

THE WEATHER. Forecast made at San Francisco for thirty hours ending midnight June 7: San Francisco and vicinity—Fair Wednesday: brisk west wind. A. G. McADIE, District Forecaster.

THE CALL

VOLUME XXVIII—NO. 7. SAN FRANCISCO, WEDNESDAY, JUNE 7, 1905. PRICE FIVE CENTS.

KIMBERLY'S RICHES FOR MRS. ASAY Woman Says She Will Inherit Millions. Probable Contest Over Mining Man's Great Estate. Relatives to Attack Will if It Bequeaths Fortune to Former Adventuress.

Special Dispatch to The Call. CHICAGO, June 6.—Speculation is rife among the friends of the late Peter L. Kimberly, who died on Monday in the apartments of Mrs. Elizabeth V. Asay, at 408 Drexel boulevard, regarding the disposition of his fortune of \$10,000,000.

Special Dispatch to The Call. NEW YORK, June 6.—Establishing a new high record for a square foot of New York City real estate—\$598.20—the property at the southeast corner of Wall street and Broadway, opposite Trinity Church, a lot thirty feet in Broadway by thirty-nine feet in Wall street, was sold to-day for \$700,000.

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SMALL LOT IS SOLD FOR \$700,000 New High Record for New York Realty. Each Square Foot of Soil Yields \$598.20 to the Seller.

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MAESTRETTI'S TRIAL BEGINS WITH TWO WITNESSES CONFUSED

The trial of Frank A. Maestretti, member of the Board of Public Works, for subornation of perjury in the Wyman ballot-box stuffing case, was begun yesterday. The evidence of Silberstein and Podd, for the State, showed them to be of low order of intelligence, confused and uncertain. Their testimony was so weak and rambling that it may help the accused Maestretti in securing an acquittal.

Silberstein and Podd Prove Weak and Uncertain in Their Testimony.

IMPLICATING ACCUSED Both Men Swear They Were Asked to Commit Perjury for Wyman.

DEFENSE IS HOPEFUL

The trial of Frank A. Maestretti, member of the Board of Public Works, charged with trying to induce C. M. Silberstein, election official, to testify falsely in the case of Charles Wyman, ballot box stuffer, was begun yesterday. Most of the argumentative propensities of counsel seem to have been satisfied during the choosing of the jury, when the defense gave indications of a desire, in the interest of the accused, to charge down upon the Citizens' Alliance, Merchants' Association, Republican League and other organizations that are trying to release San Francisco from the incubus of official corruption that now rests upon her.

There was no mention of any of these bodies yesterday and perhaps the efforts of the defense to create the impression that the prosecution of Maestretti is really a political persecution will blow over as smoke, as the impression that the prosecution of Maestretti is really a political persecution will blow over as smoke, as the impression that the prosecution of Maestretti is really a political persecution will blow over as smoke.

John A. Hosmer sat beside the District Attorney and Judge Fernald. He is specially employed for the prosecution by the civic organization. Could the intelligent voters of San Francisco have attended the session yesterday they would have received a forcible object lesson as to the class of men allowed through the process of election to the elections held in this city.

POINT OF THE DEFENSE. It developed during an objection made by Governor Budd that the defense will not testify at all at the preliminary examination, but that the defense will not testify at all at the preliminary examination, but that the defense will not testify at all at the preliminary examination.

Ex-Governor Budd tried to get from the witness the fact that Silberstein had not testified at all at the preliminary examination, but he was not allowed to prove it in that way, an objection of District Attorney Byington being sustained, though the defendant's counsel asked many ingenious questions to bring out the fact from the Police Magistrate. Budd objected to the admission of the Police Court record on the ground that the offense set forth in the complaint, that of fraudulently voting the name of another, was not the same as that mentioned in connection with Wyman in the Grand Jury indictment against Maestretti.



TWO WITNESSES FOR THE PROSECUTION WHO TESTIFIED YESTERDAY AT THE TRIAL OF F. A. MAESTRETTI FOR SUBORNATION OF PERJURY. THE ACCUSED PUBLIC WORKS COMMISSIONER ASKED THEM TO SWEAR FALSELY AT THE TRIAL OF BALLOT-BOX STUFFER WYMAN.

stern swore that at the time Maestretti spoke to him the defendant did not know that Silberstein knew Wyman had voted twice. William Henry Podd, ballot clerk in the booth of the Seventy-third Precinct at the primary of August 3, corroborated Silberstein as to Maestretti's telling them that they must swear Wyman voted but once, but his wits seemed just as rambling when it came to fixing the exact time of the meeting at which Maestretti issued the fiat. The witness testified at the outset though, that Maestretti knew all about Wyman having so transgressed the law, as the witness told him at the Wyman, or Maestretti, saloon on Central avenue long prior to the meeting. He said that on the night of that gathering, which he declared was on September 27, Wyman, Goetjen, Foster, Silberstein and himself went from the saloon to Countryman's office. There Maestretti told them how they must testify in regard to Wyman—that he voted but once.

On cross-examination the witness said he too had been to Tocoloma for seven days and a half. He knew that much from the hotel bill, which had been paid for him. Then came another exhibition of stupidity, almost equal to imbecility, such as the preceding witness had given. If Podd had been coached it had been done cleverly, for he gave the impression that he did not want to save Maestretti. He admitted that he, the witness, had committed perjury in the Superior Court when he swore Wyman had voted but once, but he had given that testimony under the influence exerted over him by Maestretti and the desire "to save the boys." He had decided to lie no more, but to tell the whole truth. No threats had been made against him by Foreman Andrews or any other Grand Jurymen, but one of Bolger's detectives had told him he would "send him to the rock pile" if he did not tell the truth.

Podd said at first, on cross-examination, that the meeting at Countryman's office was held about three weeks prior to the trial in the Superior Court. He knew the date of it because he had made a note of it. This note he had made about two and a half months ago. He had seen Andrews and Bows relative to testifying before the Grand Jury about six weeks ago. He denied that he had really made the note at the time of his interview with Andrews and Bows, or at the time of the indictment, two months and thirteen days ago. He admitted making it long after the meeting of the primary election officials at Countryman's. Byington went at the witness again, and there was much of the same sort of see-sawing as with Silberstein. Podd said Countryman had suggested that the witnesses would better stand on the ground laid down by Maestretti. Mrs. Charles Merrill told of some one, whom she afterward learned was Wyman, calling at her home at 235 Sacramento street one night after dark and subsequent to Wyman's arrest, and telling her husband that "Frank" was outside and wanted to see him. Charles Merrill, the street car conductor, testified that shortly after Wyman had been released on bail he and Maestretti called at his (Merrill's) house one night and outside Maestretti said to him that "Charlie's case was coming up and they wanted him (Merrill) to testify that Wyman voted only once. The witness promised to do so. He said on cross-examination that he did not know Wyman had voted twice and did not know whether Maestretti knew of it. He told of the alleged mysterious stranger, who said there would be \$100 in it for him if he left town, but his testimony on this line amounted to little. The witness was invited by Carson to attend the meeting at the saloon on September 27, but did not go. The case goes on at 10:30 this morning.

REBSTOCK SECURES DELAY. Motion for New Trial and Argument Goes Over Till Friday. Joseph Rebstock, who was convicted by a jury in Judge Lawlor's court on Friday night last on a charge of violation of the election law by an officer of a primary election precinct, appeared for sentence yesterday. When the case was called Attorney Newburgh said he had a motion to make for a new trial on various grounds. The Judge asked him whether the argument would occupy much time, as he was desirous of proceeding with the Maestretti trial. "My argument will be of at least two hours' duration," replied Newburgh, "but if your Honor has made up your mind to deny the motion there would be no use of taking up your time in any argument." The Judge replied that he was always willing to listen to the arguments of counsel, no matter what their duration, and he would continue the case till Friday afternoon at 4 o'clock, so that there would be no interruption of the arguments.

BEHIND THE BRIDE AND GROOM. The Crown Prince wore the light blue uniform of the First Foot Guards, with a major's insignia, and his decorations. He carried his helmet in his hand. Behind the bride and groom came Continued on Page 2, Column 6.