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**The Sunday Call**

# THE CALL

Every lover of the wonderful outdoors in California will be tremendously interested next Sunday in the splendid illustrated Outing Number of  
**The Sunday Call**

VOLUME CIL—NO. 5.

SAN FRANCISCO, WEDNESDAY, JUNE 5, 1907.

PRICE FIVE CENTS.

## TWELVE JURORS SWORN TO TRY SCHMITZ Dynamite Shipped to Two Striking Carmen Is Seized

### HAWLEY UNFOLDS THE GRIM TALE OF CONSPIRACY

Prosecutor in Haywood Case Makes Lengthy Opening Statement

### UNSPARING IN WORDS

Declares That the Plotters "Traded in the Blood" of Enemies

### TESTIMONY IS BEGUN

Witnesses Tell of Explosion That Caused Death of Steunenberg

### By Oscar King Davis

BOISE, Idaho, June 4.—As an oratorical effort the speech of "Jim" Hawley in opening the prosecution of William D. Haywood for the murder of ex-Governor Steunenberg this morning was far from justifying the reputation of the chief prosecutor as a jury pleader, but as a time consumer it was a distinguished success. It was a fine exhibition of ability to skirt around the edges of the state's case without getting sufficiently near to details to permit the defense to derive any benefit from what was disclosed.

To be sure, Hawley talked conspiracy. He hammered at that most of the time and occasionally in severe terms. He talked about the choice spirits of the inner circle of the western federation of miners to whom "murder became a trade and assassination a means of living." He promised to show how this inner circle had grown up, how it had planned to perpetuate itself in power through crime and terrorism and how it had "traded in human blood." But all this was in the broadest impressionist style.

Again and again Clarence Darrow protested that there was no statement of facts by which the state would attempt to prove their assertions. At every interruption Hawley merely promised the court to make the proper connections when the evidence was introduced and so gained permission to go on. Only on two occasions did his references to the conspiracy charged by the state touch matters which have not been the subject of general talk in Boise for weeks. Then, when he got away from the conspiracy and talked of the killing of Steunenberg, he grew minutely detailed.

### LAWYER'S TACTICS APPARENT

On that point, however, there will be little controversy, and what he said was of no use to Darrow and his 13 colleagues for the defense. But if the opening speech did not reveal much as to the line of evidence which the prosecution will introduce it did disclose something of the character of the fight that Haywood's multitudinous lawyers will have to put up. It was to be taken for granted that they would contest every possible point all the way, but this morning's session showed that so far as Richardson at least was concerned there was no intention to limit themselves to means of unquestioned fairness. It was at the close of the opening speech that Richardson made this clear. The judge took that occasion to instruct the jurors out of usual order as to the legal presumption of innocence on the part of the defendant. When he concluded Richardson rose and put in a little speech of his own. He asked the court to instruct the jury also that the opening speech was not evidence but only a promise and as such had no weight.

"Well," said the judge, "I think that they understand that."

Richardson sat and covered his mouth with his hands as if to hide a smile. "They do now," he responded with a satisfied smile.

### DARROW VERY BUSY

Before that Darrow had given an interesting exhibition of ability to get on both sides of a proposition and to object from each. Hawley had begun to recite some of the crimes with which the inner circle of the western federation was charged by the state, besides the Steunenberg murder. He had named two or three when Darrow broke in with a hot protest, declaring that they were entirely immaterial and irrelevant, had nothing whatever to do with the

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**SOCIAL**  
Mrs. Theodore Tomlinson, formerly Miss Ethel Kenney, of New York, is being extensively entertained by her many friends here. Page 6

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Jurors selected to try Mayor Schmitz on charge of extortion: Upper row, from left to right, Paul Bancroft, L. Weil, James Fiteburg, Theodore Dellwig, Charles H. Gist and George de Urioste; lower row, left to right, Charles S. Capp, John O'Mara, James E. R. Benson, Royal W. Cudworth, Thomas Elrick and Hugh Burns.



### Jurors Are Given in Charge of Elisor W. J. Biggy

Wordy Battles Between Attorneys Enliven Proceedings in Court

#### Witnesses Who Will Testify Against Mayor

**Thomas Reagan**  
Will testify that as member of police commission he was urged by Mayor Schmitz first to vote to cancel liquor licenses of French restaurants and then to restore them.

**J. A. Drinkhouse**  
Will testify that as member of the police commission he was ordered by the mayor to take program in French restaurant cases.

**H. W. Hutton**  
Will testify that he was dismissed from police commission when he refused to vote in French restaurant cases as the mayor desired.

**Joseph Malfanti**  
Will testify that Delmonico's restaurant, of which he was part owner, was deprived of its liquor license and was forced to pay \$2,175 to Abe Ruef before it was restored.

**Antonio Blanco**  
Will testify that as proprietor of the Poodle Dog restaurant he was compelled to pay \$2,175 to Ruef to regain his liquor license.

**Michel Debrat**  
Will testify that as one of the proprietors of Marchand's restaurant he contributed \$2,175 to the fund which went to Ruef for the renewal of the liquor licenses.

**Jean Loupy**  
Will testify that as proprietor of the Pup restaurant he collected the money paid to Ruef.

The jury which will determine the guilt or innocence of Mayor Schmitz was impaneled in Judge Dunne's court at the Bush street temple at 3:25 o'clock yesterday afternoon. Assistant District Attorney Heney will make his opening statement this morning, and the prosecution will then begin the presentation of testimony against Schmitz on the charge of having extorted \$1,175 from L. Malfanti of Delmonico's restaurant.

After the jurors had been sworn to try the case the prosecution moved that Sheriff O'Neil and Coroner W. J. Walsh be disqualified from having charge of them. The court granted the motion and appointed W. J. Biggy, Ruef's warden, as elisor.

Then followed the most bitter verbal engagement which has yet occurred at the trial. Other conflicts between the lawyers have been duels—there were five participants in the wrangle yesterday. J. J. Barrett and C. H. Fairall took part for the defense and were met by Heney and Hiram W. Johnson. Finally J. C. Campbell, who up to that time had been the peace commissioner of the case, broke his reserve and flashed his verbal blade. In the melée

of words Barrett indulged in slurs and innuendoes directed at the court until Heney suggested that he be committed to jail.

The row was brought on by the defendant's attorneys, who appeared to feel that it was their special duty to prevent the jurors from being kept together during the trial and to save the sheriff and coroner from being disqualified. The disqualification of the sheriff and coroner was based on the

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### Schmitz Given a Stern Talk by Governor About Police

Gillett Is Said to Have Demanded Removal of Chief Dinan

That the board of police commissioners and Chief of Police Jerry Dinan will be removed as the result of a demand by the governor at a conference which he had with Mayor Schmitz yesterday afternoon is the belief of the law and order committee of the allied commercial organizations.

Their own efforts having resulted in nothing more satisfactory than a snubbing from Mayor Schmitz, the representatives of the commercial interests are now building their hopes of a reorganized police department on the results of the heart to heart talk yesterday afternoon to which Governor Gillett had summoned the mayor.

The presence of Schmitz at the governor's office in the ferry building in response to the governor's summons gave rise to the report that the resignations of the members of the police commission and Chief Dinan would be announced and accepted by the mayor today. Members of the committee, while admitting that they hoped for immediate results from the mediation of the governor, denied knowledge of any positive information as to the nature of any assurance given the governor by Schmitz.

Governor Gillett, since the day of his arrival in San Francisco to give his personal attention to the strike disturbances, has been frankly and emphatically dissatisfied with the police department as administered by the police commission and Dinan. When Schmitz turned a deaf ear to the committee of 50 and its demand for the removal of the commissioners and Dinan the governor was keenly disappointed.

Gillett has insisted that the militia would not be needed in San Francisco if the rank and file of the police department were permitted to be faithful to their duties. It was at the governor's suggestion that the committee of 50 was reorganized as a law and order body. And when the plan that he outlined for the committee failed to receive a respectful hearing from Schmitz, the committee members again turned to the governor and he decided to take up the matter personally.

Schmitz was bidden to the governor's office yesterday morning, but on account of his unavoidable detention by more immediate personal matters

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### Seven Sticks of Explosives Come by Wells-Fargo

Detective on Hand When They Are Delivered at Home of Glynn

Seven sticks of dynamite shipped from San Mateo by the Wells Fargo company to Glynn brothers, striking carmen, who live at 1038 Tennessee street, were seized by Detective Tom Ryan and Secretary J. H. Handlon of the United Railroads yesterday afternoon and removed to police headquarters in an automobile.

Handlon, who notified the police that the dynamite was being shipped, says that the Wells Fargo company has been co-operating with the United Railroads in being on the lookout for explosives coming into San Francisco. The dynamite seized yesterday, he says, was detected in the office of the express company by reason of the fact that the nitroglycerine had begun to soak through the newspapers in which it was wrapped.

Handlon assured himself of the contents of the package and then notified the police. Ryan accompanied him to the Glynn residence with the expressman who delivered the package. Attorney R. Porter Ashe, Detective Ross Whittaker and Sergeant Blank waited around the corner, while Ryan and Handlon went up the stoop with the expressman, after being directed to the Glynn's by the owner of the adjoining house, which is the headquarters of the carmen's union.

Handlon says that when the expressman inquired if either of the Glynn brothers was at home a girl of 15 came to the door and referred them to her mother.

"They are not at home now," said this woman, according to Handlon. "What have you got, dynamite?"

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### Impertinent Question No. 2

#### Why Aren't Husbands Happy?

For the most original or wittiest answer to this question—and the briefer the better—The Call will pay FIVE DOLLARS. For the next five answers The Call will pay ONE DOLLAR each. Prize winning answers will be printed next Wednesday and checks mailed to the winners at once. Make your answers short and address them to IMPERTINENT QUESTIONS, THE CALL.

- Prize Answers to "How Can You Tell a Man from Los Angeles?"
- \$5 prize to E. E. Purrington, 406 Frederick street, San Francisco. By his desire to divide his state, his country, everything but his money.
  - \$1 prize to Mrs. Margaret Whitcomb, Mill Valley.
  - \$1 prize to D. M. Duffy, 1905 Webster street, San Francisco. A one lung man with a two lung bluff.
  - \$1 prize to Elmore D. Lake, 909 Linden street, Oakland.
  - \$1 prize to Cardin F. Agie, 1632 Union street, San Francisco. By those little copper pennies.
  - \$1 prize to Mrs. H. C. Walter, 175 Alpine street, San Francisco. He hates to spend a whole nickel in one store.

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