

DARROW MAY ASK CHANGE OF VENUE

McNamara Case Almost at Deadlock

2 TALESMEN FURNISH CAUSE

Court Rules on Frampton's Testimony as Whole.

JUDGE'S VOICE HOARSE

Defense Objects to Question Whether Lee Is Hard of Hearing in Both Ears or One—Men Strongly Opposed.

LOS ANGELES, Oct. 28.—Strong possibility for a petition for a change of venue is seen before the close of the third week of the McNamara trial, which ended today in a general snarl. Such a demand already has been refused by Judge Bordwell, the refusal being backed by an affidavit from Judge Hutton, presiding judge of the 12 departments of the Superior Court of Los Angeles County, certifying to the impartiality of Judge Bordwell.

The examination of Winters and Frampton, who were challenged for cause, has not been completed. Both men are still under challenge tonight, it having occurred to Attorney LeCompte Davis, for the defense, after the adverse ruling of the court, that neither would be interviewed as to whether he would vote for conviction in a capital case on circumstantial evidence alone.

State Resists Challenge. The state resists, Assistant District Attorney Horton declaring that such challenge should have been offered sooner or not at all; that if the men were tried, no matter whether the challenge is on the ground that appears to be beneficial under other circumstances or not.

Four talesmen accepted by both sides as to cause, but still subject to peremptory challenge. Two more now under challenge for cause and six in the box waiting examination was the showing at the end of the third court week.

Second Panel Nearly Gone. The trial, however, started in the middle of the first week and was interrupted by a holiday. One panel of 125 veniremen has been used up and another of 49 is nearly gone. The jurors accepted as to cause are Scarborough, Manning, farmer, R. F. Rain, carpenter, G. W. McKee, real estate dealer, George F. Green, orange grower. Winters and Frampton are under challenge. The others are A. J. Wilson, T. E. Preston, George W. Johnson, Sam Mendenhall, Lorenzo Romans and Frank Frakes.

Clarence S. Darrow, chief of counsel for the defense, in a statement late today, outlined what would be the view taken by the defense concerning the two talesmen in case an appeal for change of judge should be made, but attorneys for the defense declared that there was legal recourse if they feel it necessary or advisable. If the appeal should be refused, it still would be the part of the record, as subject, in the opinion of the defense, to appeal to a higher court in the event of an unfavorable verdict.

Basis of Appeal Outlined. These grounds, as outlined by Darrow, independently of discussion concerning an appeal, are in part as follows:

Talesman Frampton said that he had the opinion that organized labor was a menace to the welfare of the country; that after serious consideration he had formed the opinion that the defendant was guilty of murder; that it was a fixed opinion and that it would require a great deal of evidence to make him even doubt the guilt; that his mind was fully made up beyond a reasonable doubt that the defendant was guilty.

"Could you give the defendant a fair trial? Do you think you could?" was the last question asked him.

"Not in the state of mind I have now," he replied.

A. C. Winter said that he had been prejudiced against labor unions for many years; that he had a fixed opinion that the defendant was guilty; that he was president of the Retail Butchers Association, and that when there was a strike of the employees of the wholesale butchers he took a striker's place; that he was stoned and rotten-egged by the strikers; that he was prejudiced against unions, and was at the present time; that if he went into the jury box he would be handicapped by that prejudice, and the defendant would have to prove that he was not guilty.

Talesmen's Answers Muddled. "I believe it would be impossible to find where any other court had ever held that such jurors could give de-

SEX IS BETRAYED BY TELLTALE LEAP

WOMAN'S SECRET SAFE UNTIL SHE ALIGHTS FROM CAR.

Salt Lake Shoemaker, Inheriting Husband's Last and Trousers, Pools Customers 20 Years.

SALT LAKE CITY, Oct. 28.—Hundreds of Salt Lake people who have patronized "William" H. McCleery, shoemaker for 20 years, were surprised today to learn that "William" is a woman.

Mrs. McCleery, who was left a widow 20 years ago, succeeded to her husband's trousers and his business and it was only when an observing bystander watched her alight from a streetcar that her sex was discovered. So well did she preserve her disguise that she was employed for years as instructor in the industrial department of the University of Utah and the Ogden School for the Deaf and Blind.

"I prefer wearing male attire," she said today, "but if there is any objection from anyone I will abandon trousers forever. I hope, however, I may be allowed to dress as I please while at work on my bench."

MONTESSANO WINS MEET

State Dairymen's Association to Gather There in December.

MONTESSANO, Wash., Oct. 28.—(Special.)—Through the efforts of S. S. Morse, one of the proprietors of the Montessano Creamery, the annual meeting of the State Dairymen's Association will be held in Montessano, December 2, 3 and 7. B. S. Troy, one of the directors, was in Montessano a few days the first of the week, looking over the advantages of this city as a meeting place for the convention. He was so favorably impressed that he used all his influence for this city with the result that Montessano was chosen over Wintock, which also sought the honor.

Officers of the association are W. J. Langdon, Sumner, president; William Isitt, Oak Harbor, vice-president; F. E. Smith, Seattle, secretary and treasurer. The board of directors is composed of B. S. Troy, Chimaquam; Adam Stevens and B. F. Reed, Ilwaco; and E. J. Ross, Bothell. It is said that 300 members of the association, including many of the leading dairymen of the state, will attend the convention.

FATHER ORDERED TO HELP

Parent, Who Would Sell Son, Must Support Babe and Mother.

Ben Vehon, who, his wife, Grace Vehon, and other witnesses say, was willing to sell his 6-month-old son for \$100, was commanded by County Judge Cleaton yesterday to pay \$25 a month toward the support of his wife and child. He was required to furnish a bond of \$250 as a guarantee that he would observe the court's order.

A term on the rockpile faced him had not the bond been forthcoming.

BRIEF DEFENDING OREGON PLAN FILED

Bloodless Revolution Seen by Williams

FIVE STATES GAIN DEMAND

Boston Lawyer Holds Form Is Still Republican.

LEGISLATURE WEAK POINT

California, Arkansas, South Dakota, Colorado and Nebraska Represented in Appeal to Federal Supreme Court.

WASHINGTON, Oct. 28.—In the name of the states of California, Arkansas, South Dakota, Colorado and Nebraska, George Fred Williams, of Boston, today sent to Washington a brief calling upon the Supreme Court of the United States to hold constitutional the initiative and referendum method of legislation adopted by Oregon.

He expects to ask the court next week for permission to file it, on behalf of those states, when the Oregon case, involving the constitutionality of the method, comes up for oral argument before the court.

Imperfect political conditions in this country have led to a demand for the initiative and referendum method of legislation, Mr. Williams informs the court. He speaks of the demand for it as a part of "the reaction against the control of privilege."

Revolution Called Momentous.

"The present movement constitutes the most momentous political revolution in our history," Mr. Williams declares, "conducted without bloodshed and even acrimonious political content."

The attorney for the states informs the court that reform "moves on like a tidal wave which legislatures and courts cannot halt." He says that political organizations "have not been responsive to popular will; selection of good men has failed; party platforms are not regarded as pledges; the people are unable to trust their servants."

Mr. Williams cites statements this year by the Governors of Colorado, Maine, New York and New Hampshire.

'FREAK' ACCIDENTS FRET COMMISSION

CARMAN STRAINS BACK "LEFTING BABY CARRIAGE."

And Another Man Wants Damages Because He Stopped to Get a Drink—Claims Many.

OLYMPIA, Wash., Oct. 28.—(Special.)—When a streetcar conductor says he has strained his back "lifting a baby carriage off a car," he is entitled to damages from the new Washington Industrial Insurance Commission.

This and hundreds of accidents of an equally "freakish" nature are puzzling the commission, which, although it has been in existence but a month, has had 400 claims filed with it and it is estimated that within a short time the claims will amount to 500 a month, and possibly to 10,000 a year, when the law is in full operation.

A Snohomish County man wants damages because he got off a train to get a drink. He says he was on a construction car which passed a saloon. An overwhelming desire to satisfy an equally overwhelming thirst caused him to jump off, although the conductor told him to stay on board.

Having absorbed the stimulant, he found the train was already under way and made a dash to "flip" the rear end. He lost his grip. The resultant injuries: One compound fracture of the left arm, two fingers lost from the left hand, one left ear chopped off, seven ribs broken, some of them in two places, one collar bone broken and an assorted number of severe cuts.

The report concludes: "His body was one mass of bruises from head to foot." The commission has not yet decided whether he is entitled to damages.

Of the claims filed, 10 have been settled, among them four death settlements of \$1000 apiece. The balance of six were small amounts for minor injuries.

MINING BUILDING TO RISE

Oregon Agricultural College Asks for Bids Before January 1.

OREGON AGRICULTURAL COLLEGE, Corvallis, Or., Oct. 28.—(Special.)—The announcement has just been made at the Oregon Agricultural College that bids for the erection of the new Mining building will be received on January 1 and contracts let. The last Legislature appropriated \$25,000 for this building. The plans are already drawn and the site chosen.

The first floor of the central portion of the building will contain the executive offices of the mining department and several recitation rooms. The second floor will be divided into mineralogical laboratories, geological laboratory and a large drafting room. Assay and metallurgical laboratories, with thorough equipments, will be located in the east wing. The ceramics department will have laboratories for clay and cement working in the west wing.

Besides the students in the course, who last year numbered over 150, considerably over 1000 mineral analysts and reports on mineral products, including coal, cement, building stone, clays, gems, mineral waters, gold, silver, lead, zinc, platinum were carried on for people in different sections.

PRESIDENT MAY BE DEPRIVED OF VOTE

Flaw in Registration Found by Clerk.

SPEECH DEFENDS JUDICIARY

Whole Heart Put Into Veto of Statehood Bill.

WEAKNESS IS IN PEOPLE

Naval Training Station on Lake Is Dedicated, but for No Purpose of War With Neighbors Across Border.

CHICAGO, Oct. 28.—President Taft, who frequently refers to himself as the "titular head of the Republican party," was in a quandary tonight. The President doesn't know whether he's a qualified voter any more. He doesn't know whether the election authorities in Cincinnati, his home city, intend to let him cast a ballot in the city election next Tuesday.

More than two weeks ago Mr. Taft made out his registration papers, mailed them from the Pacific Coast and thought no more about it. A few days later the President was informed by the Cincinnati Election Board that he had failed to have the proper affidavit made out to accompany the papers. At Newcastle, Wyo., where he was the guest of Representative Mondell, the President made out new papers and the necessary affidavit, which were mailed to Cincinnati.

Secretary Hillis was informed today, evidently on good authority, that the President had failed to register properly in time.

Question Still Undecided.

Later in the day word came from Cincinnati that the whole subject had been put up to Secretary of State Graves, of Ohio, and that it was not definitely settled whether Mr. Taft had a right to cast a ballot. Mr. Taft is going to Cincinnati, anyhow, and he would like to vote if possible.

President Taft spent a busy day in Chicago. He spoke to the American Mining Congress in the morning, endorsing the speech made by Secretary of the Interior Fisher here last night; told the members of the Chicago Bar Association that he was and expects always to be opposed to the recall of the judiciary; rode 69 miles by special train to dedicate the new naval-training station at North Chicago, and addressed tonight the Chicago Association of Commerce on peace and arbitration.

ABERNATHY "KIDS" ALMOST AT GOAL

BOYS RIDE FROM CONEY ISLAND TO SACRAMENTO.

Delays on Way Caused by High Water and Escape of Horses. \$10,000 Purse to Be Reward.

SACRAMENTO, Cal., Oct. 28.—Temple Abernathy and his brother, Louis, aged 7 and 11 years, respectively, arrived in Sacramento on horseback this morning, after a ride that has taken them almost across the continent. The boys set forth from Coney Island, August 1, and were to make the trip to San Francisco in 60 days to win a purse of \$10,000, said to have been offered by several millionaires of New York.

They were delayed in Utah and Wyoming, when their horses got away, and again lost five days in Wyoming because of high water.

For 1500 miles the boys have ridden unaccompanied. Their father, J. H. Abernathy, accompanied them from the Rocky Mountains to Sacramento.

BUNNY APPEALS TO POLICE

After Long Chase, Rabbit Heads for Station—He's a Mascot Now.

SALEM, Or., Oct. 28.—(Special.)—Intestively locating the safety port in the storm, a big, long-eared jackrabbit dashed into the office of the Chief of Police this afternoon ahead of a crowd of dogs in full cry. The kind-hearted police officer captured the rabbit and will keep it for a mascot.

The jackrabbit, of the regular sagebrush variety, was first sighted by L. H. McMahon at State and Commercial streets. Bunny was coming full tilt, and endeavored to get into a saloon. A bird dog sighted it and the chase started, with dogs of all breeds and descriptions in full cry. Around several blocks went the hare, with excited citizens taking a hand in the guise of sportsmen.

With a last frantic leap, eyes staring from its head, the rabbit raced into the station and stopped before the Desk Marshal. The appeal was sufficient. The dogs were driven away and "Burr" has a home.

WOMAN WILL BE TRIED

Litigant Who Used Whip on Judge to Answer Charge.

SEATTLE, Oct. 28.—Mrs. Christina Olson, who bewitched Superior Judge John F. Main in the Courthouse corridor yesterday because he had set aside two jury verdicts in her favor, was arraigned in the Criminal Court here today on a charge of assault in the third degree. She pleaded not guilty and her trial was set for next Saturday.

Immediately after the arraignment she was taken before Judge Main to answer a charge of contempt of court. The Judge said he would pass upon the case next Saturday. Following the arraignment of Mrs. Olson, her husband, George Olson, a painter, was arrested in the courtroom charged with having made threats to kill Judge Main. He will be required to furnish a bond of \$500 to keep the peace.

FRESHMEN WIN BAG RUSH

Oregon Agricultural College Sophomores Are Worsted.

CORVALLIS, Or., Oct. 28.—(Special.)—The freshmen won the annual bag rush from the second classmen this afternoon by a score of nine bags to two. The football crowd was on the field when the contest took place and saw the sophomores go down to defeat before their rivals.

The worst that happened was a few score of shirts torn to shreds and some very red backs. The senior class was in charge of the rush and saw to it that no unnecessary roughness was used, but even at that it was no molly-coddling affair. The "dead and wounded" on both sides were able to be on their feet at the end of the "rough house" to give three cheers.

DEADLOCK HOLDS COUNCIL

Chehalis Citizens Hope for Amicable Settlement of Grievances.

CHEHALIS, Wash., Oct. 28.—(Special.)—The deadlock as to whether or not the Chehalis City Council will meet again is still as far from settlement apparently as ever. This week Attorney Boyle, representing W. J. Murphy, the sewer contractor who has just completed a \$22,000 job at considerable loss, and Attorney Pratt, representing the Warren Construction Company, which has several assessments yet to be collected, have been here trying to get the belligerents together so that their business can be closed up.

GUAM CAN SUPPLY NEEDS

American Vegetables and Meat to Be Raised at Home.

WASHINGTON, Oct. 28.—That the inhabitants of Guam, a faraway island possession of the United States can grow American vegetables and raise American horses, cattle, hogs and poultry on the island has been demonstrated by the Department of Agriculture. Instead of getting all their fresh meat from San Francisco, 5500 miles away, Dr. Evans is satisfied that the people of Guam will be able to supply their own needs in the future.

TAZWELL UPHOLDS EVIL, SAYS COFFEY

Police Commissioner Accuses Judge.

COHEN CHARGED WITH GRAFT

Woman Takes Oath That Magistrate Was Corrupt.

CONVICTIONS ARE FEW

Executive Board Member Declares Man on Municipal Bench Aids Undesirables and Blocks Attempts to Jail Friends.

Subscribing to an affidavit yesterday, Eleanor Maceo charges Max G. Cohen, who served as Municipal Judge during the absence of the incumbent, George Tazwell, two weeks ago, with undertaking to dictate to her the employment of a lawyer, S. J. Silverman, for a fee of \$150, as an essential condition to the promised dismissal of a charge against her. The woman was arrested for selling liquor without a license.

According to her affidavit, she did not heed Cohen's advice but employed as her attorney John D. Mann, who won the woman's acquittal when the case was tried before Cohen as acting Municipal Judge.

"The case of the Maceo woman is a sample of what members of the Police Department are up against," said John R. Coffey, police commissioner. "There is a manifest disposition on the part of Municipal Judge Tazwell, as his record shows, not to encourage the conviction of undesirables. Many of these cases are dismissed without a trial. When a conviction of any undesirable man or woman is obtained, Judge Tazwell invariably imposes a sentence which is immediately suspended and the accused is released. The result is that the Police Department is powerless in a large number of cases to gain convictions in that court, regardless of the evidence of guilt that is offered."

Another difficulty with which the police department has to contend is the fact that Judge Tazwell either does not want to do his duty in the prosecution of these cases or he desires to see the conduct of these Police Court cases obtained by his personal friends among the Police Court lawyers for their pecuniary benefit. It is apparent to those who follow the proceedings in the Municipal Court that it is virtually impossible to win a conviction and have punishment meted out in any case in which a friend of the Municipal Judge appears as attorney for the accused."

The affidavit signed by Eleanor Maceo follows: "I, Eleanor Maceo, of Portland, Or., being first duly sworn, do say upon oath as follows: On October 12, 1911, between 11 and 12 o'clock P. M. I being then in the City Jail, was called down stairs at the police station upon orders from some officer in charge. I was met down stairs by a man who called me into the private office of Cohen. He told me he was Judge Max Cohen. I afterward learned that such was the case. I had been charged, together with a Miss Wood, of selling liquor without a license. He told me to instruct my case to an attorney that he would recommend. He recommended to me Silverman as my attorney. He said one Silverman was a man who would be very anxious to appear for me and promised that the charges against me and Miss Wood would be dismissed, but that it would cost me \$150.

Different Attorney Engaged. "I told Judge Cohen that I would see about it. He then told me to be sure to appear in the morning. The next morning, October 13, 1911, I was in court and had engaged Attorney John D. Mann, and while in court, an attorney calling himself Silverman, told me he was sent to me by Judge Cohen, and he then called me aside and told me privately that if I engaged him that above charges would be dismissed. I reluctantly consented that he should act with Attorney Mann, although I was innocent of having violated the law, but I feared the results of a refusal on account of Judge Cohen. The cases were postponed until the next day on account of the witnesses against me not being present or ready. On October 14, 1911, the above mentioned cases against me and Miss Wood were tried and we were quickly acquitted. I had not promised Silverman any definite fee. I wish to add that all of the above took place in the City of Portland, Or.

Demand for Coin Alleged. "On the evening of October 14, 1911, Attorney Silverman came to my home and demanded of me \$150. He said that this was the order from headquarters. I asked him what he meant by 'headquarters.' He said that he came from the Judge. He then used my phone and called up Judge Max Cohen. He then gave me the phone to speak through. I spoke through it and the party at the other end said he was Judge Cohen. He said



ABOVE, ITALIAN SOLDIERS RESTING ON STEPS OF BUILDING. GENERAL LUIGI CANOVA, ITALIAN COMMANDER, WHO HAS HAD SCORES OF ARABS SHOT, AND ENVER BEY, WHO HAS AROUSED HINTERLAND IN HOLY WAR AGAINST ITALIANS. BELOW, ITALIAN TROOPS ON GUARD IN TRIPOLI STREETS.

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