

HENEY OPENS FORD TRIAL

PROSECUTOR SAYS HE WILL PROVE HIM GUILTY

DECLARES UNITED RAILROADS PAID BIG SUM

Assistant District Attorney Outlines Case and Asserts He Can Prove That Money Went to Supervisors

By Associated Press. SAN FRANCISCO, Sept. 23.—Francis J. Heney today in a forty-five-minute statement outlined to the jury which is to pass upon the guilt or innocence of Chief Counsel T. L. Ford of the United Railroads the evidence of the prosecution...

GILT PAINT IN MINE JOKE ON JOKESTERS

PRESS HUMORISTS SEE "RICH" VEIN OF ORE

Train Delayed by Breaking of a Coupling, and Funny Men Reach Camp in the Cold, Gray Dawn of the Morning After

Special To The Herald. GOLDFIELD, Sept. 23.—America's jollifiers jumped into Goldfield and jollied a few joshes off the josh tree yesterday.

Mullally Left Out

Perhaps to the auditors the feature of it was the omission instead of the inclusion of Calhoun's nephew, Thornwell Mullally, acting general manager of the United Railroads.

The defense subsequently commenting upon Heney's statement, while not denying that "it might look very strong circumstantially from the viewpoint of the other side, only that having as yet been heard from."

They denounced "the proposal of the prosecution as declared in Mr. Heney's statement to convict us no crimes we never committed by the testimony of hoodlers who confess that they arranged among themselves the division of a fee legally paid to a lawyer, who they say controlled them."

Only one witness was examined today, the assistant clerk of the board of supervisors, who established by his testimony the passage of the trolley franchise. It has been announced that the first witness tomorrow morning will be former Supervisor Loneragan.

Big Crowd Present

The great interest felt in the trial of Ford was manifested today by the thronging of great crowds at Temple Sherwin Israel. On account of scheduled religious services it had been announced at last Friday's adjournment that when the trial would be resumed at 2 o'clock Monday it would be held, for the day, in Judge Dunne's department.

The crowd downstairs did not find this out until a few minutes before the opening of the session. Then they made a rush up the wide marble stairway, only to find that the choice pews were already filled.

When the jury was called at 2:15 o'clock and Assistant District Attorney Francis J. Heney rose to make the opening statement for the prosecution every seat within hearing distance was filled and more eager people were constantly arriving.

When the indictment in his hand Heney began the presentation of the case for the prosecution. He declared the prosecution expected to prove that T. L. Ford paid to Supervisor Thomas Loneragan the sum of \$400 to influence the action upon the application for an overhauled trolley franchise for the United Railroads. He said:

"We do not expect to prove that this offer was made in so many words, but we do propose to prove that the offer was made to Loneragan by Supervisor Wilson who in turn was authorized by Gallagher, who was authorized by Ruff, who was authorized by Ford."

Begun in May, 1906 Heney stated that he expected to prove that negotiations looking toward the bribery of these supervisors had been commenced in February or March, 1906, and that after proceeding, to some extent, had been dropped because of failure to agree upon the amount of the bribe to be paid to the supervisors.

After the earthquake, however, according to Heney's statement, Ruff advised Gallagher that the people seemed to be in such a frame of mind that the franchise would probably be easily secured. Thereupon, an agreement was entered into whereby Ruff and Gallagher fixed the total amount to be paid at \$85,000 as the share for the supervisors, with the exception of Gallagher and Wilson, who, like Ruff and Schor, were to receive more than the specified \$400 apiece.

Coming down to details, he affirmed that he would prove that Ruff had held conferences with Calhoun, Ford and Mullally in Calhoun's house; that Ruff was authorized by the United Railroads with Treasurer Starr when the latter visited the United States and returned with \$5000 in currency, with the remark that he was going to lend Ruff a couple of thousand of it.

Heney declared his ability to prove that of the first \$15,000 deposited in the sub-treasury to the credit of the United Railroads by eastern associates he had been able to trace every dollar into a legitimate use. He charged, however, that a second deposit of \$20,000 had been made at the sub-treasury after the supervisors had finally passed the ordinance granting the overhauled trolley franchise.

He said he was deposited on May 22, 1906, the day after the ordinance was finally passed. He charged that Calhoun, subsequent to this date, went to Superintendent Leach of the mint and arranged that this money should be withdrawn.

COURT OF APPEALS HOLDS THAT RATE LAW IS VALID

Case Against Great Northern Railroad in Rebate Cases is Won by the Government and Judgment Stands

By Associated Press. DENVER, September 23.—In an opinion announced today by the United States circuit court of appeals, sitting in Denver, the judgment of the district court for Minnesota against the Great Northern railroad in the rebate cases was practically affirmed.

The circuit court holds that the Hepburn act is an amendatory and not a repealing act, in that it repeats or reproduces portions of the Elkins act, it continues them in force and makes no break in the law, and that insofar as it omits or changes provisions of the Elkins act it repeals them.

THIS HEN WITH WOODEN LEG NO NATURE FAKE

Plump Plymouth Rock Wears Artificial Member and Manages to Scratch as Vigorously as Any Other

WINSTED, Conn., Sept. 23.—A fine plump Plymouth Rock hen lives and thrives here, although she has a wooden leg. Lewis Ives, employed by the Gilbert Clock company, owns the hen, and proudly displays her in his back yard on North Main street.

When the Plymouth Rock was a month old a rat gnawed off one of her legs. Mr. Ives wished to save the handsome bird, which promised to be a prize winner, so he made a wooden leg for her. Of course, as she grew he had to make longer and longer wooden legs for her; but today the hen's attitude is not stilted in the least. She stands on her wooden leg and scratches for food with her good leg with double vigor. When she roosts she wears her wooden leg, of course. She lays eggs industriously, and her chicks have two legs.

"This proves that kind Nature takes care of those who prefer the brown meat of chickens," said Mr. Ives, gratefully, today.

STANDARD IS ON DEFENSIVE

CLAIMS INDEPENDENTS FIRST CUT PRICES

TREASURER TILFORD AGAIN TAKES STAND

Questions of Counsel for Oil Trust Indicate Octopus Will Make a Hard Fight Against Government's Accusation

The line of defense of the Standard Oil company of New Jersey to the allegations made by the federal government in its suit against the company was indicated in the hearing today when W. H. Tilford, treasurer of the Standard Oil company, was cross-examined on the witness stand by John G. Milburn, chief counsel for the defense.

Mr. Milburn's interrogatories to the witness were designed to show that in the oil fight in Colorado between the Standard Oil company and the independent companies, the first to cut prices was the independent companies and that there were no troubles made for the independent companies except those which arose from natural causes.

Mr. Tilford explained that the reason why the supply of crude oil had been cut down to the sixteen independents in the Pittsburg field just before the agreement was made with the Standard was because the oil supply in that district was diminishing. Many of the independent companies, an independent company, was not forced into the Standard's control but had been taken over after suggestions from the officers of the Schofield Schurmer company.

The questions that added this testimony and others put to the witness showed that the defendants intend to meet the government on every point raised in the long bill of complaint.

Tilford on the Stand W. H. Tilford, treasurer of the Standard, gave further testimony today in the government's action against the company. Mr. Tilford testified that looking over the records on Saturday that the Manhattan Oil company of Ohio had sold to the Standard Oil company 754 tank cars between 1899 and 1901. The purchase was made for the Standard company by a subsidiary company, the Union Tank Line. Mr. Tilford could not say if the Standard made any contract to supply certain gas companies with oil when it took over the Manhattan company.

"As a matter of fact don't you know that the Standard made a contract with the Indianapolis Gas company and the People's Gaslight and Coke company of Chicago?" "Yes, such a contract was made in 1899," said Mr. Tilford.

"And was not that contract made because E. C. Benedict and Anthony N. Brady would not sell the Manhattan Oil company unless gas companies were guaranteed a supply of oil for ten years?" "I don't know that the contract was made for that reason," answered Mr. Tilford.

"I know the contract was made for two years."

Mr. Kellogg asked if it was not a fact that the only stock of the twenty subsidiary companies distributed between 1892 and 1899 was 742,613 out of 972,500 shares, which were distributed to certain stockholders, including John D. Rockefeller, William Rockefeller, Henry M. Flagler, H. H. Rogers and fourteen others.

Mr. Tilford said he did not know. Mr. Kellogg said he purposed showing that in order to avoid the injunction of the court preventing the voting of trustees to liquidate the trust, certificates for a majority of the stock of the subsidiary company, and that they as individual stockholders still maintain control of the company. Mr. Tilford did not illuminate the issue which Mr. Kellogg desired to make clear, and Mr. Milburn interposed that the records were sufficient evidence.

MAY REORGANIZE

A representative of the Standard Oil company said today: "The statement that a conference of Standard Oil interests has been called for the purpose of changing the name of the company and liquidating the trust in general is without foundation. We can do nothing in this respect so long as the company is under investigation."

"I can say, however, that as soon as the Standard Oil company has finished from the labyrinth of litigation now involving it there will be a reorganization. The capital stock will be increased to an amount more in harmony with the value of its assets, say \$400,000,000 or \$500,000,000. We also propose to issue periodical statements as to earnings, operations, etc. We propose to give the government everything in the way of information that it calls for, which is all we can do. If we are guilty of certain infractions of the law, then practically all other corporations are guilty of the same offense and should be treated accordingly, but we are confident we will win out."

Later in the day, after this interview had been published, John D. Archbold, vice president of the company, said that the statement to the effect that the Standard Oil company is about to confer as to changing its name, extending its incorporation, and so forth, is unauthorized and untrue.

GOLDFIELD CONSOLIDATED DIVIDEND 10 CENTS A SHARE

By Associated Press. GOLDFIELD, Nev., Sept. 23.—The Goldfield Consolidated Mines company this afternoon declared a dividend of 10 cents a share. This is the first dividend, and dividends will be declared monthly. The dividend will be distributed among shareholders owning 3,600,000 of the capitalization of 5,000,000 shares.

This afternoon the Mohawk company declared a dividend of 50 cents a share of 70,000 shares of stock, practically all of which is owned by the Consolidated. The dividend is payable October 25.

Fair Opens

HANFORD, Sept. 23.—The seventh annual Central California fair opened tonight with an address by Congressman Needham. The pavilion show exceeds all previous fairs. Stalls on the ground are overtaxed, and carloads of exhibits are arriving and demanding space. People are flocking beyond expectation, and private residences are called on to supply accommodations.

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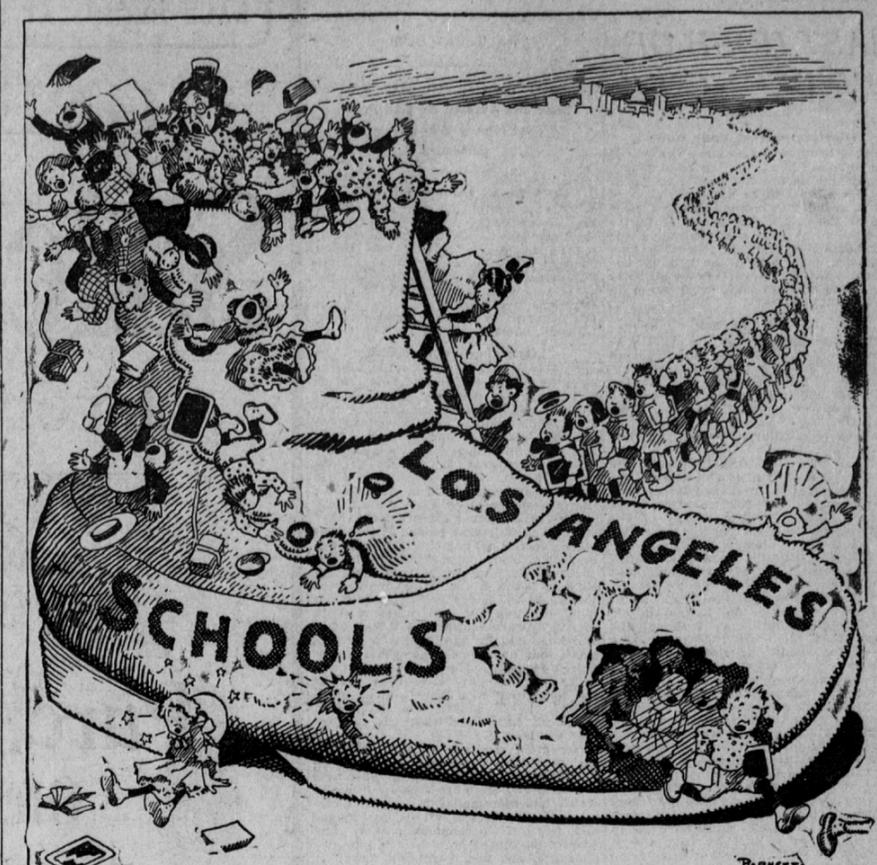
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PARROT CALLS "HELP," SAVES WOMAN'S LIFE

Bird Cries for Assistance When Mistress Falls Down Stairs and Seriously Injures Herself

ATLANTIC CITY, Sept. 23.—"Help, help; somebody come quick!" shouted by a pet parrot belonging to Miss E. M. Bowen summoned assistance when the bird's mistress tumbled down a stairway in the Champlain apartment house.

The woman was found in a heap at the foot of the stairway, while the parrot, which had been perched on her shoulder, was walking about its mistress, lamenting the accident in loud wailing.

POLICE SOLVE TRUNK CRIME

BELIEVE WOMAN WAS SLAIN BY HUSBAND

Body Found Floating in the Bay Near Seattle Is That of Mrs. Covington. Quarrel May Have Led to Murder

By Associated Press. SEATTLE, Wash., Sept. 23.—The police have positively identified the body of the dead woman found in a trunk cast upon the beach at South Alki yesterday morning as that of Mrs. Agnes Truman McCombs Covington, 37 years old.

SAN FRANCISCO CITY JAIL NEAR COLLAPSE

NEW BUILDING LIKELY TO FALL ANY MOMENT

Occupied by Municipal Offices and Headquarters, Cells are Full of Prisoners of Both Sexes

By Associated Press. SAN FRANCISCO, Sept. 23.—The startling discovery was made today by City Physician James Watkins that the new city jail building at 44 Eddy street is in danger of collapse and that the occupancy of it is wholly unsafe.

The building was completed last January by the president of the police commission, William Leahy, who rented it to the city for \$25,000 a year. It is occupied jointly as the temporary city hall, police headquarters and city jail. Its cells are full of prisoners of both sexes.

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The opinion, occupying nine typewritten pages, is that of Chief Justice Beatty and Associate Justices Sless, Angelotti, Henshaw, Shaw and Lorigan. Associate Justice McFarland handed down a dissenting opinion.

The attorneys for Theodore V. Halsey and Louis Glass of the Pacific Telephone and Telegraph company, Patrick Calhoun, Thornwell Mullally, T. L. Ford and William M. Abbott of the United Railroads; Eugene DeSable, John Martin and Frank G. Drum of the San Francisco Gas and Electric company, and former Mayor Schmitz and Abraham Ruff, united in a petition to the court for writs of prohibition permanently restraining the judges of the superior courts from proceeding further in the trial of the various defendants on the ground chiefly that the Oliver grand jury ceased to exist by operation of law in January of the present year, when 144 names composing the list for the new grand jury were called by the court clerk and returned to the court which drew them; that hence all of the indictments returned by the old body subsequent to that time were void and had no standing in law.

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