

WOOLWINE MUST ANSWER GRAND JURY'S QUERIES

PEREMPTORY ORDER ISSUED BY JUDGE JAMES

PUBLIC INTEREST PARAMOUNT TO REASONS FOR REFUSAL

City Prosecutor Acquiesces Promptly, Assuring Court He Will Reply Without Reservation to All Questions Asked

"The public interest which would demand the disclosure of the information sought from the witness would be superior to any which the witness might be able to assign as a reason for refusing to answer the questions propounded to him."

"An order will therefore be made directing the respondent when he shall appear before the grand jury again and be required to do so, to furnish to the jury information regarding the names of persons who have informed him that vice was being protected in the city of Los Angeles."

This, in brief, is the decision of Presiding Judge James of the superior court in the case of City Prosecutor Thomas Lee Woolwine, cited to appear yesterday and show cause why he should not answer certain questions propounded by District Attorney Fredericks and the grand jury.

In answer to the court's ruling Mr. Woolwine made a brief reply. "I desire to state that I am a law-abiding citizen," he said, "and how to the ruling of the court, I shall go before the grand jury and answer all questions without reservation."

A subpoena was issued later for Mr. Woolwine's appearance before the investigating body, and he will be on hand at 2 o'clock Monday to give the names of persons whose identity he refused to disclose several days ago owing to his lack of belief in the sincerity of District Attorney Fredericks when the latter took charge of the investigation of protected vice before the grand jury.

Many of the persons who gave Mr. Woolwine information have already, it is believed, been subpoenaed and have given testimony.

Express Agnail Sued
Another suit charging libel was filed in the superior court yesterday against the Express company and Edwin T. Earl, its owner. The plaintiff is Mayor A. C. Harper, and he seeks judgment of \$100,000, or \$25,000 on four counts.

The suit filed yesterday is based on an article in the Express of October 3 in which Woolwine is quoted as retreating the charges made by him of protected vice; an article dated August 12 and headed "Woolwine Closes the Redlight District"; a cartoon representing the police commission, bound hand and foot, appearing in the paper of August 14, and a column published October 13 with the head lines, "We Hold the Proof."

The reference to Mayor Harper in the cartoon of August 14, and the fact that the cartoon representing the mayor to be found in the article of August 12, which says:

"Can any sane man doubt the plain fact that the mayor of this city is tied hand and foot by the most corrupt and law-breaking element?"

Object to Notary
Attorney Isidore B. Dockweiler, representing the mayor, entered a demurrer to the complaint filed by the notary, objecting to the notary's deposition taken before Edwin F. Wehrle, the notary appointed by Judge Bordwell last Monday for this purpose.

A copy of the decision was taken by the Express, with his attorney, W. H. Anderson, and Mayor Harper, attorneys Henry T. Gage, W. Foley, Isidore B. Dockweiler and Horace H. Appel, appeared at the notary's office.

Mr. Gage at once presented an affidavit of Mayor Harper objecting to the taking of his deposition on the ground that the notary was biased and prejudiced against him, by reason of the alleged fact that Wehrle was present during the time when the merits of the case were discussed by attorneys for the Express, who occupy rooms adjoining the notary.

Attorneys Earl Rogers and W. H. Anderson immediately repaired to the court house and secured another order from Judge James, commanding the presence of the notary at the office of Arthur E. Bagley, another notary, with offices in the International Bank building, at 10 o'clock Wednesday, for the purpose of giving the deposition to be used at the trial of the first libel suit filed against the evening paper.

Decision Reached Already
Mr. Woolwine, accompanied by his attorney, Edwin O. Edgerton, reached the court house at 10 o'clock yesterday. Their preparation to continue the argument in the order issued by Judge James a week ago, following the refusal of Mr. Woolwine to answer certain questions propounded to him in the grand jury room, was unnecessary, for the decision had been written and was awaiting their arrival.

"I presume you have seen the decision in the matter in which you are interested," said the court, as he took his seat on the bench.

Prosecutor Who Resigned In Justice to the Public



THOMAS LEE WOOLWINE

MANY CITIZENS EXPRESS REGRET AT RESIGNATION OF WOOLWINE

Prosecutor's Office Thronged with Sympathizers Who Believe Official Should Have Been Allowed to Continue Investigation of Graft

A LARGE number of persons called on City Prosecutor Thomas Lee Woolwine yesterday, both at the police station and his private office, expressing regret on account of his resignation and the fact that he was not allowed to continue in charge of the investigation before the grand jury into the alleged protection of vice.

Mr. Woolwine was appointed deputy city attorney a little more than a year and a half ago. He was at the city hall in this capacity for almost a year and during that time supervised every grand jury and in connection with, in addition to trying important cases involving the opening of streets. As a result of his labors in this connection he was considered well qualified to prepare the present traffic ordinance, which has done much to simplify the handling of street traffic in Los Angeles.

Six months ago he was sent to the police station to act as city prosecutor and since that time many assert a material improvement in conditions throughout the city has become manifest. In this work he secured a great deal of information which led him to believe that vice was being protected in Los Angeles. This information, it is believed, he has followed up until a mass of evidence was secured of sufficient import to be placed before the grand jury and result in the return of indictments.

His desire to go before that body and take charge of the investigation, however, was frustrated by the action of District Attorney Fredericks in taking from him his power as a deputy.

The resignation of Mr. Woolwine from his office as city prosecutor was regarded as absolutely necessary by him. When the authority vested in him as a deputy district attorney was taken away by District Attorney Fredericks he remained practically a spectator in his own office, without power, except to try cases in

which violations of the city ordinances were involved.

His position was anomalous. Under him were men deputized by the district attorney, but whom he could not instruct in their duties. This condition, he believed, rendered it absolutely necessary for him to resign.

Who will take his place as city prosecutor will not be known until the return of City Attorney Leslie R. Hewitt now in Washington. Mr. Hewitt will reach Los Angeles in two or three days. According to a telegram received from him Friday by Mr. Woolwine, before his resignation was tendered, the city attorney fully appreciates the position in which his assistant has been placed.

The telegram is dated Washington, October 23, and is as follows: "Thomas L. Woolwine, city attorney, Los Angeles: Regret not having conference with you regarding duties of your assistants in the pending Fredericks controversy and grand jury investigation. I believe his revocation of your authority a serious mistake, but my judgment is that other deputies should continue to prosecute state law misdemeanors unless Fredericks renews their authority and until he does. This situation is anomalous, but a contrary course would be prejudicial to the public interest by giving the police an excuse for laxity, also by delaying prosecutions and by decreasing fines resulting in loss of revenue, the responsibility for which would be laid to us unnecessarily on the ground of insufficient funds. You are therefore advised that the other assistants should continue to prosecute and be ready and willing to prosecute as deputy district attorneys. You will therefore please instruct them accordingly. It was because he did not have this power to instruct his assistants that Mr. Woolwine resigned, he says. He offers no criticism of Mr. Hewitt in ordering him to so instruct these assistants.

SLAYS TWO BABIES, WIFE AND HIMSELF

FATHER SHOTS HIS CHILD THROUGH THE HEAD

Fragments of Divorce Complaint Found Scattered Near Scene of Tragedy Afford Clew as to Cause

SEATTLE, Wash., Oct. 24.—Sight of a man holding an infant in one hand while he sent a bullet into its head caused H. L. Lee, J. H. Cole and W. C. Hanson, who were passing, to jump to the rescue, but they were too late.

The man, who proved to be A. J. Hurst, a wholesale huckster, dropped the wounded child and turned the revolver upon himself and was dying when the trio of witnesses arrived. They found the wife of the man was dead, also a 3-year-old child, and the infant died on the way to the hospital.

Investigation showed Hurst had had trouble with his wife, and after repeated quarrels she had notice served upon him of a suit for divorce. These papers he received this morning. This afternoon he took the whole family for an outing and while the children gambled on a grassy slope overlooking Elliott bay he quarreled with Mrs. Hurst, after her refusal to withdraw the suit, shot her dead, then killed his 3-year-old child, held the baby and shot it, as seen by the witnesses, who were about 300 feet away.

Hurst was well-to-do and about 32 years old. His wife was three years younger. So far as is known Hurst has no relatives here, but Mrs. Hurst has a married sister living in Seattle. Drink was the cause of the troubles of the couple, and his refusal to abstain from its use caused the woman to leave him.

HEARST MAY SEEK GREENER PASTURE

DOODLE DEE LEADER HAS EYE ON NEVADA

Failing Elsewhere, Man of Saffron Fame May Try to Reach the White House from Sagebrush State

RENO, Nev., Oct. 24.—Word comes from New York today that William Randolph Hearst will soon take up his residence in Nevada for the purpose of becoming a candidate for United States senator in 1910, using this as a step to the presidency.

The information has created a sensation here and the city anxiously awaits the appearance of the editor with some definite announcement of his intentions.

The New York dispatch says physician's orders are responsible for the change.

It is said Hearst recently issued orders to George Cole, chairman of the Nevada branch of the Independence league, to spend no more money in the campaign.

BROKERS TELL OF DEALS WITH MORSE CLIQUE

MORE BIG CHECKS IDENTIFIED BY ACCOUNTANTS

AUGUSTUS HEINZE MAY BE A WITNESS IN CASE

Charles M. Schwab Is Called to Stand, but Defense Objects to Testimony—Will Appear Monday

[Special to The Herald.]
NEW YORK, Oct. 24.—Testimony of several witnesses in the Morse-Curtis trial today brought out further important evidence tending to show the magnitude of the Morse-Curtis deal and the gigantic business apparatus which had passed through their hands during the flourishing days of the alleged combine.

Several brokers' clerks were on the stand, and all told of large checks which had passed through their hands during the flourishing days of the alleged combine.

It is expected many sensations will yet be brought before the conclusion of the case.

Reports in legal circles are persistent to the effect that F. Augustus Heinze will be called as a witness in the Morse trial. Much interest attaches to this fact because Heinze's case is next on the federal calendar, following the Morse-Curtis trial, when the former copper king will be called before the jury to answer charges of a similar nature.

Following the panic of last fall Heinze was indicted on a charge of defrauding the National Bank of Commerce and Merchants' Bank of \$60,000 in the many legal battles which won control of gigantic copper properties are remembered throughout the West. His banking operations in New York were on an equally large scale until the panic overtook him.

Brokers' Clerks Testify
The dealings which Morse had with various brokerage houses in this city where there was any connection with the affairs of the National Bank of North America, were today the subject of special consideration.

The defense entered objection to the opening of this subject by the prosecution, but Judge Hough decided the witness should answer several of the material questions.

Joseph J. McCann, bookkeeper for Arthur Lippen & Co, stock brokers and bankers, identified a check for \$60,000 given to Morse by Morse and applied to the account of J. L. Adolph with which to purchase 1000 shares of ice stock. The check was given to Morse by Arthur Lippen & Co, bookkeeper for the office of Albert Loeb & Co, brokers and bankers, followed and said Morse had an account with his firm and he had passed over a check for \$205,000 to Loeb & Co. to be credited to the account of J. F. Carroll and retained in return for 1000 shares of Smelting, 600 Consolidated Gas, and 500 Delaware and Hudson.

Moxey Is Recalled
After several other employees in various brokerage offices had told of transactions with Morse, Accountant Moxey was recalled to the stand. He said the books of the National Bank of North America showed the morning of October 26 there was a balance of \$372 in Morse's favor. During that day three deposits were made, bringing his total credit balance to \$239,419 against that day.

Mr. Moxey said the checks drawn against that account by Morse that day aggregated \$200,000, making an overdraft of \$219,581.

On the same day the loan sheets showed a demand loan of \$11,000 made by Morse and credited to him, and Mr. Moxey said the books of the bank indicated that demand notes were made daily by Morse to cover the checks which had been returned against Mr. Schwab being questioned as to whether, as a director of the bank, he had known of Mr. Morse's account being overdrawn. The objection was upheld and Mr. Schwab was ordered to appear in court next Monday, when the trial will be resumed.

WITNESS SAYS MINERS ARE TOO POOR TO BUY STOVES

Depositions Are Taken in Indianapolis to Be Used in the Gompers-Mitchell Contempt Proceedings

INDIANAPOLIS, Oct. 24.—Depositions were made today to be used in the contempt proceedings against Samuel Gompers, Frank Morrison and John Mitchell, going out of the Buck Stove and Range company case. The depositions were taken on behalf of that company.

Among those whose depositions were taken was W. R. Ryan, national secretary-treasurer of the United Mine Workers, with headquarters in this city.

His testimony was in relation to resolutions opposing the stove and range company that had been adopted by the Norfolk convention of the American Federation of Labor in November, 1907, and the convention of the United Mine Workers of America in this city last January.

In relation to the possible effect of the resolutions he said the miners had not been in a position to buy stoves since the financial depression.

Former 'Copper King,' Who Must Face a Federal Jury



F. AUGUSTUS HEINZE

2000 WATCH BIG 'MEDICS' GET MOTOR CAR BURN NEW MARKINGS

AUTOMOBILES COLLIDE; ONE SET ON FIRE STATE BOARD HEEDS PROTEST OF STUDENTS

Mr. and Mrs. F. P. Fay Have Exciting Experience When Gasoline Tank of Machine Is Punctured

Two thousand persons saw the big touring car of F. P. Fay, president of the California Citrus union, of 743 Garland avenue, explode and burn at Fifth street and Broadway last night. An automobile occupied by James and Frederick Crowe of the Hotel Arlington collided with Mr. Fay's car and set it on fire.

Mr. Fay, accompanied by his wife, and driven by Paul Hinkley, his chauffeur, was going north on Broadway. He was followed at a short distance by the car in which the Crowes were riding.

At the intersection of Fifth street there was a blockade, and the Fay car was pulled up suddenly to avoid a wagon. Fred Crowe, who was driving the other automobile, did not stop in time and his car plunged into that of Mr. Fay, bursting the gasoline tank on the rear of the machine. The gas lamps on the forward end of the Crowe machine were broken, and the flame from them was communicated to the gasoline in the tank of the Fay machine.

An explosion followed and the big touring car was wrapped in flames in an instant, the blaze shooting into the air a hundred feet. The spectacular sight drew a big crowd and a fire alarm was turned in from the box at Fifth and Hill streets.

Mr. and Mrs. Fay and Hinkley jumped from the car and the chauffeur shut off the engines and feed pipe of the machine. The Crowe brothers bucked their car and it escaped further damage.

The blazing automobile was attacked by the firemen with a chemical engine and the fire was soon extinguished. The car was damaged to the extent of \$1000.

Alaska Miner Arrested

SEATTLE, Oct. 24.—Frank Manley, a prominent mining operator of Fairbanks, Alaska, has been arrested here and today was taken to Texas to answer a nominal charge of perjury and larceny. Sheriff J. S. McConnell of San Angelo, Tex., arrived in Seattle today with a warrant for Manley's arrest and extradition papers.

Explosion in Palace

LISBON, Oct. 24.—What is described here as a "gas explosion" occurred today in the royal palace at Oporto, Gen. Cibraro and three other persons were injured. The palace is being prepared for the coming of King Manuel on November 5.

Ruef Jury Incomplete

SAN FRANCISCO, Oct. 24.—After consuming the time of Judge Lawlor's department of the superior court for two months the jury for the trial of Guy Barham Ruef on one of the many charges of bribery returned against him by the grand jury is still incomplete. Almost the entire week was spent in trying to get the twelfth man necessary to fill the jury box. Seven or eight veniremen were examined and dismissed today and court then adjourned until Monday.

Card Player Assaulted

GRASS VALLEY, Oct. 24.—Lying desperately ill at the county hospital is Chris Johnson, a resident of Washington, this county, suffering from a fractured skull, the result from an attack made on him during the course of a card game at Washington. The county surgeon operated on Johnson, but the outcome is yet doubtful. The sheriff has gone to Washington to arrest Johnson's assailant.

BRYAN TO WIN BY LANDSLIDE DECLARES MACK

REPORTS INDICATE UNEXPECTED PLURALITY

NEW YORK SURE; ILLINOIS ONLY DOUBTFUL STATE

National Chairman Bases Sensational Prediction on Conservative Estimates Received from Many Reliable Sources

[By Associated Press.]
NEW YORK, Oct. 24.—National Chairman Mack authorized a statement today in which he claimed the election of W. J. Bryan by a landslide.

He announced his reports showed that Mr. Bryan would receive at least 301 electoral votes, or fifty-nine more than is necessary for a choice. This comfortable majority will be increased rather than decreased when the vote is counted.

"The rumblings and thunder of the Bryan landslide in the west are already heard in the eastern states, and today I can confidently predict the election of Mr. Bryan, for the inevitable landslide in the west will extend to the shores of the Atlantic."

"It means the Democratic national ticket will carry every doubtful state in this section, and in rock-ribbed Republican districts the majority of that party in recent years will be reduced to a minimum."

"Basing my forecast on the most conservative lines, in view of the optimistic reports I have received from all sections of the country, I figure that Mr. Bryan will have at least 301 electoral votes, or fifty-nine more than is necessary for a choice. This comfortable majority will be increased rather than decreased when the vote is counted."

Sure of Some Big Ones
"In addition to the 166 votes of the solid south, and in this I include Maryland, I am confident that Mr. Bryan will carry New York, New Jersey, Connecticut, Idaho, Montana, Colorado, Nebraska, Nevada, Indiana, Ohio, Delaware, Kansas and South Dakota—a total of 301 votes."

"All over the country there is a change of from 25 to 50 per cent from the Roosevelt vote of 1904 to Mr. Bryan."

"The result is no longer in doubt in New York. The thirty-nine votes of the extraneous states, from Mr. Roosevelt, in each state, particularly Oregon, state issues are an important factor."

"The mountain states, from information I have received within forty-eight hours, will, I am confident, be counted in the Democratic column."

Mr. Mack said today that he understood the Republican organization had accumulated \$3,000,000, which would be used in several of the debatable states. "But, he said, they cannot defeat us with \$50,000,000."

Mr. Mack said: "The action of President Roosevelt in sending out his cabinet on the stump shows the election is rightened to death. If they don't put ropes on the president, or nail him down, he will be on the stump, too. If Roosevelt goes on the stump, the people will know that Bryan will be elected."

SEA-LEVEL HARBOR ELOQUENTLY URGED

President of Municipal Waterways Association Emphasizes Necessity of Work and Its Comparative Small Expense

"One-twenty-fourth of the sum which will be expended for the Owens River aqueduct work would build a sea-level harbor with jetties, turning basin and eight miles of water front, exclusive of slips from Santa Monica bay, or within four miles of Los Angeles," said Joseph H. Call, president of the Municipal Waterways association at Ocean Park last night.

Mr. Call reviewed the work of the Municipal Waterways association, characterizing the harbor problem as the greatest before the people of Southern California. "With an adequate and public harbor, or harbors," he said, "a busy population will cover every foot of ground between the mountains back of Pasadena and the water front."

A. F. Webster, president of the Santa Monica Bay chamber of commerce, presided at the meeting. Milton E. Young, Sidney A. Butler and Marshall Stimson of the Waterways association, J. C. Noyes of Santa Monica, and G. W. Brown of Ocean Park were the other speakers. Secretary Pitt P. Land, advocating membership in the Waterways association, said that in three and one-half months the association had received more than 850 voluntary applications for membership. A number of membership applications were handed in at the close of the meeting.

A similar meeting will be held soon at Venice, to be followed by another at Santa Monica.

Democratic Fund Grows
CHICAGO, Oct. 24.—Twenty contributors turned \$2539 into the Democratic campaign fund yesterday in sums of \$200 or over. The sources of \$75 were made public in New York yesterday, the remainder, \$1864, being announced here today.

A Confession:

It is necessary for The Herald to confess that the street sales of this newspaper are small—that they amount to scarcely 1 per cent of its total circulation; that it is purely a home newspaper; that it has but a small percentage of its circulation outside the one-hour trolley radius; that it is a favorite with club women because of its impartial attitude on news affecting women's clubs; that it is a favorite with the church people because of its decent attitude regarding civic affairs; that all religious denominations like it for its absolute fairness.

These are the reasons for the 5000 new subscribers within the past two months.

A man who conducts a liquor establishment in Los Angeles recently told a representative of The Herald substantially this: "I take the down town, but I allow my wife and children to have only The Herald."

Today's issue tells of the growing esteem in which the merchants of this community hold The Herald. Kindly sentiment is much appreciated, but the growing advertising patronage of The Herald tells how it is regarded as a business proposition.