JAY GOULD TO BE POLICE COURT COP

COURT PROTECTS LIBEL WITNESSES

WEATHER—Cloud to-night and Saturday; warmer.

FINAL RESULTS EDITION

The EVENING EDITION World.

"Circulation Books Open to All."

"Circulation Books Open to All."

FINAL RESULTS EDITION. GREEN EDITION.

PRICE ONE CENT. NEW YORK, FRIDAY, JANUARY 22, 1909. PRICE ONE CENT.

PANAMA LIBEL CASE SUBPOENAS QUASHED

Judge Ward Holds That Calls to Grand Jury Were Improper.

RIGHTS ARE INVADED.

Decision Also Declares John Doe Proceedings Are Contrary to Law.

The attempt of the gentlemen behind the United States Grand Jury proceeding against The World to make of that proceeding a fishing expedition was thwarted to-day by Judge Ward, of the United States Circuit Court.

In a decision handed down this afternoon Judge Ward quashes and sets aside the service of subpoenas calling upon certain witnesses to appear before the Grand Jury "to testify to all and everything which you may know generally on the part of the United States."

Subpoenas served upon J. Angus Shaw, secretary of the Press Publishing Company, and William P. McLoughlin, editor of sports and athletics for The World, Jan. 17, are quashed by this decision. If new subpoenas are served they must specify the nature of the proceeding in order to give the witnesses an opportunity to guard their rights.

Inquiry Is Oppressive.

Judge Ward's decision establishes that the form of the inquiry as it was instituted by United States District Attorney Stimson, upon orders from President Roosevelt, was oppressive and invaded such rights of the citizens subpoenaed as are granted by the Fourth Amendment to the Constitution of the United States.

Following are the salient points of Judge Ward's decision, which is most important as outlining the rights of a citizen against oppressive and improper invasions by officers of courts:

Subpoena Not According to Law.

"The form of subpoena in the Federal courts is not prescribed by law. The only regulation on the subject is Section No. 877, United States Revised Statutes, which, as Judge Hughes explains in the note to United States vs. Ralston, 17 F. R., 901, is to be read in connection with Section 829. So read, it is to be construed as requiring for the purpose of economy that the names of as many witnesses subpoenaed in the same cause as convenience in serving the same will permit shall be included in one subpoena requiring the witnesses to atten and testify generally—i. e., either before the Grand Jury or the petit jury or both, as they may be required by the Court or the District-Attorney.

"The form used in this district indicates at least a general intention that a witness shall be informed of the matter about which he will be called to testify. I think it is proper that he should be. The Fifth Amendment to the Constitution provides that no one 'shall be compelled in any criminal case to be a witness against himself.' The Supreme Court has construed this provision largely, holding that it is not confined to a criminal case against the witness himself, but extends to any criminal investigation (Counselman versus Hitchcock, 142 U. S., 547)

Entitled to Counsel.

"It is quite clear that the ordinary citizen called upon to testify in the strange environment of the Grand Jury room, under the interrogation of the U. S. Attorney, will be quite unable to assert his rights, even if he knows what they are. He ought to have an opportunity to consult counsel and be advised of the extent of his right to refuse to testify, and of the way in

(Continued on Second Page.)

$10 Men's Overcoats and Suits, $5.95. The Hub Clothing corner, 22-25 Broadway, cor. Barclay st., opp. Post-Office, will sell to-day and Saturday the balance of their $12 and $15 Men's Winter Overcoats and Suits, all sizes, in Blacks, Grays and Browns; many silk lined; special price to-day and Saturday. Open Saturday night till 10.

WOMAN FALLS FROM ROOF OF SIX-STORY TENEMENT

Near-Sighted Mrs. Condon Makes Misstep Over Coping and Plunges to Death While on Way to Visit Neighbor in Next House.

Mrs. Bridget Condon, forty-five years old and nearsighted, fell six stories from the roof of the tenement into the court yard at No. 230 East Sixty-fourth street this afternoon and was killed. She was the mother of five children and lived on the top floor of the house at that address.

A friend of Mrs. Condon, Mrs. Mary Dunbar, lives on the top floor of No. 228 East Sixty-fourth street, and it was the custom of the two women to visit each other. To avoid descending and climbing stairs, they made their visits by way of the roofs.

It was while passing from the roof of No. 228 to the roof of No. 230 that Mrs. Condon, because of the infirmity of her eyesight, made a misstep and went plunging over the low coping protecting the courtyard opening.

THREW MAN WITH REVOLVER FROM HIS OFFICE, DOCTOR SAYS

Jacoby Reports at Police Station That Intruder Aimed Weapon at Him and Declared He Was About to Hand Him a Gold Brick.

Dr. J. Ralph Jacoby, of No. 54 West Eighty-eighth street, reported to the West One Hundredth street police station this afternoon that a strange man entered his office, pointed a revolver at him and informed him that he was "going to hand him a gold brick."

Dr. Jacoby avers that he threw the intruder into the street and that he escaped. He describes the man as about 5 feet 10 inches in height, weighing about 150 pounds and having blond hair and a red face.

He was dressed, the doctor says, in a dark sack suit, drab outing shirt, dark tie and black derby hat. He had three scars on the back of his right hand, Dr. Jacoby also said.

BINGHAM HAS HALF HOUR'S TALK WITH THE GRAND JURY

Stenographer Is Excluded During Conference and Police Commissioner Declares It Was Only a Little Friendly Conversation—Jurors Had Sent for Him, but He Won't Tell Why.

Police Commissioner Bingham called on the Grand Jury this afternoon at the request of that body. The stenographer was excluded and the Commissioner stayed with the Grand Jurymen half an hour.

"Just a little friendly talk," said the Commissioner when he came out. "I like to get acquainted with the citizens of New York in this way. Nothing to say."

The Commissioner has been putting out a lot of private conversations lately regarding Coroner Julius Harburger, whose conversations regarding the Commissioner have not been private.

BOYS FIGHT KNIFE DUEL IN SCHOOL FOR GIRL'S LOVE

One Gets Bad Wound Over the Heart and Is Hurried to Hospital.

William Pollak, fourteen years old, the son of a wealthy family living at No. 41 Mountain avenue, Summit, N. J., and Arthur Tappan, the sixteen-year-old son of an equally prominent family, of Glenwood place, Summit, fought a duel this afternoon in a class room of the Summit Public School with jack-knives. Pollak received a dangerous wound just over the heart after the duel had progressed six minutes.

While a score of youths who had witnessed the affray were trying to smuggle the wounded lad out of the building teachers discovered them and had Pollak sent to Overlook Hospital. The doctors there operated on him and said that the wound was dangerous and that had it been a fraction of an inch lower it would have been quickly fatal.

Boys in the school said that the Pollak and Tappan boys were in love with the same girl, a member of their class, the eighth grade of the grammar, and had agreed to fight it out with knives.

CHEMIST TOOK CYANIDE.

Ernest Hoffman, twenty-eight years of age, a chemist, to-day ended his life by swallowing a quantity of cyanide of potassium at No. 113 Twenty-second street, Irvington, N. J., where he boarded.

According to the police and other boarders in the house Hoffman had no relatives in this country. He had seemed greatly depressed recently, but said nothing about taking his life. He left no note to explain his act.

FAVORITE LOSES IN SAVANNAH'S FIRST

RACE TRACK, SAVANNAH, Ga., Jan. 22.—Clear and pleasant weather prevailed to-day and a large crowd made the journey to the track. The fields were fully up to the average and a splendid day's sport was anticipated.

The third race on the card was the feature event of the day, having as starters Big Hand, Sam Clay, Risk, Anna Smith and Bosom Friend, and each one of them came in for their share of supporters.

FIRST RACE—For three-year-olds and upward; selling; six furlongs.—Snooky, 103 (Griffin), 13 to 5, 7 to 10, 2 to 5, won; Birdslayer, 112 (Murphy), 8 to 5, 1 to 2, 1 to 3, second; Coincident, 108 (McGuire), even, 3 to 5, 1 to 3, third. Time—1.18 1-5. Leonard Joe Hayman also ran.

SECOND RACE—One mile and a sixteenth, for three-year-olds and upward; selling.—Autumn Flower, 105 (Burns), 3 to 10, 2 to 5 and out, won; Countermand, — (McCahe), 5 to 1, 7 to 5 and 2 to 5, second; Druid, 105 (Griffin), 3 to 1, even and 1 to 3, third. Time—1.51 4-5. Besterling and Bright Boy also ran.

THIRD RACE—Purse $150; for three-year-olds and upward; selling; six and a half furlongs.—Big Hand, 108 (Griffin), 8 to 5, 3 to 5 and out, won; Bosom Friend, 102 (Brannon), 7 to 1, 2 to 1 and 7 to 10, second; Risk, 103 (Burns), 5 to 1, 8 to 5 and 1 to 3, third. Time—1.33 2-5. Sam Clay and Hugh Farrell also ran.

BRYAN'S DAUGHTER FILES PETITION FOR DIVORCE.

LINCOLN, Neb., Jan. 22.—Ruth Bryan Leavitt, daughter of William J. Bryan, to-day filed suit for divorce from William H. Leavitt.

T. S. Allen, brother-in-law of Mr. Bryan, is the attorney for Mrs. Leavitt. Leavitt is now in Paris.

"Traction: Lest and Lost Transfers," by Charles Edward Russell—the Evening Call. Startling exposure of the Street Car Trust. Every day for two weeks. Don't miss them. All news stands.

THREE GIRLS, ALL HIS "BEST," STOLE FOR MAN, THEY SAY

Sweethearts of Rosenberg Meet in Court and Admit Their Guilt.

LOVE SYNDICATE FAILS.

Claimants for Harry's Undivided Heart Wrangle and One Goes to Cell.

Three girls stood before Magistrate Finn in Jefferson Market Court to-day and glared at Harry Rosenberg, clerk in a Sixth avenue shoe store. But even more angrily than they glared at the dapper young shoe clerk they glared at one another. For, until yesterday, each one believed that Harry Rosenberg loved her and her alone. And each of them had loved him so much that at his command they were alleged to have robbed the counters at which they worked in a Sixth avenue department store.

Detectives of the Central Office and of the store have beeen interested in young Mr. Rosenberg for some days. He first attracted the attention of Miss Higgins, employed in the store. She observed him in conservation, day after day, with Estelle Perlman, the clerk at the jewelry counter. At first Miss Higgins made no report on the matter, believing that she ought not disturb a budding romance which was not materially interfering with the store's business, inasmuch as Mr. Rosenberg never called on Estelle when the store was very busy.

Three "Saved Out" for Harry.

A day or two ago the furtive behavior of the two roused her suspicions. She kept her eye on them and says she saw Estelle go to a girl at another counter and receive a box of neckties, which were handed to Harry. He was arrested and searched. In his pockets were found a silver cigar case, a silver cigar cutter, a silver matchbox and a scarfpin, valued altogether at $25.

Miss Perlman was examined and confessed she had been stealing things for Rosenberg for many weeks. She said that the other girls, friends of herself and Rosenberg, had "saved out" things for him, too.

All three were arrested. The detectives went to Estelle's home at No. 1240 Forty-scond street, Brooklyn, and to Rosenberg's home, at No. 297 Snedeker avenue, Brooklyn. In Rosenberg's room they found quite a little treasure and in Estelle's bureau there was more than $100 worth of lingerie and jewelry.

Loved Them All Best.

"I took them for Harry," said Estelle, "because he was such a fine young man to go with, and he told me I was the swellest girl he ever knew and the only one he ever really loved. Then I took some stuff for myself, so that I would be a credit to him when I went out with him. I couldn't help it, when he was so stuck on me."

The other two girls, whose real names were not given in court because of their youth and the belief that they had been honest heretofore, flew at Estelle.

"You're a liar and a no such thing!" they both said in a breath. "He loved me best, 'cause he told me so."

They stopped short and looked at each other and then the gabble grew so shrill that Magistrate Finn had to end it with a bang of the gavel. Harry Rosenberg looked as though he wanted to run. None of the girls spoke to him in words after that. Their eyes were eloquent.

Harry and Estelle were held in $500 bail each for trial. The other little girls were let go with a severe lecture.

MILLIONAIRE JOE LEITER UNDER THE SURGEON'S KNIFE

Operation for Appendicitis Successful and Recovery Predicted—Wife at His Side.

CHICAGO, Jan. 22.—Joseph Leiter, well known in New York and Chicago social and business circles, and whose attempt to corner the wheat market some years ago caused a sensation, was operated on to-day for appendicitis. Mrs. Leiter was at his bedside.

The operation was successful and the recovery of the patient was predicted.

NEW YORK'S LONGEST AUTO LINE Is always found at the Hippodrome, where the biggest show in the history of the playhouse is drawing its biggest houses. Sensational spectacle, ballet and circus make up an unequalled bill.

Millionaire Athlete Who Wants to Become Probation Officer

JAY GOULD
Copyright 1909 by J. J. MORGAN LAKEWOOD N.J.

WALKED IN SLEEP ON SUBWAY TRACK, ARM IS CUT OFF

Unidentified Youth Awoke Too Late to Roll Out of the Path of Train.

Startled by the sudden whistle of a subway train, an unidentified youth jumped up from the bench on which he was taking a nap at the South Ferry station at 4.50 A. M. to-day, and in his sleep walked off the platform.

As he struck squarely across the rails he awoke and desperately tried to roll out of the way of the approaching train, which was only a few feet away.

He succeeded in getting clear of the rails, with the exception of his left arm, which was cut off near the elbow. Motorman Albert Martin had seen the man fall, and tried to stop his train, but the distance was too short.

Several section laborers were at work near the platform and had noticed the young man asleep on the bench, and it was the whistle to warn them off the track that partly awoke the sleeper. The workmen saw him, with closed eyes, stumbling towards the edge of the platform, but couldn't reach him in time to prevent his tumbling off.

Dr. Roberts took the injured man to the Hudson Street Hospital, unconscious and suffering from shock. Besides having an arm cut off, it is believed he is internally injured. Nothing could be found in his pockets by which he could be identified.

There was a postal card, however, addressed to "August Mehrling, No. 3820 Broadway." He also had several "L" tickets, a ten-cent Canadian coin and a penny.

He is about eighteen years old, light complexion, blue eyes and brown hair, and wore a brown coat and overcoat and blue trousers. He is still unconscious.

The proprietor of the grocery store at No. 3820 Broadway said the boy was undoubtedly August Mohling, who had worked for him as a clerk until two months ago, when he was discharged for irregular habits. Mohling has an uncle who keeps a saloon at No. 300 Amsterdam avenue, and there is also a brother at work somewhere in the city.

Strap Hangers, Attention! Read Charles Edward Russell in the Evening Call. Limelights on the Traction Trust. On every news-stand every day for two weeks. Strap hangers, stan lively.

HAS A RIGHT TO CHANGE HER MIND AND HER LAWYER

Justice MacLean Sustains Miss Smith and Quotes Adage as to Women Clients.

Miss Alice L. S. Smith, who has been sued by the Norden Trust Company, with others, for an accounting of the estate of her mother, the late Mrs. Sarah W. F. Smith, had Charles F. Thumm for her lawyer. They disagreed and she retained Alexander H. Brown in his stead. Later they made up, and Miss Smith wanted to re-substitute Mr. Thumm. Mr. Browne objected unless he was recompensed for some work he had done. Justice MacLean decided in the Supreme Court this afternoon Miss Smith had a right to change her mind again, and added:

"Now, concerning the costs. Inasmuch as the intermediate choice never brought himself into the room of attorney he did not come into nor does he stand within the protection of the law. The court cannot extend that protection to him, although it recalls irrelevantly the tradition once delivered to practitioners in this district by the sturdy Bernard Roelker, that the venerable Greenleaf in a reputable school of jurisprudents in Massachusetts counselled: 'Never have for a client a clergyman or a woman.'"

The papers in the case reveal a detailed account showing how Lawyer Browne earned the $250 he asked from Miss Smith as a prerequisite to her changing back to her former attorney and that during his short service he had done unusual service.

One item was "to inducing the management of the Martha Washington Hotel, by means of an all-night talk with Assistant Manager McLoughlin, to allow her to remain in the hotel."

Browne said that Miss Smith told him she was without funds and behind in her interest payments on jewelry in pawn, and he, Browne, went to the pawnbroker's shop and got an extension of time for her.

Fine New Turkish Baths now open at the new Pulitzer Building. Only first-class downtown establishment. Modern in every detail. Electric and Turkish baths at all hours, also barber shop; open day and night.

JAY GOULD WILL BE OFFICER IN "BATTERY DAN" FINN'S COURT

Young Millionaire Wants Wageless Job Which Will Allow Him to Wear Brass Buttons and Carry a Gun.

INTEREST IN MUNICIPAL AFFAIRS A DUTY, HE SAYS.

"Serious Task, That of Being in a Sense Responsible for the Public Behavior of Some Fellow Citizens," Is His View.

Magistrate Dan Finn has won his wish and will have a millionaire probation officer, if young Jay Gould is game. The Magistrate has written young Mr. Gould a letter telling him to report at Jefferson Market Court next Monday morning, there to be sworn in as the probation officer and receive his shield and his revolver and his authority in writing to serve without pay.

If Mr. Gould accepts the office he will be charged with the responsibility of looking after petty offenders who are on probation by order of the court. Such as these will be in his official custody and he will be held responsibility for them. If he finds any of them violating the provisions of their parole it will be up to him to place the offender or offenders under arrest.

The design of young Mr. Gould, son of George Gould, head of the Gould family, to serve as police court probationary officer was born of the wish expressed by Magistrate Finn yesterday that he could get a millionaire to act in such capacity. The remarks of the Magistrate were published in The Evening World and Mr. Gould read them.

The eagerness of young Mr. Gould to serve the city and get some excitement and experience at the same time was conveyed to "Battery Dan" on the bench in Jefferson Market this afternoon.

Mr. Gould, according to Magistrate Finn's informant, wants to look upon life as it is lived. He hungers to go out and learn the secrets of existence in a great city, and figures that a probationary officer in a police court ought to absorb a lot of knowledge of that nature.

Joy for "Battery Dan."

Magistrate Finn having lost his probation officer, Barney O'Connor, by edict of his enemy, Commissioner Bingham, hailed with joy the prospect of getting a millionaire on his staff. He hastened to his private office and indited and despatched the following letter:

"Jay Gould, esq., Plaza Hotel.

"My Dear Mr. Gould: I have been informed by a gentleman friend of the Court that you are desirous of taking upon yourself the responsibility of acting as a probation officer under my direction in the Criminal Magistrates' Court of the city of New York. It would afford me great pleasure to appoint you to that position if you care to lose the time necesary to perform the duties of my probationary officer.

"The duties are not hard or arduous. The only difficulty would be you would have to serve without pay as I have no way of protecting anyone who serves the city as my probation officer. I will be glad to meet you at this court on Monday morning at 9.30 o'clock.

"Very truly yours,

"DANIEL E. FINN."

Hasn't Consulted Father.

Magistrate Finn, when told of the ambition of young Mr. Gould, inquired how Mr. George Gould felt about it. He was told that Jay Gould had not consulted his father, deeming himself master of his own actions with respect to this particular intention on his part.

Magistrate Finn in announcing that he would like to have a public spirited young millionaire act as his probationary officer specified that no mollycoddles need apply. Jay Gould is no mollycoddle. He is an all-round athlete and horseman, a polo player of ability and the champion court tennis player of the world. He is muscled like a prize-fighter, has plenty of nerve and would have no difficulty in dragging a husky 'longshoreman to court should the occasion arise.

> **Probationary Officer's Privileges and Duties.**
>
> PRIVILEGES.
>
> Brass buttoned uniform.
> Revolver.
> Billy.
> Handcuffs.
> Right to make arrests.
>
> DUTIES.
>
> To see that prisoners released on probation are good.
>
> To receive reports from such prisoners at stated times.
>
> To visit them at their homes or places of employment.
>
> To act as sleuth in tracing their movements.
>
> To arrest them and arraign them in court if they violate their parole.
>
> To help the Magistrate on and off with his overcoat and robes of office and carry the Magistrate's valise and law books when he has any.

Interested in Courts.

In expressing his wish to take the job of probationary officer Mr. Gould said:

"I believe that every man, no matter what his position in life, should have a serious interest, and especially a serious interest in municipal affairs. The best way to find out about municipal affairs is to experience them; and that I propose to do if I can. I am studying law, and the la wis to be my life work. A knowledge of the law is useful to all men, but especially to men if they propose to interest themselves in municipal affairs.

"The probation officer has the power to make or unmake a man. It is a serious task to place on any man—that of being, in a sense, responsible for the public behavior of some of his fellow citizens.

"I have always been greatly interested in the [illegible] courts in the West and [illegible]. Those are courts that [illegible] many ways with purely moral questions, and not only with the more stern problems of the law and its enforcement. Persons who do not think must be thought for—especially the courts that treat the juveniles and first offenders. I can see how the probation officer of a police court in a sense is a moral officer, and often has to assist the Magistrate in dealing with questions of moral delinquency rather than of habitual criminality. I am a young man—just of age—but if Magistrate Finn is of the belief that I could qualify as his probation officer, I shall be only too glad to accept.