

LOS ANGELES, CAL., FRIDAY MORNING, JULY 28, 1905.

HOLD NO LIBRARY INVESTIGATION

BOARD MEMBERS REBUFF MAYOR

DECLINE TO SUBMIT TO A HEARING ANSWER WITH ACCUSATIONS

State That Inquiry Is Idle Ceremony, and Refuse to Participate, Necessitating Adjournment of Hearing in Confusion

Mayor McAleer was informed last night by members of the library board at a meeting called for the purpose of investigating Miss Mary L. Jones' removal that they do not consider him a competent court and therefore refuse to present any evidence whatsoever or to become a part of the investigation.

When Mayor McAleer, sitting as chief justice, with Deputy City Attorney Gouge as associate justice, called the meeting to order the council chamber was filled with handsomely gowned women and their escorts. As the gavel fell there was a murmur of expectancy among the women, but when Attorney Lawler stated the position of the board in blunt terms it fairly took the club members' breath away.

Questions Mayor's Right

Lawler demanded by what right the mayor had summoned the board to appear and told the city's chief executive plainly that he had no power to subpoena witnesses or compel their attendance, and furthermore made the startling statement that the mayor was the board's most important witness.

Mr. Lawler then read the following communication from the board to the mayor, which reviews the case:

"July 27, 1905. Hon. Owen McAleer, mayor of the city of Los Angeles:

"Sir—On or about March 30, 1905, Miss Mary L. Jones, then librarian of this city, informed the president of the board of library directors of her intention to resign and stated that the board could look for a new librarian at any day.

"After conference between yourself and members of this body it was determined that efforts should be made to secure the services of some person qualified for the position, with the result that the appointment was, with your co-operation and concurrence, tendered to Charles F. Lummis, who, after considering the offer for upward of twelve days, informed us that he would, in the event of a vacancy, accept the position.

"Miss Jones was formally advised that arrangements had been made to make the change in the office of librarian, but that in order to give her ample opportunity to arrange her own affairs, her successor would not enter upon the performance of his duties until September 1, 1905. To enable her to secure employment elsewhere, provision was made for her attendance at the meeting of the American Library association, to be held at Portland exhibition before that date, without cost to herself, and it was suggested that she tender her resignation to take effect on the date named, to which she at the time assented.

Agreed to Resign

"It was thereupon agreed that she should formally present her resignation at the meeting to be held on June 14, 1905, on which date she appeared before us with a request for postponement until June 21, which was readily granted, and on the latter date she positively declined to hand in her resignation.

"The experience of this board had satisfied its members that it was essential to the best interests of the library and its patrons that a successor to Miss Jones should be appointed, but with a desire to act with the utmost deliberation and circumspection in the premises, we had previously detailed the entire situation to you, including the grounds upon which the determination for a change was based, and sought your advice, which you very kindly and readily granted and assured us of your full concurrence in our judgment.

"Upon receipt, therefore, of said declaration from Miss Jones, the board, being thoroughly assured that it was vested with full authority so to do, on said last mentioned date adopted a resolution in which some of the grounds for its action were recited, removing her from the office of librarian. This resolution was officially communicated to Miss Jones and Charles F. Lummis was formally appointed to fill the vacancy created thereby.

May Remove Summarily

"It will thus be observed that, notwithstanding the fact that this board is authorized by the city charter to remove the librarian for good cause and that the courts, in construing a similar provision, have held that it not only fails to require any hearing or proceeding but strongly implies that the removal shall be summary and without any antecedent proceeding, and notwithstanding the further fact that our negotiations with Mr. Lummis were occa-



MISS MARY L. JONES, ABOVE, AND I. B. DOCKWEILER OF THE LIBRARY BOARD

sioned by the expression to the board by Miss Jones of her intention to resign, we did not proceed summarily to act upon our own well established opinion that there was good cause for her removal and that the service would be benefited thereby, but proceeded with the utmost deliberation and with your distinguished consideration and approval of the correctness of our course, backed by the opinion of the city attorney that it was entirely regular.

"There are and can be but two propositions involved in this matter: First, was the removal authorized by law; and, second, was it prompted by proper motives?

"As to the first the city attorney advises in the affirmative.

"As to the second, the only method of establishing such motives is by an inquiry into the circumstances surrounding our action and as you were fully advised as to every step taken in the course of the proceeding and were freely consulted in regard thereto, your judgment having been adopted and acted upon, you are an important and well-nigh indispensable witness for the purpose of establishing the motives which inspired our action; and inquiry which would simply develop facts already within your personal knowledge would be an idle ceremony.

Cannot Issue Process

"Then again we would respectfully call your honor's attention to the fact that under the law your honor has not the power to secure the issuance of any subpoena or other process which would compel the attendance before an investigating body of such witnesses as are acquainted with facts concerning the administration of the public library, but who for business, personal or other reasons are nevertheless unwilling to appear, but whose testimony it is absolutely essential to secure, in order that all the facts may be fully and properly presented to the investigating body and to the end that the public may have the benefit of learning all of the facts which prompted the library board in making the change hereinbefore referred to.

"We do not, and we know you do not, shrink from the fullest and most complete investigation of any act which is now brought in question, but we respectfully suggest that in view of the embarrassment which might be occasioned by your being called as a witness in a matter over which you are presiding as judge, that other arrangements be made than the one apparently now contemplated.

"In conclusion we invite the fullest investigation of the matter in question or of any other act of our administration, but respectfully submit that when such investigation is had we have the moral and constitutional right to require that it take place before a lawfully constituted tribunal, vested with full power to secure the production of evidence, the attendance of witnesses and in the conduct of whose proceedings the rights of all parties will be equally protected and whose conclusions, when reached, will be determinative of the matters in controversy."



MRS. ROY JONES, ONE OF THE CLUB LEADERS, ABOVE, AND MAYOR M'ALEER

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Rodman's Name Missing

This communication was signed by all of the members of the board with the exception of Willoughby Rodman, who is not in the city. He is the only director taking Miss Jones' side of the question.

Mayor McAleer made every effort to persuade the board to present its evidence, but the members remained silent and their attorney told the mayor plainly that he had no power to compel them to present evidence and that they would present none.

The communication was an answer by the board and, as can be seen, contains numerous counter charges, none of which the mayor denied. When he found that the board refused to become a party to the investigation he was forced to declare the meeting adjourned.

Board is Discourteous

When asked regarding his future action the mayor replied: "I will act all right but I want to sleep on it first. I want time to think over it and not take any snap judgment. The action of the board was most discourteous."

"Where is the case now?" said Miss Jones when the meeting had adjourned. "I wish I knew. Just what my future action will be depends on what develops. I cannot say now."

Charles F. Lummis was present and said: "It was what I and everyone who took a square view of the case expected. If there had been sincerity behind all of this agitation something might have come of it but it was mere sentimentalism and of course it fell through."

Will A. Harris, who represented Miss Jones, said: "We were prepared to answer any charges the board might advance against Miss Jones. I was fully prepared to meet them but they made

no charges, simply refused to consider the mayor. The insult to him was so evident that he will have no other course in my opinion than to remove the board."

MAYOR CHAGRINED, HE SAYS

Asserts Action of Board Is Great Disappointment to Him

Mayor McAleer says he is disappointed by the action of the members of the library board in refusing to submit to an investigation of their action

adjourned last night he said in substance:

"In view of the fact that the board dismissed Miss Jones without a hearing, although according to the terms of the resolution removing her the action of the board was taken for good cause and upon numerous grounds specified, I deemed it proper that the board should be required to submit evidence in support of the charges upon which they had acted in removing Miss Jones.

"When called upon to do so the members of the board through their attorney refused to offer any evidence, but their attorney read a communication signed by four members of the board in which it was asserted, substantially, that the action of the board in removing Miss Jones had been taken after conference with me and with my consent and also that I had subsequently approved their action.

"That for these reasons and for the reason that the members of the board desired to call me as a witness they objected to my conducting the investigation and declined to proceed or to submit any evidence whatever. I offered to testify if the members of the board desired to call me as a witness but they still declined to proceed. My effort to hold an investigation was thus frustrated.

Approved Board's Action

"In reference to the statements contained in the communication above mentioned that the action of the board in removing Miss Jones had been taken after conference with me and with my consent and that I had subsequently approved such action I have to say that these statements are substantially true.

"I was informed by members of the board and believed that Miss Jones was about to resign and that it was necessary to select another librarian and when informed of the selection of Mr. Lummis I approved it. Subsequently I was informed that Miss Jones had refused to resign and had been removed upon the grounds stated in the board's resolution of June 21.

"These grounds if well founded were certainly good cause for removal and I was informed by the members of the board and believed that the charges made were founded on facts and could be substantiated and I therefore had reason to believe and did believe that the removal of Miss Jones was justified.

"I was certainly willing, if called as a witness, to have testified that I believed the statements made by the members of the board to me in reference to their action in removing Miss Jones.

"I was utterly unprepared for the attitude assumed by the members of the board this evening. I very much regret that the members of the board should have refused to allow this investigation to be made and the facts to be laid before the public.

"I thought it was my duty to hold a public inquiry in order that it might be publicly determined whether or not the representations made to me were in fact true and I thought and still think that it was the duty of the members of the board to submit to such an inquiry. Their refusal to do so cannot but create the impression that the charges made by them are not well founded."

CLUB WOMEN LEND SUPPORT

Miss Susan B. Anthony and Rev. Anna Shaw at Hearing

Club women rallied to the support of Miss Mary Jones last evening in large numbers and there was probably not a woman's organization in Los Angeles which was not represented. The lower floor and gallery were crowded with fashionably dressed women with one purpose, that of seeing the case of Miss Jones given a fair investigation.

When the communication of the library board was read there was silence in the room and it was not until after the mayor had adjourned the meeting that the women gathered in small groups to "talk it over." There was no chance to do anything for Miss Jones but lend moral support, and she seemed to be the most cheerful person in the room.

Miss Susan B. Anthony and Rev. Anna Shaw were present as the guests of Miss Fannie Willis, and among other leading women present were: Mrs. Oliver C. Bryant, Mrs. Jefferson D. Gibbs, Mrs. Eliza Tupper Wilkes, Mrs. H. B. Wing, Mrs. Ella Enderlein and Mrs. H. C. Terrell.

SALTON RISES SLOWLY; RAILROAD TRACKS SAFE

Southern Pacific Officials Believe All Danger Is Over Unless South-west Winds Arise

One and one half inches was the rise of the Salton sea for twelve hours, registered last night on the railroad gauge at Salton. This is half an inch less than for the preceding twelve hours and unless a southwest wind should arise railroad engineers, hard at work building a detour for the Southern Pacific tracks, are hopeful that traffic will not be further interrupted.

District Superintendent R. H. Ingram and Division Superintendent H. V. Platt of the Southern Pacific and other Angelenos who have been at the scene of the flood district will return to Los Angeles this morning on the regular train. Resident Engineer Ellison will not leave the work until it is completed and all danger to Southern Pacific property has passed. Epes Randolph, president of the California Development company, will go to Yuma.

It was stated at the general headquarters of the road yesterday that the ten miles of new track which is being constructed, will be completed by Tuesday or Wednesday, thus providing against any further trouble from the flood waters, as the rails will be from six to eight feet above those of the present right of way.

DISHONEST YARD MAN IS GIVEN PRISON SENTENCE

Is Sentenced to Three Years at Hard Labor for Robbing Employer's Home

Carl Johnson's habit of trimming a man's lawn and then robbing his home caused Judge Smith of the superior court to sentence him to three years' hard labor in San Quentin penitentiary yesterday.

Johnson pleaded guilty to a charge of burglary. He was employed by L. Frye last week as a yard man and, according to his own statement, carefully cut the surplus greenery from the front lawn and then entered the house, stole two suits of clothes and a pair of opera glasses and escaped. He sold one suit and the glasses and when hard pressed by officers burned the other property. Johnson's only remark was that he regretted going to prison as he would be unable to cut any more grass.

SAND HIDES HIS PANCAKES; RESTAURATEUR COMPLAINS

W. H. Anderson, who conducts a restaurant next door to the new Billeke-Rowan hotel building, which is being constructed at Fifth and Spring streets, appealed to Street Superintendent Hanley yesterday to compel the contractor to remove the pile of sand in the street in front of his place. Anderson says the sand is so high that it hides the pancakes on exhibition in his windows and injures his business. The street superintendent will order removal of the sand today and thus give the pancakes a chance.

Gift Frames New line just received. Gold plated, all shapes and sizes. Pictures that charm the eye and respect the pocket. Sanborn, Vall & Co., 357 South Broadway.

Advertisement for W.E. Cummings Shoe Co. featuring 'Pretty White Oxfords' and 'They Look Well They Feel Easy They Fit Fine'.

Advertisement for Dr. O. C. Joslen, 'Men's Diseases Only' specialist, located at Ramona Block, 395 1-2 S. Spring Street.

Advertisement for U=C (You pay us \$1 down and \$1 per week) real estate service.

Advertisement for Conservative Realty Co. with 'Our Prices Now \$135 and Up'.

Advertisement for Curtis Park Tract, located at 28th and Compton Ave.

Advertisement for Lyon McKinney & Smith Co. featuring 'Dining Room Furniture' and a 'First Summer Sale'.

Advertisement for '50 PATTERNS OF Music Cabinets' with a 'First Summer Sale'.