

ANGRY AT ONEYS SHOUT AT THEAS

Heny and Ach Engage in a Protracted Interchange of Denunciation

Stormy Scene During Ruel Trial Over Witness Challenged for Unfitness

In vociferous denunciations of each other and of each other's methods and motives, Assistant District Attorney Heny and Henry Ach of Ruel's counsel reached the climax yesterday of all the outbursts of feeling between them that have so liberally besprinkled the record of the present Ruel trial.

The clash was not confined, as usual, to a short interchange of sharp personalities or to a single sneer or bitter word, but ranged through two fervid speeches growing out of an argument over a point of practice. For half an hour, almost without interruption, the two attorneys thundered as they might in arguing to a jury, and the question that brought it all about was one concerned with the nature of qualifications which make a man fit or unfit for jury duty.

The eligibility of Charles H. Harrington, a manufacturer, to serve as a juror was the point at issue. Ach passed the man without challenge, but Heny challenged on the ground of general unfitness, and the clash occurred.

Harrington had declared himself so little interested in civic matters as practically not to care whether a sound or a thoroughly rotten administration was in power. Though he has lived in this city for several years he declared that he scarcely ever read a paper, that the graft prosecution was absolutely without interest for him, that he had never discussed it or thought of it and that he knew absolutely nothing about it.

Ach became violent. Heny asked the juror if he had no interest in the enforcement of the laws and whether he did not believe that the maintenance of an honest government was any of his business. Ach entered violent protests and exceptions, charging Heny with insulting the juror.

Heny replied that he did not consider a man so lacking in the elements of good citizenship a fit person to try a case. Ach's reply was to propound questions to the juror that caused Judge Lawlor to Evolve into an examination was "most extraordinary." The speeches followed, in the line of argument intended on the one hand to convince the court that a juror's lack of interest in municipal affairs did not serve as a ground of disqualification, and, on the other hand, to show that his admissions had debarred him from consideration. The challenge was finally submitted and taken under consideration until this morning.

One additional juror was passed yesterday without challenge, and there is only one vacancy now in the jury box. George H. Cross of 2281 Market street, manager of the Grand Central hotel, was the single takerman who proved satisfactory to both sides. He declared that his only opinion was one which he could set aside and disregard in listening to the evidence in the case.

Heny stated last night that he had considerable evidence in his possession which would prompt him to reopen the examination of Cross, thus laying the foundation for a possible challenge.

The expected order of court reserving a portion of the courtroom for the exclusive use of takersman was made just prior to the noon recess yesterday and came about in a sensational manner. Heny opened the way by calling the court's attention to the fact that Ruel "shook" seats among the takersman, the takersman and conversing in their hearing. Ach jumped to his feet, declaring that he did not know a single man in the employ of the defense who was in the room.

HENY'S ACCUSATION "They may not be in your employ," sneered Heny, "but they are doing the work, and I can prove it."

Ach answered by declaring that agents acting under instructions of Special Agent Burns were in the body of the courtroom, and received the "shook" seats. Heny turned to point out a man named Cook, an agent of the defense, who had been seated among the jurors, but he was too late. At the first remark on the subject Cook had jumped to his feet and rushed out of the room. Ach said he didn't know the man, and Heny answered that he had been hired by Ruel's latest legal acquisition, Attorney Kirk.

Ruel remained silent, while Ach blustered and said he "would see about it." The matter was not reopened at the afternoon session, but the result was that several rows of seats were ordered reserved for reserving practical seats for spectators.

That the trial will be held in some hall or theater instead of in the present stuffy and noisy courtroom is practically assured. The communications sent by Judge Lawlor to the board of supervisors asking for better quarters was answered yesterday in a letter to Judge Lawlor from the board. The letter contained the statement that the board had investigated and ordered that double windows be put in the courtroom and that two ventilators be placed in the ceiling.

"While the board is experimenting I shall instruct the sheriff to look up more suitable quarters," was the comment made by Judge Lawlor in an open court after reading the letter. Under the authority vested in him by statute, he did make such an order and let it be understood that if a suitable place is found he will ignore the action of the supervisors and move the court. The Colonial theater, in McAllister street, and the Victory theater, in Sutter street, near Fillmore, are two that have been suggested for possible use.

MORTGAGE BOND OF RAILROAD IS FILED

Western Pacific Records Issue of Securities to the Amount of \$25,000,000

The mortgage bond of the Western Pacific railway company to cover a \$25,000,000 bond issue, underwritten by the Central trust company of New York, was filed at the county recorder's office yesterday as well as in 24 other county offices of the states through which the Salt Lake and San Francisco section of the road runs. The bonds are for a period of 44 years and bear interest at the rate of 6 per cent.

The issue is in the amount of \$50,000,000 50 year issue, also at 5 per cent, which was made by the Bowling Green trust company on September 1, 1905. The money realized from this issue, as from the former one, is to be used in the construction of the road.

Long Program Is Promised at Smyth Testimonial Show



Upper row—Ferris Hartman (left) and Robert Warwick. Lower—Judge John Hunt (left) and Arthur Cunningham.

FRIENDS OF WRITER TO ASSIST FAMILY

Theatrical Managers and Dramatic Critics Promise Unequaled Performance

When the curtain of the Princess theater goes up tomorrow afternoon at 2 o'clock one of the largest crowds that has ever attended a performance of its kind is expected to be present at the testimonial show, tendered to the mother and sister of the late Robert A. Smyth. The advance sale of tickets has been heavy and the many friends of the departed sporting writer have come forward liberally. The program is one of the best that a San Francisco audience has ever been called to gaze upon and there will be something on the bill that will appeal to every one.

The theatrical managers and dramatic critics of the program announce that they will offer a continuous performance the like of which has never been seen in this city. After an overture by a picked orchestra of 20 men donated by the musicians' union and under the direction of Genaro Saldierna, Ernest Howell's players from the Central theater will present the first act of that stirring melodrama "The King and Queen of Gamblers."

JUDGE HUNT TO SPEAK

Judge John Hunt will then make a few brief remarks about the deceased writer and Arthur Cunningham will sing some Irish songs. Will Walling, Ernest Glendenning and Evelyn Vaughn from the Alcazar, will present an intensely interesting sketch, Martin V. Merie, entitled "A Man," and Bobby Barry and Elsie Herbert, stars of "A Knight for a Day" at the American, will do a stunt entitled "What Fools We Mortals Be."

Dustin Farnum, the distinguished actor from the Grand Central, will surprise and Redford and Winchester, the comedy jugglers from the Orpheum, will set the audience in a scream of laughter. Noe J. la Vigne, the eminent bayonette, will give a couple of selections, and Robert Warwick, William Kershaw and 22 players from the Valencia theater will present the third act of "Graustark."

Ferris Hartman and a lot of pretty girls in fancy costumes, the deceased writer and Arthur Cunningham will sing some Irish songs. "Bud Fisher," the well known cartoonist, will draw a picture, "A Man" in full view of the audience, and "The Cook Lady," a hilarious sketch by Sedley Brown, will conclude the performance.

BOXING SHOW NEXT WEEK

Entries for the mammoth boxing show to be held in Dreamland pavilion next Tuesday evening at a testimonial to Smyth's memory are fast piling up. Already nearly all the crack boxers at every weight, ranging from the bantam division to the heavyweight class have sent in their names to the boxing committee at the Olympic club and as the entry list will close on Friday evening it is expected that there will be a great rush of talent during the next few days. The following prominent boxers have entered thus far: 115 pound class—J. Goldberg and Eddie Camp, unattached. 125 pound class—Eddie Lewis and George Cooper, North End club; Otto Bodecker and Eddie Dennis, coast champion, both of Olympic club. 135 pound class—Fred Ireland and William Schultz, unattached. 145 pound class—William Osberg and M. Goldberg, unattached. 155 pound class—Joe Niederat, Olympic club.

WHILE GRAND JURY HEARS TESTIMONY PROPERTY OWNER ALLEGES EMBEZZLEMENT

While the grand jury sat in session yesterday afternoon examining witnesses in the case of Clyde P. McLeod, the Mission real estate agent, no action was taken in the matter, and when adjournment came Assistant District Attorney Robert W. Harrison said that the same inquisition would be continued next Tuesday. A new phase of the case developed in the afternoon of the jury when C. P. Henderson of 908 Broadway charged the McLeod firm with embezzlement.

C. P. Henderson Says Firm Kept Money Collected as House Rent

Henderson would make no direct accusation against either McLeod, who was president and manager of the corporation, Arthur W. Perry, attorney for McLeod, or Miss Clarence W. Morgenstern, vice president and assistant manager, but said that through his dealings with the company he lost \$180, collected for him by the McLeod company, his agent, for the rent of a dwelling at 343 Capp street. The rent was paid during four and a half months, from July to October, 1907, by Mrs. Sterns, his tenant, to the collector of the company. Henderson said that he went to the office of the firm and the collections were to have been deposited to his credit in the Mission branch of the California safe deposit and trust company. He returned to the city just in time to reach the bank before it was closed, and says he found that nothing had been put there by the firm.

The particular case under investigation yesterday was the charge brought by John Butler of 612 Precita avenue. Butler purchased property at Army and Bryant street from Mrs. Flora Jones through the agency of the McLeod company. He claims that he paid \$2,000 to A. W. Perry, secretary of the company. Mrs. Jones said that she received only \$950 from McLeod in the deal, and Butler had to make up the difference a second time. Perry says that he took the money merely as a clerk in the office, and insists that if there was embezzlement it was committed by McLeod.

Witnesses in the case called yesterday were Perry, Morgenstern, Mrs. Charles Rehm, formerly book keeper for McLeod, and Miss Clarence W. Morgenstern, who was stenographer; H. M. A. Miller, agent for Mrs. Jones, and Max Ladar. After the break up of the McLeod company McLeod went to Los Angeles. He was returned to this city on a warrant secured by Perry and Morgenstern, charging dishonesty in connection with the sale of the firm's automobile. The case was dismissed in the police court. McLeod is in business in this city.

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TAIT PLANS TO LOCATE IN ELLIS STREET SOON

Settles on New Hotel Built by Keating Estate as Home for Restaurant

John Tait, the restaurateur, who has been located in as many different places as there are days in the week during the last month, has finally settled on the hotel which will be opened in charge of the program and immediately shut off an attempt to submit the question to a referendum vote of all the members of the chamber. McNab was satisfied with the forces that had been mustered, and presented a motion that the act and asked that the question be referred to the entire membership of the chamber for ballot. Captain I. E. Thayer moved for a postal card vote, and Fairfax Wheelan spoke in favor of the measure, but McNab stopped further discussion by obtaining an endorsement of the action of the trustees.

A trip about the bay for the members was announced yesterday for Saturday afternoon, October 21. An excursion to Los Angeles has been arranged for the latter part of next month. Riverside, Santa Barbara and the Santa Maria oil fields will be included in the southern trip. Alaska and South American trade are to be the principal subjects to be taken up in the near future by the chamber. The Washington bureau will be reopened next month and will handle all matters connected with the government.

WANT CITY WATER SYSTEM

SONORA, Oct. 20.—A mass meeting was held in this city last night to talk over ways and means for securing municipal ownership of the water system for the fighting purposes exclusively. The matter will be passed up as a bonding proposition. William Harrington was president and T. F. Knowles secretary of the organization.

DRIVER NARROWLY ESCAPES INJURY, HORSE IS KNOCKED DOWN AND TIRE BURNED

A tangle of trolley wires of the United Railroads broke at Twenty-second and Mission streets and upon one of the carriages in a funeral procession at 2:30 yesterday afternoon. The wires fell on one of the horses and caused the animal down, but did not kill it.

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The procession was on its way to the balance cemetery in the body of John de Martini when the accident occurred. F. Barbary, the driver of the carriage, escaped injury, and the only actual damage was the burning of a tire of the carriage.

SUSTAIN BULGER AND BOLLES

The decision of John K. Bulger and O. H. Bolles, the local inspectors of hulls and boilers, in the case of Ole Hansen, master of the steamer Aberdeen, in suspending his license for 30 days, was sustained by Supervising Inspector John Birmingham yesterday. Captain Hansen had his steamer on a ledge in the entrance to Humboldt bay August 22, during a fog. The local board decided that Hansen had negligently and unskillfully handled his vessel.

ACCUSES MAN OF CHEATING HIM

Jacobson, 2805 Twenty-third street, obtained a warrant yesterday for the arrest of Carl E. Lunn on a charge of obtaining money by false pretense. It is alleged that Lunn collected \$50 from Jacobson on October 5 by representing that he was an agent of the California suburban land company.

WOMEN LISTEN TO LECTURE ON TRADE

John P. Irish Entertains Outdoor Art Club With Talk on Merchant Marine

Interesting Musical Program Is Rendered by Members of the Organization

A lecture on "Our Oriental Trade" by John P. Irish formed the chief feature of the meeting yesterday afternoon of the Outdoor Art League of the California club. The afternoon's program was opened by the reading of the report of the irrigation congress by Mrs. Lovell White. Mrs. J. Ruyter then sang "A Woodland Madrigal" by Batten, and Miss Elsie Davis followed it with two piano solos. Irish's lecture gave a very comprehensive view of the necessity of an increase in our merchant marine and advocated following the example of China and Japan in the matter. He also spoke of the impossibility, owing to the unions, of having boys learn trades, foreign labor being always given the preference and the laws of the unions barring boys from being apprenticed to a trade.

A letter was sent to Senator W. Price to have him use his influence to have the government buy a large grove of redwoods near the Bohemian grove. This property is now being offered for a national park by Mr. Le Baron, who recently purchased it. On the 31st of this month there will be a reception to Mrs. Isabel Strong and Mrs. Frank Norris, who will shortly go to Santa Barbara. It was announced that 600,000 trees are to be planted on Angel Island, Fort Baker and other places across the bay—an end to which the Outdoor Art League of this club has been working for many years. Mrs. Ruyter sang another charming song, after which tea was served.

The Caelmon club met yesterday afternoon for its regular social, when a very delightful program was rendered. Mrs. George Faulkner, accompanied by Mrs. John V. Shank, sang two songs. Miss Grace Bernard's talk, a "New Program for Women," advocated that all young women should learn the modern kindergarten work. A piano solo by Mrs. John V. Shank closed the program.

The Caelmon club met yesterday afternoon at the residence of Mrs. J. M. Driscoll, Broadway and Gough street, to listen to a lecture on "Macheth." The Rev. Francis Harvey, professor of literature at St. Patrick's seminary, was the speaker of the afternoon. The meeting was presided over by Mrs. Eleanor Martin.

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CALIFORNIANS WILL PAY TAXES ON TWO BILLION

Prosperity of the State Is Shown in Figures Prepared by Controller

Californians will pay taxes this year on about \$2,000,000,000 worth of property. The real value is far greater than the sum named, but for assessment purposes it is placed at \$1,991,511,229. The state levy of 40 cents will go into the treasury at Sacramento, while the amount fixed by the various counties ranges from \$1.05 for Yolo and Shasta to \$2.25 for Ventura.

The assessment is divided as follows: Real estate, \$1,116,288,440; improvements, \$431,754,444; personal property, \$275,458,744; money and solvent credits, \$54,288,419; railroads, \$116,898,162. The figures are contained in the table prepared by the state controller. The total indebtedness of the counties is placed at \$7,695,315.69.

GIRL MUST STAY IN JAIL

The petition of Ethel Mary Southwood for a writ of habeas corpus directed against the immigration officials was denied by Judge Van Fleet yesterday in the county jail. The girl, who is being held as a witness against Jessie Hayman, who was arrested after the Southwood girl was taken from her house by immigration inspectors.

CAPTAIN D. W. KETCHAM PROMOTED TO MAJORSHIP

Officer Is Highly Regarded at the Presidio, Where He Is Stationed

Captain Daniel W. Ketcham, adjutant to Colonel Lundstedt, received his commission from the war department yesterday advancing him to major. This advancement was caused by the promotion of Colonel William F. Stewart. Captain Ketcham was No. 1 in lineal rank of the Coast Artillery corps.

TROLLEY WIRES FALL ON FUNERAL PROCESSION

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Well Known Artists on Benefit Program



Fay Carranza (Terkelson & Henry, photo) Doro Ronco

COLLEGE BENEFIT PLANS COMPLETE

Big Program to Be Given in Dreamland Rink for St. Mary's Alumni

All arrangements have been completed for the benefit entertainment to be given for St. Mary's college alumni in Dreamland rink, Steiner and Sutter streets, tomorrow night. Among the many artists who have volunteered their services are Miss Doro Ronco, the Gypsy violinist; Miss Fay Carranza, the singer, and Signor Joaquin S. Warrall.

Among the graduates of St. Mary's college to contribute to the entertainment is George W. Poutney. Since his graduation Poutney has been identified with operatic work. The program as a whole contains many good features. The committee in charge consists of Judge T. J. Lennon, Judge B. Flood and Joseph F. Coffey. The entertainment will be of interest from a social as well as from an artistic viewpoint. Many prominent women on both sides of the bay have undertaken to make the affair a success. Among the women interested in the entertainment are:

Mrs. Eleanor Martin Mrs. Patrick F. Dundon Mrs. J. M. Driscoll Mrs. Frank J. Sullivan Mrs. Della Caserly Mrs. T. W. Rivers Mrs. Della Carvill Mrs. Estelle Young Mrs. Donner Harvey Mrs. Thomas Lundy

CHICAGO GAINS VOTE CHICAGO, Oct. 20.—The revised registration figures were completed last night. They show a total of 411,129 residents of Chicago and Celeris, entitled to vote two weeks from today, a gain of 1,093 over the last presidential election. It is the heaviest registration the city ever knew.

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LASTING POPULARITY CAN ONLY BE GAINED THROUGH INTRINSIC MERIT

HUNTER WHISKEY

WON THE CONFIDENCE AND APPROBATION OF THE PUBLIC MORE THAN 50 YEARS AGO AND THE STEADILY INCREASING DEMAND FOR IT PROVES IT IN EVERY WAY WORTHY AND WELL QUALIFIED

HENRY CAMPE & CO. Inc. Distributors for California and Nevada, San Francisco, Cal.

'POLITE CATALOGUE' GUIDES JAPANESE

Governor of Kanagawa Issues List of Rules for Courteous Treatment of Foreigners

Punctilious Official Provides Even for Occidental "Spoonsness" in Thesis

If some noble Japanese were to do honor to his country by erecting in the bay of Yokohama a statue of "Politeness Enlightening the World," he should not choose for his model a Nippon maiden holding a flaming torch, but rather should he post on an eminent pedestal a heroic figure of the governor of Kanagawa prefecture waving above his head the most typical document of his gubernatorial career, a long thesis entitled "The Treatment of Foreigners."

Through the medium of the Japanese Weekly Gazette, an English paper, the rules which the punctilious governor of Kanagawa has drawn up for the guidance of his subjects have reached this city. They are thorough and cover nearly every phase of social contact. They are better than the rules of the book of "Don't," which are so popular in certain formal circles of society. They direct that shop keepers should not charge foreigners too much for goods and warn: "That the notion shall be destroyed that a foreigner pays as much as demanded."

But that rule is merely a question of commercial expediency. Except for the catalogue of the governor of Kanagawa show that deeper issues are touched. For instance, one of the early cautions, the inverse of the axiom "Love me, love my dog," reads: "That another dog shall not be set on attacks or stones thrown at dogs accompanying foreigners."

Occidental "spoonsness" must be tolerated, for the rules say: "That due recognition must be given to the fact that it is the custom with foreigners that a married couple walk hand in hand."

The polite catalogue continues: "That as foreigners are very anxious about the avoidance of cruelty to animals, care shall be taken to treat animals kindly."

"That impediments shall not be given to the foreigners at play or on bicycles by arraying many children in the streets."

"That it shall be borne in mind that the foreigner is disgusted with the habit of spitting anywhere and of scattering about the skins of fruits and cigarette ends in the train or on ship."

"That those who are learning foreign languages shall not try unnecessary talk with foreigners for the mere purpose of practicing their tongue."

"That the age of a foreigner shall not be asked unless some special necessity demands it."

"The clever governor does not distinguish foreign women in the application of that rule."

"That when cleaning the teeth or the nostrils in the presence of a foreigner handkerchiefs should be used."

"That whether within or outside the room, legs and thighs shall not be exposed in the presence of a foreigner, and at the same time care shall be taken not to look at the nude body of a foreigner when he takes a bath or changes his dress."

"That it shall be understood that when a foreigner looks at his watch he suggests that he has some urgent engagement."

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