

Graft Prosecution Is Undaunted and Ruef Faces New Trial

statement concerning the stand of the jury. It was 4:30 o'clock in the afternoon, 42 hours from the time it had been ordered out, and after a long day of fruitless argument, that the jury asked to be ordered into court. Since 9 o'clock in the morning the 12 men had been locked up in the jury room and joining Judge Doelling's court, while the courtroom was crowded with a throng as large as it could accommodate. It was a dramatic scene and there was not a single incident of note to vary the monotony during the morning.

At noon came the first interruption. Judge Doelling sent word to the jurors that he was ready to have them taken to lunch at any time they wished to go. A ballot conferred with them for a moment and received a startling answer. "We don't want to go to lunch. We are going to stay here until we finish this up."

The jury stayed and everybody else took a recess, firmly believing that the end was near and that the message from the jury room meant that a verdict was near at hand. At 2 o'clock, when court reconvened the jury was sent out and still failed to give a sign. Ruef sat idly near the desk of his attorneys, reading a French novel and looking at the jury. He seemed to be and seemingly taking but little interest in the outcome. Only when a knock came from the door did he turn and look at the jury suddenly to fix his attention on that corner of the room, and at such times his anxiety was apparent. Near him sat his father, who remained in the courtroom all day.

It was just 4:30 o'clock when the last knock sounded from the inside of the jury room door, and the flying about of ballots announced that some move was to be made. A few minutes later the announcement was given out that the jury would shortly go to dinner and would return at 7:30 o'clock in the evening. This served to clear the courtroom, and when the door opened a few minutes later the room was almost empty, save for court attaches, attorneys and newspapermen. The rush had been such a success that several of the parties in interest were not aware by the report, and both Langdon and Special Agent Burns were late in arriving.

When the jury filed into the box there was nothing in the expression of the members' faces to tell how the verdict would be. The room was called and Foreman Penny announced that the jury had been unable to reach a verdict, "believed it impossible to agree and asked to be excused. One by one Judge Doelling questioned each member of the jury and received from each an assurance that an agreement was absolutely hopeless. He thanked the jurors for their work, told them that under the circumstances he believed their request to be discharged should be granted and was about to order the discharge when Foreman Penny asked to make a supplementary statement.

"In view of our instructions, your honor," he stated, "I feel that I should report an incident which occurred this morning when the jury was taken to court. As we were passing the corner of Golden Gate avenue and Leavenworth street two men in a buggy passed us and one of them called out loud enough to be heard by all of us, 'Don't convict my friend, Ruef.' The man was Dr. Edward Creely, a veterinary surgeon."

Juror Edwin Mohrigan substantiated Foreman Penny's statement and added that he believed that Creely, who he knows personally, had intended the remark for him alone and made it thoughtlessly and without intention of attempting to influence the jurors. Judge Doelling said that he would not admit early this morning citing Creely to appear in court at 10 o'clock and show cause why he should not be punished for contempt of court. This was agreed upon and the jury was dismissed.

The deadlock in the Ruef jury room, according to the jurors, was absolute from the outset and never was there any hope of an agreement. Thirteen times the ballot was cast and in each instance the result was the same as in the first ballot—six to six. All matters of contention arising on the credibility of the witnesses who testified against Ruef. Six of the jurors accepted their testimony as the truth and six refused to believe them. Over this they fought and over it it was in vain that they attempted to arrive at an understanding. The issue was plain and the opinions firm and fixed.

Those who held out for a conviction maintained the position by telling the truth, holding that no man would lie to his own shame and dishonor. Those who voted for acquittal held that no man should be sent to the penitentiary on the testimony of men who did not hesitate to commit the crimes to which the hoodling supervisors confessed.

Thus it stood. At one stage of the proceedings it was decided to endeavor to come to an agreement on the testimony of Jennings Phillips and that was when the six who voted for conviction placed the paving of the bridge on Gallagher, and Gallagher they did not believe. Yesterday morning the faint hope of an agreement was almost entirely extinguished. Seeing the state of affairs the six jurors who had been fighting for conviction stepped out emphatically with the proposition that the votes should go on record. They wished the court to know the exact situation and the names of those who voted for and against a conviction.

MADE VOTE PUBLIC
In accordance with this stand, Foreman Penny made public the voting and the discussions in the jury room. After

Good Citizens Should Aid in Restoring Honesty to City, Declares Spreckels

By Rudolph Spreckels

NOTWITHSTANDING the action of the jury in the Ruef case today, I still have confidence in our people, and I will not believe that the division of the jury is to be taken as representative of our citizenship. I do believe, however, that the time has arrived when all good people must stand shoulder to shoulder and work for the right just as steadfastly as do the united crooks who are seen to be working side by side to protect crime and prevent justice being done.

It will not do for our people to stand mute and inactive any longer because they feel that things will come right without their help. After nearly two years of faithful work and much personal sacrifice on the part of all members of the graft prosecution in behalf of good government, we see crime still well entrenched. Men, backed by political influence and the money of our criminal rich, are able to avoid a just and well deserved punishment.

I call upon the citizens of San Francisco to think of their homes, their children and their city. Let all good men take their position against graft now, and prove to the world that this is not the home of crime and that good citizenship has taken its stand against the wrongdoer. The prosecution will go on, and it is my hope that all guilty persons will be punished; but I feel that every good citizen owes it to his city, state and country to help in the work of restoring honesty in both business and government.

giving the standing of the jurors on the question, he went on to say: "An agreement was hopeless. We did our best to arrive at one, but could not do so. The main question was one of the credibility of the witnesses who testified against Ruef and no amount of argument could change the vote one way or the other. There was some discussion on the question of testimony of fellow conspirators, but this was a minor issue, the main point being the credibility of the witnesses. There was no bitterness or undue wrangling. All the jurors, I believe, were fully aware that they were facing with a serious public question and we endeavored to solve it in calmness."

Juror Crooks, who voted for an acquittal, said substantially the same. "The six who held for an acquittal," he said, "I refused to believe the witnesses to a sufficient extent to convict. It was a question of their veracity—and we did not believe their words." Juror Connolly held the same views. "I could not send a man to the penitentiary," he said, "on the testimony of such men."

Juror Verrell said: "If the state of affairs that was presented to us in the jury room had not been such as to give us the impression that we were better for every one to move out of the town. When the evidence was all in at the end of the trial I saw my duty as a citizen and honest man was to do what I could. I argued with the other six, but I showed myself open to reason and tried to reason with them. I thought I could be done. I can only say I am bitterly disappointed."

From the first I fought for conviction," said Juror Mohrigan, "doing my utmost with the others on my side to convince the opposition. I did my duty and held out as long as there seemed hope."

William M. Leverone, butcher, who resides at 1204 Railroad avenue, and who voted not guilty, stated that there was so much evidence to be considered that he had the jury gone over it piece by piece. It would have taken weeks to have brought in a verdict. "The argument was mainly whether we should convict the supervisors as accomplices," he said.

F. J. W. Anderson, manufacturer, 76 Cassell avenue, stated that a verdict would never have been reached even if they had taken over 100 ballots. "The six men that voted guilty were as unchangeable as the six who voted not guilty," said he. "We decided that it was impossible to reach a verdict after we had refused to go to lunch this afternoon."

Seventh avenue, told what his vote had been until it was shown that Mr. Penny, the foreman, had done so, when he said, "I voted not guilty, that's all I have to say."

WILL TRY RUEF UNTIL LAW IS VINDICATED
Langdon Declares 100 Indictments Are Still Pending

Against Boss Grafter
By District Attorney William H. Langdon

There are over 100 indictments against Ruef and his associates, and a half yet in office. Over the 100 indictments and within those 18 months you may rest assured that there will be a conviction against Abraham Ruef. When there is a clear, clean cut case such as the one presented here and the jury fails to convict, the difficulties that beset the prosecution become apparent to all. However, he said, he will not let the law be vindicated. He will proceed at the earliest opportunity to set another Ruef case for trial, when we hope for better results.

SAYS JUROR FIXED
Anonymous Letter to Heney Relates Alleged Conversation

Francis J. Heney received recently an anonymous letter from a woman who stated that she had overheard a conversation on a streetcar in regard to "fixing" the Ruef jury. Heney is eager to learn the name and address of the writer. The letter follows:

"I was on a street car about one week since, and I was sitting between two men. My attention was drawn by hearing the name of Ruef spoken in a very low tone. "Have we anybody on that jury," said the older man. "Oh, yes. We have that fixed all right." "Well, are you sure? Is it one of us?" "It is not us, it is all secure. There is no chance of failure. This man will hold the jury till he freezes over."

After quite a pause the old man nudged the other. "I won't be satisfied until I know who is to do this great work for me and I will look up who he is." "It is a very low named Swift. He is all right. I know the name of the man who spoke very low and the man was rising to leave the car. I was sitting next to him. When I got on the car there were but four persons, including myself, and now at Fifth it will be all right."

I delayed writing to try to find out the names of the jury, but could not. I don't think I could have been mistaken in the name of Swift, Lynch, Fisk, or some similar sounding name of any syllable. The letter is signed, "An old lady of nearly 60, a friend who hopes for your success, and understands the difficulties."

ACH BLAMES JUDGE FOR "CONFUSING THE JURORS"
Ruef's Attorney Declares Acquittal Was Expected and Invites Against Prosecution

The following statement was issued by Henry Ach, attorney for Abe Ruef, shortly after the jury was discharged. "We believed we were entitled to an acquittal and are satisfied that that result should have been attained. We think the thing that prevented an acquittal in this case is the fact that after the court had instructed the jury

HENRY PREPARES TO RETRY RUEF

Declares Prosecution of Grafter Will Continue Until Law Is Vindicated

Says Efficiency of Jury System Is Now on Trial and Criticizes Methods Used

"We will proceed to retry Ruef at the earliest day possible and will continue to try him until the law has been vindicated," said Henry Ach, attorney for the defendant, today.

With no lessening of his cheery smile nor slackening in his energetic step, Assistant District Attorney Francis J. Heney paced the floor of his office last night, busy preparing for the next trial of Ruef before the jury had grown drowsy on the court order discharging the first jury. Heney seemed not a whit affected by the setback caused by the disagreement he paused long enough to discuss the verdict.

"I do not believe that the verdict in the Ruef trial was a fair index nor representative reflection of the honesty, intelligence and good citizenship of the community," he said. "I am convinced that the people out here in San Francisco desire to see honest execution of the laws. But it begins to look as if the jury system in addition exists—and if so, the people must put the blame where it belongs, to-wit: on those superior judges who furnished such a large proportion of bad citizenship from which to select our jurors."

"The efficiency of the jury system in San Francisco now stands at a very low level," he said. "The jury system is being put to a very severe test. When Ruef first confessed his crimes, I asked the jury to give me a verdict. He did not use the political influence which he had when the jury box was made up before. He made up the jury box with the names of men he was certain would be favorable to him. He then did not let them know that he had not gotten it as perfect as he desired."

RUEF HAD TIME
"From the time Ruef was caught to the time Mr. Langdon called off his immunity contract Ruef had plenty of time to perfect his plans in that respect, and the indicted officials of the United Railroads were in possession of a well organized force to assist him in the job."

"Indeed, it is a well known fact among lawyers that it has been almost impossible to get a verdict in a damage suit against the United Railroads since A. A. Moore became attorney for that company. The records show that but two judgments have been secured in the last two years, although a very large number of cases have been filed."

"The juries for each case are drawn from what is known as the 'jury box.' It contains the names of all the men in a single name on each. Each of 12 superior judges furnish 200 names. By rotating it, they know just where each of the judges obtained his 200 names and who, if any one, suggested them to him."

"When this system of furnishing juries was adopted by the legislature it was believed it would result in securing good cases of crimes, but it does not seem to work out that way. In the Schmitz case, out of the several hundred names drawn from the jury box, a third, by actual count, were either those of saloon keepers or clear drinking jurors, but in view of the fact that Schmitz and Ruef then had control of the police commission, which had arbitrary power over the issuance of licenses and could destroy the business of any pool seller, the selection of so many names of men in wood and furniture trades, and some 'careless' in the selection of jurors, ARE HONEST MEN

"Many saloon keepers are honest men and clear drinking jurors, but in view of the fact that Schmitz and Ruef then had control of the police commission, which had arbitrary power over the issuance of licenses and could destroy the business of any pool seller, the selection of so many names of men in wood and furniture trades, and some 'careless' in the selection of jurors, ARE HONEST MEN

"In the Ruef case which has just been tried, the jury was not a good one. The fact that Schmitz and Ruef then had control of the police commission, which had arbitrary power over the issuance of licenses and could destroy the business of any pool seller, the selection of so many names of men in wood and furniture trades, and some 'careless' in the selection of jurors, ARE HONEST MEN

MAN'S CONSCIENCE IS GREATEST DETECTIVE
So Says Evangelist in Forceful Address at West Side Christian Church

The greatest detective of the age, according to Evangelist Herbert Yeuell, is not William J. Burns or Robert Watson, but the conscience of man. This noted preacher addressed another large audience last night at West Side Christian church, Bush and DeWitt streets. He gave numerous illustrations in proof of his text, "Be sure thy sin will find thee out, appealing to the effect to fact and fiction, Bulwer Lytton's 'Eugene Aram' and Shakespeare's 'Macbeth' were used with telling power. Four persons responded to the gospel 'invitation."

BLUEJACKETS INVOLVED BY WOMAN STOWAWAY
Vallejo Police Arrest Companion of Sailors for Boisterous Conduct

VALLEJO, May 21.—A young woman giving the name of Olga Isile and her home as Los Angeles was arrested last evening on Georgia street wharf while attempting a crowd of bluejackets from the torpede boats in a rather ostentatious manner. She admits having come up from San Pedro as a stowaway on board the torpede boats and she declares her presence on board was known to most of the crew and some of the officers. She left the vessel at Santa Cruz, owing to the stormy weather and seasickness. When she came on up to the island she followed them. One seaman reported at the police station and offered to marry her on his next pay day, but she is still in prison.

CREATES BUREAU OF MINES
WASHINGTON, May 21.—The bill creating a bureau of mines passed the house today by a vote of 215 to 23. Western members speaking in favor of the measure were Englebright of California, Bartlett of Nevada, Howell of Utah, French of Idaho and Bonny of Colorado.

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MOUNTAINEERS CHARGE ON BRITISH BAYONETS
Mohmands Resist Expedition Under General Sir James Wilcocks in India

SIMLA, May 21.—The Mohmand mountaineers are offering a stout resistance to the British punitive expedition under the command of Major General Sir James Wilcocks. There was a severe fight at the Umr-Khillin. The Mohmands repeatedly charged up the British bayonets. Two British officers were killed and one was wounded, and a score of Sikh troopers were injured. The loss of the Mohmands were over 200.

FIVE CARS BLOWN UP WITH DYNAMITE

Cleveland Theater Goes Hurt in Explosion That Wrecks Coach

Crippled Boy May Die From Force of Bomb Which Shatters Car

CLEVELAND, O., May 21.—Two people were seriously injured and eight others shocked or slightly hurt before midnight when a Euclid avenue car eastward bound was blown up by a dynamite bomb at the corner of One Hundred and sixteenth street. The car had on board persons returning from the theaters. At the point where it was wrecked there were but 10 passengers left of a full quota taken on town town.

The explosion was terrific. It lifted the car from the rails and smashed the flooring and woodwork. Splinters and glass flew all directions. A squad of police stationed near by came to the rescue of the injured. The panic stricken passengers who were able fled from the scene. No arrests were made. At almost the same moment a car of the St. Clair street line was dynamited on Loan street. One wheel was blown off, but no one was injured.

A car on the East Tenth street line was blown up by dynamite early tonight and a few persons were injured. The conductor, one of the new men, whose name was not learned, ran away after the explosion and was not heard from again. The windows in all the houses in the neighborhood were broken.

A crippled boy named George I. Giel was sitting on the porch of his home, 100 and sixteenth street, at the explosion, and was thrown from his chair and sustained severe injuries. A physician who attended him said that a shock possibly would result fatally. Two other cars on the same line, two northbound, were damaged by explosions. No one was hurt.

MAE WOODS IN CELL IS DEFIANT
Continued from Page 1, Column 1

night it was said that Miss Wood's grand jury indictment was a witness. An indictment was found. At a late hour Miss Wood had not been able to furnish bail money in her case and was still locked up in the Tombs.

REPORTER IS WITNESS
Lawrence Hills, a reporter for a New York paper, was called as a witness today. He testified that he and Miss Wood in the latter part of October, 1903, when he went to the Manhattan hotel at 1 o'clock in the morning to interview her regarding the marriage of Senator Platt with Mrs. Janeway. Miss Wood according to the witness said she had no interview to give out, and that she had no interest in Senator Platt's case.

Frank H. Platt, the senator's son, followed Hills on the stand and told of having received a letter from the office of Howe & Hummel saying that they had been retained by a young lady to sue him. Hummel later told him he had been retained by Miss Wood to sue the senator for breach of promise of marriage. The letter from Hummel was written in New York, and the interview took place a day or so after the letter was received.

"He had some letters that were in the handwriting of my father, sets of proof of a paper and some photographic plates of the letters," Hills testified.

PAYS HUMMEL \$10,000
Platt said that his attorney, Delancey Nicoll, had previously agreed with Hummel to pay him \$10,000 for the release of the letters. The money was given to Nicoll, who turned it over to Hummel, who said, and asked him to return a signed release from Miss Wood.

Platt said he examined all the letters carefully before burning them in the grate of his office. He was then shown the typewritten letter beginning "my little girl," and asked if it was any such letter in the package. "There was not," was the reply. All the letters that Miss Wood alleged to have received from the senator, and as she averred, got by her from Hummel, were shown the witness and he declared there were no such letters received from Hummel. Platt said that none of the letters contained any names or addresses, and that Miss Wood is a member of the Nebraska bar.

CLEVELAND REMAINS IN SLEEPY STATE ALL DAY
Former President Shows Little Improvement, Despite Warmth of Weather

SPECIAL DISPATCH TO THE CALL
LAKEWOOD, N. J., May 21.—In spite of the sunshine and warmth today former President Cleveland's condition showed little improvement. The patient spent most of the day sleeping. The plan to move Cleveland to Princeton as soon as he had regained sufficient strength has been abandoned. He will remain at Lakewood, if removed at all this summer, will be taken to Tanworth, N. H., his summer home.

Dr. Lockwood, the stomach specialist, had a brief consultation with Dr. Bryant today. He will spend the night at Cleveland's bedside.

RESTORES THE APPETITE
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