

COURT WILL STUDY ALLEGED OBSCENITY

Hearing of Thomas E. Watson, ex-Presidential Candidate, Is Continued.

DEFENSE ADMITS ATTACKS

Effort Is Made to Quash Charge of Sending Objectionable Matter Through Mails Against Editor, Publicist, Politician.

AUGUSTA, Ga., Oct. 20.—Hearing of the motion of the defense to quash the Federal indictment against Thomas E. Watson, editor, publicist and politician, charged with sending obscene matter through the mails, was continued today until tomorrow by United States Judge Rufus S. Foster, in order to give the court opportunity to study the language of the publications alleged to be objectionable. Mr. Watson once was Presidential candidate of the "People's party."

Upon request of S. G. McLendon, of counsel for the defense, the drawing of the jury was postponed in order that two motions might be presented to the court. The first was a petition asking that the Government be directed to file a bill of particulars, specifying the issues of "Watson's Magazine" and "The Jeffersonian," in which the alleged obscene language appeared. By direction of the court this immediately was complied with.

Certain Attacks Admitted. The second motion upon which argument is uncompleted sought the quashing of the indictment.

It was admitted by the defense that Watson had written and published certain attacks upon the Roman Catholic Church, in which the passages referred to in the indictments returned against him November 12, 1912, appeared. Two of these passages were in English and one in Latin. Mr. McLendon, however, argued that the indictment should be quashed because the alleged unobjectionable matter was not set out therein; or names of any persons addressed given because the publication contained no names. McLendon is a book or pamphlet; because the language is not obscene within the meaning of the statute; because the Supreme Court has no authority to establish a standard of obscenity, and because the statute itself is indefinite in that it omits the mention of newspapers and magazines.

Judge Interrupts Argument.

He contended that the Federal statute is void because Congress has no power to make any act a crime in which the element of unlawful intent is not involved or to abridge the freedom of the press of the people. McLendon in the midst of this argument when Judge Foster interrupted, saying it seemed useless to pursue further the historical aspects of the matter. "The United States Supreme Court has decided," said Judge Foster, "that Congress can exclude obscene matter from the mails, regardless of whether it appears in newspapers, magazines or letters. This would not, in my opinion, trench upon the freedom of the press, and I can not understand how any man would be unable to express his ideas without resorting to the use of obscene or filthy language."

FARE, 19 MILES, A NICKEL

Street Railway Company Offers Cheap Ride.

With the re-routing of St. Johns cars around a loop in the Peninsula district by the Portland Railway, Light & Power Company Portland now has 41 distinct streetcar lines, each serving a separate part of the city. Only a few years ago the various streetcar lines could be counted on the fingers of two hands.

The 21 lines traverse 187 miles of track in the aggregate, although many of them traverse the same track for a portion of their routes. Twenty-one of the lines are more than three miles in length. That is, a car travels more than three miles in going from terminal to terminal.

This large number of long lines is due to the large area within the corporate limits of Portland. The area of the city itself is 10.5 miles wide, from Sellwood north to the Columbia Slough it is eight and one-half miles long. Owing to the irregular way in which the boundary lines run, however, there are fewer square miles in the city than these figures as to its length and width would indicate.

Figures compiled by the Portland Railway, Light & Power Company show that the longest streetcar line in the city is that running to St. Johns. From Fifth and Washington streets to the principal street in St. Johns, the distance by streetcar is given as 9.33 miles. Passengers from Lents Junction who ride through to St. Johns, as can be done for a single fare, travel 19.93 miles for 5 cents.

Other streetcar lines more than three miles long include the Mount Scott line, 8.87 miles; Mount Taber, 8.29; Woodstock, 6.44; Kenton, 5.92; Rose City Park, 5.48; Sellwood, 5.45; Alberta, 5.19; Woodlawn, 5.17; North and South Portland, 4.17; Broadway, 4.49; Russell, 3.86; Williams avenue, 3.72; Morrison, 3.70; Richmond, 3.63; Irvington, 3.61; Portland Heights, 3.48; Mississippi avenue, 3.42; Sixteenth street, 2.81; Brooklyn, 2.92.

BORAH'S REPLY POINTED

Senator Makes It Plain He Disapproves of Mrs. Pankhurst.

OREGONIAN NEWS BUREAU, Washington, Oct. 20.—Senator Borah today accepted an invitation to address the Woman Suffrage Union of Newark, N. J., next Saturday night, but in accepting he made it plain that he heartily disapproved of Mrs. Pankhurst and all she represents. In a letter accepting the invitation Senator Borah wrote: "In order that our committee may not be embarrassed, I think I ought to say that if Mrs. Pankhurst should be present at the Saturday night meeting, or if the meeting itself should indicate any sympathy with her gospel of lawlessness and crime, I should feel compelled to express my views in plain and unmistakable terms. While I am most anxious to assist in the cause, I will not by silence or by any most indirect way seem to endorse the vicious principles which have been involved in the fight for woman suffrage in other countries. This is a Government of law and order and there is no cause which ought to succeed which may not succeed along these lines."

EX-CANDIDATE FOR PRESIDENT ON 'PEOPLE'S TICKET' CHARGED WITH SENDING OBSCENE MATTER THROUGH MAIL.



THOMAS E. WATSON.

CASES ON APPEAL ARE FULLY DEFINED

Chief Justice McBride, in Opinion, Tells Why Supreme Court Is Behind.

LOWER TRIBUNALS SCORED

In Action at Issue, R. M. Knight vs. O. H. Beyers, Jurist Declares Judge in Lower Court Erred in Jury Instruction.

SALEM, Or., Oct. 20.—(Special.)—In affirming the decision of the Douglas County Circuit Court in the case of R. M. Knight against O. H. Beyers, the Supreme Court in a recent opinion, written by Chief Justice McBride, defined more fully than before what classes of cases should be appealed. It long has been charged that many cases are appealed that should have final adjudication in the lower courts, which is largely the cause of the highest tribunal in the state being behind with the docket.

In the case at issue it was alleged by the plaintiff that the defendant entered the dwelling of the plaintiff and wrongfully carried away personal property valued at \$1000. It was further alleged that by reason of the unlawful taking of beds and bed clothing the plaintiff, his wife and two small children were compelled to sit up all night or sleep upon a mattress upon which a person had died a day or two before. As a result, it was charged, the plaintiff's wife and one of his children contracted severe colds. Damages in the sum of \$5000 was asked, a jury returning a verdict for plaintiff of \$167.

Chief Justice McBride holds that the lower court erred in instructing the jury that if it believed the taking of the articles was malicious it was its duty to give damages in some amount by way of punishment. However, the amount being small, and the evidence conflicting, the court refused to send the case back for retrial. Chief Justice McBride says in part:

"It seems appropriate here to define the limits of the jurisdiction of this court under section 3 article 7 of the constitution, which was evidently adopted with a view to prevent a multiplicity of retrials in the Circuit Court. The plain intent seems to be that no error shall be cause for reversal in the court with all the testimony before it, can determine what judgment ought to be given.

The first question before the Appellate Court, therefore, is, was any error of law committed by the lower court? The second, has this court, with the record and testimony before it, sufficient data upon which to retry the case and determine what judgment ought to be rendered upon the law and the facts? It has frequently been contended that such a course renders nugatory that part of the section which provides that the right of trial by jury shall be preserved; but it should be remembered that appeal to this court is not a constitutional right, being merely a statutory privilege. (State against Security Savings Company, 28 Oregon, 410, 43 Pac. 162; Catlett against Bush, 22 Oregon, 496, 59 Pac. 1064; Sears against Dunbar, 50 Oregon 35, 31 Pac. 145.)

"An appeal being then a statutory privilege and not a constitutional right, an appellant who would otherwise be without remedy must exercise such privilege subject to such conditions as may be imposed by the constitution or statutes. The provision of the constitution quoted says in effect to a dissatisfied litigant: 'You may appeal, but you take this privilege subject to the power of the legislature to determine what conditions shall be attached to the right of appeal. It is your case and your judgment it is your right.'

Only One Limitation Seen. "It will be observed that this right is given in the broadest terms, and with only one limitation, namely, that the appellant court may not find the defendant in a criminal case guilty of an offense for which a greater penalty is prescribed than that of which the accused was convicted in the lower court. This exception proved the rule, and indicates the intent of the lawmaking power, in this instance the people, to invest this court with power, if in its judgment such course seems proper, to

retry cases erroneously tried in the court below.

"Many instances have occurred and others doubtless will occur when a trial by a jury may seem more likely to promote justice than a trial upon the record presented to this court, but this, in our judgment, is not such a case. "This statement of our views must be taken with the explanation that we cannot undertake to retry any fact found by a jury properly empaneled and instructed when there is any evidence to support its verdict."

WIDE SCOPE IS COVERED

(Continued From First Page.)

ers in small towns should get more pay as compensation for living there. Eight hours was declared by several members of the conference to be long enough for anyone to work. Opinion was unanimous that a work-week should be composed of six days, with one full day for rest, rather than two half days.

Men Not Good on Phones.

The questions of length of apprenticeship and of night work also were discussed. H. T. Parkison, division superintendent of traffic for the Pacific Telephone & Telegraph Company, said that the telephone business requires girls to work at night. "It is true that the telephone business requires night work," said Father O'Hara, chairman of the Commission, "but is it true that it is necessary for girls to work at night?"

"I will answer that question by saying that in no instance have young men been successful as telephone operators," answered Mr. Parkison. "They have been tried, but they have not been satisfactory."

"Why?" came from several in chorus. "They lack the patience that girls have, and that is necessary, with courtesy and tact," was the reply. "Then work at a telephone switchboard," said Chairman Cohen, "is particularly a woman's work because of her gentler handling of the English language?"

Night Work Question Difficult.

"Why not train young men in courtesy by having them serve apprenticeships as telephone operators?" asked Father O'Hara, smiling. "It's all right to train them in courtesy," said Mr. Parkison, "but not at the expense of telephone patrons."

Father O'Hara said that the question of night work for women in telephone exchanges and restaurants is one of the most difficult that the conference has to consider. The next meeting of the conference will be held Thursday evening, November 5.

The members of the conference are: Representing employers—Guy W. Talbot, of the Pacific Power and Light Company; Thomas Kay, State Treasurer, an owner of the Salem Woolen Mills; Thomas Roberts, of Roberts Brothers' department store. Representing the general public—Mrs. Sarah I. Evans, president of the Oregon Federation of Women's Clubs; D. Solis Cohen, Portland attorney; H. A. Booth, of the Booth-Kelly Lumber Company, of Eugene.

PROHIBITIVE TARIFF ASKED

Russian Paper Demands Action on All American Imports.

ST. PETERSBURG, Oct. 20.—The Novoye Vremya demands that the government impose a prohibitive tariff on all American products imported into Russia as a reprisal for the American tariff regulations imposing 5 per cent on goods from countries where no treaty exists.

In an angry article the Novoye Vremya declares: "America has sacrificed its old friends, France and Russia, to the Jewish magnates under whom the American people have bowed their heads."

SPEEDY ACTION IS DUE

(Continued From First Page.)

fore the Senate committee today. He advocated a reduction in the number of Federal reserve banks, however, and urged numerous minor amendments in the bill.

Baumgard lectures on "Sweden and the Swedes" tonight at Lincoln High School. Tickets on sale at door.—Adv.

DOORS ARE OPENED TO MRS. PANKHURST

On President's Order Militant Comes In—Scene at Ellis Island Rare.

VISITOR SPEAKS IN GOTHAM

"What Will the English Say?" Asks Leader, Who Says She Will Not Preach Militancy Here—Date for Leaving November 26.

NEW YORK, Oct. 20.—Mrs. Emmeline Pankhurst, the militant suffragette leader, landed on Manhattan Island at 1 o'clock today from Ellis Island, where she had been detained since last Saturday by the immigration authorities. She had been ordered deported as an undesirable alien, but President Wilson and Secretary of Labor Wilson intervened on her appeal from this decision and today instructed Anthony Caminetti, Commissioner of Immigration, to release her on her own recognizance and without bond.

Mrs. Pankhurst will not be able to carry out her contemplated lecture tour in this country. She expects to sail for Europe November 26.

Ordeals Leave No Trace.

It was difficult to imagine that the slightly built, gray-haired little woman who stepped ashore from the ferryboat at the Battery was the same person that for several years had caused the British government so much trouble by reason of her militant tactics in behalf of woman suffrage or her incitation to militancy for the "cause." Also her tranquil countenance and brightness of eye gave no indication that she had gone through the ordeals of six prolonged hunger strikes to obtain her release from prison sentences imposed for illegal acts committed in England in her endeavors to gain votes for women.

Shortly after she landed Mrs. Pankhurst was taken in an automobile to the residence of Mrs. O. H. P. Belmont, where she had luncheon, and tonight she was dined at the Aldine club by the Woman's Political Union. She was highly elated over her release.

"What Will England Say?" "The American people did it—it is their will," she said. "What will the English say?" Then she paid her respects early to Reginald McKenna, the British Home Secretary, characterizing him as "the chief torturer of England." She said it was not her purpose to preach militancy in this country, but that she would confine herself to an exposition of the treatment accorded the suffragettes in England.

Mrs. Pankhurst is the recipient of a demonstration unique in the annals of Ellis Island as she was leaving the immigration station. Men and women employees sought points of vantage from which to see the militant leader and the board of special inquiry adjourned its cases that its members and the immigrants might see her as she walked toward the ferryboat and the freedom of the country.

ENGLAND'S ATTITUDE FACTOR

Crown Shown No Desire to Have Leader Returned, Is View.

WASHINGTON, Oct. 20.—America's doors were opened today to Mrs. Emmeline Pankhurst, and during the few weeks covered by her lecture engagements the British militant suffragette leader is free to go where she will in the United States.

An order releasing from Ellis Island, New York, the much-discussed visitor and revoking the order of deportation of the special inquiry board, was issued today after President Wilson had conferred with Secretary Wilson, of the Department of Labor, and a formal hearing before Immigration Commissioner Caminetti on Mrs. Pankhurst's appeal had been concluded.

Secretary Caminetti announced that he and the President had agreed that Mrs. Pankhurst should be admitted, "on her own recognizance," with the understanding that she should depart when she had fulfilled her lecture engagements. Commissioner Caminetti tonight issued a formal statement of his decision in the case.

"There is nothing in the record before me," said the statement, "to indicate that the British government desires that Mrs. Pankhurst shall be returned to England; and the evidence of record indicates that, while she was placed under a sentence of three years' imprisonment, she reserved only a small part of the sentence and apparently no effort has been made to compel her to serve the remainder, but as a matter of fact marked leniency has been shown towards applicant by the English authorities. Shall this Government deny even temporarily a woman when by so doing less consideration would be shown Mrs. Pankhurst than England has displayed?"

Mrs. Pankhurst says, and counsel through the case have asserted, that she is coming here only for a short visit for the specific purpose of fulfilling engagements to deliver lectures; that all that is desired is that she may be allowed to carry out these engagements. Upon carefully considering the entire record and all of the angles of the case, I conclude that the best disposition to make of the matter will be to accept the assurances of all parties concerned and admit Mrs. Pankhurst on her own recognizance to depart from the country at the termination of her engagements, and I so recommend."

In his memorandum to the Secretary the Commissioner described the case in hand as follows: "Allen is a native of Manchester, England, aged 51, traveling alone; is a widow, with three children in Europe; paid her own passage; has no occupation; has been in the United States twice before, once in the Autumn in 1909 and again from October 19, 1911, to the January, 1912, going to friend, Mrs. O. H. P. Belmont, Madison avenue, New York City; has \$2000. The board excluded Allen by unanimous vote as a person who has been convicted of a felony, or other crime or misdemeanor, which in the opinion of the board involves moral turpitude."

Sutherland Firm Entertains Today. ROSEBURG, Or., Oct. 20.—(Special.)—In response to an invitation received here yesterday, about 125 business and professional men of Roseburg will go to Sutherland, Tuesday where they will be entertained by the "Everfresh" company of that city. A special train has been chartered for the occasion. The "everfresh" plant is one of Sutherland's most important institutions and the management has taken

Special Demonstration Sale of Oriental Rugs. Best Prices—Best Qualities. We will demonstrate to you—and prove—that our stock of Persian, and Turkish Rugs is the finest and best selected stock in Portland. —That the values we offer you cannot be equaled in Portland—no, not even in the so-called "Bargain Circassian-Walnut Counter Store." In the first place we assure you that we have no consigned goods, brought on for special sale. We do not buy rugs simply because they are called "Oriental," for that is the most misleading name that can be applied to them. Our experts carefully make their selections of only the best grades, best weaves and best fabrics. The others are known as "culls" and though they are termed "Oriental" are not worth what the name should imply. These usually find their way into the hands of the inexperienced dealer who does not cater to the connoisseur. We are specialists in our line, and after fourteen years of selling Oriental Rugs to the most discriminating buyers of Portland and the Northwest have established a reputation for integrity which is second to no firm on the Pacific Coast. THIS IS WHAT WE PROPOSE TO DO THIS WEEK—ASK YOU INTELLIGENT BUYERS TO COMPARE OUR PRICES AND QUALITIES WITH OTHER PRICES AND QUALITIES. WILL YOU DO IT? All right—then go to where they are having "Oriental" Rug sales, get their prices, examine their qualities and then come to our store and see REAL ORIENTAL RUGS AT REAL BARGAINS. Sale starts at nine o'clock this morning and continues until Saturday night. Atiyeh Bros., Tenth and Alder. Leading Oriental Rug Dealers of the Northwest.

Mme. Alda Is Coming (Heilig Theater, October 23) We will gladly play any of her records for you—and when the hour for the concert comes you will be very glad we did. Stop in our store the first time you are passing. The facilities offered by us for Victrola possession are the best in the West, and combined with the perfect service of our Victrola Department have made our stores the leading talking machine shops on the Pacific Coast. Victor Victrolas, \$15 to \$250. Our Terms:—As low as \$1 weekly. The Wiley B. Allen Co. ESTABLISHED 1873 Morrison at Broadway

This means of showing the workings of the plant to the Roseburg public. Postmasters Are Nominated. OREGONIAN NEWS BUREAU, Washington, Oct. 20.—The President today nominated two Washington postmasters: Thomas J. Quirt, of Baine, and R. A. Belvail, of Palouse. The queen bee lays 200 eggs a day.

They're Selling. And Why Dyer's Pork and Beans are selling fast. Why? Just because they are the best beans on the market and just because you get 38% more of them for 15c than of other brands. Good reasons, eh? Ask for Purola Peroxide Cream Price 25c Beautify your complexion and give it that fresh, rosy glow with the aid of Purola Tint Price 50 Cts. Take advantage of this special offer. If you will buy one jar of Purola peroxide cream, 25c, you will be entitled to present this ad and 25c for a 50c bottle of Purola tint. —at your druggist

BANKRUPT! PETERS' FURNITURE Great Chance for Those Starting Housekeeping 63 FIFTH STREET OPEN SATURDAY EVENING