

The best that the city has done in 20 marvelous months will be set forth in concise description and in striking photos tomorrow in the "Cheer Up" Number of THE SUNDAY CALL

# THE CALL



If you can't bring your eastern friends here to see the marvels done in 20 months achieve the same result by sending them the "Cheer Up" Number of THE SUNDAY CALL

VOLUME CIII.—NO. 28.

SAN FRANCISCO, SATURDAY, DECEMBER 28, 1907.

PRICE FIVE CENTS.

## Loveland Champions Cause of Wells-Fargo in Making Illegal, Arbitrary Rates

### BANKER ACROSS THE BAY IS NEXT TO BE ACCUSED

Depositors Prepare Charges Against D. E. Collins of Oakland

### IS A CHURCH WORKER

State Board Will Receive Allegations Against Financier

### BORROWED BIG SUMS

One Transaction Shows He Put Up \$81,000 Stocks for \$172,000 Loan

D. Edward Collins, Oakland financier and church member, whom bank depositors accuse of enriching himself at their expense.



Charges against the banking methods of D. Edward Collins, until recently president of the California bank of Oakland, have been prepared by a committee of depositors and will be filed with the state board of bank commissioners. Collins is accused of having used his position as president of the bank for his own enrichment through loans of large amounts to himself and to corporations which he controlled, in clear violation of the law. The entries in the books are cited as the evidence against the banker, and they are alleged to show loans to Collins' enterprises to the amount of \$400,000, including one of \$11,000 made to Collins personally.

The revelations will create something of a sensation in Oakland, where Collins has been conspicuous in church and charity work. He is president of the Men's League of the First Presbyterian church and treasurer of the Red Cross. He has been an ardent worker in the church and has acted as custodian of benefit and charity funds. He is the associate of Oakland's best known citizens, and in the commercial world with the most substantial citizens across the bay. Collins' operations have shocked the directors of the bank, who had implicit faith in him and gave him free rein in the management of the institution. Among the directors are numbered some of Oakland's most prominent men, who are laboring night and day to straighten the tangle and rehabilitate the bank.

The work of reorganization is now being carried on under the direction of John W. Phillips, who succeeded Collins as president, and William Rutherford, who had been made vice president of the bank. The majority of depositors, under the leadership of Frederick Turner, city engineer of Oakland, have offered to co-operate with the new management and, with the elimination of Collins, they hope to put the institution on its feet once more.

### PATTERNED ON TREADWELL

The operations of Collins were not unlike those of the managers of the California safe deposit and trust company, although nothing connected with the Oakland bank approaches the scandal that grew out of the disappearance of the Colton securities. However, Collins borrowed immense sums for his private enterprises, as did James Treadwell of the California safe deposit and trust company.

Collins' interests were not confined to Oakland. He practically owned the Collins bank of Ventura, he was the chief factor in the Amador marble company and was interested in land and real estate ventures. All these required money and Collins borrowed the money from his bank. When the financial flurry reached the coast during the early part of last month Col-

Continued on Page 3, Column 4

### INDEX OF THE SAN FRANCISCO CALL'S NEWS TODAY

TELEPHONE KEARNY 86 SATURDAY, DECEMBER 28, 1907

WEATHER CONDITIONS YESTERDAY—West wind; cloudy; maximum temperature, 54; minimum, 50. FORECAST FOR TODAY—Cloudy; probably showers by night; light northeast winds, changing to southerly. Page 10

EDITORIAL The Japanese policy on emigration. Page 6 Not objects of worship. Page 6 The new city hall. Page 6

BANK FAILURE Barnett holds Brown guilty of bank wrecking in testimony before grand jury. Page 1 D. Edward Collins, Oakland banker and church member, accused by depositors. Page 1 Finding of Colton, estate mining stocks in bank vaults causes rumor that missing securities are recovered. Page 1 Mrs. Barnett, witness before grand jury, says inquirers are lovely and talks of waifs' home she plans. Page 3 Bankbooks show that large sums vanished after being put into Brown ventures. Page 3 Holding estate manager will undertake bank rehabilitation if all depositors agree to conditions. Page 3

CITY Sials Railroad Commissioner H. D. Loveland appears before Interstate Commerce Commission-Lane and champions the cause of the Wells Fargo express company in charging retailers an arbitrary, illegal rate on shipments from the east. Page 1 Three trustees of the mining bureau resign after a controversy with State Mineralogist Aubrey. Page 1 Extensive rebuilding in all quarters of the city and a general movement for quarters in the downtown section. Page 5 Oakland laborer held up and robbed by four men wearing uniforms of soldiers, sailors. Page 5 Drs. Hartley and Williamson file affidavits in support of the admission to bail of Louis G. Glass, saying that further confinement will seriously impair his health. Page 7 L. H. Wifley, the much accused federal judge in China, arrives on Manchuria and is going to Washington to secure a body of laws for Americans in the Flowery Kingdom. Page 14 Judge Graham falls to reconcile husband and wife, although latter weeps at mention of children. Page 5 Chief Justice Beatty argues for Pacific avenue trolley franchise, residents oppose and supervisors will decide Monday. Page 7 Lifeboat is launched from British ship during gale in vain attempt to save sailor who falls overboard. Page 14 Chow Fung Chow, new president of one of the Chinese six companies, arrives on the Manchuria. Page 5 Captain Binder, superintendent of the Pacific Coast steamship company's docks and steamers, resigns. Page 14 Uncle Sam puts stamp of recognition on women smokers, who now may be in face of cigarettes from abroad. Page 14 Supervisors' utilities committee will recommend that \$37,700,000 be voted for needed improvements. Page 14

SUBURBAN Supposedly extinct tortoises are brought back from Galapagos islands by Academy of Sciences expedition. Page 4 New Alameda grand jury probably will be organized next month. Page 4 Chinese tong leaders negotiate for peace and it is believed seat of war has been transferred to Los Angeles. Page 4 Crew of barkentine Serris escape drowning by walking bridge of floating salmon cases. Page 4 Woman architect supervises work on church which soon will be dedicated by Methodists. Page 4 Mass meeting to be held in Berkeley January 10 will launch anti-race campaign in Alameda county. Page 4

COAST Postmaster of Hawaiian town is under arrest on a charge of rifling a registered mail pouch and stealing \$1,000. Page 7 Gelsia girls of Honolulu form union and establish price of a dollar an hour for their services. Page 4 Colorado Utes invade southern Utah and compel cowboys to retreat with cattle. Page 4 State board of health proposes to rigidly enforce pure food act after January 1. Page 2 Army engineers to visit Stockton in connection with project to deepen the San Joaquin river. Page 2

EASTERN Bigamist confesses he married Oakland woman to save her life when she threatened suicide. Page 1 Yacht Galilee puts in to Christchurch N. Z., and reports big change in magnetic variation lines. Page 2 Senator Hale will champion cause of Brown and says president's plan is as sensible as putting a chaplain in command of a warship. Page 2

FOREIGN China strives to check the growing agitation against British interests and crants extraordinary privileges to the provincial delegates. Page 2 German sentiment changes regarding Von Moltke, who demands full judicial rehabilitation. Page 8

SPORTS Abe Attell is made a 7 to 10 choice over Owen Moran by the pressure of public money. Page 8 After having ridden 23 failures, Walter Miller's bad luck "skiddoo" and he lands a winner. Page 9 Mrs. Robert Casselburg of New York credits scene at Emeryville racetrack, accusing Beck Maker Preston and C. E. Dunsell of owing husband \$700. Page 9 California makes a record in the national good roads movement. Page 8 President Jordan of Stanford university reiterates his charges of professionalism against University of Michigan athletes. Page 8 Ralph Ross, the giant shot putter, has been summoned to appear before the registration committee of the Pacific athletic association to prove his amateur status. Page 8 Baseball managers will meet in this city to January 5 instead of in Los Angeles. Page 8

LABOR Saloon keepers are to be asked to discharge oriental help. Page 7 Waiters' union No. 30 elects officers for ensuing year. Page 7

MARINE Christmas is celebrated on liner Manchuria by fancy dress ball, at which captain's impersonation of King Edward wins him the first prize. Page 10

MINING Leading mining stocks decline several points on adverse reports and selling pressure from the east. Page 13

### TRUSTEES CLASH WITH AUBURY AND QUIT THE BOARD

Three Resignations Follow in Controversy With State Mineralogist

### HAVE LITTLE POWER

Bradley, Stent and Lindley Tire of Being Mere Auditing Committee

### SUCCESSORS CHOSEN

Attempt to Secure Money to Probe Land Fraud Causes Strife

Following a clash with State Mineralogist Lewis E. Aubrey, three members of the board of trustees of the mining bureau have resigned, and Governor Gillett has appointed their successors. The three members who have withdrawn are Frederick W. Bradley, Ernest A. Stent and C. H. Lindley. Bradley and Stent are two of the best known mining men in San Francisco and Lindley is an acknowledged authority on mining law. Their successors will be A. H. Ward of Alameda, S. W. Griffin and C. F. Deane, both of San Francisco, where they have been connected with the mining industry.

The quarrel which brought about the resignations of Bradley, Stent and Lindley came at a meeting of the trustees where a question of authority arose. The trustees found that Aubrey and they were at variance on certain matters of policy, and when they attempted to enforce their rulings Aubrey ignored them and did as he pleased. A legal examination into their powers convinced the trustees that they were without authority other than to audit the accounts of the mineralogist.

Aubrey admitted that there was friction and said it came over the question of the land frauds, but this Bradley denied. "I asked the trustees for money with which to stamp out the land frauds," said Aubrey, "and they allowed me \$100. This would do little more than pay the expenses of an agent to Plumas county. The trustees were not in sympathy with my policy in this regard and they resigned."

Bradley said last night that he had resigned because the trustees had been resolved into an auditing board and were compelled to sit by and let Aubrey do as he pleased, as much as they might disapprove of his policy. "We had no authority," said Bradley, "but still we were supposed to be responsible for the conduct of the bureau. We were appointed trustees by the governor and as such are responsible to the governor for the way things were done. We were supposed to be responsible, and still Mr. Aubrey did as he pleased and we had nothing to say."

"The trouble did not come on the question of the land frauds. It is not part of the duty of the bureau to do this work. As far as the appropriations go they are made direct by the legislature. When the trustees saw they had become nothing but an auditing board they resigned."

Two members of the old board still remain. They are Louis Janin of Gaviota, Santa Barbara county, and Harold T. Power of Bullion, Placer county, both of whom live at a distance too great to attend the monthly meeting where the squabble occurred.

### Seek Possession of a Wonderful Cave

SPECIAL DISPATCH TO THE CALL. SACRAMENTO, Dec. 27.—Efforts are being made by several men to secure possession of the wonderful cave recently discovered by state surveyors in the Kings river canyon, about 50 miles from Fresno. State Engineer Ellery has been appealed to by interested persons to thwart the design of those who would secure the cave for private speculative purposes. It is desired that the cave be taken over by the national government and included in the federal forest reserve.

Engineer Ellery and others believe the cave is a place of sufficient public interest to deserve reservation.

FIND SEVENTY MORE BODIES. JACOBS CREEK, Pa., Dec. 27.—Darr mine yielded more victims of the explosion of December 19 today, 70 or more bodies having been brought to the surface during the 24 hours.

### BROWN GUILTY, SAYS BARNETT TO GRAND JURY

Indicted Banker Holds His Jail Mate to Blame for Wreck

### PLEADS IGNORANCE

Says That in Transactions He Did Know Of He Was Overridden

### INSISTS ON TELLING

Fallen Financier Declines Cook's Advice to Avoid Inquisition

"I was away much of the time and could not follow all the transactions of the California safe deposit and trust company, but in many matters J. Dalzell Brown acted entirely at variance with my ideas and advice. Especially did I oppose his actions in regard to the timber deals in which the bank was involved."—Testimony of Walter J. Barnett before the grand jury yesterday.

"I am willing to sacrifice all my property, even to our home on the island off Sausalito, which I value at \$40,000, to aid the California safe deposit and trust company."—Voluntary statement of Mrs. Walter J. Barnett before the grand jury.

Walter J. Barnett and Mrs. Barnett were witnesses before the grand jury yesterday at their own request. For an hour and a half the indicted director of the California safe deposit and trust company sat in the jury room, and under the searching questions of Assistant District Attorney William Hoff Cook he told what he knew of the affairs of the corporation. Although there were many questions and answers the grand jury did not receive as much enlightenment from the witness as it had anticipated. Barnett devoted himself to an endeavor to prove that he was absent when many of the transactions were consummated by the bank. Although he did not directly charge Brown with wrecking the bank, Barnett, in his mild manner, threw strong implications against his former friend and present jailmate.

SUSPICIOUS OF LOANS James Treadwell was not mentioned by Barnett in particular, but the witness declared that he was suspicious of the heavy loans and investments made by the bank with the Treadwell El Dorado lumber company.

Assistant District Attorney Cook said at the close of the session that Barnett's testimony had made little difference in the investigation. "The case of the people is not altered in the least by the testimony of Barnett," said the prosecutor. That indicated that more indictments against Barnett and Brown and probably against J. Dalzell Robertson and James Treadwell may be returned when the grand jury meets next Monday.

Yesterday the grand jury gave no consideration to the Colton estate securities case, in which indictments already have been returned. The entire session was devoted to the investigation of the loans made by the bank. Of the \$10,000,000 in loans, approximately \$5,000,000 was turned over to the Treadwell interests. Of this sum \$280,000 was loaned to the El Dorado lumber company on its unsecured note and \$1,684,028.68 was invested by the bank in the stock of the concern.

IGNORANT OF DEALS. It was to these transactions that Barnett declared that he particularly objected.

"I was away from the bank much of the time," he said, "and I knew nothing of many of the transactions. But of much of the business which Brown proposed I did not agree upon; especially did I not approve of the heavy aid rendered the timber enterprises. But Brown went ahead and invested money in those projects. In many instances his policy was opposed to my ideas."

Mrs. Barnett was also a witness. Under the law of California a woman cannot be forced to testify against her husband, and yesterday Barnett gave his consent that Mrs. Barnett should testify. Her testimony was in the form of a denial of any knowledge

Continued on Page 3, Column 2

Mrs. Walter J. Barnett, who told the grand jury yesterday of her willingness to devote her fortune to aiding bank depositors; and her brother, Allen Griffiths, who escorted her before the inquisitors.



### Marries Wife Number Two to Save Life

Bigamist Confesses in Ohio, but Fears News May Lead One in Oakland to Suicide

SPECIAL DISPATCH TO THE CALL. CINCINNATI, Dec. 27.—Gibson Davis of Columbus, Ohio, was in Cincinnati today in consultation with attorneys in an effort to get out of a matrimonial tangle. He has two wives and neither knows the other exists. In Davis' confession of bigamy another tale of affinity is told and how a married man has led a dual life for a few days less than a year without either wife finding out.

Almost a year ago Davis married Miss Iona Simms in Oakland, Cal., under the name of Fred Kennedy. He did not want to marry her, he says, but she threatened suicide if he did not do so. He married her to save her life. Now he has returned to Columbus, and his only fear is that Mrs. Davis, who is seriously ill, will hear of his bigamous marriage and that the shock will kill her.

While Davis is trying to get out of the tangle, wife No. 2 whines away the time in Oakland wondering why he does not return. It was this that caused Davis' undoing, for a sister of the Oakland girl, living in Vallejo, becoming suspicious of her brother in law's absence, wrote to a Columbus newspaper relating the truth of the marriage and sending a photograph of Davis or Kennedy. Finding himself cornered Davis confessed.

About two years ago Davis removed to Oakland, where he expected the change of climate would benefit his wife's health. While there her mother became ill and she returned to Columbus. In the absence of wife No. 1 Davis became acquainted with Miss Simms.

INSANE FROM BLOW SANTA CRUZ, Dec. 27.—W. R. Mesick, who was struck on the head by a four foot stick of wood at Ben Lomond December 15, was brought to this city and has not yet regained consciousness. At times he raves and it is all that four men can do to keep him under control.

### Colton Estate Papers Found in Vaults

Mining Stocks of Little Value Cause Excitement Among Friends of Bankers

SOME excitement was caused among the friends of J. Dalzell Brown and W. J. Barnett yesterday by the report that papers belonging to the Colton estate had been found in the vaults of the California safe deposit and trust company. Papers were found, it was admitted by the officials in temporary

Continued on Page 3, Bottom Column 1

### Impertinent Question No. 31

What Are You Going to Swear Off—and Why?

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 answer short and address it to IMPERTINENT QUESTIONS, THE CALL

- Winning Answers to "Why Is the Fleet Coming?"
- \$5 prize to George N. Lowe, 2064 Shattuck avenue, Berkeley.
  - For very honorable reasons. Thank you. Yes. Banzai!
  - \$3 prize to S. T. Brown, 1800 Grove street, city.
  - Least some forget.
  - \$1 prize to D. W. Park, Halfmoon bay.
  - To play in Uncle Sam's front yard.
  - \$1 prize to Harry Cowell, 2517 Castro street, city.
  - Mayhap The Jap!
  - \$1 prize to Ella M. Freeman, 11200 Golden Gate avenue, city.
  - To bring husbands for our debutantes.
  - \$1 prize to J. C. Harris, 5303 Telegraph avenue, Oakland.
  - Teddy's way of squaring himself with us on the Japanese question.

### UPHOLDS ACT OF EXPRESS COMPANY

State Commissioner Pleads Cause of Wholesalers

Tells Lane Retailers Are Not Entitled to Low Rate

Says Jobbing Trade of the Coast Is Threatened

Gillett's Appointee Fights Commercial Association

The curious spectacle of a state railroad commissioner but recently appointed to office appearing in behalf of an alleged law breaking corporation in a case which may later come before him in his official capacity was presented yesterday by H. D. Loveland, when he took the stand to testify in favor of the continuance of the arbitrary and illegal rate making by the Wells-Fargo express company. The company was under fire before Interstate Commerce Commissioner Franklin K. Lane, in the federal building, charged with having violated the Hepburn interstate commerce law of 1906, in hiding from the general public rates which the law says should be easily accessible to all.

Loveland made no pretense of concealing his hand. He was present not as state railroad commissioner but as president of the Pacific coast jobbers' association, and most of his day was spent consulting with Seth Mann, attorney for the jobbers, with the evident object of combating the evidence adduced by the California commercial association, on whose complaint the investigation was being held. The fact that there is a strong probability that the case, or a similar one, will come before him in his capacity as railroad commissioner, and the additional fact that the Pacific coast jobbers' association practically admits that it desires