

TEST SUIT IS BEGUN ON MINIMUM WAGE

Law's Constitutionality Is Attacked.

FRANK C. STETTLER PLAINTIFF

Box Manufacturer Says Business Imperilled by Act.

INJUNCTION IS REQUESTED

Father O'Hara, of Industrial Welfare Commission, Says Future of Act Throughout Country Depends on Oregon Case.

Suit attacking the constitutionality of the minimum wage law was filed yesterday against Edwin V. O'Hara, Bertha Moores and Amédée M. Smith, members of the Industrial Welfare Commission, and the court was asked to restrain the defendants and each of them from putting into effect the statute.

The suit is brought by Frank C. Stettler, a manufacturer of paper boxes. The statute will not go into effect until November 22, by which time it is believed the case can be carried through the Oregon Supreme Court. The suit was filed by Fulton & Bowerman, attorneys for the plaintiff.

Wage Feature Only Attacked.

The order, promulgated by the Welfare Commission, which is attacked by the suit, provides that it shall be unlawful for any person or firm, operating a manufacturing establishment in the city of Portland to employ any woman for more than nine hours in any one day or more than 50 hours a week; allow less than 45 minutes each day for lunch hour; and to pay any experienced adult woman less than \$8.64 a week. Any less amount was declared by the commission to be inadequate to supply the necessary cost of living.

The suit does not touch on that portion of the act which regulates the hours of employment. Only the wage feature is attacked.

Grounds Are Set Forth.

The constitutionality of the statute is attacked on the following grounds: 1. It deprives the plaintiff of his property and his liberty without due or any process of law. 2. It denies to plaintiff the equal protection of the law. 3. It provides for the taking of the property of this plaintiff without just or any compensation. 4. The act denies to and deprives plaintiff of the right to have the reasonableness of the order judicially reviewed and determined. 5. The legislative assembly by the statute has attempted to delegate to the commission and the conference legislative power which lawfully can be exercised only by the legislative assembly.

Business in Peril Is Assertion.

Mr. Stettler charges that he has invested a large amount of money in the business, has devoted much time to the organization and extension of his trade and in acquiring the good will of his patrons and that if he is compelled to conduct his business in compliance with the statute it will mean that he must conduct it at a loss or abandon it. Many of the women employed by him, he says, are paid the statutory fee of \$8.64 a week, some more than that and some, because of age or inexperience, are paid less. He employs at present 42 women.

Women's Protection Argued.

"The principle on which the act is based is that the welfare of women must take precedence over any commercial consideration. The mothers of the future generation should not be sacrificed to industrial gain.

Owner of Valuable Cats Dead.

JOLIET, Ill., Oct. 13.—Mrs. Phillip Mersinger, owner of a \$5100 collection of prize cats and widely known as an exhibitor at cat shows, died here today, aged 65 years. She formerly owned "Sparkie," reputed as the most valuable cat in the country.

BALLOONIST UPSON OUT OVER CHANNEL

AMERICAN IN PERILOUS FLIGHT SEEN AT FRENCH SEAPORT.

Fifteen Other Aerostats Pass Over Rennes and Competitors May Be Floating Above Water.

PARIS, France, Oct. 13.—Far out over the English Channel tonight is sailing Ralph Upson's balloon, representing the United States in the race for the James Gordon Bennett trophy. Word from the seaport of Granville, France, was that the American aerostat passed over that place and out over the channel at 6 o'clock tonight. Granville is a seaport at the foot of a promontory projecting into the English Channel.

Granville is about 250 miles from Paris and, at this time, Upson's balloon is the farthest from the starting point of any of the big gas bags thus far reported. Five of the balloons in the race passed over Rennes, France, this afternoon, and seven passed over Retiers to the southeast of that point, and three over Fougeres, to the northeast. This is an inland point about 60 miles south of Granville, and the balloons were all traveling in a general northerly direction, so that Upson's craft may have been one of these and the American may tonight have company in his flight across the English Channel, provided the other entrants did not descend rather than chance the perilous flight across the water.

All Carried Life Belts as a Precaution Against a Possible Dip in the Water, with the Exception of the American Entrants, who "Traveled Light."

AUTOISTS URGE NEW LAW

Mayor Silent Regarding Proposed Regulation of Foot Traffic.

Officers and several members of the Portland Automobile Club held a conference with Mayor Albee yesterday, at which the provisions of the proposed new traffic ordinance were discussed at length.

Regarding a provision in the measure subjecting pedestrians to the whiff of traffic policemen and prohibiting of crossing streets at any place excepting intersections and there only at right angles, members of the club declared that was a regulation enforced in many large Eastern cities and had proved to be a good law.

Mayor Albee was noncommittal on the measure, saying that he wished to see it and make a study of the proposed ordinance before agreeing to introduce it in the City Council sessions.

APPLE DAY MENU STARTED

Oregon Hotelmen to Be Urged to Use Topical Fruit November 14.

You will eat apples whether you desire to do so or not, on November 14, "Apple Day," if the plan which is being promulgated by Manager Peter Kuehling, of The Dalles Hotel, is carried out.

Mr. Kuehling has prepared for his own hotel an apple day menu, and every hotelkeeper in Oregon will be urged to do likewise.

LOOT VALUE IS \$1,000,000

New York Police Think They Have Solved Auto Theft Mystery.

NEW YORK, Oct. 13.—Through the arrest of two men and a woman at Camden, N. J., the New York police said today that they had laid the groundwork for solving the mystery concerning the theft in recent months of automobiles and equipment valued roughly at \$1,000,000.

One of the prisoners is described as Eugene Hatten, generally known as "Funny" Hatten. The woman has gained the title of "queen of the auto bandits." The name of the other man was not announced.

BIGGER FLEET IS PROPOSED

Hamburg-American Line Finds Need of More Ships in Pacific.

HAMBURG, Oct. 13.—The directors of the Hamburg-American Line announced today that they proposed to increase the capital of the company by \$7,500,000.

The proposal, which is to be submitted to the stockholders at a special meeting, is said to be due to the necessity of largely increasing the company's fleet of foreign carrying vessels in view of the opening of the Panama Canal and for the establishment of a new Oriental service.

AUTO VICTIM MADE HAPPY

President Presents Bobbie Crawford With New Wheel and Letter.

WASHINGTON, Oct. 13.—Fifteen-year-old Bobbie Crawford, a messenger, who rode in front of President Wilson's automobile a few days ago, was a happy lad today.

When he left the hospital fully recovered, he received a brand new wheel, the gift of the President, and a personal letter.

B. F. O'Neil Is in Prison.

BOISE, Idaho, Oct. 13.—B. F. O'Neil, convicted of making false reports to the State Bank Examiner of the condition of the Bank of Commerce while its president, arrived here tonight in company with four other convicts from North Idaho, and immediately began his term of two to ten years in the penitentiary.

UNDERWOOD REPLY TO HOBSON CHEERED

Oratorical Duel Enlivens House.

CLIMAX OF SCENE DRAMATIC

'No, No,' Shout Members When Asked if Charge Is Believed.

'HERO' TOLD TO 'SIT DOWN'

Majority Leader Denies Intimation That He Is "Tool of Wall Street and Liquor Interests"—Republicans Also Applaud Him.

WASHINGTON, Oct. 13.—Representative Richmond Pearson Hobson, Representative of Alabama, and his colleague, Majority Leader Underwood, engaged in a bitter debate on the floor of the House today over the Senatorial contest in their state, in which they are ardent candidates. The oratorical duel was precipitated by Mr. Hobson's reiterated utterances he made last week in a speech at Wetumpka, Ala., intimating that Mr. Underwood was "the tool of Wall Street and the liquor interests," and charging that he had gained Alabama's support in the last Presidential campaign under false pretenses. Cheers from Democrats and Republicans greeted Mr. Underwood as he rose to reply, and later, when Mr. Hobson tried to interrupt, there were loud cries of "Sit down, sit down; you've had your time."

Clamor Favors Underwood.

The climax in the dramatic scene came when the majority leader, facing about in his place, asked:

"Is there any other man in this chamber who believes the charge that I am or ever have been the tool of Wall Street?"

He was answered by shouts of "No, no," from both sides of the House. Speaking in answer to a charge of "absenteeism" made against him last week by Representative Donovan, of Connecticut, Mr. Hobson had devoted an hour to an explanation of his record in Congress. He declared that in the campaign for the Senate the Alabama party leaders had looked for a man to beat him and that the liquor interests were behind every effort to defeat him politically. Discussing his recent speech and the comment since then that he was a supporter of Underwood

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National. Senate not to adjourn until currency bill is acted on. Page 2. Underwood cheered by both sides of House in reply to Hobson. Page 1.

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Commercial and Marine. Three brides choose Beaver for start on voyage. Page 17. Captain and mates of Genesee blamed for wreck. Page 16. Oregon hopgrowers hold for higher prices. Page 17. Better prices paid for choice cattle offerings. Page 17.

Portland and Vicinity. Warrant issued for Lloyd H. Wilkins charges murder of Lou L. Winters. Page 16. Mrs. Gay combats business at dinner-dance at Waverly Club. Page 10. Methodists decide to hold principal services in Grace Church. Page 11. Symphony orchestra fund is nearing \$4000 mark. Page 10. Grave to be reopened in effort to gain new view in LaFrance case. Page 10. Mrs. Robert T. Coates declares affidavit arrested with husband is "fat and ugly." Page 11. Constitutionality of Oregon minimum wage law is attacked in test suit. Page 1. Weather report, data and forecast. Page 13.

AMERICAN INDIANS MEET

Education, Language and Government Policy Will Be Discussed.

DENVER, Colo., Oct. 13.—The annual convention of the Society of American Indians will open tomorrow. A number of delegates from all over the country, representing several tribes, are here.

The society is made up of Indians who have organized for the betterment of their race. Numerous questions relating to education, language and the policy of the United States Government will be discussed at the convention.

ARKANSAS IS TO GO "DRY"

State Supreme Court Upholds Going Prohibition Bill.

LITTLE ROCK, Ark., Oct. 13.—The State Supreme Court sustained today the validity of the Going prohibition bill and Arkansas will become "dry" after January 1 next.

The law requires a petition containing the names of a majority of white adults of any community after the entire county has been voted "wet," under local option, before the county judge may grant a liquor license.

MOVE OF GERMANS MAY SOBER HUERTA

Dispatch of Warship Is Not Disapproved.

BRITISH BACK YANKEE POLICY

America Warns Neighbor Republic to Protect Deputies.

ELECTION MAY BE DELAYED

Official Washington Thinks Europe Now Recognizes Weakness of Provisional President—Fever Is Reported in South.

WASHINGTON, Oct. 13.—Germany's decision to dispatch a warship to Mexican waters attracted wide attention in official circles here tonight. President Wilson was informed of Germany's action only by press dispatches.

No formal comment was made on the incident, but it was apparent that the Washington Government was not displeased.

Significance was attached to the action by official Washington, however, because it was accepted as indicating that European powers which previously had recognized the Huerta government, among which were Germany and Great Britain, now saw evidences of Huerta's inability to dominate the situation.

British to Back America.

Latest advices from Great Britain to Washington are to the effect that King George and Queen Mary have taken a personal interest in the situation with a view to fostering measures that would support the policy of the United States. It is reported that Great Britain is prepared at the first opportunity to repudiate the recognition, and that failure of the Huerta administration to hold a constitutional election on October 26 probably will be held as sufficient cause.

While the American war vessels in Mexican waters outnumber the foreign ships, and will render any aid, not only to Americans, but to all citizens of other nations in cases of emergency, it is thought by the Washington authorities that the sending of a German vessel, immediately after the arrest of the deputies, may have a sobering effect on Provisional President Huerta.

Strong Representations Sent.

Strong representations went forth from the United States to the Mexican officials today, calling upon General

EPISCOPALIANS IN DEBATE OVER NAME

HIGH AND LOW CHURCH DELEGATES IN HEATED SESSION.

Effort to Call Body "American Catholic" Brings Contest on Prayer Book's Revision.

NEW YORK, Oct. 13.—The suggestion that the corporate name of the Protestant Episcopal Church be changed to the American Catholic Church precipitated a long debate today at the general convention of the church. At the instance of the high church party it was voted by the house of deputies to appoint a committee to revise the prayerbook.

It was openly declared by low church delegates that the resolution as introduced by the high church members left the way clear for the commission to decide for the whole house of deputies that the church name should be changed. The low church delegates succeeded in having restricting amendments adopted, making it impossible for the commission to take such action if it desired to do so.

Dr. Randolph M. McKim, of Washington, a low church leader, declared the appointment of such a commission was the opening move toward changing the church name. He offered an amendment reading "provided that no proposal to change the title page of the prayerbook or the name of the church shall be referred to said commission."

FOG LIFTS; SHIP HEMMED

Vessel Bounding Over Rocks After Losing Way to Port.

SAN FRANCISCO, Oct. 13.—Dense fog which hung over San Francisco Bay today, lifted a moment as the steamer John A. Hooper, from Los Angeles harbor, was making port—or thought she was—and Captain Martin saw, a few yards ahead, the gray walls of the Cliff House.

A jangling of engine-room bells brought the vessel to an agitated standstill. Then she began to back, directly toward Seal rocks, which were so near that the vessel occupied most of the intermediate space. To the south lay the sand beach, with a lifesaving station as nearby evidence of what would happen in that direction. Captain Martin took the only remaining chance. He swung his boat in her own length and headed north. She began to scrape on the rocks, hung for a moment and slid into deep water.

REVIVAL HELD IN SALOON

Evangelist Scores Church Members Who Sneak in by Back Door.

MACON, Mo., Oct. 13.—Robert Jones, an evangelist, turned "Bob" Thomas saloon into a revival meeting here this afternoon, mounted a beer keg to deliver a sermon and converted a dozen frequenters. The evangelist had been invited to the saloon by its owner.

"The proprietor of this place," said Mr. Jones, "has invited us to hold religious services, giving us an opportunity to talk to men whom we might not otherwise have met. I love him and all these men about me, but I am against the liquor business. A saloonkeeper, however, is not as bad as the church member who slips in at the back door and gets his drink."

AIGRETTES NOT MOLESTED

Rotterdam Passengers Allowed to Go Through Customs Despite Protest.

NEW YORK, Oct. 13.—(Special.)—A dozen or more women who arrived today by the Holland-American liner Rotterdam, wore aigrettes in their hats, but none of them was requested by the customs inspectors to take the feather out and turn it over to the custody of the Government.

A woman voyageur who said she was a member of the Audobon Society, suggested to one of the inspectors that he should do something, as she believed many of the feathers were bought abroad. The inspector informed his superior, but they decided to let the women with aigrettes alone.

ROBBERIES TRACED TO GIRL

13-Year-Old Lassic Boldly Takes Valuables From Homes.

HOUQUAM, Wash., Oct. 13.—(Special.)—Ten or more burglaries in Aberdeen have been traced by the police to a little 13-year-old schoolgirl.

The child was bold and deliberate in her work. In the house of Charles Sauer, she walked into the kitchen, where a maid was at work, told the maid she wanted a pair of scissors for Mrs. Sauer and when she left took both the scissors and a purse. Among the homes entered and robbed are those of W. H. Tucker, J. B. Bridges, E. S. Miller and Charles Sauer.

GIRL "SHOOS" AWAY BEAR

Treed Hunter Escapes When Lass Comes to Aid With Kitchen Apron.

DULUTH, Oct. 13.—That a kitchen apron is a more effective weapon against a bear than a gun, when properly used, was proved today by Miss Clara Mellum, aged 19, who lives on a farm near Grand Lake. Miss Mellum, while walking through the woods, found Albert Peterson, of Duluth, a hunter, perched in a tree with a half-grown bear expectantly waiting beneath him.

Miss Mellum "shooed" the bear away with her apron and allowed Peterson to make his escape.

POLICE ROUTED AT MILITANT MEETING

Sylvia Pankhurst Escapes in Riot.

WOMEN ARE TRAMPLED UPON

Officers Grab Leader When Disguise Is Removed.

BATTLE WAGED ON STAGE

Benches and Chairs Are Hurlled and in Midst of Uproar Suffragette Orator Breaks Away and Is Taken Home by Friends.

LONDON, Oct. 13.—After a fierce struggle the police arrested Miss Sylvia Pankhurst at Bow Neaths, in the East End of London tonight, where she was making a speech. When they led her outside the building to take her to Holloway Jail, the militants attacked the police so savagely that they had to let her go and she escaped.

Miss Pankhurst, who has an uncompleted term of imprisonment to serve, was not recognized until she threw aside the disguise which enabled her to elude the police and enter the building. She was warmly applauded as she stepped on the platform, but had been speaking only a few minutes when she was accompanied by a body of uniformed police with drawn truncheons, entered the hall and made a rush for the platform.

Chairs Begin to Fly.

The audience arose and chairs began to fly. Some of the people in the galleries even dropped benches on the heads of the police. The police gained the platform and for ten minutes a desperate battle waged, the officers using their clubs freely and those on the platform utilizing chairs as weapons.

The police succeeded in dragging Miss Pankhurst down to the floor of the house, while reinforcements cleared the hall. Outside the struggle was renewed with greater fury. Men and women were thrown down and trampled upon. Concentrating the attack on the policemen who had the militant leader in their grasp, the women, with the assistance of several men, succeeded in tearing her from their grip and she slipped away.

Several women afterward complained of having been thrown down and kicked by the police and by the police and men, and after the fracas were seen nursing Miss Zelle Emerson, of Jackson, Mich., whose imprisonment caused such a furor several months ago, was one of those injured. Mrs. Lee, who presided at the meeting and took a conspicuous part in the attack on the police, was arrested.

Miss Pankhurst later announced her intention to address a meeting at the Poplar Town Hall tomorrow night.

Royal Wedding to Be Attacked.

"Every effort will be made to call to the attention of the notables at the royal wedding on Wednesday the tortures which the women of England have suffered for the enfranchisement of their sex."

In these words the militant suffragettes at a meeting tonight promised to take advantage of the wedding of Prince Arthur of Connaught and the Duchess of Fife, "for the good of the cause."

Miss Annie Kenney, one of the noted leaders of the militants, who has been on hunger strike since her arrest on October 6, was released tonight, after threats had been made at a meeting of the militants in the afternoon that if she were not freed, the militants would bombard the home office and camp on the Right Hon. Reginald McKenna's front steps until they could find some way of reaching him.

MILITANT TO BE DETAINED

Mrs. Pankhurst Must Pass Inquiry Before Entering America.

WASHINGTON, Oct. 13.—When Mrs. Emmeline Pankhurst, the militant British suffragette arrives on the liner La Provence probably Friday, she will be detained at the Ellis Island immigrant station, according to present plans, until a special board of inquiry can determine whether she comes within the class of aliens excluded from the United States.

While the immigration authorities have issued no orders for her detention, scores of protests against her admission here, lodged with immigration authorities here, and with the local authorities at New York, leave no other course open to the authorities.

Officials here say no protest against Mrs. Pankhurst's admission has been received from the society opposed to woman suffrage or from any of its members on behalf of the organization. A record of Mrs. Pankhurst's activities, her arrests and imprisonments has been furnished to the authorities of New York. On that and on a hearing, the immigration authorities will decide if any of the suffrage leader's acts have been such as to debar her from the United States. A principal question to be determined will be, do her court record and jail sentences in the cause of votes for women constitute moral turpitude within the meaning of the immigration law.

