

Big Battle Accepted for Jury That Is to Try Schmitz on Extortion Charge

Enrolled as Bail Bonds Put Up by Friends of Accused

but the picnic spirit was neither spontaneous nor contagious.

Mayor Schmitz was the first defendant to the charge of bribery in connection with the gas rate deal to appear before Judge Coffey at noon, his attendance being marked by the effort of his attorney, J. C. Campbell, to secure a reduction in the amount of his bonds, which now aggregate \$250,000 on all the indictments under which he is held. Campbell's effort was not a question of Schmitz being able to procure the bonds, but that the amount was excessive and "an absolute violation of the spirit and letter" of the constitution. The object of his motion was simply to insure a defendant's attendance in court. District Attorney Langdon asserted that he believed the amount of \$10,000 on each indictment to be reasonable. Judge Coffey declined to take up the question at the present stage of the case. Campbell made a formal motion for the reduction of bail, but later withdrew it, reserving the right to renew his petition at a subsequent time.

William J. Dingee and Thomas H. Williams, who qualified on the mayor's bonds Saturday to the extent of \$160,000 each, again appeared as his bondsmen. The assistant district attorney in his behalf, Attorney Charles H. Fairall, announced to the court the desire to exonerate the Aetna indemnity company from its liability of \$50,000 in the mayor's behalf on the five extortion indictments, on one of which he is now being tried, and replace this surety with additional bonds similar to the other 20 filed by Dingee and Williams.

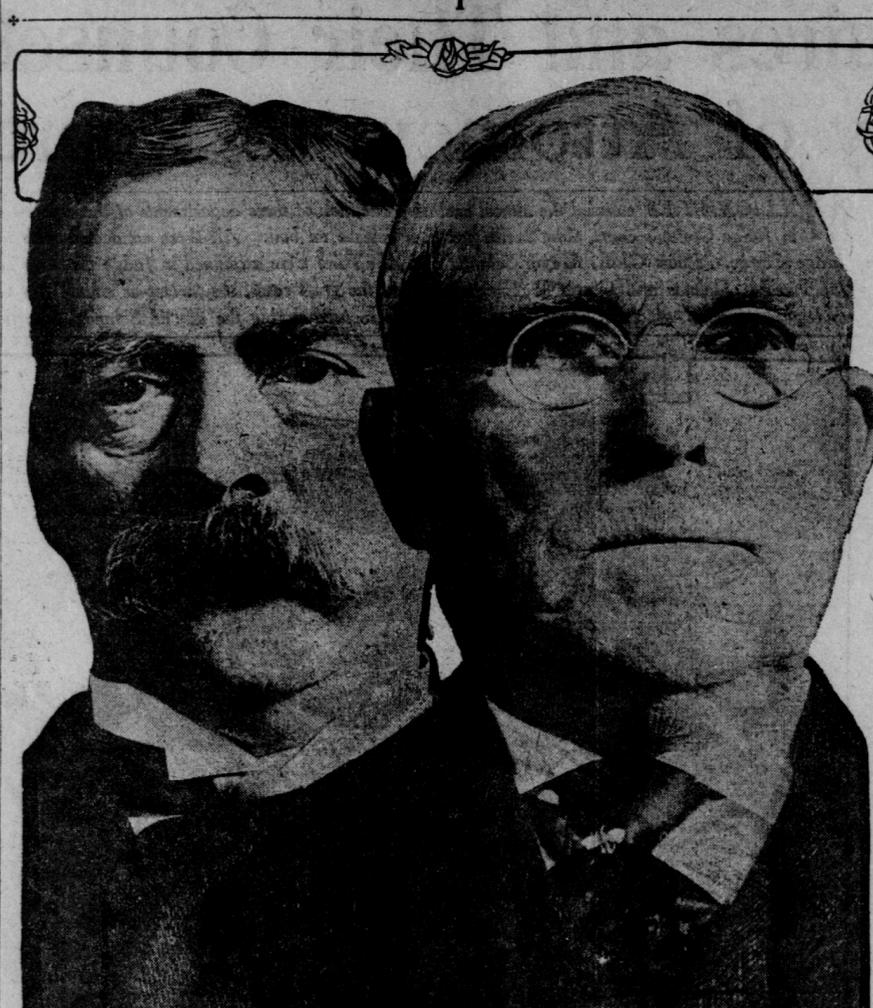
District Attorney Langdon suggested that it would be necessary for Schmitz to surrender himself into custody in order that the change be made, and the court ordered the procedure. Taken aback and without objection, the mayor stepped to the side of Deputy Sheriff F. E. Montgomery, bailiff of the court, and a man who looked a pygmy beside Schmitz, and was for a moment under arrest. The surety bonds were examined and approved, Dingee and Williams again qualified, and a minute order was made releasing Schmitz from further attendance.

Prior to Schmitz's discharge from court, Fairall asked Judge Coffey to assign the new cases in connection with the gas deal to either Judge Sewell or Judge Graham, both of whom preside over civil departments. Campbell made the further suggestion that the cases taken from the regular criminal courts by suggesting that Judge Coffey assign them to himself.

"It has been 40 years since I tried a criminal case," he said. "I don't think I shall begin again now."

An order was then made assigning all the gas bribery cases to Judge Law-

"Reformed" Pool Seller Not to Be One of the Impartial Twelve



SYLVESTER M. BRAY, A MILLINER OF 2388 MARKET STREET, AND JOHN O'MARA, A BLACKSMITH OF 333 CUMBERLAND STREET, UPON THE JURY THAT WILL TRY HIM.

Otto Ferrenbach Ousted and John O'Mara and Sylvester M. Bray Passed by the Opposing Counsel

A "reformed pool seller," Otto Ferrenbach of Bay and Powell streets, whose virtue dates from last Friday, when he was conditionally accepted as a juror to try Mayor Schmitz on a charge of having extorted \$1,175 from Malanti of Delmonico's French restaurant, was lost to the jury box yesterday morning. Judge Dunne allowing the challenge interposed by Assistant District Attorney Ferrenbach admitted that he had sold pools at his cigar stand, and Special Agent Burns had learned that when the man went on the panel he was instructed to take down his form chart. Ferrenbach's challenge was based on the fact that a pool seller is protected by the police, and that the present trial will show Schmitz' domination over the police department.

Two jurors were chosen yesterday, making a total of eight in the box, and a new panel of 50 names will be brought into court this morning. With the speed in which the selection of the jury is progressing, the 12 grand men and true should be found by Wednesday noon and the first testimony to be given in court in any of the graft cases may be heard on Thursday or Friday of this week. Henny says that the prosecution will present its case in three days, if not delayed by long cross examination.

Yocemite Season
Season for visiting nature's masterpiece now open. Summer excursion rates via Southern Pacific. Daily stages from Raymond make connections with all trains.

McEnerney, Delmas and Garber Included in List of Counsel to Defend Indicted Men

M. Delmas had become a member of counsel for Glass and would be associated with himself in the conduct of the trial. The continuance was taken until June 17.

For the first time since the beginning of the graft trials the full quota of witnesses examined by the grand jury in connection with any of the graft cases was the hand of the grand jury called. It included virtually all of the supervisors and several others who had been subjected to grand jury grilling, the only absentees being Frank G. Drum, Supervisors Walsh, Harrigan and McGowan, and former Supervisor G. H. Umbsen. The witnesses were dismissed, with instructions to return on June 17.

Glass was arraigned on the additional two indictments returned against him Friday, but was given until Saturday morning at 10 o'clock to answer.

Schmitz and Ruef appeared for arraignment in the trolley bribery cases at 4:30 o'clock in the afternoon, the latter under guard of Elisor Biggy and two of his deputies. The defendants seated themselves in different parts of

Distinguished Lawyers to Oppose Prosecutors

Delphin Michael Delmas, famed nation wide for his handling of the defense in the noted Harry Thaw murder trial, has been retained as the leader of the counsel for Louis Glass of the Pacific States telephone and telegraph company, under indictment on 11 charges of bribery. Fresh from his victorious debut as a member of the New York bar, Delmas has been recalled to his home state to defend once, with Coogan as an associate member of counsel. Delmas was in the courtroom, but took no part in the formalities of arraignment and continuance of Glass' trial, which were carried out during the forenoon.

Delmas arrived in San Francisco Saturday night in company with Henry C. McPike, who was associated with him in the Thaw trial. McPike asserted that their visit here had nothing to do with the graft cases and that they were merely on a trip connected with other legal cases now pending.

Another attorney to make his appearance in the graft cases yesterday for the first time was Garret W. McEnerney, who appeared both for the indicted United Railroads officials and for John Martin, Eugene de Saba and Frank H. Drum in connection with the gas bribery cases. In addition to McEnerney the counsel for Calhoun, Mullally, Ford and Abbott includes Morris Rosenthal of New York, Earl Rogers of Los Angeles, John Garber, A. A. Moore and Stanley Moore. John J. Barrett is associated with McEnerney as representative of the gas company officials.

It was announced yesterday that there would be no addition to the list of attorneys appearing for the prosecution. District Attorney Langdon, Assistant District Attorney Henny, Special Prosecutor Hiram W. Johnson, J. J. Dwyer, C. W. Cobb and the regular members of District Attorney Langdon's office force will handle the work, as they have up to the present time.

Various Arraignments Scheduled for Today

More arraignments are scheduled for today in the superior court departments to which the cases of the various graft and corporation officials indicted by the grand jury on Saturday are assigned. In Judge Dunne's court, to which the Parks side cases have been sent, G. H. Umbsen, Joseph E. Green and L. W. Brobeck of the Parks side transit company and Abe Ruef, who was jointly indicted with them, will be arraigned on 14 counts at 10 o'clock this morning.

The 14 indictments against Frank G. Drum, Eugene de Saba, John Martin, Mayor Schmitz and Abe Ruef, in connection with the gas rate bribery, were assigned to Judge Lawlor's court and have been placed by him on his calendar for arraignment at the same hour this morning.

Sentencing of Ruef Likely to Be Deferred

Chief of the Grafters Will Be Held as Witness Against Others

Abraham Ruef is to appear before Judge Dunne Wednesday morning in the case on the extortion charge to which he pleaded guilty two weeks ago, after a jury had been impaled to try him. When he made his change of plea and announced that he was ready to confess everything within his knowledge concerning corruption in municipal affairs, Ruef's case was continued two weeks for judgment. It is for the present in abeyance, but is expected tomorrow morning, but unless some radical change of plan be adopted between now and Wednesday morning, the appearance for sentence will be continued.

It is the intention of the prosecution to hold Ruef as a witness against Schmitz and the corporation officials indicted in connection with the different corruption deals which have been unearthed. In the meantime, indictments are being laid against him at every report made by the grand jury and should he refuse willingly to assist the prosecution in its work, it is possible that he will be brought to trial on some of the indictments before he is sent to prison to serve out a term for extortion.

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Believes Schmitz Guilty

William J. Fahy of 1530 Fifteenth street, manager of the Varney & Green company, had no opinion as to the guilt of the defendant Schmitz in the extortion case on trial, but believed him guilty on other charges. When Fahy said this Schmitz looked worried and forlorn. Campbell did not want Fahy and though Henny tried to develop the fact that the man's opinion was based on newspaper reports, Fahy himself said he would not be a fair juror and was excused.

O'Mara and Bray were then accepted. George Herman, a shipping and commission merchant, had a casual acquaintance with Schmitz and Ruef and had an opinion prejudicial to the defendant. He was excused and followed from the box by J. F. Burns,

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BOGUS CIVIL SERVICE COACHES ARE JAILED

Federal Authorities Take Them Into Custody for Fleecing Women

SEATTLE, May 27.—A. J. Horsburgh, Seattle agent of the Interstate schools, Inc., and W. F. Berner, Tacoma agent, have been arrested by the United States marshal of this district, charged on indictments returned by the grand jury with using the mails to promote a bogus civil service examination. Headquarters of the company is in San Francisco, with H. N. Oliver as western representative. The defendants are charged with advertising United States civil service examinations for positions when such examinations were not to take place, the specific instance being the advertising of examinations for customs inspectors for the Puget sound district. Women paid \$15 each for tuition for the examination. Exposure by a Seattle newspaper of the fraud brought Oliver to the city and he refunded many of the women their money, but the grand jury took the case up and returned true bills. The United States civil service commission recently warned the public against such schools.

Patrick Calhoun referred to Francis J. Halsey last night as "the hiring of a private prosecutor" and denounced what he construed to be an effort to try the case against the officials of the United Railroads in the newspapers.

"The president of the traction company said that if Henny desired the public to know the facts he should publish the evidence.

"With that high regard for the ethics of a profession which has distinguished him throughout the graft prosecution," said to railroad president, "Mr. Henny as begun to try his case against the officials of the United Railroads in the newspapers, and I will not permit it to pass unchallenged.

"If the public press is to be made the forum for the trial of this case, I ask Mr. Henny to publish all the evidence which was given before the grand jury against the officials of the United Railroads in order that the public may determine its value and form its own opinion as to the truth of Mr. Henny's statements. If he will furnish us all the evidence taken before the grand jury we will gladly publish it.

"For Mr. Henny to express his opinion upon testimony, knowledge of which he acquired within the secret walls of the grand jury room, and to withhold from the public the testimony itself upon which he bases his opinion, violates the primary principles of the legal profession and is a gross misuse of his office, to which even the hiring of a private prosecutor should not descend. With equal impudence Mr. Henny undertakes to set up a defense on our behalf and then to demolish it. We have naturally reserved to ourselves the right to make our own defense through our own counsel, but we would not have one jump on us with our hats in our hands to Spreckels' attorney to explain our position."

Steps Taken to Form a Citizens' Committee

Commercial Bodies Act on the Suggestion of Governor Gillett

A committee composed of two representatives of each of the five leading commercial organizations of San Francisco met yesterday afternoon at the merchants' exchange to take steps to form a citizens' body to assist in the direction of affairs of the city. The committee is composed of Frank J. Symmes and A. H. Vail of the Merchants' association, A. A. Watkins and Martin Triest of the San Francisco board of trade, E. R. Lilienthal and T. C. Friedlander of the merchants' exchange, Andrew Sbarboro and J. P. Currier of the Manufacturers' and producers' association and C. H. Bentley and James McNab of the chamber of commerce. The committee took no positive action, but will meet again today.

The committee was called together upon the suggestion of Governor Gillett, who has maintained that vigorous action on the part of the commercial community was essential to the restoration of confidence. When the committee of seven resigned Governor Gillett at once proposed to the representatives of the commercial bodies that they merge their interests, get in touch with the graft prosecution and the mayor and assist in righting things in San Francisco.

At yesterday's meeting C. H. Bentley presided and in a few brief words stated the purpose of the gathering. He reviewed the brief career of the committee of seven and pointed out that its failure to accomplish results was due to the unwillingness of the graft prosecutors to co-operate with it. This unwillingness to co-operate, he said, was due to the fact that the committee had been appointed by the mayor, from whom the prosecution maintained, no good could come. Bentley added that he had conferred with members of the prosecution since then and believed that they would be willing to co-operate with the committee, but men which was not indebted to the mayor for its appointment.

A general discussion followed, at which it was argued that the city's credit had suffered greatly from the uncertain condition of affairs. It was pointed out that by meeting the situation as it existed and combining to bring about needed improvements at once long steps toward restoring the credit of the city could be taken.

It was stated that it was not the desire of the committee to arrogate power to itself, but simply to constitute itself the nucleus of a larger body, on which every interest in the city could be represented. The opinion prevailed that Governor Gillett's plan was feasible and fraught with great possibilities for good.

The committee will meet again this afternoon, when it will definitely decide upon some plan of action. The governor did not meet with the committee yesterday, but the members had been made acquainted with his views.

HALSEY APPEARS IN COURT

Arrangement of Telephone Company Agent Continued Until Today

Theodore W. Halsey, indicted Friday on the additional count of having bribed Supervisor Sanderson in the interests of the Pacific States telephone and telegraph company, appeared for arraignment before Judge Dunne yesterday.

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FAST TRAIN SERVICE WILL BE DISCONTINUED

Southern Pacific May Take Shore Line Limited Off Run to South

SPECIAL DISPATCH TO THE CALL

LOS ANGELES, May 27.—Although the official announcement has not been made, it is known here among Southern Pacific officials that arrangements are being made to take off one of the fast day trains between San Francisco and this city because conditions as they exist at present in San Francisco have so reduced travel that the train in question does not pay running expenses. The train referred to is said to be the "Shore Line Limited," the fastest train on the Southern Pacific run and one of the fastest in the state.

This train does very little local business. It is intended to accommodate through traffic, and there has been such a falling off in patronage, due to the disturbed conditions in San Francisco, that sometimes the north bound train does not carry a sufficient number of through passengers to fill a single coach. South bound travel is somewhat heavier, but travel between the two cities is nothing to what it was an corresponding dates a year ago. Such business as now presents itself can well be handled by the slower local train.

Railroad officials here admit that it is probable that the train will be taken off the run, and candidly state that the reason for it is that people are keeping away from San Francisco until the troubles there have been settled, but they say they have received no definite orders from the north as to when the service will be discontinued.

MINZER LEAVES FOR COAST

Wilson Mizner, former husband of Mrs. Charles Terkes-Mizner, is now on his way to this coast to visit relatives. It is reported that Mizner comes with a load of wealth.

His brother Lansing, who has been spending the winter with him in New York, arrived here last week and announced the coming of Wilson last night.

FEDERAL OFFICIALS RETURN

United States Customs Collector Frederick S. Stratton and United States Internal Revenue Collector John C. Lynch returned yesterday from Los Angeles.

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Your grocer returns your money if you don't like Schilling's Best: we pay him.

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Genuine Must Bear Fac-Simile Signature

REFUSE SUBSTITUTES.

THE CALIFORNIA PROMOTION COMMITTEE

(Organized 1902)

PROMOTION: The act of promoting; advancement; ENCOURAGEMENT.—Century Dictionary.

The California Promotion committee has for its object the PROMOTING of California as a whole.

It has nothing to sell. Its energies are devoted to fostering all things that have the ADVANCEMENT of California as their object.

It gives reliable information on every subject connected with the industries of California.

It gives ENCOURAGEMENT to the establishment of new industries and invites desirable immigration.

It is not an employment agency, although it gives information regarding labor conditions.

It presents the opportunities and needs in all fields of business and professional activity.

The committee is supported by popular subscription and makes no charge for its service renderers.

Affiliated with the committee are 160 commercial organizations of the state, with a membership of over 50,000.

Meetings are held semiannually in different parts of California, where matters of state interest are discussed.

Headquarters of the committee are maintained in San Francisco in California building, Union square.

CORRESPONDENCE INVITED.