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The Sunday Call

THE CALL



All that is best in outdoor life and summer sports and pastimes in California is described and pictured tomorrow in the Outing Number of

The Sunday Call

VOLUME CIL.—NO. 8.

SAN FRANCISCO, SATURDAY, JUNE 8, 1907.

PRICE FIVE CENTS.

Prosecution Presents Circumstantial Case Against Schmitz Defense Assails Orchard, but His Story Remains Unshaken

HARRIMAN CAN'T BE PROSECUTED AS A CRIMINAL

Magnate Immune Because He Testified Before the Commission

ROOSEVELT DECIDES

Notable Conference Is Held by the President and His Advisers

BONAPARTE TO ACT

Will Proceed Civilly in the Alton Case if Possible

WASHINGTON, June 7.—

That E. H. Harriman, the railroad magnate, is immune from criminal prosecution as the result of his testimony before the interstate commerce commission in New York recently; that the question of prosecution of bituminous coal carrying railroads should be left in the hands of the attorney general, and that prosecution of the anthracite coal roads shall begin in Philadelphia, probably next week, were conclusions reached at a notable conference held at the White House. The Harriman case and the cases of the coal carrying roads were discussed for three hours by President Roosevelt, five members of the cabinet, two members of the interstate commerce commission and special counsel for the government.

Following the general conference Attorney General Bonaparte remained with the president to discuss the so-called harvester trust. It is thought not improbable that the question of prosecution of that organization will be left in the attorney general's hands. The roads involved include the Delaware, Susquehanna and Schuylkill, the Philadelphia and Reading, the Lehigh Valley, the Delaware and Hudson, the New York, Susquehanna and Western, the Delaware, Lackawanna and Western, the Central railroad of New Jersey, and the Erie. The Pennsylvania and one or two others may become involved as the suit progresses, but at this time no formal complaint will be filed against them.

Those who participated in the conference were President Roosevelt, Secretary of State Root, Secretary of War Taft, Secretary of the Treasury Cortelyou, Interstate Commerce Commissioners Knapp and Lane and Frank B. Kellogg of Minnesota, special counsel for the government.

The discussion took on a wide range. Much of the time was given to the Harriman-Alton deal. Every phase of that transaction was thoroughly gone over and the discussion was participated in especially by the president, Kellogg, Attorney General Bonaparte and Commissioners Knapp and Lane. The conclusion was promptly reached that however damaging the evidence might be against Harriman, the testimony that he had given in the interstate commerce investigation had gained him complete immunity from criminal prosecution.

Knapp explained that he did not complete his investigation and therefore was not prepared to give a definite opinion as to the sufficiency of the evidence to warrant the government in instituting at this time suit to nullify the Alton deal.

As soon as the interstate commerce commission has completed its hearing in the case a report will be made to the attorney general, who will at that time take charge of the matter and determine what, if any, action shall be taken. It is not expected, therefore, that any suit will actually be begun for some time.

The question of prosecution of the bituminous coal carrying roads was discussed at length, but the matter was left in the hands of the attorney general for such action as he might see fit to take. There appears to be some question as to whether any action will be taken in the immediate future. The prosecution of the anthracite coal carrying roads will in all probability be begun in Pennsylvania within the next week.

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A number of placements were made in the market today.

MARKET
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REMARKS
A number of remarks were made in the market today.

NOTES
A number of notes were made in the market today.

ADVERTISEMENTS
A number of advertisements were placed in the market today.

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EVIDENCE of a circumstantial character was brought out at the Schmitz trial yesterday, tending to prove that the indicted mayor was aware that the owners of French restaurants had paid bribe money to Ruef when their licenses were in danger.



SKETCHES OF ASSISTANT DISTRICT ATTORNEY FRANCIS J. HENET, MADE IN COURT YESTERDAY BY ARTIST YARDLEY OF THE CALL'S ART STAFF

Story of French Restaurant Holdup Is Told in Court

Testimony Shows That Bribe Money Was Paid to Ruef on Promise That Contributors Would Be Protected

By George A. Van Smith

If any doubt as to the character of the \$8,000 "fee" the French restaurant keepers paid Abe Ruef ever existed, it was not in the minds of the men who put up the money.

The restaurant men who contributed to the ill gotten gains of Ruef and Schmitz knew they were paying for official protection of vice. And they have so told the jury trying Mayor Eugene E. Schmitz for extortion. Every effort to shake the positive character of their testimony has only served to strengthen the chain of circumstantial evidence the prosecution is forging around the disgraced mayor.

Nor is that all the harm the restaurant men have done the defense. By the strongest kind of circumstantial evidence they have substantiated the prosecution's claim that the mayor was a party to the deliberate holdup. Schmitz may still doubt the prosecution's ability to convince a jury that he was a party to an official blackmail levied on the French restaurants. The testimony of his victims proves conclusively that they never laid under any misapprehensions about what was being done to them or by whom the blackmail was perpetrated.

TESTIMONY AGAINST SCHMITZ IS CONVINCING

The third day of his trial was an unpleasant season for Schmitz. The positive assertions of his victims were not nice. They rang with a certainty that was convincing. The skill of his chief counsel, J. C. Campbell, could not shake them, but rather served to strengthen them. Keepers of French restaurants not only told the jury that they had paid for protection, but insisted that the mayor knew all about their deal with Ruef. They also told the jury that Ruef was the boss of the administration in a manner that did not fail to get through the monumental egotism of the man who chose the bribery route to the cherished haven of society.

Then, too, the first real legal battle of the trial resulted in defeat for the arms of Schmitz. The mayor scowled and sneered. He did not smile. It was his bad day in court. He saw the "fee" defense riddled. He heard witness after witness recite with absolutely confirmatory distinctness the same story of deliberate holdup. He heard the court rule that the prosecution might show that the dead Priet was Ruef's agent by what he had told his partners in the corruption fund.

INDICTED MAYOR HAS A BAD DAY IN COURT

Schmitz heard Jean Loupy forced to admit that he was deeply indebted to Ruef and that it was he who suggested the employment of Ruef to his fellow French restaurant men. The mayor heard Max Adler of the Bay State tell the jury how he was compelled to contribute to the first installment of the fee to stave off financial ruin, and how when he was freed from debt he refused to buy further protection.

Bomb Murderer's Dark Record Exposed

Recitals Against "Inner Circle" Kept Intact

Holds Up Well Under Lawyers' Cross-Fire

By Oscar King Davis

BOISE, Idaho, June 7.—Harry Orchard's unlovely character was the target for a few more attacks from his own battering ram today, and under Richardson's cross examination it was established that the confessed murderer of 18 was also a poker player for money; a thief of high grade ore, who was not particular whether he stole from his mining employers or his murdering mates; a traitor to his partners, turning informer because he was jealous of their selection of another to do an easy trick of train wrecking; a traitor to his new detective employers, giving them the double cross as soon as he found that he could get pay for the more attractive work of murdering and dynamiting, and, in general, a man whose life had been admittedly depraved before he entered upon the profession of murder for pay.

Orchard again brazenly avowed his guilt of the crime of bigamy.

"You married a widow with two children, didn't you?" asked Richardson.

"No; with three children," replied Orchard, unshaken by the charge.

The care with which Orchard answered Richardson was a sample of the exactness with which he answered all questions during the four and a half hours that he was under examination today. It was ding dong, hammer and tongs, all day, and time after time Richardson picked up a statement that Orchard had made, and modifying it, sometimes slightly and sometimes to a greater extent, made it the basis of another question.

Not once did Orchard permit the change to go unchallenged. Sometimes it was, "Excuse me, Mr. Richardson, I said thus and so"; sometimes it was, "I beg your pardon, it was this way"; oftener it was just plain "No, I didn't say that." The witness was alert and cool all the time, watched his questioner like a hawk and never subscribed to a statement until it was in the form that suited him.

ORCHARD'S STORY NOT SHAKEN BY DEFENSE

The net result of the entire day's work, therefore, was that his story of murder was unshaken, and that some of the points that he had made on direct examination had been emphasized by the defense. The nearest approach to a successful attack that Richardson succeeded in making was on the treachery to his mates that Orchard had first admitted to Hawley.

The cross examination did bring out that Orchard had taken money from D. C. Scott, the railroad detective, and had reported to

CONTINUED ON PAGE 4, COLUMN 1.

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, 468 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.
I simply cannot tell a man from Los Angeles. I would rather tell the grand jury.
\$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, 906 Linden street, Oakland.
Make a noise like a telephone franchise and watch his ears.
\$1 prize to Carlin F. Nagle, 1632 Union street, San Francisco.
By those little copper pennies.
\$1 prize to Mrs. H. C. Waller, 175 Alpine street, San Francisco.
He hates to spend a whole nickel in one store.

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