

JEROME WARY OF THAW JURY; THREE EXCUSED

Fights for Discharge of Fourth

One Juror Still Lacking at Close of Sensational Battle Between Rival Attorneys to Gain Advantage

By Associated Press. NEW YORK, Jan. 31.—Sensations were frequent in the Thaw murder trial today, and before the two sessions of court had ended three sworn jurors had been released from further service in the case, making five in all summarily excused from the trial panel during the last three days.

Regarding two of the released jurors no explanation was made in court.

The third was allowed to go on a physician's certificate that his life would be imperiled by the close confinement of jury service. Three satisfactory takersmen were found to replace these, so when the rapidly shifting situation underwent a survey at the close of the day there were again eleven men in the jury box, the same number that had been seated at the close of yesterday's session.

Rumors were current tonight that the end of the jury changes is not yet in sight and that further chapters may be added to already what has become an unprecedented record in criminal procedure in New York.

Attorneys Confer

There were several conferences of attorneys at which District Attorney Jerome is said vigorously to have urged the release of still another juror. Thaw's counsel, however, are said to have blocked every effort of the prosecuting officer in this direction. The disagreement, which first developed in Justice Fitzgerald's chamber half an hour before the afternoon session began, was resumed in open court at the judge's decision twice thereafter. Here, before the relations of the district attorney and his assistant with Thaw's counsel have been of the friendliest nature. This afternoon there was friction of the most apparent character.

The heat of the day's sensations came immediately after the opening of the morning session. District Attorney Jerome announced that it has been unanimously agreed to relieve Jurors David S. Walker and Louis Haas from further service. Mr. Walker, who is a son of John Brisson Walker, was No. 4 and Mr. Haas was No. 9 on the jury roll. Neither could offer an explanation for the court's action in ordering their discharge.

It was taken for granted that the release of these two jurors had ended the day's surprises, but during the luncheon recess rumors of a further reduction in the personnel of the jury were put in circulation. These were given color when it was learned that another earnest consultation of counsel with Justice Fitzgerald was in progress.

The name of the juror under consideration was again discussed about the court building. It was also stated that he was a juror whom Thaw and his counsel had been particularly pleased to have on the trial panel and that lawyers for both sides had made every effort to dislodge him.

Gave in Under Protest

Thaw's attorneys had been none too willing to allow Messrs. Walker and Haas to be replaced and it was only after a long argument by the district attorney that they consented in the case of the third. The afternoon conference was one of some warmth. When no anticipation was made as to further discharges from the jury panel it was taken for granted that Mr. Hartridge and others of Thaw's counsel had won the battle with the district attorney. The examinations of the first witness called, who is a conference were carried on under circumstances that indicated that feeling existed on both sides, and once one salesman, nearly 80 years old, whom neither side appeared to want, came toward taking the oath because Mr. Jerome refused to carry on the examination, and counsel for the defense declined to give immediate consent to the proposed juror's withdrawal.

Thaw's attorneys then called on Justice Fitzgerald to examine the juror to examine the salesman and all challenges for cause had been withdrawn when Mr. Jerome at the last moment interposed a peremptory challenge for the people.

Excused for Ill Health

Toward the end of the afternoon session a messenger came from the district attorney's office. There was a whispered consultation with Justice Fitzgerald and the attorneys and it was announced that because of his health Juror No. 11 would be relieved from further service. Mr. Kleinberger's physician had informed the district attorney of the juror's condition and the danger to his patient's heart and it was agreed that he should be excused.

Two of the three jurors added to the panel were secured at the morning session. They are Oscar A. Pink, a salesman, 48 years of age, who replaced Mr. Walker as No. 4, and Wilbur S. Steel, a manufacturer, 60 years of age, who replaced Mr. Haas as No. 9. The juror secured to replace Mr. Kleinberger as No. 11 is Joseph B. Botton, 55 years of age, a clerk.

It is believed the twelfth juror will be secured tomorrow morning, but the uncertainty as to the term of service of a juror now sitting on the trial was so strong that predictions are all but worthless. It is said tonight that Thaw's attorneys may give in to Mr. Jerome's demand for the excuse of one of the jurors, or he may turn would agree to the excusing of a juror whom the district attorney has been

EARL'S DAUGHTER IS SHOT TO DEATH BY HER CARELESS HUSBAND

By Associated Press. LONDON, Jan. 31.—Lady Dorothy Cuthbert met death at the hands of her husband during a pheasant shoot at Beaufort castle, Northumberland today.

The victim was only two yards from her husband, Capt. James Harold Cuthbert, when his gun was accidentally discharged, the charge entering her head, and she fell dead.

Lady Dorothy was a daughter of the present earl of Strafford, who succeeded to the title upon the death of the fourth earl of Strafford, who married Mrs. Samuel Colgate of New York.

REVIVALIST HAS THIRTEEN WIVES

Preacher Pleads Guilty to Charge of Bigamy—Says He Married Every Time the Spirit Moved Him

By Associated Press. CHICAGO, Jan. 31.—A dispatch to the Record-Herald from Toledo, Ohio, says:

Charged with bigamy and credited with having thirteen wives by the court officers, Rev. Albert Holden, reported to have two sons also under indictment for bigamy, pleaded guilty yesterday and was sentenced to serve six years in the penitentiary.

Holden married every time the spirit moved him. His courtships always took place during one of his revivals and his victims were always one of those whom he had taken into the church.

Just before sentence was passed Holden said to the judge that he had been the victim of brain trouble and blamed his many marriages to this affliction.

He said that he had struggled against the sin of bigamy but that all of his prayers availed him nothing.

BANK ROBBERS ARE IN CUSTODY

Police Say They Have Confessions That Clear Up Mystery of Looting of Small Banks and Postoffices

A confession in which they admitted having had a hand in several of the recent bank and postoffice robberies is said by the police to have been obtained from John Griffith, Carl Von Hohenthal, alias C. Smith, and John Martin, the three men who have been held by the police for several days.

Early yesterday afternoon Martin, who is said to be the leader of the crowd, was taken to the room formerly occupied by the trio at 337 Baughman street. While he was absent from the police station Griffith and Von Hohenthal were taken to Captain Flammer's office and there closely questioned by the detectives. The men at first maintained silence and refused to answer any of the officers' questions, but Griffith is said to have announced that he would tell of several jobs in which they participated.

He is said to have gone into details and made statements which justified the police in the suspicions they have held for several days.

Third Accomplice Confesses

When Martin returned to the police station he is said to have been told of the confessions which had been made by his companions, and at once informed the officers that if his companions had anything to tell he would do the same. He is said to have confessed that the one made by Griffith and Von Hohenthal.

Griffith and Von Hohenthal were arrested Sunday night by Patrolman Curtin at Sixteenth, near Georgia. He approached them in a suspicious manner. He approached them and asked what they were doing. They refused to answer him and he insisted on searching them. One of them he grabbed, but turned suddenly to find himself looking into the muzzle of a revolver. The officer then released his hold on his prisoner and drew his gun.

The man who held the weapon dropped his arm and surrendered the revolver. While Curtin was taking it the man he was searching suddenly sprang behind a fence and ran away. Martin has since been identified by the officer as the third man. Curtin arrested Griffith and Von Hohenthal a few days later arrested Martin. He was led to the latter's room by Griffith.

The police suspected the men of being safe blowers at once. They are all well dressed and of refined appearance. About \$400 was found in their pockets.

STAFF OF DENTISTS WILL CARE FOR PUPILS' TEETH

By Associated Press. NEW YORK, Jan. 31.—It was announced at a meeting yesterday of the committee on physical welfare of school children of this city that a staff of twenty dentists had been organized to care for the teeth of pupils.

All of the dentists volunteered their services. This is said to be the first attempt in America to provide dental treatment for school children.

Bryan Will Talk to Utahans

By Associated Press. SALT LAKE, Utah, Jan. 31.—William J. Bryan will address the legislature tomorrow.

STREET CAR IS HELD UP BY BANDITS

Rob Conductor and Motorman

Man and Woman Who Were the Only Passengers Run When Car Is Stopped—Small Amount Is Secured

Street car No. 166 on the Santa Fe avenue line was held up by two masked highwaymen in front of Wright's saloon at Thirty-sixth street and Santa Fe avenue at 10:55 last night. Motorman H. L. Smith was robbed of a gold watch and \$6 in money, while J. Sanstrum, the conductor, lost \$2.50.

There were two passengers, a man and a woman, on the car at the time of the holdup. Both ran when the motorman stopped the car, and the police have been unable to locate them.

Officers were detailed on the case at once and detectives were on the scene within half an hour.

Patrolmen from the University substitution were also sent to the scene, but were unable to gain any clue to the identity of the robbers.

The two men were described by the conductor as being short, dressed in dark clothing and of dark complexions. Each wore a heavy handkerchief over his face.

Looks Into Revolver

"We were on our trip when the holdup occurred," said Conductor Sanstrum shortly after the robbery. "Motorman Smith saw two men standing on the corner by Wright's saloon and slackened speed so they could get on. One of them mounted by the front platform and the second by the rear, where I was standing. I paid no attention to him until the car gave a sudden start and then stopped with a jerk. At the same moment I heard a woman scream, and looking into the car saw the two passengers rising from their seats as if frightened. I turned to see what the trouble was and found myself looking into the muzzle of a large revolver. The man who was behind it was the fellow who had got on a moment before. A heavy handkerchief was over the lower part of his face. All he said to me was 'Throw up your hands,' which I did. He then went through my pockets and then shouted to his companion. Both men then sprang from the car and disappeared in the darkness. We continued on our trip and I notified the police from the station where we stop at Fourteenth and Santa Fe avenue.

"The two passengers got out of the car while the robber was going through my pockets. He made no effort to stop them."

The motorman had about the same story to tell as the conductor. According to his tale the highwayman who robbed him simply felt in his coat and vest pockets and took the money without saying a word, but all the time kept the muzzle of a revolver pointed at him.

Neither of the carmen were able to give a very accurate description of the robbers.

The line on which the car travels runs from Fourteenth street to Huntington park. It is through a sparsely settled district and is an ideal spot for a holdup.

STRANGE MAFADY KILLS PHYSICIAN

Mysterious Disease Ravages Nevada City—Baffles Skill of Doctors.

Brings Quick Death to Victims

By Associated Press. RENO, Nev., Jan. 31.—Dr. G. W. Thomas, one of the leading physicians of Nevada, died at his home in this city this morning of meningitis, following a slight attack of grippe. His death was quite sudden and was similar to a number of other deaths that have occurred in this city in the past week.

The disease in this peculiar form has baffled the best physicians in the state and in each instance the person suffering from it has died. Dr. Thomas was a personal friend of Dr. Thomas Huntington of San Francisco, who was with him when he died. He was a member of the Royal Legion of Honor and the G. A. R.

CAR BURNS; ONE MAN SUFFOCATED, MANY HURT

By Associated Press. CHICAGO, Jan. 31.—The North Clark street car barn of the Union Traction company, on North Clark street between Sherman place and Dewey court, were today damaged by fire to the extent of more than \$200,000. Ninety cars were destroyed.

One man, John Mackus, car cleaner, was suffocated to death by the fumes of gas, and three others were injured by the explosion.

ENGINES DITCHED; TWO KILLED, SCORES INJURED

By Associated Press. MISSOULA, Mont., Jan. 31.—Two engines upon which were riding a large number of men who had been engaged in breaking the snow blockade near Saltes, Mont., plunged over an embankment, two miles west of Deborgia today, killing two men and injuring nearly a score, some of them seriously.

GRIEF-STRIKEN WIDOW OF U. S. SENATOR BOWEN DIES OF BROKEN HEART

By Associated Press. PUEBLO, Colo., Jan. 31.—The widow of the late former United States Senator Thomas Bowen of Pueblo died today from grief over her husband's death, which occurred a month ago today. Mrs. Bowen had been ill from Bright's disease some time before Senator Bowen died, and after his death she began to fail rapidly, and frequently expressed the wish to die.

Mrs. Bowen was born at Van Buren, Ark., sixty-eight years ago, being a member of the Walker family of Missouri, prominent in southern history and social life.

RAILROADS DEFLY HUMANE STATUTES

United States District Attorney Will Prosecute Transportation Lines for Violating State's Live Stock Law

By Associated Press. SAN FRANCISCO, Jan. 31.—United States Attorney Devlin has received information that the railroad companies in the northern district of California have been violating the law, keeping cattle on the cars without food or water for as long as fifty-six hours at a time.

As soon as sufficient evidence shall have been gathered civil suits will be instituted against the offending transportation companies for the penalties which range from \$100 to \$500 for each shipment of cattle so treated.

The law requires that the cattle shall be taken out of the cars at the end of twenty-eight hours and fed, watered and rested for five hours before proceeding on their journey. With the consent of the owner of the cattle they may be kept in the cars for thirty-six hours, but no longer.

MOTHER AND CHILD ARE FOULY SLAIN

Unidentified Assailant Outrages and Murders Woman and Little Daughter—Mobs Tried to Lynch Suspected Negro

By Associated Press. GLOBE, Ariz., Jan. 31.—Mrs. Harvey Morris and her 4-year-old daughter were foully murdered by an unidentified man a short distance from her ranch home, two miles from Roosevelt, this afternoon.

The bodies were terribly cut and slashed and the woman had probably been outraged before murdered. All men in Roosevelt are searching for the murderer and if he is captured a lynching is expected, although Sheriff Thompson left this afternoon to assist the posse and prevent a lynching if possible.

William Baldwin, a negro arrested for the double murder, is being guarded tonight at the government hospital by Ranger Holmes and Al Sieber, famous scouts in Indian campaigns.

Baldwin tells conflicting stories, but sticks to the statement that two Mexicans committed the crimes and that they tried to kill him.

A telephone message from Fish creek, tonight stated that two Mexicans answering the description given by the negro, passed there and officers are now in pursuit.

Talk of lynching Baldwin has subsided, according to a telephone message from Roosevelt late tonight. Baldwin has been working on government reclamation work.

The crime occurred at 11 this morning. An inquest will be held tomorrow afternoon, the county officers leaving Globe in the morning.

The murdered woman is a daughter of the late William Gordon, a pioneer Arizona settler and the first white settler in the county.

Mrs. Morris was born on the ranch, a few miles from where she was killed today.

SAY AMERICAN FLAG CAN NOT BE CALLED A TOY

By Associated Press. NEW YORK, Jan. 31.—"We do not think the American flag, however diminutive it may be, is commercially, commonly or nationally regarded as a plaything for children, and we find that the flags in dispute are not toys."

This was the verdict of the board of United States general appraisers in the case of a shipment of miniature silk flags imported by a toy firm as toys. The verdict was rendered yesterday, the flags having been made in Japan and shipped at a 35 per cent duty. The flags, being classed as silk, were taxed 50 per cent.

WEATHER OF THE COUNTRY

Table with columns: City, Weather, Temperature. Includes Los Angeles, St. Paul, Boston, New York, Omaha, Pittsburgh, Chicago, Cincinnati, Spokane, Salt Lake, St. Louis, Atlanta, Little Rock, San Francisco.

PREDICT PEACEFUL END TO JAPANESE TROUBLE

California Delegates Expect Amicable Settlement

Government Officials Say War Talk Is Absurd

By Associated Press. TOKIO, Feb. 1.—The report that a satisfactory solution of the San Francisco school controversy was in sight is welcomed on all sides, though it will be certain from the outset that there was no cause for alarm. The reassuring news is a fresh cause for profound satisfaction as proving the firmness of the friendship existing between Japan and the United States.

Special to The Herald. WASHINGTON, Jan. 31.—It is believed here by those who have the best means of knowing that the president's tentative agreement with the Japanese ambassador relates to a reciprocal exclusion treaty with a favored nation clause.

Just how the school question will be settled seems to be a problem. Senator Flint said today that he had hopes that the conference would lead to an amicable solution of the difficulty. Senator Perkins was not much more sanguine.

The representatives were somewhat less jubilant than on the preceding evening, but they seemed full of hope and verging on confidence. One of them said:

"We are going to get what we want—perhaps not at this session of congress, but certainly at the next—we are going to get it."

What Californians want, as every one knows, is the exclusion of Japanese laborers, but they want it without embarrassing conditions or at cost of expensive concessions to Japanese pride or Japanese commerce.

What the hope is that the president has held out to them is the mystery in the present negotiations.

Pooh-Poohs War Talk As for war talk, the government pooh-poohs that. The defenseless conditions of the islands has long been known to every one and naval officers have freely speculated on the result of an outbreak of hostilities.

They agree that this country would probably abandon the Philippines to their fate at first and possibly Hawaii, too, and let the Japanese come right to the Pacific coast, as it would be madness to invade foreign waters and fight the torpedo and submarine experts of the Japanese navy.

We might defend our own coast, but a war with Japan would last, it is predicted, from two to six years—until we could build a navy to fight it, in fact.

But it is pointed out that Japan is already bankrupt and that no nation would finance it for war on this country.

A high Japanese officer is remembered to have said once, in a conversation, that an army could not be raised in Japan to fight the United States. But war as far away.

Another conference will be held as soon as Altman and Rancovleri of the San Francisco school board of education reach here, and after that one may tell with some certainty what will be the outcome.

DECLARES CALIFORNIA DELEGATION FAILS TO REPRESENT STATE'S VIEWS

By Associated Press. SACRAMENTO, Jan. 31.—Senator Caminetti today bitterly arraigned the California delegation in Washington for its failure to take some action in congress on the Japanese question. He declared the delegation did not represent the sentiment of the state.

"We have yet to hear one word on the Japanese question from the delegation," said he.

Senator Curtin warmly seconded Senator Caminetti, and said that while the Congressional Record showed that representatives from Oregon and other states had discussed the Japanese question in congress, with the exception of Congressman Hayes, not one word had been heard from the California delegation asserting the rights of California.

The attack was precipitated by one of the liveliest debates on the Japanese question which has occurred on the senate floor during the present session and followed the reading of the message from the governor conveying to the senate the telegram received from the California delegation at Washington urging, at the request of the president, that the California legislature for a short time defer all legislation on Japanese matters.

The governor urged that in view of the apparent importance of the matter as indicated by the telegram the senate take no further action on the Japanese question for the present.

Senator Keen's joint resolution protesting against the naturalization of Japanese, which was up for passage this morning, was immediately referred to the committee on federal relations.

Would Send Attorney General

The reading of the governor's message brought forth a resolution from Senator Caminetti, who is a Democrat, that the attorney general of the state be authorized to go to Washington to represent the state in the conference asked for by President Roosevelt and the secretary of state, with the president of the board of education and the superintendent of schools of San Francisco.

A warm debate followed as to who would best represent the rights of the state in the conference with the president, the president of the San Francisco school board and the superintendent.

(Continued on Page Two.)

PROBERS EXPOSE HARRIMAN'S GRAB AFTER MONOPLY

Magnate's Schemes Are Laid Bare

Railroad King's Methods of Killing Competition Are Described Before Interstate Commerce Commissioner Lane

By Associated Press. SAN FRANCISCO, Jan. 31.—Evidence that the operations of E. H. Harriman on this coast constitute a violation of the interstate commerce law was brought out before Commissioner Franklin K. Lane today.

C. A. Severance, attorney for the commission, showed that Harriman paid a price out of proportion to the value of the Coos Bay properties, realizing that he was putting the possibility of competition out of the way. Harriman was not buying coal mines primarily; he was buying monopoly.

R. A. Graham, who supplied this testimony, created another sensation before he left the stand. As an example of the Harriman method of killing competition he told how, when Harriman acquired the Oregon Railway & Navigation company in 1901, his agents circulated literature throughout the orient warning merchants and others not to ship freight over the Graham line, the Oregon & Oriental, as it had no transportation facilities on this side of the world. The circulars were dated at Portland. As a result of these methods Graham's line went out of business.

Graham was called to the stand for a continuation of the story he related yesterday showing how Harriman forced his company, the Oregon & Oriental line, out of business. He stated that the Oregon Railway & Navigation company, owned by Harriman, routed his inward freights, and that he was required by contract to give the Oregon Railway & Navigation company through bills of lading over that road and its connections.

Denied Routing Rights

So stringent were the conditions of this contract that when Graham desired to give some of his freight to the Chicago, Milwaukee & St. Paul road, the officials of which were his friends, Campbell of the Oregon Railway & Navigation company would not permit him, but compelled him to ship over the Chicago & Northwestern and the Illinois Central.

Attorney Severance for the commission went carefully into the terms of this contract, drawing attention among other things to the fact that there was a proviso showing careful regard for the interstate commerce commission.

When the Coos Bay, Roseburg & Eastern railway was built, Graham testified, he, in his capacity of railroad contractor, was asked to take the work and undertook it. Meeting John D. Spreckels at Coronado, he induced him to come into the enterprise. The investment looked promising to Spreckels, so he agreed to buy thirty miles of rails, payment to be made to him after the bonds were sold and the subsidy paid.

It was shown that the entire property in Coos Bay cost Spreckels, a debatable sum, less than a million dollars. When Harriman came along and bought the properties he was willing to pay \$1,300,000 for them. This made it plain that it was not the properties Harriman was after. He wanted, to buy up the possibility of competition with his railroad monopoly.

At noon all the testimony had been taken and Commissioner Lane declared the hearing at an end. On Thursday next week the parties to the hearing will go to Los Angeles, where the sessions will be resumed.

Health Board Prohibits Sale of Drug Except on Physicians' Prescriptions—Urges Clean Milk Cans

THE DAY'S NEWS

FORECAST For Southern California: Cloudy Friday; fresh west wind. Maximum temperature in Los Angeles yesterday, 58 degrees; minimum, 48 degrees.

- 1—Jerome wary of Thaw jury. 2—Rayner scores president. 3—Auditor defies Owens enemies. 4—Chamber objects to increased pay. 5—Favor larger oil storage tanks. 6—Editorial. 7—City news. 8—Sports. 9—Southern California news. 10—Markets. 11—Classified advertisements. 12—Erase map figures at city offices.

EASTERN

Rayner scores president for abusing power. M. and M. association and city council. Dying man's ante-mortem statement holds man to answer for murder. Veterans is so badly mangled that both hands and both feet are amputated. Widow is given one cent to heal her broken heart. Dying man's ante-mortem statement holds man to answer for murder. Auditor defies enemies of Owens river project.

COAST

Interstate Commerce Commissioner Lane tells railroads only way to escape government ownership of railroads is to leave politics alone.

Victims of purchase of monopoly is laid bare before probers.

LOCAL

Bank and postoffice robbers are captured. M. and M. association and city council. Dying man's ante-mortem statement holds man to answer for murder. Veterans is so badly mangled that both hands and both feet are amputated. Widow is given one cent to heal her broken heart. Dying man's ante-mortem statement holds man to answer for murder. Auditor defies enemies of Owens river project.

GOTHAM WARS ON DEADLY COCAINE

Health Board Prohibits Sale of Drug Except on Physicians' Prescriptions—Urges Clean Milk Cans

By Associated Press. NEW YORK, Jan. 31.—The board of health at a meeting yesterday added a section to the sanitary code prohibiting the sale of cocaine alone or in combination with other substances at retail by any person in the city of New York, except on prescription of a physician.

Another section added by the board to the code requires all persons having in the possession receptacles containing milk or cream which are used in the delivery of those articles of food to clean them immediately on their being emptied. Offenders will be liable to punishment for misdemeanor. Dr. Darlington, commissioner of health, had urged the adoption of these two sections.

He said of the latter section that housewives should help to make it effective.

TOYS WITH REVOLVER; BOY SHOTS HIMSELF

By Associated Press. VENTURA, Cal., Jan. 31.—News reached here this afternoon that A. D. White, an eastern boy attending Thatcher school in the Ojai valley, had shot and perhaps fatally injured himself while handling a revolver in his room.

The bullet entered the young man's head.

FEVER SCOURGE RAGING IN CHICAGO UNCHECKED

By Associated Press. CHICAGO, Jan. 31.—The health officers today estimate the number of cases of contagious diseases in the city at 4447. Of these 3967 are scarlet fever. Today 281 new cases of fever were reported against 31 yesterday.