

James Treadwell Will Appear as a Witness Before the Grand Jury Today

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failure of the California safe deposit and trust company by an investigation of banking methods which may result in the prosecution of a number of bank officials on the charge of having violated the banking laws. The indictments against Brown and Barnett were drawn in the hope that the inquiry into the Colton matter could be concluded yesterday afternoon and they lack only the signature of the foreman of the grand jury to convert them into formal accusations. The final vote will be taken today, the signature affixed and the grand jury then will turn its attention to the broader investigation.

FILE TRUE BILLS TODAY

A dozen witnesses were questioned yesterday afternoon and important direct evidence against the two officials of the bank now in custody at the city prison was obtained. The indictments based on this evidence will supersede the charges already made in the form of police court accusations, and the latter will be dismissed.

Unless unexpected developments intervene the indictments against Brown and Barnett will be filed late this afternoon.

The foundation for the charges against the two officials of the defunct bank was laid by Harvey H. Miller, county clerk of Santa Cruz county, who was the first witness examined by the grand jury yesterday afternoon. Miller told of the trial of the Colton will case and of the orders made by the Santa Cruz court that Barnett, as special administrator of the estate, should place the securities and keepings in the vaults of the California safe deposit and trust company. He also produced the court records showing the testimony of Barnett and Brown to the effect that the securities were held in the vaults under this order of the court.

J. F. Riley, counsel for Helen Sacher, the contestant in the Colton will contest, was next called to the stand and corroborated the statements of Miller concerning the testimony of the bank officials at the time the will contest was in progress. He told also of the recent efforts made by the attorneys for Helen Sacher to locate the securities and of statements made to them by Brown and Barnett concerning the disappearance of the stocks and bonds.

C. S. Cushing, the present custodian of the shattered bank, explained to the grand jury the present condition of the institution and asserted that every effort to locate the missing securities had been unavailing. H. N. Storrs, a book keeper of the bank, practically went over the same line of testimony as that given by Cushing and answered a number of questions relative to the methods employed by the bank in keeping its accounts.

TOLD SLACK BONDS WERE GONE

Former Judge Charles W. Slack, former business associate of Walter J. Barnett, gave some important facts concerning admissions made to him by Brown and Barnett after the discovery that the Colton securities were missing first became public. He described the scene at the time he informed Barnett that the business relations must cease, and went into the details of the conversation with Brown in which the latter told him that the Colton securities were not in the bank.

"Brown told me that the securities were gone, but he would not say where they were," said Slack. "When I pressed him he said that the securities would be returned. I told him that was child's talk, but he would give me no further satisfaction."

Charles E. Ewing, the recently ousted secretary of the state bank commission, was another important witness. He told of the calling of Barnett and Brown before the commission and the request of the attorney of the contestant of the Colton estate and asserted that Barnett informed the commission that some of the securities had been burned, but that the rest were in the vaults of the Atlantic trust company in New York in a box to which he and David F. Walker held duplicate keys. This conversation took place November 20, and Barnett assured the commission at that time that Walker would purchase other securities to replace those which had been destroyed and would personally see to it that the others were returned. Walker has denied since that the securities were ever in a box to which he held a key and that he had any knowledge of their removal from the vaults of the San Francisco institution. Bank Commissioner John C. Lynch followed Ewing on the stand and corroborated his testimony.

SUTRO ON STAND

Gustave Sutro, the broker who is believed by the prosecuting officials to have had some knowledge of the manner in which the Colton securities were disposed of after they were taken from the vaults of the safe deposit company, was kept on the stand for more than an hour and was questioned closely concerning business transactions which he has carried out for the defunct concern. He denied having sent the Colton securities east, but gave the grand jury a long and detailed account of the manner in which he had some part in the transaction.

James H. Borland and Wallace Everson, managers of the two surety companies which guaranteed Barnett, \$75,000 bonds immediately after his arrest, denied that any of the Colton securities had formed a portion of the security placed with them by Barnett.

Marcel Cerf, who is connected with Barnett's office and has been close to the latter in all his business transactions, denied any personal knowledge of the disappearance of the securities. He said that the first he knew of the matter was when Barnett informed him on December 7 that Brown had told him the securities were in the east. Cerf was kept on the stand for a long time, but was steadfast in his assertion that Barnett had not admitted that he had anything to do with the disappearance of the securities, and had only admitted that Brown had told him they were gone.

TREADWELL ON TODAY

Charles Dunsmore, former bank commissioner, was the last witness examined during the afternoon. He was questioned closely concerning the affairs of the California safe deposit and trust company at the time the last examination of the bank, Judge Garoutte of the bank commission, former bond officer H. J. McGinnity of the bank and W. W. Scott, the watchman who had charge of the door leading to the safe deposit vaults of the bank. All these witnesses were in attendance yesterday in the grand jury anteroom, but were not called to the stand.

Charles Lyons, the London tailor, 771 Market, 1422 Fillmore and 131 Van Ness ave., open evenings until Christmas.

WANT MORE POLICEMEN—Oakland, Dec. 18.—The police and fire commission has petitioned the city council to authorize an increase of the men in the police department.

Collections everywhere made by D. A. Curtin collection agency, Minnabodock bldg.

GRAND JURY COMMITTEE SPECIAL BANK EXAMINERS

Inquisitors Create Body to Keep Watch on Corporations

The startling revelations made to the grand jury during its brief inquiry into the affairs of the defunct California safe deposit and trust company have resulted in the formation of a distinctly new and undoubted, the most important committee that has ever been attached to an inquisitorial body in the history of the San Francisco municipality. The new adjunct is known as the committee on banks and corporations and is composed of the following members: P. C. Rossi and E. A. Kell.

The new committee will have absolute power to investigate the affairs of the banks and corporations of the city. It will not interfere with the members of the police department or the courts in any way whatever, but when its members see fit to make an investigation they will go quietly about their work, gather the information necessary, report back to the main body of the grand jury and that body as a whole will have power to act upon the report.

With the overwhelming evidence of wrongdoing on the part of the officials of the California safe deposit and trust company in its possession the new committee probably will rapidly uncover evidence against these men and possibly others. The knowledge of the recent wrongdoing on the part of Barnett and Brown has given the members of the new committee a clear insight to the underhand workings of irresponsible financial institutions.

It is not unlikely that before the newly formed grand jury has passed out of existence its banking and corporation committee will have successfully used its influence with the legislature in having passed a law or laws regarding the control of banks and corporations in the state. While the members of the jury will not venture opinions as to the work outlined by the new body, they intimate that its powers will be far reaching and that its investigations within the next few weeks will bring to light startling features that the general public has been in ignorance of in the past.

What work the new committee has in view none of its members or the officials of the grand jury will even intimate. McFarland says that nothing has been mapped out. He insists that the committee on banks and corporations may spend its time in idleness and not even make a report, but this seems highly unlikely for the reason that the appointment was one of the first moves of the new inquisitorial body, and it is more significant because of its creation at the beginning of the investigation of the bank scandal.

NEW PUZZLE SCENARIOS

Lumber Company Bond Holders Seek Trace of Sinking Fund

Another mystery has developed in the California safe deposit and trust company in the disappearance of a sinking fund which the bank was supposed to get aside to meet the interest and principal on the bonds of the Eldorado lumber company. No one has yet located this sinking fund and the suspicion has grown that it was deflected into the commercial channels of the bank.

The outstanding bonds of the Eldorado lumber company amount to \$150,000. Of this sum \$50,000 is held by the California safe deposit and trust company. Attorney Frank Powers represents the holders of the other \$100,000.

Powers called at the bank yesterday and endeavored to learn something of this sinking fund, to which the bond holders must look for reimbursement. No one appeared to know anything about it and Powers was forced to depart without the information. Unless the sinking fund is located, the holders will be taken to locate the fund or at least to learn what disposition was made of it.

BASSETT HEIRS SUE

Want Bank Forced Out of the Administration of Estate

OAKLAND, Dec. 18.—A petition has been filed in the probate court by George A. Smith, A. J. Boling and Henry J. Bunker, asking for the letters of administration of the \$100,000 estate of Charles F. Bassett, issued recently to the California safe deposit and trust company, revoked. The petition was based on the alleged insolvency of the bank and the suspected mismanagement of the funds of the estate by mingling them with the cash employed in its ordinary business instead of keeping them separate.

TIN BOX OPENED

Receptacle Found in Home of Robertson Contains Household Bills

The tin box which Assistant District Attorney William Hoff Cook and Detective Proff found in the residence of J. Daisel Robertson, 1356 Greenwich street, was forced open yesterday morning at the hall of justice. It contained receipts for household expenses, clothing and other purchases, but absolutely nothing connected with the affairs of the California safe deposit and trust company. Cook and Proff asked that Police Judge Cabanis order the box and its contents kept in the custody of the police until claimed by the owner. The order was made.

FIRE AT LANE HOSPITAL

A fire on the roof of Lane hospital, Webster and Clay streets, early yesterday morning caused some excitement among the patients. It was discovered by Policeman J. B. McCue, who turned in an alarm and whistled for assistance. Special Officer Scanlon responded and together they notified the hospital attaches. The blaze was quickly extinguished by firemen. The fire started in the bakeshop adjoining the kitchen.

PRESIDIO PARLOR'S ELECTION

Presidio parlor No. 194, Native Sons of the Golden West, has elected the following as officers: President, George Pope; first vice president, H. Monahan; second vice president, J. Legnitto; third vice president, E. Ingram; marshal, S. Horman; inside sentinel, J. Crowley; outside sentinel, A. Katz; physicians, Drs. Toppan, Stevens, Gunn, Zoebel and Mooser; organist, Charles A. Son; trustee, Charles Kaiser.

DEMAND FOR GOLD COINS

The transfers received from the east at the treasury yesterday amounted to \$55,000. Requests are still being made for more of the new \$20 gold piece. The treasury officials have not heard from the telegram that was sent to Philadelphia asking for another allotment.

Your grocer returns your money if you don't like it; we pay him.

BROKER SUTRO GIVES JURY NO INFORMATION

Will Be Questioned Again Today Concerning Missing Colton Bonds

The first important step toward recovering the missing Colton bonds was taken by the grand jury yesterday afternoon. In the belief that he could throw some light on the whereabouts of the securities Gustav Sutro, the stock broker, was summoned before the inquisitorial body. Sutro spent an uncomfortable hour on the carpet in the inner office. If he knows anything concerning the bonds he did not divulge the information yesterday, but he has been noted to be on hand at 2 o'clock this afternoon, when the inquiry will be resumed.

The grand jury is determined to locate the missing securities, and fearing that loss of time would prove disastrous it was decided to summon prominent stock brokers. Sutro's name was brought to the attention of the jury soon after the bank investigation was taken up and he was believed to be possessed of information of value in tracing the bonds.

Sutro was slow with his answers, and for this reason the jury did not make much progress. Sutro's temper was ruffled and he asserted that he had nothing to do with the sale of the bonds and that their disappearance had never cost him a thought until he was summoned to the jury room.

Despite this the grand jury seems certain that it can induce Sutro to impart some information this afternoon. Summonses have been served upon several other brokers to appear in company with Sutro. Their names have not been divulged.

COMPLAIN OF HIGH BAIL

Barnett Now Demands Liberty on Writ of Habeas Corpus

Barnett's indefatigable attorney, Oscar Cooper, obtained from Judge Lawlor yesterday a writ of habeas corpus directing the police to bring to produce Barnett in Lawlor's courtroom at 11 o'clock this morning, when it will be argued that the banker is being unlawfully detained.

In the petition upon which the writ was issued, Barnett set forth the circumstances of his original arrest and the fixing of bail at \$75,000. The judge having accepted sureties for that amount and having allowed the prisoner his liberty, Barnett contends that the bonds are still in full force and effect. The \$200,000 bail afterward fixed by Judge Dunne, when Barnett had been rearrested, is said by the petitioner to be excessive.

He also says that Judge Dunne, without any good cause, refused his demand that his preliminary examination be proceeded with forthwith when he was taken before the judge December 13. For these reasons Barnett says that he is unlawfully imprisoned by the chief of police. This morning he will ask that Biggy be ordered to release him.

At the time the habeas corpus petition was taken before Judge Lawlor, Attorney Oscar Cooper, representing Barnett, was in Judge Dunne's court endeavoring to secure an immediate hearing of his client's preliminary examination. His indefatigable efforts in Barnett's behalf reacted against him, however, for Assistant District Attorney Cook pointed out that the pendency of the habeas corpus hearing in another department of the court took precedence over other proceedings, and a continuance until this morning for the preliminary hearing was granted at Cook's request. Cooper accused Cook of simply "stalling," but the latter asked that there would be no "stalling" after the facts in the case had been presented to the grand jury.

Cooper yesterday notified Cook that Barnett was ready to appear before the grand jury to answer the charges against him at any time that the inquisitorial body might desire, but the offer was not taken advantage of yesterday.

FILES CORPORATION PAPERS

Articles of incorporation of the Depositors' association of the California safe deposit and trust company were filed with the county clerk yesterday. The directors are Carroll Cook, Julius W. Raphael, William Metzner, S. L.

WANT BANK FORCED OUT OF THE ADMINISTRATION OF ESTATE

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Banker Smith and Boling, husbands of the legatee in the will, ask to be appointed administrators.

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The objects of the association are to safeguard and protect the deposits of members and the claims of members as creditors of the trust company, to take such action as may seem necessary to recover funds from the directors and stock holders, and to recover money from persons to whom it has been unlawfully paid.

CANVASS ASSETS

Bank Directors and Western Pacific Attorney in Conference

The directors of the California safe deposit and trust company held a meeting yesterday in the merchants' exchange building and discussed the affairs of the institution. The directors went over a list of the bank's assets, but were unable to form an accurate estimate of their value. To do this will require a careful study of the various securities and the condition of the industrial enterprises which the bank controlled.

Warren Olney Jr., representing the Western Pacific, conferred with the directors. The Western Pacific is the largest depositor in the defunct bank and will make every effort to recover what it can from the wreck. Olney took a list of the assets and will make a thorough investigation on behalf of the Gould line. The Western Pacific's balance at the bank amounted to \$250,000. J. W. Raphael, chairman of the

executive committee of the depositors' association, said yesterday in discussing the affairs of the bank: "The executive committee of the depositors' association is now at work on the assets and liabilities. The rehabilitation committee is now beginning to see daylight. Their investigations are thorough and from present indications I believe that our executive committee will come before the 12,500 depositors with a proposition that will be attractive to all. In the courts will grant the necessary delay, and not appoint a receiver. It is my belief that the depositors will be able to open this bank and realize considerably more than the conditions indicated at the time it closed. The committee believes that it will be able to appear in court and present a statement that will make it unnecessary to appoint a receiver, and that it will be able to bring about happy results for all of the depositors."

LOS ANGELES BANK FAILS

LOS ANGELES, Dec. 18.—The state board of bank commissioners has taken charge of the affairs of the Occidental trust and savings bank, a small institution located at the corner of First street and Broadway. The institution has deposits of about \$3,000. A. B. McDonald is president, and a majority of the stock is owned by Nicholas F. Wilson, who is in San Francisco. There is no suspicion of improper banking methods attached to the failure.

OPINION IN BANK CASE

Attorneys Charles F. O'Callaghan and Milton F. U'Ren, who have begun suit on behalf of a depositor to prevent the appointment of a receiver for the California safe deposit and trust company, gave it as their opinion yesterday that if it could be shown that the bank would be able to resume business in the near future it would be the duty of the court to refuse the request of the attorney general for the appointment of a receiver.

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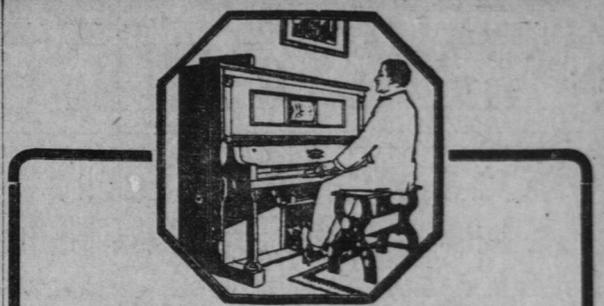
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"More interesting than *The Right of Way*, and that is saying a good deal."
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Rates 75c, \$1, \$1.50; with bath, \$2.
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HOTEL BRILLIANT
545 to 551 Turk St.
200 rooms. 100 private baths. Permanents solicited. Opens November 1. Fireproof building.

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