENTOR OF AEROPLANES.

OAKLAND, Cal., Sept. 26.—(Special.)—In spite of the protests of the woman he is alleged to have fleeced after promising to marry her, Manuel D. Lewis, self-styled scion of English nobility and aeroplane inventor, was arrested today at the home of his fiancée, Mrs. Minnie Downey.

Lewis is alleged to have induced Mrs. Downey to mortgage the furniture of her Oakland home and property in Santa Rosa to advance him \$300 which he is reported to have said he needed until a legacy of \$25,000 from an uncle in England reached him.

While the case was reported to the police by friends of Mrs. Downey, the woman protested against the arrest, broke down when Lewis was taken into custody and accompanied the detectives and their prisoner to police headquarters, where she made a final protest against the arrest, still believing in his innocence. A charge of obtaining money under false pretenses will be made against Lewis.

Lewis met Mrs. Downey a short time ago and proposed marriage to her. The wedding was to have taken place soon, it is said.

Mrs. Downey has a son, who is seriously ill and was badly in need of money, it is said, when she made the loan to Lewis.

STRAUB IS TRANSFERRED

Colonel Ludlow to Succeed in Command at Fort Stevens.

OREGONIAN NEWS BUREAU, Washington, Sept. 26.—Lieutenant-Colonel

Oscar I. Straub, under orders issued today, is relieved of command and the coast defenses of the Columbia and of Fort Stevens and ordered to Fort Moultrie, S. C. He will be succeeded by Colonel Henry P. Ludlow, now on duty at the Army College in this city.

Captain Edgar H. Yule, field artillery, is relieved of command and ordered to instruct the field artillery of the National Guard.

Colonel Charles J. Bailey, coast artillery, now stationed at Fort Worden, Wash., has been promoted to the grade of Brigadier-General, to take effect October 10, when General Hoyt retires.

The Secretary of the Navy is considering the promotion of Commander Thomas Washington, commanding the cruiser Charleston at the Puget Sound Navy-yard, to be Judge Advocate-General of the Navy, and is deterred only by reason of the fact that Commander Washington is from the Secretary's own state. Secretary Daniels hesitates about making this appointment for fear it will be charged he is showing partiality to North Carolinians.

Charges of Cruelty Met. "As to the charges of cruelty," continued Henley, "I propose to speak very briefly. Respecting the alleged act of a witness, which of course, does not exist in this case.

"Undoubtedly brutality of the plaintiff drove his wife to the point of despair and she was for a time seized with a mad impulse to make away with herself, but even if proven that she did attempt to shoot her husband, it is not violence in sufficient upon which to base a charge of extreme cruelty.

"Major Murphy said on the stand that he had seen the woman and a contingent to meet what charges should be made against him—all to find there was none. His conduct is worthy of a degree of leniency, but the language is not adequate to express. Few men would have incurred the expense and annoyance of such a trip for the sole cause of establishing the innocence of an abandoned woman.

"The wife's fidelity, unyielding obedience to a husband, the truest love that ever existed, have been brutalized and outraged, and we ask your honor to so adjudge."

GUNMEN ARE EXCLUDED

TENNESSEE LEGISLATORS PROCEED WITH CAUTION.

FILIBUSTER, UNWITTINGLY AIDED BY GOVERNOR, LIKELY TO DEFEAT LAW ENFORCEMENT BILLS.

NASHVILLE, Tenn., Sept. 27.—Indications tonight are that the regular Democrats will be successful in preventing a vote on the so-called law-enforcement bills before the present special session of the Tennessee Legislature, called to consider these measures, ends tomorrow night. The filibuster was prolonged unexpectedly today by Representative Hooper, sent two special messages to the House. These arrived just after Representative Taylor had appeared from a decision of the Speaker.

Quick to take advantage of the new situation, Representative Drane, floor leader of the regulars, moved that the rules be suspended for the immediate consideration of the anti-pass bill, a measure advocated for passage by Governor Hooper in one of the two messages. The debate which followed filled the day's program. When the House adjourned the status of the law-enforcement bills was unchanged from last night.

There were no gunmen present in the House today. So rigidly was the rule excluding visitors from the House enforced that ex-Representative Miller, who recently resigned as a member of the body, was asked to retire from the hall.

Close friends of Governor Hooper said today that in the event the Legislature adjourned without voting on the law-enforcement bills, which have passed the Senate, another extra session would be called.

CURRENCY ISSUE AT SEA

Senate Committee Seems Hopelessly Divided.

WASHINGTON, Sept. 26.—With enough witnesses desiring to be heard to consume two or three weeks of time and requests for hearings on the Administration currency bill still coming in, the Senate committee today ad-

INVECTIVE HURLED AT MRS. MERRIAM

Army Captain's Wife Trembles as Attorney Bitterly Assaults Her Past.

LETTER HELD SHAMELESS

Lawyer for Defense in Reply Makes No Counter Attack on Officer, but Speaks in High Terms of Major Murphy.

MITCHELL ACCEPTS HELP

INDEPENDENCE LEAGUE TO AID FUSION CANDIDATE.

Secretary to Late Mayor Gaynor to Be Campaign Manager in War Against Tammany.

NEW YORK, Sept. 26.—(Special.)

A sweeping attack on the past and form character of Mrs. Beattie C. Merriam began the arguments with which the divorce suit of Captain Henry C. Merriam, United States Army, is drawing to a close this afternoon.

Attorney Walter H. Linforth, counsel for Merriam, opened the arguments. Before he had progressed far, Mrs. Merriam, who was present at first, was trembling and on the verge of tears. Linforth's argument took the form almost wholly of a personal invective, which in large part consisted of deep and darkest black.

The attack was mainly based upon a single document among the depositions which form a large part of the evidence in the case. The document in question is said to have been written by Mrs. Merriam to the Secretary of War, petitioning him to send the order disbursing her from Jackson Barracks, deals with Major Murphy and is a frank answer to allegations of misconduct.

Attorney Flays Defendant. After reading the document and omitting the portions which Mrs. Linforth exclaimed: "Your honor, is there a woman in San Francisco's Barbary Coast so abandoned, so shameless and so vile as to affix her signature to a document of that nature?"

The remainder of his argument was of similar tone.

Attorney Barclay Henley, counsel for Mrs. Merriam, replied. In strong contrast to Linforth's method, his manner was cool, calm and unflurried. He made no counter attack on Captain Merriam, but made a brief reference to him as a man "blind and heartless," and bespoke in high terms of the chivalry of Major Murphy in taking so extended a journey solely to testify in behalf of a slandered woman.

Henley argued that Captain Merriam's complaint against his wife was on the grounds of extreme cruelty and that all testimony tending to show misconduct on the part of the wife should be ruled out.

"Such testimony could only have been introduced for the purpose of attempting to besmirch the character of Mrs. Merriam," Henley said. "It could serve no legal or useful purpose. It only shows the blind and heartless character of Henry C. Merriam. Your honor announced from the bench yesterday that there was no charge against Colonel Murphy. This document amounts to a complete vindication of Mrs. Merriam.

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joined until Monday. The day had been spent hearing protests of New England bankers against provisions of the currency bill. The committee will resume Monday, with a continuation of the examination of Samuel Untermyer, who spent a part of two days before the committee this week. The hearings up to date have developed a wide range of disagreement among the members of the committee.

So divergent have been the views expressed in the examination of witnesses that some members believe the committee will be unable to agree on a bill built along the lines of the Administration measure.

If the disagreements continue it is possible that, after the views of bankers and business men from all over the country have been considered, an attempt will be made to report the bill to the Senate without recommendation. In this event a series of minority reports probably would accompany the measure, each condemning different provisions, after suggesting different changes.

Chairman Owen said today the hearings could be concluded by the middle of next week.

"Every one who has a right to be heard can be heard by that time," said Senator Owen.

MITCHELL ACCEPTS HELP

INDEPENDENCE LEAGUE TO AID FUSION CANDIDATE.

Secretary to Late Mayor Gaynor to Be Campaign Manager in War Against Tammany.

NEW YORK, Sept. 26.—John Purroy

Mitchell, fusion candidate for Mayor, accepted the Independence League endorsement today, after selecting Robert Adamson, who was the secretary of the late Mayor Gaynor, as his campaign manager.

Several weeks ago Mr. Mitchell declined the League's support because two of his fusion associates, William A. Frensdorff, for Controller, and George McAneny, for president of the Board of Aldermen, had not also been endorsed. Mr. Mitchell today wrote to James A. Allen, the League's nominee for Mayor, who withdrew in Mr. Mitchell's favor, pointing out that the fusion committee since had declared by resolution "that its candidates are free to accept other nominations, thus changing the principle which I felt bound to pursue at that time. I know that your League stands for uncompromising opposition to Tammany Hall, its representatives and the predatory interests that stand behind them."

Mr. Adamson has resigned as secretary to Mayor Kline. It was said, however, that he would return to his duties after election.

VICTIM'S WIFE ACCUSED

SLAYER SAYS WOMAN TOLD HIM WHEN TO SHOOT.

CONFESSED MURDERER TELLS OF INFATUATION FOR MRS. NELSON AND OF PLANS FOR ELOPEMENT.

LOS ANGELES, Sept. 26.—That Mrs. Rose Nelson, of Florence, who is held as an accomplice in the murder of her husband, Frank E. Nelson, not only planned his assassination, but gave the slayer the signal to fire the fatal shot, was the statement of James F. Cook, confessed murderer, in the course of his preliminary examination, which is in progress today.

Cook testified that Mrs. Nelson gave him \$20 with which to hire a man to do the deed and that he purchased a revolver with part of this money. On the day of the crime, he said, he was lurking outside the Nelson home when Nelson left for his work. Mrs. Nelson appeared at the window and signaled him to shoot.

"I could not resist her," said the witness. "I crept up behind Nelson and fired. The woman tempted me and I fell."

Cook, in his confession, said he and Mrs. Nelson had planned to elope after the homicide.

RICH ESTATE IN CONTEST

Property Worth \$7,000,000, Bequeathed 40 Years Ago, in Courts.

BOSTON, Sept. 26.—The estate of the

late Abel Stearns, of Los Angeles, valued at \$7,000,000, will be contested by New England relatives when the question of its distribution comes up in the California city, December 5.

Mr. Stearns died 40 years ago, leaving his property, consisting principally of Los Angeles real estate, to his widow, Mrs. Arcadia Stearns Baker, who died intestate at Los Angeles a year ago. New England heirs have engaged ex-Judge McKinley to represent them in the court proceedings.

New Mexico Bankers Indicted.

CLOVIS, N. M., Sept. 26.—The Curry County grand jury today indicted L. C. West, ex-president, and M. Boyle, former cashier of the American Bank & Trust Company, which failed last June, on charges of having received deposits when they knew the institution to be insolvent. The bank failed for approximately \$50,000.

Magistrate Goes to Workhouse.

DAYTON, O., Sept. 26.—City Magistrate Koehne was convicted today of extortion and sentenced to pay a fine of \$100 and 30 days in the workhouse. After exhausting every resource, he was taken into custody by the Constable of his own court and taken to the workhouse.

More Like Home

baked beans than any you have ever eaten. You'll say so, too. And at the same time you get over 38% more of these baked beans for 10c or 15c than you do in any other brand. Order today.

Dyer's

Pork and Beans

KNOX HATS advertisement. Knox Hats are the Product of Head, Heart and Hand. The brain to create, the loyalty to live up to the Knox reputation and the skill to execute. RESULT—The Hundred Point Young Man's Hat. AT THE KNOX AGENCIES.

PLOT IS REVEALED

Death of Portuguese Premier Desired by Conspirators.

ARMED BANDS HELD READY

Assassination Intended as Signal for Revolt, First Step in Which Was to Have Been to Set All Prisoners Free.

LISBON, Sept. 26.—A confession that

they intended to assassinate the Portuguese Premier and instigate a revolt was made today by five men arrested last night when placing bombs around the Premier's villa at Praia das Maras, a watering place near Cintra.

According to the Mundo, the men were delegated by a syndicalist group to explode the bombs in Dr. Alfonso Costa's garden. His attention was to be attracted in this way and they intended to shoot him when he appeared at the window to find out what had happened.

Dr. Costa's death, they declared, was to be the signal for a revolt. Armed bands, they said, were ready to rush the prisons and liberate the confederates and the prisoners. The syndicalists, they asserted, had plotted also to kill the Minister of War.

The Mundo avers that the Royalists, Radicals and Republicans were implicated in the conspiracy.

MADRID, Spain, Sept. 26.—Bands of Portuguese Royalists have assembled along the Portuguese frontier, according to dispatches from Badajoz, where they intend to carry out a carefully laid plan to create slight disturbances at various points, so as to attract the attention of the Portuguese while the main body of a Royalist army marches on Lisbon from the north.

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NEW HAVEN FACES INQUIRY

Legal Services were rendered by these men. One of these gentlemen, who received the sum of \$10,000 some six months ago, is reported to have said that he had forgotten for what purpose this money was paid to him.

Legislative Activity Suggested. After referring to the members of the Legislature who, he said, voted to "confer extraordinary financial concessions upon the railroad," the Governor wrote:

"While it is true that honest considerations undoubtedly controlled the actions of many members in these matters, it is of vital consequence that the relation of the late railroad management to the Massachusetts Legislature should be fully uncovered, with the least possible lapse of time, in order that the public may have full information as to the motives which actuated each and every one of these

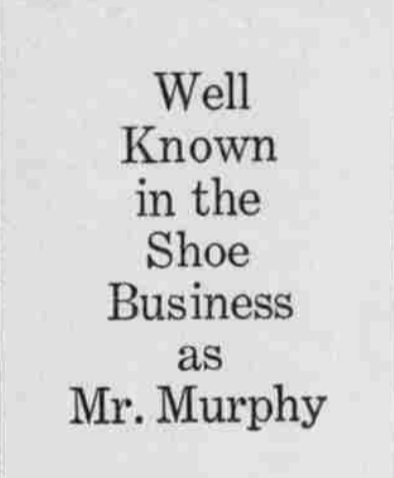
allies of the railroad in the Legislature in voting as they did."

Editor Considered for Ambassador.

WASHINGTON, Sept. 26.—H. M. Pindell, a newspaper editor of Peoria, Ill., is foremost among those being considered by President Wilson for Ambassador to Russia.

Eldred Kuizenga

Well Known in the Shoe Business as Mr. Murphy



ELDRED KUIZENGA

has purchased an interest in the Walkover Boot Shop, 146 Broadway, between Morrison and Alder.

PARKER'S HAIR BALM. Cleanses and beautifies the hair. Promotes a luxuriant growth. Restores hair to its youthful color. Prevents hair falling. For sale at \$1.00 per bottle.

Oregon State Fair advertisement. PORTLAND DAY, THURSDAY, OCT. 2. \$1.50 TO SALEM AND RETURN \$1.50. Tickets on Sale Daily Until Oct. 4. Good to Return Until Oct. 8. TEN TRAINS EACH WAY DAILY. Leave Eleventh and Hoyt Streets. 6:10 A. M., 7:30 A. M., 8:20 A. M., 10:40 A. M., 2:05 P. M., 3:40 P. M., 4:40 P. M., 6:00 P. M., 9:10 P. M., and 11:45 P. M. TICKET OFFICES: Fifth and Stark, Tenth and Stark, Tenth and Morrison, North Bank Depot, Jefferson St. Depot.