

# Prosecution of Heney Outlines Story of Bribery. Is Retold by Witness

## Secured to Strengthen the Case Against Glass

Assistant District Attorney Heney's address to the jury at the opening of the trial in Judge Lawlor's court yesterday morning developed the fact that the prosecution had not been since the trial in the first bribery case against the telephone magnate. The evidence which Heney promises is forthcoming in the circumstances against Glass will be far stronger than that presented at the previous trial, and Attorney D. M. Delmas will be seeking a new line of defense for his client.

Judging from Heney's statement of the testimony which he expects to produce, it is evident that the grand jury's recent labors to strengthen the case in the testimony brought out at the first trial have been in vain. The disagreement of the first jury was due to the acceptance of the theory of reasonable doubt, based principally on the contention of the defense that it had not been proved by the state beyond all doubt that Glass was the only official of the telephone company who could have had knowledge of the bribery of the supervisors or have instructed Heney to pay the bribe money over to them. In their closing arguments Delmas and Coogan made no effort to deny the payment of the bribes to the supervisors, but they insisted to suggest that the initiative might have been taken by President Henry T. Scott of the local company, by President Fish of the American Bell telephone company, or by F. A. Fishnell of New York city, Fish's assistant.

### CASE IS STRENGTHENED

It is to prevent the possibility of a repetition of such a defense that the new testimony, which Heney says is in his possession, has been secured. Most important in this respect are his promises to produce evidence that President Heney was named president of the local company, had agreed and made known the fact that Scott was not to enter on his duties with the company until some time after the date on which the bribery occurred, and that Pickernell, who was present in San Francisco at the time of the payment of the bribes, was absolutely without authority to expend money and was here for a special purpose and in his capacity as the parent company's chief engineer.

Heney also expects to introduce as an exhibit a written document which will positively settle the contention as to whose signatures were necessary on the company's checks and bank accounts. He declares that he will show by the production of a letter written from the telephone company to its different banks that the latter were never authorized to honor Scott's signature until February 27, the day after the checks alleged to have been drawn for the purpose of securing funds for the payment of the bribes were cashed. February 27 was the day on which Scott left for an eastern trip which extended until the April configuration, and Heney declares it will be shown that he drew no check until after he had returned to this city.

Five witnesses, including three of the bribe-taking former supervisors, were on the witness stand yesterday. The dilatory tactics of the defense, however, prevented the completion by the state of its examination of either Charles Buxton or Thomas Loneragan, two of its most important witnesses. By the employment of purely technical objections the defense effectually prevented Heney from securing through these witnesses any testimony as to what became of the bribe money retained by them after the date named in the indictment as that on which it was paid to Loneragan. The prosecution relies on this testimony to prove that a portion of the money was turned back to Halsey and by him to the company.

When the Halsey trial was over, the defense had been passed. Heney cited several authorities in support of his claim to the right to introduce evidence of this nature, and the matter was taken under advisement by the court until this morning, when a ruling will be given.

### PAYS FINE FOR CONTEMPT

David Scafield, an architect who had outraged the court's dignity by ignoring a summons to appear as a member of the panel from which the present trial jury was chosen, was made to answer for his contempt yesterday by the payment of a fine of \$100. He was present when his name was called Tuesday and Deputy Sheriff Holland was given a bench warrant for his arrest. Scafield was present in court when

### FEAR RUSSIAN HEBREWS MAY ASSASSINATE HIM

THE HAGUE, Aug. 14.—The number of police watching M. Nelidoff, president of the peace conference, has been doubled owing to fears of attempts on his life by the Russian Hebrews, who have gathered here in large numbers to attend the Zionist congress, which begins tomorrow.

The Turkish delegates also are carefully guarded. Turkish Pasha and Caid Bey have received threatening communications from the Albanians and Armenians who came here to attend the meeting regarding the treatment of subject races.

### EMBALMERS' CONTEST

The California funeral directors' association opened its third annual convention yesterday morning in Red Men's hall, Golden Gate avenue. Over 100 undertakers and embalmers from all parts of the state were in attendance. The morning was spent in transacting the business of the association and in the afternoon the members journeyed to the college of physicians and surgeons to hear the first of two illustrated lectures by Professor Hosenchuk of Chicago.

A special feature of this year's meeting will be an embalming contest, to be held Friday afternoon. Some new and interesting methods of preserving the body after death will be shown and the most modern and scientific ideas in embalming are to be exemplified.

### BOMB LAID FOR ASHTOWN

CLONMEL, Ireland, Aug. 14.—The apartment wherein Lord Ashdown was sleeping at his residence at Glenabry lodge was shattered by a bomb explosion this morning. His lordship was not injured. The explosion is attributed to political agitators who had threatened Ashdown.

### BOILER MAKERS AT WORK

OAKLAND, Aug. 14.—Thirty odd boiler makers and helpers, who went on strike at the Southern Pacific shops in West Oakland, returned to work today, the strike having been settled at Los Angeles.

### CREAMED SHRIMPS, OYSTER PATIE

Lobster a la Newberg can be made delicious with Isleton Evaporated Milk.

### DR. THOMAS MAY TAKE CASE TO THE COURTS

Friends of Dr. Verlin C. Thomas of 1525 Sutter street are urging him to contest the action of the San Francisco county medical society, which suspended him for unprofessional conduct. The matter has been taken under advisement by the board of directors and suit may be begun in the superior court. According to the published charges, Dr. Thomas was accused of having represented to a young woman that another man was in good standing in the medical fraternity in order to induce her to visit his office.

The first information given out in regard to the case made it appear that the accused physician was Dr. Frank Thomas. This was an error, as Dr. Frank Thomas is not only in good standing in the medical fraternity but holds a high place in the profession.

Dr. Verlin Thomas was unprepared last night to say what course he would pursue, but it was stated by his friends that he did not intend to let the matter drop.

### ROOSEVELT ENTERTAINS ASSISTANT U. S. ATTORNEY ORMSBY MCHARG, WHO HAS BEEN PROBING AFFAIRS IN NEW MEXICO, RECEIVES ENCOURAGEMENT

ROOSEVELT BAY, Aug. 14.—President Roosevelt entertained at luncheon today Ormsby McHarg, assistant United States attorney, who has been conducting federal investigations in New Mexico. After discussing these investigations with the president McHarg said that President Roosevelt was very anxious to have them continued and that his confidence in Curry, the new governor, was such that he believed that federal and territorial officers would work together in straightening New Mexico's tangled affairs. Besides suits already begun, McHarg expects to begin several against companies, which, it is alleged, obtained illegally lands and timber.

### HARRIMAN TO OPEN MINES

OMAHA, Neb., Aug. 14.—It is reported here that the Harriman system is preparing to open up the iron fields in Wyoming and to manufacture rails at Laramie. It is accepted that the steel trust prices are too high to suit Harriman. The Northwestern railway company owns the big iron fields in Wyoming and will use oil for fuel on its engines.

### LOSSES CAUSE WITHDRAWAL OF INSURANCE COMPANIES

BOSTON, Aug. 14.—The great losses suffered by fire insurance companies doing business in San Francisco at the time of the fire there has caused the recent withdrawal from Massachusetts of two companies and the changing of another from the fire to the marine insurance line. The Alliance insurance company of London and the Empire City company of New York withdrew and the Federal insurance company of New Jersey will change its line of business.

### ARGUMENT IN SALOON RESULTS IN SHOOTING

Arguments in a saloon at Chestnut and Powell streets yesterday led to Henry Lievert, a laborer 64 years of age and living at 618 Lombard street, being shot through the neck by Albert Brignoll of 210 Pearl street. He was taken to the hospital and is in a serious condition.

According to the story told the police Lievert was in the saloon when Brignoll entered and commenced to argue with Charles Lievert, the bartender. Brignoll says Lievert joined the argument and, when it became warm, hit him over the head with a beer bottle. In the fight that followed Brignoll drew a revolver and shot Lievert. Brignoll is 25 years old and is placed on the detinue book, pending developments.

### WRANGLE OVER MINUTES

Attorneys Spend Session Before Graham in Acrimonious Debating

Little progress was made in rectifying the minutes of Judge Graham's court yesterday relative to the impeachment of the present grand jury. Two hours of haggling between attorneys representing the office of the district attorney and attorneys representing men under indictment taxed the patience of Judge Graham and only three or four trifling changes were made. Judge Graham reprimanded Assistant District Attorney Robert Harrison at one stage of the acrimonious proceedings.

The judge announced at the beginning that he would allow the minutes as compiled for the 19th of August by the district attorney to stand. "I want it understood," he said, "that there will be no expanding of the record. I have carefully examined the changed minutes and after comparing them with the stenographer's notes I am convinced that they show a complete record of that day's proceedings."

The attorneys appearing for those under indictment made no objection to the proposed amendments and they were about to become a part of the official record when Assistant District Attorney Harrison suggested that they be further changed so as to show what box the names of five jurors had been drawn from. Attorneys Barrett, Earl Rogers and King argued that such an amendment was unnecessary. A suggestion that the prosecuting attorneys were about to amend their own minutes angered Harrison. "We want nothing but the facts," he said. "You gentlemen are trying your best to cover them up, distort and suppress them. I want you to state the case and as you say you want nothing but the true facts in the minutes, why not enter the speech made by Samuel Shortridge on that day?" retorted Attorney Rogers.

"That speech of Shortridge's is not material," broke C. W. Cobb, who sat at Harrison's elbow.

Rogers paid no attention to the interruption, but continued: "What we propose to show is that the minutes as they now stand are incomplete and that there is no way of completing them and making them exact."

Harrison attempted to interrupt at this point, and when Rogers requested him to desist Judge Graham took a hand.

The assistant district attorney will remember that this is a court of justice, he said; "that this is a place for argument and not for bickering of counsel. The assistant district attorney will kindly take his seat and will do well to refrain from becoming excited. If he presents what he has to say in a logical manner he will receive strict attention."

Harrison explained that he had meant no disrespect to the court and Rogers continued his argument.

Judge Graham could not remember whether or not he had ordered Deputy Clerk Mulcrey to place the names of the five men in question back in the grand jury box or in the smaller box, where they had been originally kept for convenience. The minutes did not show and the stenographer's notes merely stated that Francis J. Heney had told the county clerk that that was the proper place for them.

An adjournment was taken until 10 o'clock this morning, when Mulcrey will be put on the stand to refresh the memory of Judge Graham, Eugene E. Schmitt, accompanied by Stuart Drew, and Frank Drumm, Eugene de Sable and John Martin were present in the courtroom during the proceedings.

### ECHO OF BOODLE BOARD

Appeal Taken Against District Attorney Langdon Is Ordered Quashed

The board of supervisors adopted a resolution yesterday directing that the appeal in the case of District Attorney Langdon versus the board of supervisors be dismissed. The resolution was adopted by a vote of 10 to 2.

The case is the one whereby the Gallagher board of supervisors made a special attempt to remove Langdon from office and appoint Ruey H. Drew in place. Langdon secured a decision from Judge Seawall that the supervisors had no power to remove him from office, but the boodling board had the hardihood to appeal from the decision, which appeal will now be dismissed on the motion of the present board of supervisors.

### TRIAL OF CONTEMPT CASE TO BEGIN TOMORROW IN POLICE COURT

It took all yesterday afternoon to impanel a jury in Police Judge Weller's court for the trial of Louis J. Zimmer, vice president of the Pacific States telephone and telegraph company, charged with contempt of court in "unlawfully and contumaciously refusing to answer a material question" at the trial of Louis Glass in Judge Lawlor's court on July 24.

The jurors are: W. H. Stelling, 128 Clay street; R. N. Smith, 61 N. Kearny street; C. D. Steele, 410 Kearny street; J. M. Torres, 534 Commercial street; Frank Shepard, 600 California street; M. J. Pope, 702 Van Ness avenue; H. A. Saxe, Eddy and Larkin streets; H. Kaplan, 410 Kearny street; N. M. Dewey, 520 Van Ness avenue; Peter Johnson, 255 Van Ness avenue, and A. Koshland, 228 Clay street.

The jury had been excused for cause, because they admitted that they had formed an opinion that the defendant was guilty and therefore could not give him a fair and impartial trial.

At the first trial of Louis Glass, each juror: "If the defendant has already been punished by fine and imprisonment for the same offense do you believe it right that he should be again punished?" The answers of those excused were to the effect that they believed that he should be punished according to the law and the facts. If the law said that he could be punished a second time for the same offense, they were right. Those who believed that they would be guided by the judge in his charge as to the law and the facts.

Fairall was particularly anxious to know if any of the jurors were acquainted with Francis J. Heney, District Attorney Langdon, Ruey H. Drew, William J. Burns or any others interested in the graft prosecutions and whether they approved the course adopted in these prosecutions. The talesman all replied that they believed that the graft prosecutors were doing their duty of cleansing the city of bribe givers and bribe takers.

Assistant District Attorney Ward contended himself with asking if the jurors knew of Louis Glass, the defendant and whether they could give the defendant a fair and impartial trial.

It was close to 5 o'clock when the jury was accepted and the judge suggested that the case should go over till this afternoon. Fairall objected saying that he would have to be in

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Special by Leased Wire to The Call

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### CALIFORNIANS IN NEW YORK

NEW YORK, Aug. 14.—The following are registered at New York hotels: From San Francisco—J. C. Burke, M. M. Creedon, at the Martha Washington; Mrs. E. W. Fernest, at the Seville; Miss E. J. Healy, at the York; T. J. Keane, at the Herald Square; M. A. Lemaire, at the Martha Washington; Miss M. Lloyd, at the Woodward; A. Morse, at the Albert; F. Muller, at the Martha Washington; Mrs. Heludsha, at the Belvedere; Mrs. S. Caro, at the Astor; J. P. Dunn and wife, at the Wolcott; Mrs. S. J. Jurgens, at the St. Denis; Miss M. Mitchell, at the Wolcott; L. F. Goodman, H. M. Russell, at the Victoria.

From Los Angeles—C. Syler, at the Latham; A. J. Daniels, at the New Amsterdam; A. Granas and wife, at the Latham; Mrs. G. Laurimer, at the Woodward; Mrs. A. Morris, at the Wellington; L. Richborn and wife, at the Latham; W. W. Robson, at the Prince George.

From Lodi—J. A. Perott, at the Cadillac.

From San Leandro—Dr. Clark, at the Herald Square.

From San Diego—W. Bomgarden, at the Belvedere.

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