

OLDER TAKEN FROM TRAIN

KIDNAPED EDITOR RELEASED AT SANTA BARBARA

SAYS IT IS DIABOLICAL SCHEME OF CALHOUN'S

Head of San Francisco Bulletin Accused of Criminal Libel by Luther Brown of Los Angeles

(Continued from Page One.) I supposed to be a revolver against my side and told me he would shoot if I made any disturbance.

"We raced through the park at a dangerous pace and down the Peninsula. At 6:35 o'clock we arrived at Redwood and they held me in the automobile off to one side in the shadows until the train came in at 5:55. The two deputies and Ashe and Brown got aboard with me, keeping guard in the drawing room that had reserved.

"I told them this was a dastardly procedure and that it would most surely react on them, as when my wife and friends in the city learned of it they would tear up the town. This seemed to make the deputy realize the seriousness of the act, and he agreed to send a message for me that I wished to give. I dictated a telephone message, which was evidently sent from San Jose, else Spreckels could not have learned of my whereabouts.

He Blames Calhoun "I was wholly ignorant of the proceedings that had been instituted here for my arrest. This whole thing is a diabolical scheme of Calhoun's. They are a desperate band of wretches and will not hesitate at anything."

The proceedings before Superior Judge Crow lasted an hour and a half, in which time the whole story of the kidnaping came out. It ended by Older being allowed bail in the sum of \$3000 named in the warrant, to guarantee his appearance in the justice court at Los Angeles at such time as the court there should designate.

Attorney Henley C. Booth was retained by Ashe and Brown to represent them and opened the proceedings before the court by an appeal for the retention of Older in the custody of the constable from Los Angeles. He maintained that it was only a question whether the defendant was in the custody of an officer on a legal warrant, and that the jurisdiction of the court did not proceed beyond that. He cited a section of the criminal code, which, he said, specified that application for bail could be instituted only in the county in which the warrant was drawn or in the county in which the arrest was made.

Judge Crow held that it was in the jurisdiction of the court to entertain the habeas corpus proceedings and asked for the evidence. Older was placed on the stand and narrated in substance the story already given. He declared himself in a state of alarm, "It is an alarming thing to be left in the custody of these men and I do not feel safe."

Many objections were interposed by Booth to the testimony that was elicited by Attorney Richards from Older, but the latter was allowed to tell his story. Under cross-examination, Older was asked merely concerning his willingness to appear in the Los Angeles court.

Porter Ashe on Stand Porter Ashe was next put on the stand, but made a very feeble effort. His testimony was futile, so far as upholding the contentions that Attorney Booth was making. He practically admitted kidnaping Older. When questioned as to why he had taken Older to such an out-of-the-way place as Redwood, he said that he remembered a case where Spreckels was arrested in San Francisco on a criminal libel charge a few years ago on a warrant from Los Angeles, and rescued by his friends on a writ of habeas corpus issued out of San Francisco. To prevent such an occurrence, he had taken Older to Redwood. This was a practical admission of the kidnaping.

Luther Brown went on the stand for a moment to testify as to the authenticity of some of the signatures. After argument the case was submitted to the court. Judge Crow ruled that the court had jurisdiction to grant Older bail and accordingly fixed the amount at \$3000. In answer to Booth's contention that the application on bail must be made either in the county in which the warrant was issued or where the arrest was made, Judge Crow said that one so arrested shall be taken before a competent court on demand, that the bail might be fixed.

Court Grants Bail The evidence tended to show that such demand had been made, that the officers in whose custody he was had deceived Older into the belief that he was going to Judge Cook's court, then later to his home. There had been no testimony introduced to disprove these statements. Accordingly, the court ruled that it was within its jurisdiction to grant the bail applied for.

"I chose to get the warrant in Los Angeles because that is my home, and the constitution grants me that privilege," said Luther Brown. "It is illegal with me where the case shall be tried, and it cannot be removed from the jurisdiction of Los Angeles."

Confronted with the circumstances that show the arrest and holding may have been kidnaping, Brown merely said: "I have nothing to do with that. I did not hear any of the conversation. It was not kidnaping, but I did not hear anything that passed. I left that to the officers who arrested him, and I have no concern as to how they get him before the court."

Calhoun Disclaims Blame By Associated Press. SAN FRANCISCO, Sept. 28.—Patrick Calhoun said tonight that the alleged attempt to kidnap Fremont Older, editor of the Bulletin, could not truthfully be made to appear to have been undertaken by those defending themselves from charges of bribery.

"The facts are," said Mr. Calhoun, "that Luther Brown, who is a lawyer of Los Angeles and one of the associated counsel of my defense, was attacked by the Bulletin a few evenings ago, which printed an infamous story regarding him in connection with an attempt to kidnap former Supervisor Lonergan.

"Under the state constitution there are but two places in which a man charged with criminal libel can be arraigned, one of which is in the county of the person libeled, the other is the county where the libel is published.

"Mr. Brown swore out a warrant in Los Angeles county and had the warrant approved in this county by Judge Cook. Older was then arrested, and an attempt was made to take him to Los Angeles. It was but an ordinary arrest."

It is further pointed out by Brown's friends that it is perfectly obvious that it would have been futile to have attempted the arraignment of Older in San Francisco county in view of the close relationships existing between Older and the

prosecuting officers of San Francisco county.

Stopped by Brown Older, managing editor of the Bulletin, was arrested yesterday on two warrants from Los Angeles sworn to by Luther Brown, charging Older with criminal libel. Older, it is said, was called by telephone message to a hotel on Ellis street and Van Ness avenue by some unknown person on a matter of urgent importance.

On his way there it is claimed he was stopped by Attorney Luther Brown, a constable from Los Angeles county and two deputies, who produced the warrants from Los Angeles, and after reading one, Older was placed in an automobile and taken to Redwood City, which was reached in time to connect with the Coast Line limited for Los Angeles, leaving San Francisco at 6 o'clock.

He was, later in the night, seen on the train bound south by a friend, who notified the authorities in San Francisco, who had instituted a search for him when his disappearance was reported. A constable at each station with friends in this city to have Older released on habeas corpus proceedings at Santa Barbara.

The warrants for Older's arrest were signed here by Judge Carroll Cook, who says that they were issued by a justice of the peace of Los Angeles. The charges against Older are based on an article which appeared in the Bulletin in connection with the trial of T. L. Ford, now in progress, in regard to the part Luther Brown took in the alleged effort to kidnap Older.

The attempt to take Older to Los Angeles and the methods employed have created a tremendous sensation throughout the city. Older's connection with the graft prosecution, Spreckels, Langdon and Burns in the prosecution of bribes and bribe-takers and through the vigorous course of his paper has incurred the enmity of all the indicted men. Luther Brown, who swore to the libel charge, is a Los Angeles lawyer and has been engaged in the defense of T. L. Ford, general counsel for the United Railroads, who is now on trial for bribery. Porter Ashe, who is said to have accompanied the arresting party on the train, is also one of Ford's attorneys.

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TELLS OF MISSIONS

DR. B. S. HAYWOOD ATTENDING CONFERENCE

DIRECTS METHODISM IN PORTO RICO

Former Riverside Pastor Describes Growth of Movement in the West Indies—Congregations Now Number 151

With a message from the isles of the sea Rev. Benjamin S. Haywood, superintendent of the Methodist work of the West Indies, has come to the Southern

California Methodist conference and has been one of the most popular speakers at the sessions.

Dr. Haywood is a member of the conference, having left the pastorate at Riverside three and a half years ago to assume superintendency of the work in the West Indies.

Dr. Haywood reports within his jurisdiction 151 Methodist congregations with 5000 full members and a large number in a preliminary membership before entering the probationary period customary in the Methodist denomination. He has sixteen missionaries on his staff and twenty-seven native preachers. He is now engaged in five large building enterprises and has built twenty-eight churches and chapels and raised \$60,000.

"The civic conditions in Porto Rico are most encouraging," says Dr. Haywood. "The work of the schools is the greatest factor next to the church in civilizing the islands. Nine years ago, at the time of the American occupation, there was one public school. Today there are 1250 teachers and 80,000 pupils. There are 300,000 names on the waiting list of children wishing to enter the schools and for whom there is no provision.

"So rapid has been the educational work that out of the 1250 teachers 900 are native teachers who have received their education in the last nine years. There has been a marvelous transformation. Adults are attending night schools in large numbers. The effect of the work has been a revelation. This influence is rapidly Americanizing the people. They want to learn our customs. Heretofore the wealthy class have sent their children to Europe to be educated, but now they are sent almost exclusively to America.

"The industries also have thrived. The scale of wages has increased from 16 to 37 cents a day. Skilled workmen receive good wages.

"There are a million people in Porto Rico. For two years I occupied the second floor of a house in San Juan with my family of four, while the same space downstairs was occupied by fifteen families, of which it would have been hard to take a census. Eggs and the sheep were frequently admitted.

"The chapels we are erecting in the interior each cost \$25, and these give church homes for 200 people, a Sunday school of a hundred or more and also a day school.

"We have built a girls' orphanage costing \$17,000 under the auspices of the Women's Foreign Missionary society, where there are 100 girls.

"Just now I am making a special plea for a boys' orphanage. In the great cyclone of a few years ago many thousands of homes were destroyed and countless children made orphans. I have had a donation of \$5000 with the understanding that I make it \$10,000."

Dr. Haywood will preach in his old pastorate at Riverside, Oct. 5. He will address the Sunday school at Boyle Heights two weeks from today. He will attend the annual mission meeting in Portland, Ore., in November, and until that time will make Los Angeles his headquarters.

Arriving in San Francisco Friday morning they went immediately before Judge Carroll Cook, who indorsed the warrant. They then, the constables, spent the day listening to the Ford trial and seeing the ruins until time to round up their quarry, which had been set for the late afternoon or early evening.

When their prisoner was taken from them by an order of the superior court at Santa Barbara yesterday morning Cohn and Cochran separated, the latter continuing on to Los Angeles on the same train they had boarded at San Francisco. Cohn stayed behind to watch the court proceedings.

When Cochrane arrived in the city he went at once to Justice Sumnerfield's court and gave the details of the arrest and told how they had been relieved of their charge by the Santa Barbara authorities. He ridiculed the idea of possible kidnaping and maintained the arrest and warrant were both regular and legal.

Constable Cohn arrived on the accommodation train from Santa Barbara yesterday that time it was too late to get the coast line train and they waited for the Owl on the valley road.

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FAMOUS WILL CASE IS AGAIN IN COURTS

By Associated Press.

SAN FRANCISCO, Sept. 28.—After ten years of litigation the famous Davis will contest, which was supposed to have long ago ended, has again made its appearance in the local courts, notice of an appeal from the judgment admitting the will to probate having been filed yesterday in the county clerk's office by the attorney representing Laura E. Tracy and others near of kin to the dead millionaire who were neglected in his will, which left the fortune to two nieces of Davis' deceased wife.

The fact of an appeal being made at this late day is said to be extraordinary in the legal history of the state, and is possible only by reason of a singular clerical oversight discovered by means of photographs. It appears, according to counsel for the contestants, that the minutes did not contain the record at length. It was only a partial record.

This fact was established just before the fire of April, 1906, in which the records of the case were destroyed, but counsel had saved photographs of the partial minutes, and with these the records were restored. The probate judgment was finally rendered at length July 31 of this year, and yesterday, within the statutory sixty days, notice of appeal was given.

DR. GRIFFIN WILL PREACH TWICE AT TABERNACLE

Rev. J. L. Griffin, the negro evangelist, will preach today at the Rescue tabernacle, East Ninth and Mateo streets, on "The Trials of Joseph" and "The Way to Heaven and How to Find It." Meetings will be held at 11, 3 and 7:30 o'clock.

AMUSEMENTS

LOS ANGELES THEATER 360 South Spring Street. Phone: Main 6129; A5129.

NORTHWESTERN THEATRICAL ASSOCIATION LESSEES AND MANAGERS Arthur A. Lotto, Resident Manager.

Continued Success of the San Francisco Opera Company

Commencing TONIGHT, for One Week Only REGULAR MATINEES WEDNESDAY AND SATURDAY

Harry B. Smith and Ludwig Englander's musical comedy, "The Strollers"

AN AVALANCHE OF MIRTH, MELODY, FUN AND LAUGHTER.

INTRODUCING THE CELEBRATED COMEDIAN, WILLIAM BLAISDELL—RETURN OF THE BRILLIANT PRIMA DONNA, AIDA HEMMI—ARTHUR CUNNINGHAM, MAUDE BEATY, GEORGE KUNKEL, EUGENE WIENER AND "GENE" ORMONDE AND OTHER FAVORITES IN CAST

The Beauty Chorus Appears to Its Best Advantage

HEARTY LAUGHTER, CATCHY SONGS, DANCING SURPRISES AND NOVELTIES—SEE DAPHNE POLLARD AND THE MISSES GRAY, VAIL, TROLINE, GENTRY, LEDERER, IVY POLLARD AND THE MANNING SISTERS IN "THE SCRUB WOMAN'S" NUMBER.

"THE STROLLERS"—First time at less than Two-Dollar Prices. Evening prices—35c, 50c, 75c, \$1.00. Matinees, 25c, 50c, 75c. Box office open daily from 9 a. m. to 10 p. m. Sunday evening, Oct. 5, the greatest of all, "THE IDOL'S EYE."

BELASCO THEATER HOME OF THE ONLY HIGH CLASS STOCK COMPANY IN THIS CITY. LAST TIME TONIGHT of the great laughing hit, "THE MAN FROM MEXICO."

COMMENCING TOMORROW NIGHT

THE BELASCO THEATER STOCK COMPANY WILL GIVE ITS FAMOUSLY SUCCESSFUL PRODUCTION OF "FREEMAN WILLS" NOTABLE ROMANTIC PLAY.

The ONLY WAY

Entire Belasco company in the cast and one hundred and forty especially engaged actors and actresses for the great mob scene. A production of prodigious magnificence.

Regular Belasco prices: Nights, 25c to 75c. Matinees Thursdays and Saturdays, 25c to 50c. NEXT WEEK—Maurice Hewitt's celebrated romance, "FOREST LOVERS."

THIS THEATER DOES NOT ADVERTISE IN THE LOS ANGELES EXPRESS.

FLOOD RISES TO HOUSETOPS

SECTION IN SOUTH OF FRANCE SUBMERGED

Conditions in Spain Are Serious. Many Dead Bodies Washed Down River and Out to Sea

By Associated Press. PARIS, Sept. 28.—The flood situation in the south of France was a little better today. Reports from the departments of the Rhone, Gard and Vaucluse say that rivers everywhere have been overflowing their banks, causing much damage and distress among the people, many of whom have sought refuge in the upper parts of their houses and have been without food for days.

The authorities are hurrying rations and supplies to the flood sufferers. A correspondent of the Temps telegraphs that the country in the vicinity of the Herault river is completely submerged. Only here and there are little islands and tops of houses visible and up on this vast lake row boats are engaged in the ceaseless work of rescue. The grape harvest in the low lands is a total loss.

MADRID, Sept. 28.—The church of Benamargosa, which was undermined by the flood, fell last night. There is no loss of life.

At Malaga many dead bodies have been washed down the river and out to sea. The weather in the south of Spain is clearing.

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MASON OPERA HOUSE FOR THE WEEK BEGINNING Tomorrow, Monday, Sept. 30

First appearance in Los Angeles since her triumphant engagement in Paris last June of the distinguished English artist, Olga Nethersole

Supported by her London company, including FRANK MILLS Direction of Louis Nethersole

Table with columns: PERFORMANCE, CURTAIN, PLAY. Monday Evening: AT 8:20 THE AWAKENING. Tuesday Evening: AT 8:10 SAPHO. Wednesday Matinee: AT 2:10 SAPHO. Wednesday Evening: AT 8:10 THE LABYRINTH. Thursday Evening: AT 8:15 CARMEN. Friday Evening: AT 8:20 THE AWAKENING. Saturday Matinee: AT 2:20 THE AWAKENING. Saturday Evening: AT 8:10 SAPHO.

PRICES—50c, 75c, \$1.00, \$1.50 and \$2.00. NIGHTS AND MATINEES.

NEXT WEEK The Great Broadway Theater Success, New York

The Vanderbilt Cup

SEAT SALE THURSDAY MORNING. FIRST CHURCH OF CHRIST (SCIENTIST) OF LOS ANGELES, CAL.

invites you to attend a Lecture

by Rev. Arthur R. Vosburgh, C. S. B. of Rochester, N. Y.

Member of the Christian Science Board of Lectureship of The First Church of Christ (Scientist) in Boston, Mass.

SUBJECT: The Idealism of Jesus

Sunday Afternoon, Sept. 29, 1907. The Auditorium Corner Fifth and Olive Sts.

Three o'clock ADMISSION FREE WITHOUT TICKET

ORPHEUM THEATER COMMENCING MONDAY EVENING

Joseph Hart's Crickets—Lace Macaulay—Paul Barzes—The Christie Duo—Charles Guyer and Ida Crisp—The Ruppelts—Mueller and Mueller—Orpheum Motion Pictures—Last week of Houdini.

Matinees Daily Except Monday. This theater does not advertise in the Los Angeles Express.

GRAND OPERA HOUSE The Family Theater. Commencing this afternoon THE ULTRICH STOCK COMPANY presenting the great sensation of the season, A MILLIONAIRE'S REVENGE

THE GREAT THAW CASE RE-ENACTED; EVERY DETAIL TRUE TO LIFE. Matinee Sunday, Tuesday, Saturday, 10c and 25c. Evenings, 10c, 25c, 50c, 75c. This theater does not advertise in the Los Angeles Express.

MOROSCO'S BURBANK THEATER HIGHEST HIGH CLASS STOCK COMPANY IN LOS ANGELES. MATINEE TODAY, TONIGHT, ALL WEEK, MATINEE SATURDAY.

The Incomparable Burbank Theater Stock Company in William Gillette's Famous Farce Comedy, ALL THE COMFORTS OF HOME

Return of John W. Burton. Every other favorite in the cast. Monday is souvenir night, when every lady in the audience will receive a handsome picture of Byron Beasley.

NOTE—This theater does not advertise in the Evening Express.

FISCHER'S THEATER First street, between Spring and Main. WEEK COMMENCING SEPT. 30. Fischer's All-Star Musical Comedy Company in Jolly Zeb's WINNING A BET

Latest in song hits, dances and jokes. Vaudeville and motion pictures. Shows nightly at 8 and 9:30. Matinee Monday and daily except Friday. Ladies' souvenir matinee Thursday. Prices 10c and 25c. Reserved seats 25c. This theater does not advertise in the Express.

PEOPLE'S THEATER Great vaudeville headed by PERKINS AND COMPANY and PEOPLE'S COMEDY COMPANY, in roasting farces and comedies. The greatest show in town. Evenings, 8 and 9:30. The only theater in city giving matinees daily at 2:45. Big double bill on society night, every Friday. Popular prices, 10c, 25c and 50c.

Where Cool Breezes Blow

Mountain or Seashore

Enjoy these glorious Autumn Sabbaths at one of the other

MT. LOWE

Sunday Excursion Rate \$2.00

Cars every few minutes for Long Beach, Alamitos Bay, Naples, Newport or Balboa.

The Pacific Electric Railway

LOS ANGELES OSTRICH FARM -5c Fare

FIVE AC