

Ten mining maidens from Vancouver, B. C., who have been visiting the city, use their hammers vigorously in discussing the city and its people in

The Sunday Call

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SAN FRANCISCO, THURSDAY, SEPTEMBER 10, 1908.

PRICE FIVE CENTS.

THE SUNDAY CALL

GUARD'S BULLET ENDS THE LIFE OF A CONVICT

Mark Barrett Attacks Prisoner Miller and the Watchers

Fire

Fight Is Reported to Be a Ruse to Start General Break for Liberty

Shooting Causes Great Excitement Among Inmates of the Folsom Bastile

SPECIAL DISPATCH TO THE CALL
SACRAMENTO, Sept. 9.—The spirit of unrest among the convicts of the state prison at Folsom which has been apparent since the change in the head of the institution from the strong rule of former Warden Archibald Yell to that of Charles Reilly was brought to a head today, when Convict Mark Barrett engaged in a terrific fight with an aged convict named Miller, and was subsequently shot to death by Guards Flackenstein and Clark when he refused to halt.

It is generally believed that Barrett was trying to escape from the prison, but a bullet from the rifle of one of the guards brought him down before he proceeded far. Had he succeeded in breaking through the guard line, it would undoubtedly have been the signal for a wholesale attempt to break.

BARRETT BEATS MILLER

The trouble between Barrett and Miller began shortly before noon today. The two men have been at odds for some time, though no serious trouble between them was looked for. They were working in the sandpit when the quarrel started. Words were exchanged between them, which were not heard by the guards, and Barrett suddenly jumped upon Miller, who was much older than himself, and began beating him severely. Barrett knocked Miller down and would probably have killed him if Guard Clark, who witnessed the fight, had not fired several shots over his head, which so frightened him that he stopped.

CREATES EXCITEMENT

The affair created great excitement at the prison, both among the convicts and officials. It was the first time anything of the kind has occurred since Warden Reilly took charge.

The prisoners were immediately called in by the warden and locked up in their cells. All afternoon they kept up doleful mutterings back and forth in the prison, which seemed to forebode no good. The warden is more uneasy now than he has been since Warden Archibald Yell took charge five years ago. Many of them feel that the discipline of the prison is not so strict now as it was under Yell. They are anxious to test Reilly's ability and trouble is looked for at almost any time.

CORONER INVESTIGATES

Immediately after the shooting of Barrett today, Warden Reilly notified Coroner W. F. Gormley, who hastened to Folsom in an automobile to investigate the death. District Attorney E. S. Wachhorst, accompanied by a stenographer, also went to the prison to ascertain the facts concerning the shooting. Wachhorst took the statements of all the witnesses to the shooting. Coroner Gormley conducted an inquest over the remains of Barrett, and the jury found he came to his death from a gunshot wound inflicted by Guard Flackenstein in the discharge of his duty.

Barrett was known to the prison authorities as No. 6261. He was sent up from San Francisco several years ago for robbery. It is not believed that Miller's injuries are serious.

Guard Flackenstein, who is believed to have fired the fatal shot, also figured in the attempted break several years ago when a plot to escape had been planned by the convicts, but as soon as the first move was made, the guards, under Yell's orders, fired to kill, and put an end to the trouble before it had more than started.

AERONAUT AND LION FALL FROM BALLOON

Gas Bag Explodes and Man and Beast Have Narrow Escape From Death

SPECIAL DISPATCH TO THE CALL
NEW YORK, Sept. 9.—Falling from an exploded balloon with a lion, William Coby, 18 years old, struck the ground with the beast on his chest, after making an ascension from the ground county fair grounds this afternoon. Suspended from the balloon were two parachutes, a smaller one being suspended inside the larger one. Upon the straps of the latter Coby was wont to perform. The lion was fastened to the smaller parachute so that the animal was by the side of the man.

When the balloon had risen 50 feet it exploded and the two parachutes dropped to the ground without time to open. Coby fell on his back and the lion landed on top of him. Coby was picked up unconscious and taken to the infirmary in New Brighton. He lion appeared not to be injured by its fall.

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KING PETITIONED NOT TO ALLOW CATHOLIC PARADE

Protestant Societies Say Procession May Cause Rioting and Bloodshed

LONDON, Sept. 9.—A number of Protestant societies which recently petitioned King Edward not to receive Cardinal Vincent Vannutelli, president of the nineteenth annual eucharistic congress, which convenes in Westminster cathedral tonight, have gone further and telegraphed his majesty at Windsor, requesting him to ask the home office to forbid the procession of Catholic societies to be held Sunday in honor of the blessed sacrament, on the ground it likely would cause rioting and even bloodshed.

His majesty ignored the former communication from the societies, and it is not likely he will answer this one. The Protestant alliance is an unimportant body and its predictions of trouble are not likely to be fulfilled unless the members themselves create the disturbance.

THOMAS MASQUERADING IN EASTERN HOSPITAL

Broker Is Recovering Slowly From Injuries Received in Auto Accident

SPECIAL DISPATCH TO THE CALL
NEW YORK, Sept. 9.—The Roosevelt hospital authorities today broke the strange silence regarding the condition of E. R. Thomas, broker, horseman and autist, who was injured in an auto accident at Long Branch, August 14, by officially announcing that he would be on his feet in two weeks.

No operation other than a particularly delicate surgical one in removing splinters from a shattered kneecap has been performed on the patient, who is known as Jenkins. According to Dr. Darrach, Thomas should be able to have the use of both legs within a fortnight, provided no complications ensue.

BOYS AT PLAY ARE MANGLED BY AUTO

One Killed, Two Injured While Running Joyously in the Streets of New Brighton

SPECIAL DISPATCH TO THE CALL
NEW YORK, Sept. 9.—As four little boys playing "fire horses" sped across Brook street, New Brighton, S. I., today, running wildly and joyously in the imitation of an engine on its way to a fire, a heavy automobile ran into three of them and turned their play into tragedy. One was picked up dead and the two others were found to be badly injured.

When the three little fellows, the eldest of whom was only six, were scattered in the dust of the road, limp and seemingly lifeless, the auto was brought instantly to a stop. Then Richard Agar, a wealthy importer of Manhattan, whose car it was, jumped out with two companions, and lifting the boys into the machine hurried to the Smith infirmary a block away.

Three of the boys were William Henry Schumacher, five years old, who was killed; Jack Perrine, six, and Elmer Meyer, five, who were injured. The name of the fourth had not been learned. Perrine and Meyer, though badly hurt, may recover.

WAR DEPARTMENT DECLINES TO ACCEPT RESIGNATION OF ACCUSED CAPTAIN

Army Officer Charged With Taking Funds to Stand Second Court Martial

WASHINGTON, Sept. 9.—Captain Solomon Avery Jr., post ordnance officer at the San Francisco Presidio, who is to face trial before a court martial tomorrow morning on a charge of having misappropriated funds of the Tenth company, coast artillery, has had refused by the war department the resignation which he tendered by telegraph a few days ago.

It was stated here today on high authority that the verdict of the court martial which tried him last week on a charge of misappropriating club funds amounted to a complete whitewash, and that as soon as the result became known Avery wired his offer of resignation from the army. Avery's telegrams are said to have expressed his desire to have the resignation become effective at once.

Despite the verdict of "not guilty" given by the first court, new charges had already been brought against Avery, and his offer of resignation was met with a quick and positive refusal by the war department. No official announcement has been made of the verdict of the court martial which tried him on the charge of having, as treasurer of the officers' club of the San Francisco Presidio, misappropriated club funds, but the verdict clearing him of the charge became known to Avery and his attempt to resign followed at once.

The new charge on which Avery is to be tried is of more serious nature than the first, as it alleges misappropriation of official funds, and if proved will result in a heavy penalty. Had Avery succeeded in securing his discharge before the second accusation was filed and the second court convened it would effectually have prevented any further action by the war department.

Captain Avery's alleged misdeeds have created as much interest in army circles throughout the country as any army scandal that has occurred on the Pacific coast in recent years. He is widely known among army officials and has always occupied a high social position, whereof he is justly proud, being a man of education and refinement and a soldier who has commanded the respect and esteem of his commanding officers by his ability.

The second charge preferred against Captain Avery has come as a shock to his many friends, who believed that the matter would end with the culmination of the first court martial.

SLAYER, HUNTED BY 2,000 MEN DRINKS POISON

Accused of Being a Burglar, Los Angeles Waiter Draws Pistol and Shoots

Captain of Police Aule Grapples With Man and Is Killed

Fleeing Murderer Is Traced to the Suburbs and When Cornered Ends His Life

SPECIAL DISPATCH TO THE CALL
LOS ANGELES, Sept. 9.—Hunted down by 2,000 men, Carl Sutherland, a socialist, who murdered Captain Walter H. Aule of the Los Angeles police department, this morning, committed suicide by drinking cyanide of potassium tonight when facing the guns of the police.

On a lonely road on the outskirts of the city the last act of the grim tragedy was played, and the officers carried a dead body into the central police station.

Captain Aule and Captain Paul Flammer learned that Carl Sutherland

and his partner, Fred Horning, were planning to rob two mansions in Los Angeles. After securing evidence against the men the officers approached them at Ninth street and Grand avenue this morning.

Horning put up a desperate fight against Flammer, who overpowered his man after fighting him into the doorway of a small shack. With Aule it was different. Having fled the firing pins from revolvers found in the burglar's room Captain Aule did not draw his revolver as he placed Sutherland under arrest.

Dropping a package he carried the desperado whipped out a new pistol from between the waistband of his trousers and his shirt and fired, hitting Aule in the neck.

Struggling for possession of the gun the men rolled over and over on a vacant lot at that corner. A second shot from Sutherland's gun struck Aule on the breastbone. The third tore into the officer's abdomen. In a last desperate effort to get his man Aule forced the gun to one side and it exploded, sending a bullet into Sutherland's arm just above the wrist.

At the sound of the shooting Captain Flammer dragged his man to the street, where he pinioned him down and tried to shoot the murderer, then a block distant.

Help arrived some moments later. Captain Aule was sent to the receiving hospital, where he was operated upon. He died during the afternoon. Two thousand men turned out to take up the chase for the murderer. Of this number about 600 were officers.

The chase was the greatest man hunt in the history of the southwest.

Cattlemen on horseback, armed with Winchester, took up guard on the roads leading from the city. Hundreds of officers in automobiles searched every house and basement within a radius of several blocks of the shooting. Bloodhounds were put on the trail and followed it to where Sutherland boarded a car for the outskirts.

Wanted on a murder charge in Montana, the desperado man had carried the small vial of deadly poison about with him for more than a year. He had darted to his room following the murder, secured a box of cartridges and changed his coat and hat and then made a dash for freedom, putting a glove over his left hand to hide his wound.

HID IN THE BRUSH

The mounted officers on guard on the country roads prevented his leaving. He was turned back a dozen times, sneaking off in the brush, by their rifles. Shortly after dark he started down a lonely county road leading to the home of his sweetheart. His revolver hung loose in his right hand, while in the crippled left he carried the small bottle of poison.

Sergeant Benedict and Patrolmen Smith and Merdin, who had been hiding in the brush watching the road, arose, leveling their shotguns at the approaching figure.

At the command to halt, Sutherland threw his revolver to the road and slowly raised a box of cartridges and slowly to his mouth, drank the poison and headed toward the city, but a dozen dead before he had gone a dropped step.

P. N. Lilienthal, Financier and Philanthropist, Killed

Philip N. Lilienthal Is Thrown From Car While Riding With Two Friends

Frightened Horse Jumps on Machine and Shaft of Cart Breaks Banker's Ribs

Guests of Victim Declare Chauffeur Attempted in Vain to Avoid Accident

Police Seek Driver of Animal and Vehicle That Carried Three Persons

Philip N. Lilienthal, one of the most prominent of San Francisco's financiers, clubmen and philanthropists, met almost instant death yesterday afternoon in Mission street near Richland avenue, when a frightened horse reared against the side of his automobile, plunged a heavy shaft into his side and hurled him from the fast moving machine.

The tragedy that ended the life of a man whose name has been woven into the later years of the city's history and its up-building since the fire came almost at the end of a pleasure trip on which Lilienthal had been the host of two prominent Russian visitors, Gregory Wilenkin and Ignace Warschawsky. Wilenkin is a member of the Russian embassy at Tokyo, with whom Lilienthal became acquainted while he was acting as financial agent for Russia in Washington several years ago, and Warschawsky is connected with the department of commerce at St. Petersburg. They are en route from the orient to Russia and arrived in the city from Portland on Wednesday evening.

With his two guests and his chauffeur, C. W. Chalfant, Lilienthal had spent the early hours of the day touring the peninsula, and was returning to San Francisco when the accident occurred. It was near the junction of Richland avenue that the tragedy was enacted, and so suddenly did it happen that those who were in the machine with Lilienthal were able only to give the most disconnected account of the fatal accident.

DRIVER'S NAME UNKNOWN

A man whose identity is unknown was driving west in Mission street in a heavy cart with two others when the machine approached, and as Chalfant swung the automobile to one side the horse suddenly reared, became unmanageable and hurled itself upon the machine. The blunt shaft of the cart was thrown upward as the animal lunged, and as Lilienthal raised himself in his seat in an effort to avoid the blow it struck him full in the left side, hurling him over the high back of the tonneau and behind the machine into the roadway a dozen feet away.

The automobile was brought quickly to a stop. Lilienthal's guests jumped out and rushed to his assistance, but little aid could be given him. The blow had disconnected seven ribs on his left side, sending the splinters into heart and lungs. He was picked up unconscious, lifted into the tonneau and the machine was sent forward at full speed to St. Luke's hospital at Twenty-eighth and Valencia streets.

Dr. G. H. Runckel made a hurried examination, but the injuries of the victim were so severe that he died within five minutes, having become only semiconscious in the meantime.

So little time was spent at the scene of the accident that the name of the driver of the horse which collided with the automobile was not recalled.

HORSE BEYOND CONTROL

Detectives Murphy and Gaughran were sent out to investigate the case as soon as the details were telephoned to police headquarters, and their report last night bore out the statements of Lilienthal's companions that the accident was unavoidable. The automobile was not going at very high rate of speed and all eye witnesses of the fatality agree that it was beyond control of its driver. Detectives Gallagher and Mottice were sent to the seat in front of the latter. The party had visited several parts of the peninsula during the morning, stopping at the Peninsula hotel for luncheon and for a few minutes at the Fourteen mile house on the way to the city.

Shortly after death at St. Luke's hospital the body was removed to the undertaking parlors of Halsted & Co., in Fillmore street, and about 7:30 o'clock,

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HURLED TO HIS DEATH FROM AUTO

Philip N. Lilienthal and view of the scene where he was hurled from his auto by blow from shaft of cart

Fiesta at Monterey Is Notable Event

Big Program Marks Observance of Fifty-eighth Anniversary of California's Admission

By Arthur L. Price

MONTEREY, Sept. 9.—Native Sons and Daughters of the Golden West were today where the commonwealth of California was conceived and born. Attired in the freshest and whitest of suits and frocks they marched past historic monuments of the early days of their state. Then, at the literary exercises held in Colton hall, the birth chamber of state, they were urged by Judge John F. Davis, Excelsior parlor, orator of the day, to dedicate themselves to the collection, preservation and diffusion of the historic lore of the state. The annual birthday frolic of the natives was an instructive as well as a gleeful celebration.

Other Admission day celebrations may have drawn more native sons and daughters and, have, been the occasion of more lavish pageants, but none ever was set in such an appropriate theater. Less than 2,000 natives were in line, and the parade could pass the proverbial given point in less than an hour, but, considering the points that were passed, the observance of the fifty-eighth anniversary of the admission of California into the union was the most notable in the history of the state.

HAVE GOOD TIME

Every man and woman in the two local California orders enjoyed himself or herself here. The parade and literary exercises were but incidents in the succession of entertainments, picnics and balls with which the day was honored. Tonight the Hotel del Monte is filled with dancers. The streets of Monterey have not been quiet of the roll of drums for 24 hours. Monterey was filled with San Francisco members of the orders last night and many of the sons did not go to bed at all, finding it more diverting to parade with fire and drum than to look for lodgings.

Under the Mexican regime Monterey was over a center of festa and the heritage has been proved.

The parade today did not start until the arrival of the train from San Francisco at noon.

The divisions formed near the station. Town Marshal Noon and two local policemen, mounted, led. Then came 32 San Francisco policemen, led by Lieutenant Wright and Sergeant Birdall.

Many of the patrolmen wore Native

Son badges beneath their stars. A battalion of the Twentieth United States Infantry from the Monterey Presidio, headed by a band, marched before the Native Sons, who were led by Grand Marshal Louis E. Erb and the following aids: Chief of Staff George S. Gould Jr., Chief Aid Ross Sargent.

OFFICERS IN LINE

Aids to Grand Marshal John M. Lettich, James Nolan, Bert Bartholdi, A. J. Scalmanini, Henry Joost, J. E. Webster, Charles F. Corrigan, William P. Calby, J. J. Dignan, Dr. H. H. Keen, Frank P. Osborn, E. Porter, Joseph Cereghino, A. Nonneman, J. Burns.

Grand officers N. S. G. W. and N. D. G. W.; speakers of the day: pioneers of Monterey, led by J. R. Hebborn.

In carriages rode the following grand officers of the Native Sons of the Golden West: First carriage, Grand President C. M. Belshaw, Grand Inside Sentinel J. E. Fitzgerald; second carriage, Grand First Vice President Joseph R. Knowland, Grand Outside Sentinel R. G. Lawson; in tallies coach, Past Grand Presidents L. F. Byington, Frank Mattison, Thomas Flint Jr., John Grady, Grand Secretary C. H. Turner, Grand Trustees W. D. Hynes, Fletcher A. Cutler, J. J. Griffin, Orator of the Day John H. Davis.

A second tallyho carried the following grand officers of the N. D. G. W.: Grand Marshal Mrs. Anna F. Lacy, Grand Outside Sentinel Mrs. Joseph Barboni, Chairman of the Board of Grand Trustees Mrs. Jennie Jordan, Mayor Will Jacks of Monterey and the board of trustees rode together.

PIONEERS ARE FEATURE

A feature of the parade was the presence in line of men who were in their prime when Monterey was a husky capital of a new state. They were John

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PHOTOGRAPH OF PHILIP N. LILIENTHAL

Philip N. Lilienthal and view of the scene where he was hurled from his auto by blow from shaft of cart

Frightened Horse Jumps on Machine and Shaft of Cart Breaks Banker's Ribs

Guests of Victim Declare Chauffeur Attempted in Vain to Avoid Accident

Police Seek Driver of Animal and Vehicle That Carried Three Persons

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