

AUTO'S SPEED 30 MILES AN HOUR

WITNESS SAYS HOOK DROVE RECKLESSLY

YOUNG MILLIONAIRE IN COURT

Son of the Late Traction Magnate Answers to Charge of Manslaughter for Causing Death of Miss Birtwistle

Barbee S. Hook, millionaire son of the late railway magnate of Los Angeles, appeared in Justice Chambers' court yesterday afternoon for preliminary examination on a charge of manslaughter. Hook, it is alleged, while driving at a high rate of speed in his automobile, caused the death of Miss Marguerite Birtwistle.

The accident occurred Sunday, March 29, on Downey avenue, near Avenue Twenty. Miss Birtwistle was returning home from a trip to the city and in an attempt to cross the street to her home was struck and thrown fifty feet by an automobile driven by young Hook. The woman died three days later from her injuries and a coroner's jury returned a verdict of death from accident and charged Hook with careless driving and manslaughter.

Many Women in Court

More than a hundred visitors, among whom were many young women, thronged the court room at the examination and spent the greater part of their time in attempting to view the defendant. At times when the evidence seemed to be against young Hook a slight murmur of sympathy would burst from the fair spectators and the bailiff was compelled repeatedly to call the court to order.

Barbee Hook appeared in the court room at 3 o'clock. He was accompanied by his attorney, W. J. Hunsaker, and by his brother, William Hook. Attorneys McComas, Fleming and Keyes represented the prosecution and were backed by nearly a score of witnesses. The first day of the trial was taken up with the testimony of Dr. Seamans of 124 North Avenue Twenty, who was called in attendance to Miss Birtwistle several minutes after the accident. C. E. Van Horn and E. W. McLeod, the crew of a car which was passing at the time of the accident, were also witnesses.

Mrs. Birtwistle, mother of the deceased, did not appear at court. It is thought that Mrs. Birtwistle will not be required to testify because of her weakened condition as a result of the shock of the accident.

Physician's Testimony

"I reached the side of Miss Marguerite Birtwistle a short time after she was struck by the automobile," testified Dr. Seamans. "At that time the girl was lying in the street and a great bruise over her left eye and another on her left shoulder showed plainly where she was injured. I later attended her at the receiving hospital and at the Good Samaritan hospital. She never recovered consciousness and when we operated upon her we found that part of the skull bone had been crushed and was resting on the brain. I saw her after she was dead and it is my opinion that she came to her death as a result of injuries received in the accident."

Motorman Van Horn was then called to the stand. "I was on my car passing near the scene of the accident at the time," said the motorman. "At the intersection of Avenue Twenty and Downey street there is a grade of about 40 per cent. The first I saw of the machine it was swinging from one side of the street to the other, going at a rate of about thirty miles an hour. "Almost the next second after I first noticed the auto the accident occurred, and when I left my car and ran to the place the young woman was lying in the street. Barbee Hook came to her and leaned over and looked into her face. As he arose and started toward the sidewalk he put his hands to his head and I heard him say, 'My God, my God.'"

The testimony of the conductor was brief and told of Miss Birtwistle leaving the car and crossing over to the sidewalk at the time of the accident.

Girl to Testify

The court then adjourned until this morning, when other evidence will be introduced including that of Miss Frankie Babler, one of the young women who was in the machine at the time of the accident. Detectives Leon and Benedict, who were detailed to the case, have secured witnesses from many places along the route of travel taken by the autoists during the afternoon and expect to prove that the machine was going at a high rate of speed.

It is understood that attorneys for the defense will make a hard fight in the lower court. The civil proceedings have been dismissed since the arrival of Mrs. Hook from Chicago several days ago.

Upon the arrival in Los Angeles of Mrs. Hook a conference was held with the attorneys representing Mrs. Birtwistle and an agreement was effected whereby the civil suit was dismissed. Mrs. Birtwistle, according to the agreement, is to receive about \$400 a year for the remainder of her life, and bonds covering these payments have been deposited with a local trust company.

Divorce Suits Filed

Divorce proceedings have been commenced in the superior court by Mrs. Luella G. Wakeley against her husband, William Wakeley; Mrs. Grace G. Hoyt against her husband, Royal E. Hoyt, and Mrs. Nellie S. Moran against her husband, James Moran.

BARBEE HOOK GIVEN HEARING ON MANSLAUGHTER CHARGE



BARBEE HOOK AND MRS. BIRTWISTLE, MOTHER OF GIRL KILLED IN THE AUTOMOBILE ACCIDENT

ATTORNEYS HOLD BRILLIANT AFFAIR

BAR ASSOCIATION HOST TO SUPREME JUDGES

PRISON METHODS SCORED

Speaker Deplores Present Conditions, Saying That They Are Worse Than Are Those in Europe

The wit and brilliancy of the bench and bar of California gathered in the main banquet hall of the Hotel Lankershim last night, to pay respects to the distinguished members of the supreme court of California.

The banquet and reception, in which nearly two hundred of the leading practitioners of the local bar participated, was tendered to the supreme court jurists, by the Los Angeles Bar association.

Aside from the large attendance of those prominent before the Los Angeles Bar, many distinguished lawyers and judges from other counties of the state were seen and heard on the floor of the banquet hall.

Wit and humor on the part of the legal fraternity characterized the period spent in the enjoyment of the sumptuous banquet so carefully arranged by the hotel management.

The visiting justices of the supreme court were seated at the main table, over which presided the honorable James A. Gibson, the toastmaster of the evening.

Seated to the right and left of the toastmaster, were the principal speakers of the evening, Judge Curtis D. Wilbur of the superior bench of Los Angeles county, and the honorable Frank C. Prescott of San Bernardino, speaker of the lower house of the general assembly.

New Judges Present

Among the others seated at either side of the toastmaster were Charles O. Monroe, G. A. Gibbs and Walter Bordwell, the newly appointed superior court judges, and Judge M. T. Allen, the newly appointed appellate court judge.

Toastmaster Gibson in opening the ceremonies of the evening, extended a cordial welcome in behalf of the bar association to the justices of the supreme court.

The toastmaster then introduced the first speaker of the evening, Hon. Frank C. Prescott of San Bernardino, who delivered an interesting address on "Prisons and Prison Reforms."

"My interest in prisons is a disinterested one," said the speaker in opening his address. "I would rather touch upon something else on this happy occasion, but I am a believer in the principle that when you have a tour of duty presented to you, go at it as if it was the most interesting subject in the world." (Applause.)

Prisons in Bad Condition

Continuing the speaker said: "There is no department of public duty that is in such wretched condition as the prison department of California. The prisons of California are in far worse condition than those of Europe."

The speaker then told of the visits of the "junket" committee to the prisons at San Quentin and Folsom, and in this connection he took occasion to explain, amid the laughter of the banqueters, the meaning of the legislative phrase.

"A junket" said the speaker, "means a trip by the legislators on business at the public's expense." (Laughter.) "When the 'junketing' committees returned they made some very sensational reports, but the reports were received at such a late date in the life of the legislature that there was nothing doing."

The speaker explained, however, how the bills had accomplished some of their intended purposes, as the result of a visit to the board of prison directors.

"Within six months the prisoners at



PRESIDENT W. J. HUNSAKER

San Quentin and Folsom will be converted from corals into prisons with separate cells.

"When the separate cells are provided, the school of crime will be abolished, and then California will have the best facilities for handling this problem, of any state in the union." (Applause.)

The speaker then touched upon the idea of grading the prisoners according to their terms and behavior. In this connection he spoke of the idea of indeterminate sentences. Under this rule the prisoner may increase or diminish his term in prison by his behavior.

No Uniform Rule

Mr. Prescott called attention to the fact that many of the judges pass sentence upon criminals regardless of any uniform code of rules.

"It may be that the testimony varies," said the speaker amid shouts of laughter.

"Some men will be sent to state's prison for stealing a bicycle, and he may stay there for life; while another man may murder his wife and he will stay there for a year and a half."

"There are men who are serving life sentences in prison for murder that are gentlemen. I believe that if you take away from a man all hope, you might just as well kill him."

"If he is a good man, and has an ambition to begin life anew, I believe it is a great crime to that man and to society, not to bring him back to a useful citizenship."

In closing Mr. Prescott said: "The dawn in California has just broken and we may anticipate with pleasure the stand which will be taken by the people of California on this great question of prison reform."

Judge Wilbur Speaks

The closing address of the evening was delivered by Judge Curtis D. Wilbur of the superior court, on "Juvenile Courts."

Judge Wilbur said in part: "Up to comparatively recent times, so far as the law itself was concerned, as distinguished from the methods of its enforcement, no distinction existed between the punishment meted out to children and to adults. The only distinction made was to the character of the evidence necessary to convict, a child under seven years of age being conclusively presumed to be incapable of crime, and a child over seven and under fourteen having the presumption of innocence fortified by the presumption that all acts constituting crime were innocently done, such presumption being overcome by proof of actual knowledge of wrongfulness. Of course as the barbarity and extreme cruelty of such punishment became obvious, the officers sworn to arrest, prosecute and try offenders, began to neglect and evade the duty imposed upon them by law, and in various ways overcoming the law. It is to this fact no doubt, i. e. that police officers, peace officers, attorneys and judges were better than the law, that we owe it, that such a barbarous state of legislation was tolerated so long. Notwithstanding such leniency there are today a number of instances in the United States where children nine, ten and eleven years of age are confined in a state prison."

"Under the old plan children were allowed to run at large until they had become incorrigible criminals, and usually they remained such notwithstanding the tardy reformatory measures adopted.

"The juvenile court presents each boy

before the court as a problem for solution, the solution sought being the reformation of the boy and his reclamation as a good citizen. Heretofore the court has been concerned with only one question, "guilty" or "not guilty". The disposition of the child has been an entirely mechanical matter so far as the judge is concerned. The task of Poo Bah—to make the punishment fit the crime—is an easy one compared to the task presented to the judge of the juvenile court, to make the punishment fit the child, and at the same time be an adequate deterrent to the child and to other children."

Among those seen at the banquet board were:

Chief Justice W. H. Beatty, Associate Justice Lucien Shaw, Associate Justice F. M. Angellotti, Associate Justice Walter Van Dyke, Associate Justice W. G. Lorigan, Associate Justice F. W. Henshaw, Judge M. T. Allen, Judge Curtis D. Wilbur, Judge N. P. Courey, Judge Benjamin Bledsoe of San Bernardino, Judge B. N. Smith, Judge Cassius Carter of San Diego, Judge John D. Pope, Bradner T. Lee, Will A. Harris, Judge James A. Gibson, Wiloughby Rodman, A. P. Thompson, Force Parker, Ross T. Hickox, John W. Mitchell, C. C. Davis, John Heath, C. E. Dillon, J. L. Murphy, Emmett Wilson, J. W. Shaw, Arthur Wright, Judge William J. Hunsaker, A. S. Halsted, H. B. Starbuck of Santa Barbara, Clarence Miller, Russ Avery, T. L. Woolwine, W. A. Strong, H. P. Adams, H. T. Morrow, Adam Thompson, W. R. Hervey, W. T. Trask, Colonel C. H. Rippey of San Diego, C. White Mortimer, British consul; Judge E. W. Britt, William Chambers, O. P. Mulford, Warren E. Lloyd, Frederick Baker, W. M. Hatt, Oscar C. Mueller, R. R. Tanner, Charles Bacheller, W. P. Jamison, C. V. Landt, R. A. Odell, H. A. Goudge, W. J. Williams, Alfred M. Norton, A. H. Van Cott, Elton G. Galusha, Roger S. Page, A. J. Copp, Jr., Donald Barker, S. V. Lantz, Hon. F. C. Prescott of San Bernardino, Nathan Newby, C. C. Brown, E. A. Miller, H. A. Barclay, J. G. North, Lloyd Moultrie, P. F. Rice, O. P. Widaman, Walter F. Haas, Lamar A. Harris, Frank Garrett, Jesse Waterman, Walpole Wood, Judge G. A. Gibbs, George H. Hutton, Judge H. H. Klamroth, J. E. Hannon, Howard Roberts, Walter R. Leeds, Frank James, Frank G. Finlayson, Walter R. Bacon, E. F. Wehrle, W. H. Anderson, T. W. Robinson, Gilbert D. Munson, M. Lissner, H. J. McCormick, B. Potter, H. W. Hanson, W. W. Butler, J. H. Shankland, L. C. Gates, Judge Walter Bardwell, R. L. Horton, George I. Cochran, Frank Porter, Dana Weller, Max Loewenthal, Judge Charles Monroe, J. A. Anderson, Jr., O. B. Carter, E. E. Bacon, Judge H. A. Pierce.

BERRY BOXES MUST BE CLEAN

Board of Health Warns Purchasers of Danger

Angelenos may soon be reasonably certain that the boxes which contain their purchases of berries and other small fruits have not had an unsavory career of one usage, then going back to the packer by the ash heap or other equally unsanitary route.

City Attorney Mathews is now at work on an ordinance to be presented to the council for passage Monday which prohibits fruit packers using other than new boxes.

The ordinance has been prepared at the request of the health department which states in asking for the measure that the second handed boxes used are extremely insanitary and sometimes disease breeding by the fact of their previous use. Often the boxes containing the fruit go into the sick room or are left lying in unhealthy places.

EJECTED FROM CAR AND FOUND LYING IN STREET

James Inverarity, an old resident of Vernon, was ejected from a street car at Sixteenth street and Central avenue last evening and later picked up in the street at that point by officers and sent to the receiving hospital with a slight laceration of the skull.

It is said Inverarity boarded a Vernon car at Second and Los Angeles streets while intoxicated. He gave the conductor some trouble, according to information furnished the police, and was ejected from the car. While on the car he fell and his head hit a seat, and it is thought the injury to his skull occurred in this way.

BREWERS ADVISE GERMAN PLAN

SAY IT WOULD ADVANCE THE CAUSE OF TEMPERANCE

NEW RULES ARE REASONABLE

Manufacturers of Beer Believe Real Harm of So-Called Evil Comes From Adulteration of Liquors

There is apparently no disposition on the part of the brewers of Los Angeles to criticize the action of the police commission regarding the regulation of the retail liquor traffic.

The no saloon movement, however, is another question, and in the opinion of many will do more to injure Los Angeles if it carries than anything else.

The brewers advocate the German plan as a solution to the so-called liquor evil. They believe that the real harm comes from the adulteration of liquors, such as are found in "blind pigs," disorderly houses and oftentimes drug stores.

"The temperance cause will be advanced to a higher plane," said Max Kuehnrich of the Los Angeles Brewing company, "if the city will adopt the German plan of dealing with the liquor problem. People would then learn to drink moderately and not make drunkards of themselves. They would know where to go to get a drink when they desired it, and would not be tolerated if they did not behave themselves. As far as I can see, the most objectionable feature of the new rules of the police commission is that they prohibit the workman from going into a place and seating himself at the table to drink his beer. He may stand up to the bar, however, and drink all he pleases, or go to some restaurant and sit down and drink, but in the latter case it will cost him just that much more, as he must buy something to eat."

F. A. Heim's Views

F. A. Heim, local manager for the Anheuser-Busch Brewing company, believes that the rules of the police commission are within reason. There is no objection, he says, to taking tables and chairs from many of the saloons.

"I don't believe any injury has been done any one by the removal of the chairs and tables from the saloons," said Mr. Heim. "In fact about 80 or 90 per cent of the saloons in the city took the chairs and tables out some time before the new rules went into effect."

"A saloon should be run nowadays on the basis of morality and order. Only men of sobriety and honesty should be employed behind the bars. This would have a tendency to uplift the saloons and place them on a standard with any other business enterprise. Every saloon man should be made to stand on his individual merits if this plan would be carried out successfully."

"I would advocate the creation of a pure food commission by the health department, whose duty it should be to regularly inspect all liquors passed across the bars of the different saloons. This idea is meeting with success in Germany and there is no reason why it shouldn't do well here. Of course when a saloon is found selling drinks that are not pure it should be subject to punishment. Every place should be made to comply strictly with the reasonable requirements of the police commission."

"If this plan is adopted we will have very few drunkards and less crime. It will produce temperate drinking and good results."

Notice to Holders of Herald Photo Coupons

Holders of Herald photo coupons on Barnett & Son's studio wishing sittings on Sunday must make engagement several days in advance. All coupons must be presented before May 26, 1905.

WANT TUNNEL FROM BROADWAY TO FIGUEROA

Property owners west and north-west of Broadway, who petitioned the council last week to build a tunnel under Court street, from Broadway to Figueroa street, are enthusiastic over their proposed plans.

They say they are going to have that tunnel or they will know the reason why. According to plans, the proposed tunnel will be 2270 feet, as against 1040 feet for the Third street tunnel. It will cost in the neighborhood of \$200,000, it is said.

CATARRHAL NERVOUSNESS.

Thousands of Women Suffer From Nervousness Due to Catarrh.



Mrs. E. Von Stienau's Recovery by Pe-ru-na the Talk of Her Friends.

Backache and Headache Disappeared After Taking Six Bottles of Pe-ru-na

Mrs. E. Von Stienau, 332 5th street, Milwaukee, Wis., writes: "I feel it my duty to write and tell you how much good Pe-ru-na has done me. I have been a sufferer for years with female trouble, causing backache and at times terrible headaches. "I had also complications from indigestion and heart trouble, so that I often had to lie down. "A friend advised me to try Pe-ru-na. I had little faith in any medicine, as I had tried so much without getting any relief, but to please her I gave it a trial. "After three days I felt so much better that I decided to continue its use and by the time I had taken six bottles I was in perfect health and had no more headaches. In fact, my health is now all that I could wish. "Pe-ru-na is certainly an estimable medicine and well worthy of praise."

INDIGESTION soon leads to functional disturbances of the heart. If this is allowed to continue any length of time, the spinal cord becomes irritated and anemic. This gives rise to backache, headache and a most aggravated form of nervousness. Indigestion was the beginning of it—a slight catarrhal derangement of the stomach. The mucous membranes of the stomach become inflamed, congested, and the digestive juices are changed. Digestion no longer goes on in the regular manner.

This creates gas, which causes dilatation of the stomach, cructations of gas, palpitation of the heart, and suffocating feelings. A frugal diet should be adopted and a course of Pe-ru-na should be taken. This will remove the catarrh. Then the indigestion will disappear. The fluttering and palpitation of the heart will also be corrected. The spinal cord will regain its usual tone and vitality, when the nervousness, backache and headache will be things of the past. Such cures remain permanent because they are rational.



Los Angeles, Thursday, April 13, 1905



A Rattan Rocker of Best Material and Construction \$5.60

There is graceful poise to the rocker pictured here today. There is no comparison between it and rockers sold for the same price and more. The material is closely woven in nice design. It looks and is in every sense a rocker of comfort and durability. The price is \$5.60.

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