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LAWYERS PLEAD SULZER'S CAUSE BEFORE COURT

Driven to Last Line of Defense. Governor's Attorneys Call in Question Sufficiency of Charges Made Against Executive in Impeachment

ALBANY, N. Y., Sept. 23.—Driven to their last line of defenses by the Sulzer impeachment court's vote last night against the governor's contention that the state assembly acted unlawfully in starting proceedings against him, the New York executive's lawyers today called in question the sufficiency of the charges against their client.

Attorney Herrick made the argument for the defense. Neither he nor his assistants, he said, desired to shield the governor. "But," he continued, "our position is this: "Our government is one of laws, not of men. The assembly and the impeachment court both are governed by the laws of this state, and the law says that a public official may be impeached only for wilful and corrupt misconduct of his office."

To Limit Powers "Hamilton speaks of the power of impeachment as an awful power, if unlimited.

"The court should so interpret the law as to confine impeachable offenses to wilful and corrupt misconduct in office. It should not extend its interpretation further than it has been extended before, either in America or in England, in more than two hundred years, so as to include offenses committed by a private citizen before becoming a public official.

"To so extend it would, indeed, be to make the power of impeachment truly an awful power."

"No statute of limitations would run against it. An upright, honest official might have an unfortunate past, known to corrupt, unscrupulous, political leaders, who, having placed him in office, could threaten him with exposure in the endeavor to compel him to abuse his power, and, if he did not yield, cause his impeachment.

"Such an impeachment would be, in form, for offenses committed out of office. In fact, it would be for refusal to commit crimes in office.

Take Entire Week "I do not believe this court will place an honest public official who may have erred at the mercy of blackmailers and scandal mongers. I believe it will confine the power of impeachment to its own primary purpose.

Judge Alton B. Parker, for the prosecution, hopes to complete his case by the end of the week. Witnesses already were arriving in Albany.

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RIOTERS BEAT FOREIGN MINERS BENTON, ILLINOIS

BENTON, Ill., Sept. 23.—With militiamen patrolling the streets, Benton is quiet today following last night's rioting in which twenty-five persons were beaten. Further trouble, however, is feared if posses catch Hurzan, one of the foreign miners accused of murdering Elwell Hutchens and Quincy Drummond, young musicians.

Intoxicated foreigners attacked and killed the two musicians after they had played at a dance here on Sunday night. Yesterday Americans started to avenge the murders, formed in the public square and assaulted every foreigner appearing. Twenty-five aliens were beaten, despite the efforts of twenty-five deputy sheriffs. The rioting increased and finally the sheriff called out a company of local militia and the streets finally were cleared at midnight.

Telephoning from Benton this afternoon, Captain Smith declared the people there are still enraged and that further rioting is imminent. He said the streets were filled with excited and restless Americans.

HANS SCHMIDT AND MURET INDICTED FOR COUNTERFEITING

NEW YORK, Sept. 23.—Hans Schmidt, confessed murderer of Anna Aumuller, and Dr. Ernest Muret were indicted by a United States grand jury here today on charges of counterfeiting.

ALBANIANS SLAIN BY SERBIANS ALONG FRONTIER BORDER

BELGRADE, Sept. 23.—That 200 Albanians were killed when several thousand Albanian mountaineers attempted to invade the country was the announcement contained in dispatches received at the war office here today. The fighting, it was said, continued along the frontier from Bihra to Demako. Serbian reinforcements are en route to the scene.

VIENNA, Sept. 23.—Albanian versions of the fighting along the Serbian border between Serbian troops and Albanians differ from reports from Belgrade. Fighting was precipitated, according to the Albanian version, when Serbians massacred 170 Albanian farmers who had crossed the border in search of work. The Serbians also are alleged to have burned a number of Albanian villages and slaughtered several notable families.

JAPAN READY TO GRAB CHINA

TOKIO, Sept. 23.—Premier Yamamoto can see no reason as yet for sending troops to China, he said in an interview today. He added frankly that there would be serious trouble with the Chinese if the powers intervene, as Japan has been warned they will do if the Mikado attempts a military occupation of Nankin or any other Chinese city.

Japan is steadily adding to its naval strength in Chinese waters, however, and continues to keep a strong guard of marines with machine guns around its consulate in Nankin.

STEELE IN AIRSHIP MAKES SLOW TIME

WALDFORT, Ore., Sept. 23.—Aviator Ed Steele, who began an over-the-sea hydro-aeroplane flight from North Bend to Yaquina Bay, yesterday, arrived here at noon today. On account of engine trouble he will not be able to resume the flight until tomorrow.

Steel spent the night at Florence, where he was compelled to alight because of high winds. He re-ascended at 9 o'clock this morning.

Steel has now accomplished about seventy miles of the 100 mile journey.

FOREST FIRE RAGES? AMONG BIG TREES

SANTA CRUZ, Cal., Sept. 23.—Breaking out near the Fremont Sequoia grove today after it was believed to have been overcome, a forest fire, fanned by a high north wind, this afternoon is eating its way toward the Hercules Powder Works, half a mile distant. A thick underbrush overtopped with towering redwoods, stands between the powder works and the fire, and the entire force of the powder plant is fighting hard to protect the magazines.

MRS. MERRIAM ADMITS TRYING TO SLAY SELF

Wife of Army Officer Says Husband's Treatment Left Little Else —Denies Stories of Improprieties or Misconduct.

SAN FRANCISCO, Sept. 23.—Admitting that she tried to take her own life, but denying vehemently that she sought her husband's, Mrs. Bessie C. Merriam gave her version on the witness stand today of the attempted pistol shooting episode included among the charges brought by Captain Henry C. Merriam of the United States army in connection with the divorce suit he has pending against her.

It was only after she had fled from her husband's side, as a result, she declared, of his cruelty and reproaches during the early hours of the morning that the incident occurred, that she resolved to kill herself with the captain's revolver.

Life Held Nothing "Life had nothing left for me after the words he had used," said Mrs. Merriam, her voice shaking and her eyes streaming with tears, "but he rushed up to me, pinched my arm and forced me to drop the pistol.

"I never had the remotest idea of attempting to kill my husband, but it is true that I did want to end my own life."

She was "never alone in her life," Mrs. Merriam added. At the New Orleans army post she was always accompanied, she asserted, by her young daughter, her mother, her sister-in-law or by some other friend. The only time she was ever out with Major Murphy except in her husband's company, she added, was at a Sarah Bernhard performance, and on that occasion Major Yost, post commandant, and her sister-in-law were with them.

So-Called Poisoning The incident of the so-called poisoning of herself and her little girl, she went on, was responsible for the request Major Yost made of her to leave the post and return to her mother. He visited her, she said, with his adjutant, and accused her of caring improperly for her child.

"I was without money," the witness explained, "for my husband had left me penniless when he went to Texas and had sent me nothing, so I was forced to take refuge with my friend, Miss Brown, a nurse, until my mother had sent me funds to take me to her."

The famous "September morn" telephone conversation, with which Captain Merriam has tried to connect his wife, and Major Murphy of the governor of Louisiana's staff, the defendant repudiated entirely.

"I never said such things over a telephone to any man," she declared. "I would consider it very bad taste to mention the fact that I had just bathed and was wearing only a bathrobe."

COILS TIGHTEN ABOUT COULSON

SAN FRANCISCO, Cal., Sept. 23.—Detective Captain John Mooney declared today that his men have accounted for every hour of Arthur R. Coulson's time throughout the night of the killing of William Acker and George Kovack in connection with whose death he is held, though on no formal charge, at police headquarters. How it was accounted for Mooney would not state.

The inquest was still delayed pending the sufficient recovery of Coulson's common-law wife, who was seriously wounded at the same time Acker and Kovack were killed, for her testimony to be taken.

HANS SCHMIDT, THE NEW YORK PRIEST, AND ANNA AUMULLER, WHOM HE CONFESSES MURDERING



PREACHER GRILLS PACKERS \$125,000 HUNTING BREAKFAST

CHICAGO, Sept. 23.—Chicago "big business" and Chicago "society" were equally excited today over the gorgeously of the "hunting breakfast" with which the meat packers' convention ended here last night and the candor with which the Rev. Rufus White, one of the guests at the breakfast, told his fellow-breakfasters what he thought of them.

The function was given in imitation of a real English hunting breakfast. It was held in the big banquet hall of the Congress hotel, Chicago's swellest hostelry, and it cost, it was estimated, \$125,000, everything included.

Horses Dash Past Table "The breakfasters" wore scarlet hunting costumes. Scarlet clad masters of the hunt served them. Buglers, dressed in scarlet, sounded the tally-ho between courses. The banquet hall had been transformed into a grove and during the feast a scarlet-coated huntsman on a real black horse dashed through it.

Five hundred packers sat down at the board and of those 500 there was hardly one who did not come, more or less, in the classification of a "captain of industry."

To this gathering, the Rev. Rufus White, scheduled to speak on "The Social Side of Business," addressed himself as follows: "In just the degree that you create a dominant exclusive class of captains of industry, each captain despotically ruling thousands of subordinates from whom all aspiration and ambition has been crushed by the hopelessness of advancement—in just that degree you have weakened American citizenship.

Killing Citizenship "If you reduce men to the level of mere employees, hopeless of promotion or success, you have killed their citizenship. You have killed their initiative. You have deprived them of a chance for advancement by perseverance, industry and effort.

"Collectivism and combination mean the suppression of the individual."

RAYMOND LUMBER MILL BURNS DOWN

RAYMOND, Wash., Sept. 23.—In the most disastrous fire that has ever visited Raymond, the plant of the Southwest Manufacturing company, comprising a single mill of 350,000 daily capacity and a cedar siding mill of 75,000 feet capacity, was destroyed early today, causing a loss estimated at \$150,000.

One hundred men are thrown out of employment. The loss to the plant was augmented by the destruction of 8,000,000 shingles and 1,000,000 feet of cedar siding stored on the docks.

The fire department responded to the alarm quickly and by hard work saved the machine shop, dry kilns, several million feet of siding and the plant of the Raymond shipyards, adjoining the burned mill. The origin of the fire has not been determined.



TEN THOUSAND COAL MINERS OF COLORADO STRIKE

TRINIDAD, Colo., Sept. 23.—Responding to strike call by union officials, thousands of Southern Colorado coal miners quit work today. At noon it was estimated that ninety per cent of twelve thousand miners are out and all the big mines have closed.

Twelve small independent mines signed a new wage scale and these are still operating. The operators of the struck mines are evicting strikers from company-owned houses and the miners are moving their families into tents the union has provided at various points.

No violence has been reported, but feeling is high as a result of the eviction of women and children. Vice President Hayes of the miners union this afternoon declared the miners would win even if it required ten years. The general belief is that the struggle will be long and bitter, probably rivalling the recent walkout in the West Virginia fields.

Sheriff Gresham this afternoon ordered Hayes to disarm the strikers. Simultaneously District Attorney Henrichs promised to disarm all mine guards violating the law.

BIXBY CHARGES BLACKMAIL PLOT

LOS ANGELES, Cal., Sept. 23.—Flat charges that a blackmail conspiracy was directed against George H. Bixby, Long Beach capitalist, charged with contributing to the delinquency of Cleo Helen Barker, were made today at Bixby's trial by his chief counsel, Oscar Lawler.

The conspirators, according to Lawler, were Miss Barker, Irene Marie Brown-Levey, to whose delinquency Bixby also is alleged to have contributed, and Mrs. Elizabeth Lacey, mother of the Levy girl.

ROBBER HANGS AND MUTILATES STORE KEEPER

Clothing Merchant Found Strangled and Eye Gouged Out in Hotel Room —Note Left by Murderer Tells of Crime.

INDIANAPOLIS, Ind., Sept. 23.—With a cord bound tightly about the neck and the left eye almost torn from the socket, the body of Joseph Schlansky, a clothing merchant, was found in a room at the Onaida hotel here today. The police are seeking a youth who registered as W. R. Anderson of Louisville and who induced Schlansky to go to his room. Schlansky's watch, worth \$125, and \$20 in cash are missing.

A note signed by "Laury Anderson" was found beside the body. It read:

"I started to take his money and I had to kill him." Another note read: "I started to take his pants, but didn't—terrible."

The slayer washed his bloody hands in the lavatory. Schlansky was murdered before noon yesterday.

Schlansky's body was found near the door and it is believed he was in the act of leaving when felled. The blow fractured his skull. The blood spurted on the murderer's collar, and he changed collars, leaving the bloody linen in the room.

DRAW NAMES IN LAST LAND LOTTERY

GLASGOW, Mont., Sept. 23.—The first names of the winners in the last great government land lottery were drawn here today. Two children, Zita Friedl and Hazel Hurd, alternated in drawing the names, Commissioner Tallman reading the names of the winners. The winners, in the order drawn, follow:

Samuel Crowe, Hammond, Ind.; Thomas McBradley, Olympia, Wash.; John Gilpit, Fort Scott, Kan.; Martin Golden, Miles City, Mont.; Charles Drake, Helena, Mont.; Charles Neely, Havre, Mont.; Harry Moran, Crown Point, Ind.; Hiram Saunders, Clarkston, Neb.; Carl Peterson, Hinsdale, N. D.; Charles Fero, Cedar Rapids; Fremant Preskey, Chinook, Wash.

BEAT WILLIE HOPPE OUT OF BENEFIT

SAN FRANCISCO, Cal., Sept. 23.—Willie Hoppe, a former pugilist, for whom a benefit ball was given last Saturday night, caused the arrest today of Frank Worthington, manager of the benefit. The specific charge is that Worthington withheld \$87 of the receipts from the former prizefighter. Hoppe says that all he got of the \$500 netted by the entertainment was \$130. One thousand tickets, he says, were sold at 50 cents each. In addition to these, Worthington, according to Hoppe, sold another thousand tickets and pocketed the proceeds.

On July 3 Hoppe's hands were badly injured by the explosion of a toy cannon.

SAVED FROM GALLOWS BY ACT OF GOD

SACRAMENTO, Cal., Sept. 23.—"The defendant has lost his right of appeal through an act of God. Therefore I commute his sentence to life imprisonment."

This paragraph, written today by Governor Johnson, prevents August Gerber, convicted in 1905 of murder, in San Francisco, from going to the gallows.

While Gerber's case was under appeal in the supreme court the records were destroyed by the earthquake and fire in 1906. The commutation of sentence today resulted.

THAW APPEARS BEFORE FELKNER ON EXTRADITION

Attorneys Argue Prisoner Cannot Be Extradited Unless He Has Committed Crime, and Therefore Is Sane.

CONCORD, N. H., Sept. 23.—Governor Felker will not hand down his decision in the attempt to extradite Harry K. Thaw, the fugitive from Matteawan asylum for the criminal insane, until next week.

After listening to the arguments of Thaw's attorneys and that of former District Attorney Jerome of New York, Governor Felker took the case under advisement and probably will give his decision a week from today.

CONCORD, N. H., Sept. 23.—Harry K. Thaw appeared at 11 a. m. today before Governor Felker to fight the attempt of New York authorities to secure his extradition.

Judge William Chase and former Governor Stone of Pennsylvania argued Thaw's case before Governor Felker. Both declared that the prisoner could not be extradited unless he had committed a crime.

"Former District Attorney Jerome must prove that Thaw has committed some extraditable crime in New York," they argued. "If he does he thereby proves that Thaw is sane and in that case he cannot be returned to Matteawan."

Jerome, representing New York state, will argue his case this afternoon. Thaw appeared calm and confident. Crowds followed him to the state house shouting words of sympathy. Thaw and his mother sat at the same table in the court room with Jerome.

So certain are Thaw's adherents that Governor Felker would deny Jerome's application for the prisoner's extradition that they are offering bets at odds of two to one that Thaw will win. There were no takers.

TWO SCHOONERS LOST AT SEA WITH TWENTY ABOARD

PORTLAND, Ore., Sept. 23.—That the fate of the twenty-one who went to sea from Astoria this spring on the American schooners El Dorado and American, will always remain a mystery was the belief of shipping men here today, following the posting of the two vessels as "missing" by Lloyd's Register. Since the vessels left port no word has been heard of them.

The American sailed from Astoria March 3 for Antofagosto and the El Dorado sailed for Australia April 21. Both were lumber laden, each carrying about 1,000,000 feet.

Among the crew of the Americans were: Charles Johnson, captain; E. Thanson, mate, San Francisco; C. H. Stillerson, second mate, Redwood, Cal.; J. Frederickson, carpenter, Oakland, Cal.; M. H. Sonoda, cook, San Francisco; A. Wahlstrom, Fred Clanson, Roy Coleman and H. Petterson, able seamen, Portland.

The members of the crew of the El Dorado from the Pacific Coast were:

N. P. Benson, San Francisco; J. Wilson, mate, Seattle; A. Johnson, second mate, San Francisco; A. Iwata, cook, Seattle, and Rudolph Walberg, able seaman, Portland.

PLACE BLAME FOR NEW HAVEN WRECK

NEW HAVEN, Conn., Sept. 23.—An inadequate signal system, the bunching of six passenger trains under too short a headway for a foggy morning, and the recklessness of Engineer Wands of the Bar Harbor express in running by a danger signal were today held responsible by the state utilities commission for the recent Wallingford wreck, in which twenty-one persons were killed and forty injured.