

HERALD AT THE CITY PRIMARIES

THEATRICAL MANAGERS AGGRESSIVE TO SECURE HER JEWELS

BEGINS
WORK OF
PROBING

Plea Is Made to Quash
Subpoenas of
Witnesses
United States Grand Jury
to Investigate
Rebates
Point Brought Up as to Whether
Employes Could Be Forced to
Divulge Secrets of Their
Employers

A motion to quash the subpoenas issued by the federal grand jury Monday for officers of the Pacific Purchasing company and the stores forming the alleged furniture trust in Los Angeles for which the purchasing company acts was introduced yesterday by the attorneys for the Santa Fe railroad in the rebate investigation proceedings.

The motion was argued by Attorney A. H. Van Cott that the order of the grand jury demanding the appearance of the witnesses called for in the subpoenas, together with the introduction of the records of claims, credits and other negotiations between the Santa Fe and its customers, was opposed to the constitutional amendment.

In the course of his argument Attorney Van Cott said:
"Unless a more specific charge is brought against the accused than is already found, it seems to me that it is contrary to law to demand the employees of the furniture companies or of the railroad to disclose the private business transactions of their firms with the sole intention of searching for some evidence of crime. No definite crime has yet been accused, and until it is the grand jury has no just power of calling upon the employees of the involved companies to reveal the secrets of their employers."

Lawyer Makes Reply
It was further argued by the attorneys for the defense that the employees of a corporation could not be compelled to give testimony against their employers when the testimony would be in danger of incriminating themselves.

United States District Attorney Lawyer replied to this, however, by filing the decision rendered in the case of Hale vs. Henkel at Chicago, in which the employees of the tobacco trust were compelled to testify against their employers and to produce private records as evidence.

"While it is true that a witness cannot be compelled to offer testimony which will incriminate himself," said Attorney Lawyer, "this privilege of withholding evidence does not extend to the employee when in fear of incriminating his employer."

Several Firms Subpoenaed
District Attorney Lawyer stated that it was his opinion that the Santa Fe railroad had induced the shippers involved in the rebate investigation to permit the railroad attorneys to fight the case of both. He did not give any ground for such a remark, but rather than to call attention to the fact that the motion introduced by the railroad attorneys on behalf of the shippers to quash the subpoenas did not favor the intentions on the part of the shippers.

The concerns subpoenaed by the grand jury were announced in court yesterday afternoon by Attorney Norton, and their names were as follows:
Pacific Purchasing company, Niles Pease company, Mackie-Fredericks company, Los Angeles Furniture company, Barker Furniture company, California Implement company, Heywood Brothers & Wakefield company, Studebaker Implement company and Newell-Mathews company. Several trucking and transfer companies were also included in the list.

Judge Wellborn called an adjournment of the case until 10 o'clock this morning.

At the conclusion of the afternoon session Judge Wellborn stated that unless the attorneys for the defense submitted better reasons why the subpoenas should be quashed their motion would be denied today.

Furniture Man's Statement
When asked if he had any statement to make regarding the action pending before the federal grand jury, W. A. Barker, president of the Barker Bros. Furniture company, said:

"We have no explanation to offer other than that a certain afternoon sheet has attacked us and urged this action in the courts because we did not consider the paper to be a profitable advertising medium. The charge that we are conducting a trust is something not to be settled by a newspaper controversy. We have perfected a cooperation plan whereby we are able to buy cheaper than individual dealers and we can also handle and sell furniture cheaper than other concerns. The public profit by this and the public likes it. Witness the fact we are now selling our goods to a large and rapidly increasing circle of customers. We are constantly giving

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ANNA HELD AGAIN
ROBBED OF JEWELS

By Associated Press.
CLEVELAND, Oct. 23.—The police of this city are working diligently to discover the whereabouts of \$101,000 worth of jewels, which Anna Held, the actress, reported were stolen from her on a Pennsylvania train while coming into Cleveland early Monday morning.
The gems, said to include many very elaborate and valuable pieces, were stolen from Miss Held's stateroom while she and her husband were temporarily absent from it.
The jewels were in a small hand satchel which also contained over \$6000 in money and papers, bank notes, etc., which Miss Held said she valued at \$100,000. When the case was first reported to the local police they were incredulous, but Chief Kohler says he is now convinced that the robbery was committed.
Miss Held gave a description of two men on the train she said she suspected and the detective agency reported today that they had got trace of one of them in Baltimore.
Miss Held says she believes she was followed by the two men from Baltimore to this city.

PRISON LIFE
ALMOST A
JOKE

By Associated Press.
IRONTON, Mo., Oct. 23.—A half hour of liberty and a stroll to his wife's boarding house and back to the Iron county jail varied the monotony of former United States Senator J. R. Burton's first day in jail today.
Pleading that he wished to get some books and papers from his trunk, Burton was permitted by Sheriff Marshall to take a brief recess from confinement.
As Burton reached the street he saw his wife and niece just returning from a drive. They accompanied him to the home of Dr. Smith, where Mrs. Burton is boarding.

Mrs. Burton prepared breakfast for her husband this morning and brought it to the jail, where he improvised a chair as a table in his cell and enjoyed the viands.
Mrs. Burton asserts that she will prepare all the meals he eats, in order that he may not have to subsist on prison fare.
Burton shares a cell with James Wise, convicted of having embezzled from a bank for a short time.

A separate cell will soon be given him, and Burton asserts that as soon as he has a cell to himself and can place therein a small writing desk, he will devote much of his time to writing.

He said that as soon as he had served his sentence he intends to return to Abilene, Kas., and resume his law practice.

STRIKE WILL
AFFECT ALL
ROADS

By Associated Press.
CHICAGO, Oct. 23.—The Brotherhood of Railroad Trainmen on behalf of its switchmen today presented demands to all the railroads entering into Chicago for an eight-hour day.

The Brotherhood's action follows that of the switchmen's union, which presented a similar demand some time ago, but the two movements are independent of each other.

The railroads, however, will be obliged now to deal with practically the whole organized strength of the switchmen instead of the fractional part represented by the switchmen's union.

In this respect the movement is the most extensive attempted by the railroad organization in many years.

Every railroad west of Pittsburg and Buffalo in the United States is involved. In Chicago the twenty-three trunk lines and the short belt lines and private roads owned by corporations are all called upon to comply with the switchmen's request.

While the Brotherhood's demands were presented to the railroads simultaneously in a dozen large cities, the main motive originated in Chicago after a conference which lasted two days and was attended by President Morrissey and the officials of the trainmen's brotherhood. The orders to make the demands in outside cities were telegraphed tonight by President Morrissey.

BRYAN TRAVELS
IN ELECTRIC CAR

By Associated Press.
INDIANAPOLIS, Ind., Oct. 23.—The second day's tour of W. J. Bryan through Indiana closed here today with a mass meeting at American Association baseball park. Today's trip was through the central section of Indiana, the Bryan party occupying a special electric car.

The use of an electric car instead of a railway train is an innovation in political campaigns in the middle west.

Dumont Unsuccessful
By Associated Press.
PARIS, Oct. 23.—M. Santos Dumont today made another unsuccessful attempt in his aeroplane to win the arch-deacon prize.

DASHING
BLONDE
ELOPES

Wedding Supposed to
Have Occurred at
Tia Juana
Sends Card with No Postmark but That of
Los Angeles

Woman Says Her Pretty Face Was
Cause of Breaking Up Home,
but Does Not Blame
Girl

Miss Alta Earl, 22 years of age, a dashing blonde with a baby stare in her deep blue eyes, who has been prominent in Boyle Heights society for several seasons, has mysteriously disappeared from her home at 2418 Folsom street, and the only word which has been received from her since last Friday night is a picture postal card addressed to her grandmother, which reads:

"John and I were married Saturday at 12:35. Will you forgive us? Don't worry. Will write. Alta."

The John mentioned is supposed to be John T. Kenney, an agent for the Golden State Realty company, 606 South Spring street, with whom Miss Earl had been very friendly. Miss Earl has been employed in various capacities in this city during the last five years, and at the time of her disappearance was night telephone operator in a downtown office.

The postal card bears a picture of the caves at La Jolla, and the evident intention was to make it appear that the couple had eloped to light, Mexico, as Mr. Kenney was only recently divorced here and could not be again married in this state before one year had elapsed.

When Miss Earl only one postmark, however, showing it was mailed in Los Angeles, October 22, at about 11 o'clock, and this has led her friends to believe that the young woman is in the city.

Man Disappears Also
At the office where Mr. Kenney is employed it was said that he left there this afternoon and had not since returned. The members of the company say they expect him back at any time, but profess ignorance of his present whereabouts and also of his marriage.

He is 36 years old, and his former wife at present lives at Coleridge, near the city.

With the disappearance of Miss Earl the story of a disrupted family in which the young woman is alleged to be the central figure has come to light.

Friday afternoon of last week Mrs. Harry White, wife of a claim agent for the Western Lumber company, was called to the telephone at her home, 16 North Howard street, and asked by a woman, who refused to give her name, to meet her at one of the department stores downtown, where information of wrongdoing on the part of her husband would be given her.

Mrs. White at first refused to give any satisfaction, she said when speaking of the case, "but at last sprang up from where he was sitting and told me it was all true; that he loved Alta Earl and had paid her attentions. He then packed his trunk and left the house and last Saturday sent for it. I telephoned him once and he refused to give me any satisfaction. We have been married for two years and in all that time we have never had a cross word and never have I had occasion to doubt him."

"It has surprised me greatly to learn that Miss Earl and Mr. Kenney have been married, as I had been led to believe."

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ALTON B. PARKER SCORES
TAMMANY HALL'S LEADER

By Associated Press.
NEW YORK, Oct. 23.—Alton B. Parker at a mass meeting of the judicial nominators here tonight, after saying that he had left the bench never to return, paid a ringing tribute to the present members of the state courts and appealed to his audience to vote for judges who were known to be free of political bias and political bosses.
"The evidence is unmistakable," continued Judge Parker, "that the leader of Tammany hall realized that the only opportunity he would have for patronage this year would be in this judicial ticket."
"Did you suppose there would be any inducement for him to place his hand in the hand of the man who had denounced him as a corrupt politician and a criminal and had pictured him with stones upon his head and a ball and chain at his feet?"
"And yet he did it. He did more. Aspiring to be the leader of his party in the state he nevertheless went to a convention and there by his will and by his force, by his ability to command this and that man to break his promise, he turned a minority into a majority. He made a convention which had a valid title a fraudulent convention. Those things were done which in business constitute a crime. These things also constitute a crime in politics."

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UNUSUAL CASE
COMES TO
LIGHT

By Associated Press.
SAN FRANCISCO, Oct. 23.—A suit for specific performance of an unusual contract, by which the firm of Jacoby Brothers of Los Angeles bound itself eleven years ago to support S. Davis and his wife until death claimed them both, was filed today in the county clerk's office.

The complaint filed today sets forth that in 1895 Mr. and Mrs. Davis advanced the firm of Jacoby Brothers the sum of \$3500, comprising the savings of their lifetime. It was because the pair were then rapidly growing old and wished to free themselves from care that the contract was entered into.

In return for this it is alleged that Jacoby Brothers agreed to pay \$50 per month for the support of the couple until their death, and then \$40 per month to the remaining one for life and also to pay the burial expenses and erect a monument over the grave of the first to pass away.

The contract, says Mrs. Davis, until her husband's death, was carried in February. Then, she declares, the defendants failed to pay the \$250 burial expenses, and have since March 31 failed to pay her the monthly allowance.

During the time that has elapsed since the contract was entered into, Jacoby Brothers have paid over \$8000 in return for the advance made to them since their death, but have refused to pay the outstanding funeral bill and give Mrs. Davis \$500 in cash for a release from the contract, but this has been refused and the case will be fought out in the courts.

OFFICER SHOT
IN PISTOL
DUEL

By Associated Press.
NEW YORK, Oct. 23.—A duel with revolvers between two police officers and a burglar in a wagon ended in Brooklyn today with the escape of the burglar and the fatal wounding of Roundsmen James McGarry.

In company with Roundsmen Carney, McGarry found a grate removed from the window of the cellar of a drug store at Kingston avenue and De Graw street early today and went into the cellar to investigate.

While they were searching a man climbed out of the cellar and jumped on the seat of a wagon, where an associate awaited him. As they whipped up their horses the roundsmen reached the sidewalk and opened fire on them. With the roundsmen in hot pursuit, a running battle took place.

The police shots went wild, but at the first reply of the burglars McGarry was wounded in the face. A second bullet pierced his arm and a third brought him down with a wound in the head, from which he is not expected to recover.

His companion pursued the burglars further, but they disappeared in Prospect park.

TABLE OF TEMPERATURES

City	Min.	Max.
Los Angeles	48	78
Denver	22	26
Salt Lake	26	40
Spokane	30	58
St. Paul	42	48
Omaha	46	48
Yuma	46	70
San Francisco	48	70
Boston	50	54
Pittsburg	52	78
St. Louis	52	72
Chicago	54	58
Cincinnati	54	78
New York	54	78
Little Rock	60	80

CONTESTS
RARE IN
PRIMARY

Returns Show Harper
and Lindley Will
Be Opponents
Neither Will Meet Great
Opposition in the
Conventions

Doc Houghton Said to Have Captured
Councilman Plum in Sixth
Ward After Hot
Contest

PROBABLE REPUBLICAN TICKET
Mayor—Dr. Walter Lindley.
Treasurer—J. H. Shoulters.
Attorney—George Heber.
Clerk—Andrew Francisco.
Tax Collector—E. E. Johnson.
Auditor—Charles O. Waters.
Assessor—Evan Lewis.

Councilmen—
First ward—Charles J. Letts.
Second—E. A. Clamplitt.
Third—Sidney W. Hiller.
Fourth—W. H. Gilbert.
Fifth—Seth Hart.
Sixth—H. H. Younkis.
Seventh—Jesse R. Shafer.
Eighth—Bernard Healy.
Ninth—E. L. Blanchard.
Tenth—A. C. Harper.

On the face of the returns from the primary elections held yesterday by the Republicans and Democrats, Dr. Walter Lindley and Arthur C. Harper will have a walk-over for the nominations for mayor at their respective party conventions next week.

As near as can be estimated each of the leading candidates for mayor will have from 80 to 90 per cent of the delegates in the respective conventions.

In the Republican convention there will be a number of men favorable to the indorsement of Lee C. Gates, the non-partisan nominee for mayor, but it is conceded by his friends that he cannot hope to secure the nomination over Dr. Lindley.

It is known also that Dr. J. W. Jones will have a representation, and his friends declare that developments may appear within the next few days which will materially alter the appearance of things.

Several Contests Probable
While indications point to the nomination of men for other offices who are known to be friendly to Lindley, it is probable that there will be several contests, especially for councilman nominations.

J. H. Shoulters is practically conceded the nomination for treasurer, although H. Z. Osborne and D. E. Barclay will be in the fight until the end. For city attorney, George Heber will be the nominee, although Leslie Hewitt will have a number of friends in the convention.

On the face of the returns possibly 75 per cent of the delegates will be friends of City Clerk Lealand, but the powers that be still insist that Andrew Francisco will receive the nomination.

For tax collector, the same powers say that E. E. Johnson will be renominated, but this is disputed by W. B. Morgan, who insists that he will win out. Evan Lewis will have no opposition for renomination as assessor.

In the councilman fights, these nominations are conceded: First ward, Charles J. Letts; second, E. A. Clamplitt; third, Sidney W. Hiller, seventh, Jesse R. Shafer; eighth, Bernard Healy, ninth, E. L. Blanchard.

Hiller Defeats Two
Letts and Clamplitt, Healy and Blanchard had no opposition, while Hiller defeated Francis A. Ralph and Walter J. Wren, the Republican non-partisan nominee.

In the Fourth ward W. H. Gilbert appears to be in the lead, although he was defeated in his arm precinct by M. P. Nolte. A. H. Armstrong was a strong candidate, and the fight will be between these three in convention.

In the Fifth ward the contest was very close between Seth Hart and A. J. Wallace, the Republican non-partisan nominee. Hart is said to have forty-two delegates, Wallace forty and eleven doubtful with the indications that enough will go to Hart to nominate him on the second ballot.

The fight in the sixth ward was a hot one, and the contest will not be settled until one or more ballots are taken in convention. A. T. Cumming and P. Burger appear to be out of the race, leaving H. H. Younkis in the lead, closely followed by Andrew Henderson and U. S. G. Todd.

Landslide for Harper
In the Democratic primaries the fight was between A. C. Harper and O. E. Farish, as James Hanley does

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POSTAL CLERKS WILL
RECEIVE MORE MONEY

WASHINGTON, Oct. 23.—First Assistant Postmaster General Hitchcock, in a statement tonight in connection with his recent announcement that he would recommend a substantial increase of salaries for postal employees, said the sum recommended will permit the promotion of about 75 per cent of clerks in the grade below \$900, about 50 per cent of the clerks receiving \$900 and \$1000, about 40 per cent of those receiving from \$1100 to \$1200, and about 30 per cent of those receiving over \$1200. An appropriation of \$25,700,000 will be urged for clerks of the first and second class offices, an increase of \$3,000,000 over the current year, of which increase \$1,370,000 is for employment of additional clerks and the rest for promotions. The estimates provide for the promotion of 10,500 clerks in the first and second class offices. The department is also considering an amendment to the present law permitting payment of a higher compensation to letter carriers. Mr. Hitchcock tonight explained that higher salaries were necessary to retain competent men.

ROBBERS ARE
NABBED BY
POSSE

By Associated Press.
MINOT, N. D., Oct. 23.—After a chase lasting thirty-six hours the sheriff's posse succeeded early this evening in capturing the five bandits who robbed the Sawyer, N. D., bank of \$4000 early Monday morning, when a battle ensued with citizens during which 800 shots were fired.

The men were discovered on a farm near here and in the fight that followed one robber was severely wounded.

Another member of the party ran into a slough with \$900 in gold and bills and dropped the money into the water.

Money was also scattered on the prairie by the bandits. Chief of Police Hagen secured \$3000 of the money.

Four of the captured men are young and well dressed, none being over 25 years old. The leader is somewhat older than his companions and is believed to be an experienced criminal.

The money found consists entirely of gold and bills, all the heavy silver having been thrown away by the robbers.

NEW YORKERS
HEAR MANY
SPEECHES

By Associated Press.
NEW YORK, Oct. 23.—There were political developments of interest today.

Chairman William J. Conners of the Democratic state committee appointed an executive committee to push the state campaign and Charles F. Murphy, the head of Tammany Hall, called upon the Tammany leaders to support the party nominees with loyalty and energy.

The grand jury, which has been investigating Murphy's recent charges that Independence league members were trying to "hold up" Democratic candidates, dismissed the subject as "campaign gossip."

Charles E. Hughes, the Republican candidate for governor, left Kingston for a half dozen speeches in Orange, Delaware and Chesapeake and closed the day's work with an evening meeting at Elmira.

William R. Hearst spent the day in town addressing three city meetings tonight.

The judiciary nominators held a meeting at Carnegie hall tonight in the interests of an independent judiciary. Among the speakers were Joseph H. Choate, former Judge Alton B. Parker and former Secretary of the Navy Benjamin F. Tracy.

SOME OF VALLEJO'S
SALOONS MUST GO

By Associated Press.
VALLEJO, Oct. 23.—Mayor Madigan wired Secretary Bonaparte this afternoon acknowledging receipt of the secretary's letter regarding the moral conditions in Vallejo, saying his letter would receive immediate attention.

The mayor and trustees will meet in executive session tomorrow evening, when no doubt drastic action will be taken regarding the lessening of the number of saloons.

ADMITS
GUILT TO
OFFICERS

Margaret Leslie Is
Victim of Two
Callers
Latter Choke Woman Into
Insensibility and
Turn on Gas

Herbert E. Nicholas Confesses, but Implicates
George Leopold, a Drug
Clerk—Body Found in
Chicago Hotel

By Associated Press.
CHICAGO, Oct. 23.—Mrs. Margaret Leslie, the actress found dead in her room in the Palace hotel last Thursday afternoon, did not commit suicide as was supposed, but was murdered.

Herbert E. Nicholas, a theatrical manager, arrested on suspicion, confessed today that he aided in the murder and that George Leopold, a drug clerk, for whom the police are now searching, was his accomplice.

The woman's diamonds and her money were the motive for the crime. Before Nicholas confessed he was subjected to a long inquisition by the police, who had gathered a good deal of evidence against him. He first offered to tell his story if granted clemency, but on this being refused he made a complete confession, implicating Leopold.

He said that he and Leopold went to the woman's room Wednesday night and after a few moments' conversation he suggested that they have a drink, producing a bottle of whisky.

Mrs. Leslie was taking off her jewels at this time and her back was turned toward them. While in this position Leopold, according to Nicholas, seized the woman by the throat and choked her into insensibility.

Throwing her on the bed they placed a towel saturated with chloroform over her head.

The men then took some of the woman's garments and tied them tightly around her neck.

Seizing her jewels, which were valued at \$2000, the men turned on the gas jets, hurried out of the room and left the hotel.

The next morning they met by appointment and divided the jewelry. Those which Nicholas took have already been recovered.

It was the anxiety on the part of Nicholas to realize money on the jewels which led to his arrest.

Detectives working on the case found some of the diamonds in a pawn shop and they were traced to Nicholas.

He was then arrested and has declared that Mrs. Leslie, who had been an old friend of his, had given them to him.

He told conflicting stories, however, and finally admitted the theft and urged pressure of the confession of the murder followed.

THE DAY'S NEWS

- FORECAST
Southern California: Fair Wednesday; light west winds. Maximum temperature in Los Angeles yesterday, 78 degrees; minimum, 48 degrees.
- 1—Begins work of probing.
 - 2—Women ignore officers' orders.
 - 3—Pretty woman wants divorce.
 - 4—Porterfield and Warner speak.
 - 5—Promise to kill one blind pig.
 - 6—Editorial.
 - 7—City news.
 - 8—Sports.
 - 9—Southern California news.
 - 10—Markets.
 - 11—Classified advertisements.
 - 12—Railroad news.
- EASTERN
Survivor of recent storm reaches New York and tells how he drifted on raft for forty-eight hours.
Illinois Central scored by elevator man who declares he was "held up."
Prospective changes in President Roosevelt's cabinet made public at Washington.
- FOREIGN
Roosevelt designates representative to attend congress for suppression of white slave trade.
M. Santos Dumont fails in effort to win archdeacon prize.
- LOCAL
Primaries show Lindley and Harper will be nominated.
Pretty telephone girl elopes with divorced man.
Seventy excavations a day are made in paved streets.
Board of health wants better sanitary conditions in schools.
Wife seeks divorce from J. V. Mills.
- COAST
The presence of the many saloons in Vallejo causes city dads to take action.
San Diego man saves ten lives by prompt action.