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Mine Manager Held for Felony NEVADA CITY, Cal., Nov. 3.—E. H. Wilson, manager of the Sierra Wonder Gold Mining company, was held in the justice court today to answer charge of embezzlement which has been made against him by Secretary Kalist of the same company. Wilson is accused of appropriating \$260 supplied to meet his monthly statement, when, it is alleged, the mine was not operating and no expense was incurred. Wilson offered no testimony and was released on \$3000 cash bail.

Cunard Commodore Resigns NEW YORK, Nov. 3.—Capt. John Pritchard, commodore of the Cunard line, who began his fifty-three years' service at sea in a 150-ton schooner and who ends it in command of the 29,000-ton steamship Mauretania, announced today upon the sailing for Liverpool that he had resigned. He said he did not expect to bring the ship back on her next voyage.

ANTI-TAMMANY DEMOCRATS WIN GREAT TRIUMPH

REPUBLICANS SADDENED BY RECAPITULATIONS BATTLE-SCARRED TIGER LOSES ALL BUT MAYORALTY Opposition Elected on Fusion Ticket Will Have Absolute Control of New York City's Pursestrings

[By Associated Press.] NEW YORK, Nov. 2.—Battle-scarred Tammany which yesterday elected a mayor but lost a city, took up today the gloomy work of setting its house in order for four years of avowed anti-Tammany government in Greater New York. An analysis shows that the election which resulted in the defeat by the fusion forces of every important Tammany Democratic candidate below the mayor, was more of a victory for the anti-Tammany Democrats who had lined up with the Republicans under the fusion banner, than for the straight out Republicans. Anti-Tammany Democrats elected on the Republican-fusion ticket for four years, will be in absolute control of the city's purse strings. They will have a clear majority in the board of estimate and apportionment and therefore the right of spending more than a billion dollars of the city's money. The board of estimate includes, besides Mayor Gaynor—who in the past has been a strong anti-machine man—five anti-Tammany Democrats and two Republicans. The sixteen votes allotted the various members of the board are so distributed that besides Justice Gaynor's three ballots, anti-Tammany Democrats will have nine and the Republicans four.

Nucleus for Reorganization In this board, according to anti-Tammany Democrats, is to be found a nucleus of what they believe will make for a complete reorganization of the Democratic party. It was rumored today that the attempt to create a new order of things for New York City Democracy already was under way. Charles F. Murphy, who succeeded Richard Croker as Tammany leader, came out with a formal disavowal of the rumors at the same time denying a report that he was to be deposed. "I have no intention of resigning," said Murphy. "I have not heard of any opposition to me within the party and I have heard nothing about these reported rumblings of discontent." Richard Croker's resignation was a matter of speculation to those who were studying the situation and the announcement that he had extended his visit five days longer was regarded as significant. Mr. Croker's visitors today included former Mayor Hugh Grant, Lewis Nixon, William F. Sheehan and Mayor McClellan. The retired leader said these calls were without political significance. "I am out of politics for good and all," he declared. "Not for a million dollars would I reconsider my determination to keep in the background."

Too Old for Strife "Yes, they asked me to come back—they always do that. But I'm too old and I couldn't stand the racket." Complete returns on balloting in aldermanic districts show that Tammany lost ground also in that body and that the Democratic majority will be cut down from thirty-one to a majority of a single vote. In addition, several nominally Democratic votes from Brooklyn districts are the product of a fusion between Democratic and Hearst Independent forces and are hardly to be depended upon to support the Democratic colleagues in all instances. William M. Ivins, who launched the Hearst boom late in the campaign, offered his congratulations to the fusion cause today. "It is the greatest victory for reform New York has ever seen," said Ivins. "It means Tammany must be reorganized and there must also be a house-cleaning in the Republican organization in Manhattan and Brooklyn, as attested by the defeat of Bannard and the defeat of the Woodruff machine and its Republican candidates in Brooklyn."

Thomas Pinn, Union Labor nominee for sheriff, was carried into office by a majority of more than 1000 votes over Lawrence Dolan, Democratic and Good Government League candidate, the incumbent. Next in importance to the mayor and district attorney stands the new board of supervisors and there will be eleven union labor men among the eighteen chosen yesterday. The balance of the board will be made up of five Republicans and two Democrats.

SAN FRANCISCO IS SWEPT BY LABOR MEN

SAN FRANCISCO, Nov. 3.—The completed semi-official count of the votes cast in yesterday's municipal election does not change the complexion of San Francisco's new government from the forecast of its composition based on the partial returns today. The Union-Labor ticket, with P. H. McCarty at its head, virtually swept the field, carrying almost every important office by good margins. Next in importance to the mayor and district attorney stands the new board of supervisors and there will be eleven union labor men among the eighteen chosen yesterday. The balance of the board will be made up of five Republicans and two Democrats. Thomas Pinn, Union Labor nominee for sheriff, was carried into office by a majority of more than 1000 votes over Lawrence Dolan, Democratic and Good Government League candidate, the incumbent. Thomas Doyle, Democrat, Independence League and Union Labor will be the next auditor of the city. He defeated Matthewson, Republican and

MR. MUSHET AND THE PUBLIC SCHOOLS—II

Showing How the Impartial Committee in Its Report Sustained Every Act of the Board of Education and How Mr. Mushet Broke His Word by Refusing to Accept That Report as Final

WE have seen how Mr. Mushet closed his report to the city council of April 13, 1908, by approving of the proposition of the school board to submit its records and acts to the investigation of an impartial committee, and pledged himself to abide by the findings of such a committee, by saying: "The findings of a committee chosen from the great commercial bodies of this city would have great weight AND WOULD BE FINAL." Such a committee was appointed by the chamber of commerce, the Merchants and Manufacturers association and the Municipal League of this city, and consisted of: D. K. Trask, Rev. Bert Estes Howard, H. C. Witmer, D. A. Hamburger and George A. Gates. This committee, composed certainly of men of unimpeachable business and professional standing in the city, began the investigation of the records and acts of the board of education. But while this investigation was in progress, and before the committee had time to report its findings, Mr. Mushet made another report to the city council, filled with criticisms of, and reflections upon, the board of education, and in which he reiterated the false statement as to the estimate of expenses for conducting the schools of the city which the board of education had submitted to the council as a basis for the school expense item in the budget of 1907-8. Upon this point, in his report submitted to the council on June 1, 1908, Mr. Mushet said: "The board of education estimated the whole amount required to run the school department this year to be \$1,393,040.00, which was to be provided as follows: Cash on hand.....\$ 141,753.23 Cash from state and county..... 800,513.00 Rentals..... 25,000.00 Cash from city..... 425,773.77 \$1,393,040.00

The Herald is in possession of a copy of the "itemized estimate of expenses for school year 1907-8," filed with the city council by the board of education, and under the head of "Amount Required from City" appear these items: For running expenses.....\$426,773.77 For sites and buildings..... 50,000.00 \$476,773.77

It should be understood just here that the item of \$50,000 for sites and buildings was intended to provide for such necessary expenditures in the way of upkeep and betterments, as the school department had always previous to that time made out of the money raised by taxation, and not out of the extraordinary funds raised by bond issues. We have seen how the city council not only cut the estimate of the school board for the running expenses and upkeep of the city schools \$111,773.77, in the budget which it prepared and provided for by tax levy, but also how the already inadequate amount allowed to the board of education for school purposes was further reduced by the nearly \$50,000 of extraordinary expenses which the school board was compelled to make during that time in order to comply with the orders of the city superintendent of buildings to make the school houses safe so that they would not be a constant menace to the lives of the children using them.

Thus we see that even while the committee selected by the three great public bodies of the city of Los Angeles was investigating the records and acts of the board of education, Mr. Mushet took occasion to again reiterate the false statement injurious to the board of education which he had originally made in his previous report to the council. However, the committee, after making a thorough investigation of the records and acts of the board of education, returned a report deciding against Mr. Mushet's claims and sustaining the board of education at every point. Among other things, this report said:

"In conclusion, your committee would express its confidence in the integrity, the faithfulness and efficiency of the board of education and of the superintendent of the city schools. We have found no evidence of graft, OR OF RECKLESSNESS IN THE EXPENDITURE OF PUBLIC MONIES. We have found the gentlemen administering the school affairs of this city giving freely of their time and thought and their personal attention to the task of bringing the schools entrusted to them to the highest point of efficiency CONSISTENT WITH A CAREFUL DISBURSEMENT OF SCHOOL MONIES. We desire also to express our confidence in the ability and sincerity of the superintendent of city schools."

Had Mr. Mushet been honest in his criticism of the school department of the city, and had he been a man of his word, this report should certainly have been accepted by him as final, as he agreed that it should be, and he would have refrained from further efforts to discredit the administration of school affairs by the good citizens in charge thereof.

He did not do this, however. On the 17th day of September, 1908, he submitted to an interview, published in the Los Angeles Times of the next day, and, just a few days, he it noted, before the public school term for that year opened, in which he not only renewed his criticisms of the board of education but went even further than he had ever done before. He closed his interview as follows:

"I can further show them (the board of education) DISCREPANCIES OF TENS OF THOUSANDS OF DOLLARS IN THE REPORTS OF THE SUPERINTENDENT AND HIS ASSISTANTS."

At the time that this accusation of Mr. Mushet was made—an accusation of discrepancies in bookkeeping so grave that it almost amounted to a direct charge of felony—a grand jury of the county of Los Angeles was in session, and the board of education and superintendent of schools appealed to that body, whose duty under the law it was to investigate official acts, to investigate their records and acts.

This investigation was made, and, in the course of it, it appeared THAT MR. MUSHET'S ACCUSATION OF DISCREPANCIES IN THE BOOKKEEPING OF THE SCHOOL DEPARTMENT WAS BASED LARGELY UPON THE FACT THAT THE SCHOOL DEPARTMENT HAD SPENT FUNDS GIVEN IT FOR THE MAINTENANCE OF THE SCHOOLS TO PUT IN FIRE ESCAPES AND THUS MAKE THE SCHOOL BUILDINGS OF THE CITY SAFE FOR THE CHILDREN USING THEM AND PROVIDE AGAINST THE REPETITION OF THE COLLINWOOD DISASTER, WHICH COST 160 LITTLE LIVES.

In the report, prepared and made public as a result of its investigation, the grand jury says:

"In view of the early bond election to supply additional school funds for this rapidly growing city, and in the interest of education, we have gone into all actions of the city board of education, especially in its handling of school funds; and we have thoroughly examined the same, and we find that there has been no misappropriation of school funds in any manner whatever. \* \* \* Since the Collinwood disaster of a year ago, additional exits and fire escapes have been provided by the board of education, and these, together with the regular fire drills which are held in each building, provide perhaps as much security against loss of life by fire as can be attained with buildings of the type of construction which Los Angeles has built for school purposes.

"Nothing which has been done by the board of education was more imperatively necessary than this remodeling of the wooden school buildings of the city, in order to protect the lives of the children who daily assembled in them. CRITICISM, BECAUSE OF USING BUILDING FUND MONEY FOR THESE LIFE-SAVING ADDITIONS TO OLD BUILDINGS WAS, THEREFORE, NOT ONLY UNWARRANTED BUT ILL-ADVISED AND REPREHENSIBLE."

We thus see that the grand jury in its findings branded Mr. Mushet as having criticised the board of education for spending some money to protect the lives of the children of the city of Los Angeles and in every way exonerated the school department from the criticisms which he had leveled at it.

Probably the very worst thing that happened to the school department of the city of Los Angeles in the year 1908 was that many boys and girls anxious for an education were compelled to spend the whole night standing in a line in order to secure the opportunity of being registered as students in the city's high schools. This, however, was not a matter for which the board of education or the superintendent of schools was at all responsible. The board of education had applied to the city council for a bond issue of \$750,000, \$450,000 of which was to be expended in increasing the high school accommodations. The election for voting these bonds was called January 6, 1909.

The Herald will in its issue of tomorrow show how Mr. Mushet, not content with his efforts to injure the school department of the city of Los Angeles, deliberately endeavored to defeat the bond issue and thus to prevent a proper expansion of the school facilities of the city of Los Angeles necessary to provide adequate educational opportunities for our children, and how that effort was made just before the date when the people were to vote upon the school bonds.

URGES JAPANESE TO BE FRIENDLY WITH UNCLE SAM

SECRETARY KNOX SUGGESTS SETTLEMENT COMPULSORY AGREEMENT WITH U. S. SOLICITED Cabinet Official Invites Oriental Representatives to Enter into Adjustment of All Tangles Between the Two Nations

[By Associated Press.] WASHINGTON, Nov. 3.—Secretary Knox tonight invited Japan to enter into a compact making practically compulsory peaceful settlement of all difficulties with the United States. The secretary's invitation was not in the form of a state document, it was a suggestion to the Japanese commercial commissioners in an address by Mr. Knox tonight at a banquet given in honor of the visitors from the mikado's land. After proposing a toast to the emperor of Japan, Mr. Knox said: "Baron Shibusawa and Honorable commissioners: It is my privilege and a great pleasure to welcome you to Washington on behalf of this government and to express the sincerest hope that your journeyings and observations and entertainments have been and will continue to be comfortable, profitable and agreeable.

"This is an opportunity of which I gladly avail to speak of ties we two have contributed to unite our two nations in amity and essential harmony ever since the days when, to American representatives first, and to those among you, through which you must understand and we must learn. "It is your word 'Bushido' that expresses the source and inspiration of much of the strength and nobility of the Japanese temperament. Then let western civility which also looks back to lofty origins learn what eastern 'bushido' has to teach. Common Ties "Because of these ties between us, we sometimes share a common grief and mourning. This country mourns with you the untimely, cruel death of the great Prince Ito, who looked upon him as a personal friend, was a deep personal loss. "He was justly a hero in Japan, a great man, a noble self-sacrificing patriot, a statesman of masterly constructive ability. His career is the history of new Japan, of the Japan which is now one of the great modern powers of the world. "A gifted Englishman of letters has told a fine story of the career and work of the Yoshida, whose pupil Prince Ito was, and describing Yoshida's intensity of patriotic vision, his use of language which well describes it himself. He hoped, perhaps, to get the good of other lands without their evil; to enable Japan to profit by the knowledge of the barbarians and still keep inviolate with her own arts and virtues. "Is it too much to say that such hopes of the great minds of Japan are in the way of realization? Japan has set herself in that path, and every friendly and generous heart believes she will keep the faith and hopes she will attain her goal. "Commerce—these are the fields in which the friendly commercial rivalry now proceeding between the American and Japanese peoples find expression. Each, indeed, furnishes a wide market for the other, and beyond their respective boundaries they engage in this friendly trade competition for the various markets of the world, and will continue so to engage. Modern Movement "But the great modern movement of accord and good understanding between nations are, after all, the lofty achievements and the crown of all international relations. The controlling principle of these movements is peaceful and beneficial intercourse and the peaceful settlement by arbitration of differences and controversies—extending that principle by friendly diplomacy as rapidly as possible to embrace an increasing number and variety of disputes, and ultimately, making peaceful settlement of all differences compulsory, or practically so. "I am confident you will agree it is altogether in accordance with the honorable and enlightened attitude, both of Japan and the United States, and that it should be the aim of true statesmanship to continue to keep abreast of these beneficent movements and to give them the widest possible field in which they have borne so distinguished a part. "Thus the long unbroken friendship of the United States and Japan, of which your visit and this occasion are such happy symbols, and the laudable common purpose of Japan and the United States to respect each other's rights and with frankness, patience and good temper to adjust such differences as inevitably arise even between nations of sympathetic and common purposes will be exemplars which will bear fruit and aid in the gradual realization of the noble ideals for the concord and prosperity of the world."

Sixty-eight injured DES MOINES, Iowa, Nov. 3.—Sixty-eight persons were injured, three probably fatally, when a crowded University place car jumped the track today and turned on its side on the Nineteenth street hill after a thrilling coast down the long incline. The fatally hurt are W. J. Robb of Oklahoma City, Okla., who died this afternoon; J. E. Johnson, hip broken and terribly gashed about the head, and D. E. Smith, both of Des Moines, skull fractured. Elbert Warren, captain of the Drake university football team, was seriously injured.

I. W. W. TALKERS SENTENCED FOR DEMONSTRATION

POLICE OF SPOKANE ARREST NINE MORE SPEAKERS RANK AND FILE ARE INACTIVE, DESPITE LEADERS Free Speech Crusaders Declare They Will "Show" Officers, and Say 200 Men Will Defy Arrest Today

SPOKANE, Wash., Nov. 3.—In police court today Justice Mann sentenced to thirty day terms in jail thirteen of a group of forty-eight "free speech" agitators. The remainder of the 103 who were arrested Tuesday were arraigned and through the afternoon term of the police court was extended until after 6 o'clock. Acting on the advice of Justice Mann, the police abandoned the charge of street speaking on which I. W. W. men had been arrested during the first day of their demonstrations, and substituted one of disorderly conduct on which they say they believe they can convict all of the "free speakers" who offer themselves for arrest. The fifteen who were discharged following the judge's decision were those against whom no definite charge had been brought other than that they were boisterous and inclined to make trouble.

[By Associated Press.] SPOKANE, Nov. 3.—Under close police surveillance, and with their leaders in jail, the rank and file of Industrial Workers of the World were comparatively inactive today. Whenever they were doing the rest attempted to harangue a street crowd he was arrested. Many arrests were made during the day. The police broke up an outdoor meeting about 9 o'clock at the corner of Howard street and Main avenue. A large crowd had gathered, and a red-ribboned orator could be seen making his case, speaking at the top of his voice. An officer broke through the crowd with considerable trouble and took the man down from his lofty perch. No sooner had the policeman placed the first man under arrest than another took the stand. It was necessary for the police to arrest nine before the crowd quieted down. The prisoners were led to the city jail without resistance. "We will show you yet," is the only statement they will make when questioned at the station. According to the report sent broadcast by those arrested, they will have the police in their power before tomorrow. Warning Posted A bulletin posted at the headquarters of the workers announced: "Fellow Workers: Tomorrow this fight will be carried on with greater determination than ever. We have only begun to fight; 200 men will go to jail tomorrow." Immediately below was pasted another which read: "Every man who is appointed captain is to select five or more men and proceed to hold meetings. Every captain and squad go to places designated and speak until all are arrested. "Remember, the authorities claim to have broken the backbone of the organization. Show them that they are just ignorant of the situation. Every member of the organization knows what is expected of him. "Disorderly conduct" is the charge placed against every man arrested for breaking the street speaking ordinance. Chief of Police Sullivan said today: "We can catch them under the street speaking ordinance, but we have passed the age when we could charge them. We will convict every one of them of disorderly conduct."

Each of the forty-eight tried this afternoon was given a separate hearing, although judgment was not passed until all had been tried. In his argument at the close of the trial Attorney Moore for the defense referred to the justice's own decision of the day before, when, in declaring the latest street-speaking ordinance invalid, he expressed the opinion that free speech was an inherent right. In reply to this, Justice Mann said: "There is no doubt that the right to speak is, as I said in my opinion yesterday, God-given, but there are laws of this land whose purpose is to determine how far that right shall extend. "The present condition has been brought about by the willful violation of a city ordinance by a great number of men who have also violated other laws, such as those defining disorderly conduct and blocking of the streets. Men who do these things are men who need some punishment. Methods like this, if kept up, will result in rioting, with danger to property, life and limb. "So long as I sit here and a law has been violated, I shall enforce that law and enforce it severely. There is nothing so far beneath the dignity of an American citizen as the forceful violation of laws, and you men have done things that a law-abiding citizen should be ashamed of."

Will Appeal Cases Attorney Moore announced after sentence had been passed, that the cases would be appealed to the superior court. Both in the court and on the streets, the "free speech" demonstrations today were spectacular. The Industrial Workers left the lower part of the town and spoke on Riverside, Sprague and First avenues.

A detachment was stationed on Howard street in front of a cafe. The first speaker was a young man in a blue serge—who was arrested in a few minutes. His place was taken by a rough, black looking man in overalls and a slouch hat, who poured forth a torrent of profanity and abuse of the police department. "You are a nice lot of taxpayers," he shouted at the crowd, "to let working men be marched off to jail by a bunch of bulls and not say a word." Presently he and another man were

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