

JURY SECURED FOR THE TRIAL OF F. J. MURPHY

Frank Chalmers, a Hardware Salesman, Is Accepted as the Twelfth Man

Last Juror Agreeable to Both Sides, Although Not on Assessment Roll

Prosecution in Attempted Bribery Case Will Make Statement This Morning

Jurors Who Will Try F. J. Murphy

- J. T. Gilmartin, stationer, 2659 Van Ness avenue. George A. Brown, real estate, 751 Clay street. Thomas Elam, contractor, Builders' exchange. P. B. Bernard, wineman, 2213 O'Farrell street. James Ryan, liquor dealer, 3623 Nineteenth street. John H. Curley, retired tailor, 1652 Fell street. William A. Tyrell, builder, 522 Fifth avenue. Frederick Heitmeyer, builder, 2716 Bush street. William Fahey, retired hotelman, 1528 Haight street. George A. Bell, public accountant, 1372 Pacific avenue. J. R. Leese, mining man, 233 Lake street. Frank Chalmers, hardware salesman, 521 Fillmore street.

The jury which will try Frank J. Murphy, the former Reef attorney, indicted for the attempted bribery of John Martin Kelly while he was a prospective Reef juror, was secured yesterday afternoon in Judge Murasky's court when Frank Chalmers, a young hardware salesman employed in Bristol & Co.'s store in Market street qualified. This morning the opening statement of counsel will be made to the jury.

Chalmers was selected after six salesmen were examined, but in each instance they were excused because their names did not appear on the assessment roll. Although Chalmers announced that his name did not appear on the roll he was satisfactory to both sides. He had read the confession of E. A. S. Blake implicating Murphy and Newburgh, but had formed no opinion as to the guilt or innocence of the lawyers.

Attorney Ferrall intimated the course the defense would pursue in the trial when he asked Chalmers the following question: "Suppose it should develop that Mr. Murphy asked Mr. Blake about a man named Kelly to draw out information as to Kelly's character, and that Mr. Murphy had no illegal motive. Would that prejudice you in returning a verdict?"

Chalmers said that it would not. When court convened at 2:30 yesterday afternoon 11 men were in the jury box. From a special venire six men were called, but all were excused because of the absence of their names from the assessment roll. These men were James J. Needham, waiter, 450 Eighth avenue; J. Phillips, 423 Howard street; I. H. Frank, 111 Drumm street; C. J. Edgar, Thirteenth and Howard streets; Adolph Bachman, 1594 Hayes street, and A. Holm, 158 Shrader street.

Departing somewhat from the conventional form of admonition Judge Murasky told the jury that they would not be locked up while sitting in the case. He stipulated, however, that if any person should approach a juror or attempt to influence him in any way, such occurrence should be reported to the court. Agreeing to this condition, the jury was not locked up.

CHILDREN'S MINSTREL SHOW The children of the Laguna Honda school, who, under the direction of Miss Lorin Allen, have been rehearsing for some weeks preparatory to giving a minstrel show, will give their performance today at the relief home for the pleasure of the 1,500 inmates. Warden Wellenberg expressed his appreciation yesterday for the kindness of the children in coming to bring a little sunshine to the old people of the home and anticipated an afternoon of great pleasure today for the community under his care.

Personal Mention

- Ferdinand Sanford of Palo Alto is at the Fairmont. Willard Wells, an attorney of Eureka, is staying at the Stewart. J. M. McGee, an attorney of Oroville, is a guest at the St. Francis. Adjutant General J. B. Lauck of Sacramento, is registered at the Fairmont. William G. Lee, a merchant of Auburn, Cal., is a guest at the Stewart. A. S. Brown of Chico and Prof. M. L. Driver of Sacramento, are at the Holland. J. Walter Stopford, who has mining interests in Nevada, is staying at the St. Francis. John H. Pruett, a banker of Brooklyn, is at the Stewart, accompanied by Mrs. Pruett. Adolph A. Wignore, a machine manufacturer of Los Angeles, is staying at the Fairmont. W. A. Veith of Fresno, interested in the fruit growing industry, is a guest at the Fairmont. O. J. Sherman, a lumberman of Portland, Ore., and H. H. Dana, a merchant of San Jose, are at the Manx. W. C. Arlington, a mining man of Reno, and Harold E. Smyth, an attorney of Portland, Ore., are at the Dorchester. Captain S. P. Lambert and wife of San Pedro and Captain and Mrs. Fred Quigley of Burlington, Iowa, are at the Imperial. Major and Mrs. J. S. Parke, U. S. A., and Miss Genevieve and Miss Pauline Parke have taken apartments at the Arlington. Dr. Elmer E. Stone, superintendent of the Napa state hospital for the insane, is at the St. Francis accompanied by Mrs. Stone.

ENGINE HITS WAGON—A Southern Pacific passenger engine, running detached, struck a horse delivery wagon at Seventh and Seventh streets last night, smashing the wagon and its contents and inflicting painful injuries upon the driver, John Engallon, 411 102 Rose street. Engallon was treated at the Potosero emergency hospital. His injuries are not serious. Ado You Want \$5.00? Read THE CALL'S weekly offer on page 13.

Attorney's Defense Will Be That He Was Probing Kelly



JOHN MURLEY, JAMES RYAN, GEORGE A. BROWN, J. R. LEESE, MAJOR W. DAHEY, GEORGE A. BALL, FREDERICK HEITMEYER, P. B. BERNARD, FRANK CHALMERS

Nine members of the jury who are sworn to try Attorney Frank J. Murphy in attempted bribery case.

NEW EXPRESS RATE ATTACKED IN SUIT

Merchants Seek to Enjoin Enforcement of Regular Tariff on Large Shipments

Suit, in which thousands of dollars are involved, was instituted yesterday in the United States circuit court against Wells, Fargo & Co. by a number of leading merchants of the city to prevent the express company from raising its tariff on seasonal merchandise between New York city and California. Those joined in the issue against the express company are M. S. Kohlberg, doing business under the firm name of M. S. Kohlberg & Co.; Leszynsky & Co.; Hale Bros., Inc.; Livingston Bros., Inc.; and Newman & Levinson.

According to the complaint made by the merchants, Wells, Fargo & Co. issued a new tariff schedule, between the east and this coast, to go into effect December 10, that will prohibit importation by express. Since June, 1906, Wells, Fargo & Co. have been carrying goods to the coast under the rate sched-

uled at that time with the interstate commerce commission. August 1, 1906, however, the express company established a special tariff on merchandise in large lots, which enabled the merchants to secure goods needed for certain seasons, which can not be brought by slow freight. There being no other transcontinental express company operating between New York and San Francisco the local merchants were entirely at the mercy of Wells, Fargo & Co. Under this tariff there were imported, during last year, seasonable goods valued at \$120,000.

On October 29 the express company issued a supplement to its general tariff, canceling December 10, the special rates on merchandise in large lots and putting shipments of 500 pounds under a tariff of 1 1/2 cents a pound. The merchants say that this action violates section 1 of the interstate commerce regulations, and means an advance in cost to the shippers of 12 1/2 per cent on 500 pounds, of 22.7 per cent on pounds, 50 per cent on 5,000 pounds, 83 1/2 per cent on 10,000 pounds and 92 1/2 per cent on 20,000 pounds.

The complaint says that the special rate should not be canceled and that the express company should not be allowed to substitute the new schedule pending a hearing by the interstate commerce commission.

The merchants asked that a temporary restraining order be issued against the express company. Judge Van Fleet ordered that the defendant appear in court December 7, at 10 a. m. to show cause why the restraining order should not be issued.

RAILROAD MACHINE DEFEATED IN MOVE

Robert Mitchell of the Lincoln-Roosevelt League Vindicated in Los Angeles

(Special Dispatch to The Call)

LOS ANGELES, Dec. 3.—Robert Mitchell, a prominent member of the Lincoln-Roosevelt league who has been on trial here charged with repeating at the August primaries, was acquitted today by a jury after just 12 minutes' deliberation. Mitchell not only was acquitted, but the outcome was a complete vindication of himself and the Lincoln-Roosevelt league.

Mitchell, who is not an attorney, appeared in his own behalf and won his case with ease. He showed that the prosecution had not proved there was intent to vote twice. He admitted that he had voted twice, but as soon as he discovered it he at once notified the election officials. He declared in summing up the case that it was simply an attempt on the part of his political enemies to discredit him and the league.

HONGKONG EDITOR CONTINUES ON TRIP

Li Sum Ling of the Chinese Mail Admires San Francisco for Rehabilitation Work

Newspaperman of the Orient Visits The Call as He Nears End of World Tour

Li Sum Ling, editor of the Chinese Mail, Hongkong's leading daily newspaper, had a taste of the American strenuous life yesterday before leaving for home by way of Vancouver, B. C. In the morning the visiting oriental editor, who is completing a tour of the world begun last July, was whisked about the city in an automobile to see the points of interest, and, more particularly, to view the building progress that has been made since the fire.

The editor had nothing but expressions of admiration for the wonderful work that has been accomplished. Lat-ter in the morning he paid a visit to The Call offices and closely inspected the various departments. After a hasty luncheon at the St. Francis, where Li Sum Ling has been stopping, he devoted a little time to his mail and telegrams, sent for a photographer, and then attended a dinner given in his honor by merchants and others of the Chinese community.

At this dinner Li Sum Ling, in the course of an address, spoke of the country's friendly attitude toward China, its solicitude for its welfare and the preservation of its integrity, and expressed the hope that the relations between the two nations would be even closer in the future.

"All we desire," said the speaker, "is to be at peace with all the world. We want to be left alone, particularly at this time, when the work of re-establishing the government is going on. There is a large number of creditors who are sleeping, its progress is slow, but it is sure. Our people are learning fast and their eyes are being opened. We want our territory to ourselves. It is rich territory, although undeveloped, and if we are not interfered with we will certainly continue to make progress and stand proudly among the nations of the world."

The California Promotion committee placed itself at Li Sum Ling's service during the day, desiring to show him around town, but the Chinese editor's time was so completely occupied that he was compelled, necessarily, to decline the committee's offer.

Li Sum Ling left by rail for Vancouver last night, where on the 9th inst. he will take passage in the Empress of Japan for the orient. He will remain a short time in the mikado's country, going thence to Hongkong to resume his work as directing editor of the Chinese Mail.

WORKING FOR AUDITORIUM

The project that San Francisco should erect a great auditorium for the attraction of presidential conventions and other national gatherings, as well as a great meeting place for her own citizens, has caught hold. The California Promotion committee has taken up the matter enthusiastically and will make it the principal topic of discussion at today's luncheon. Supervisor Gian-nini has been invited to address the gathering today at the committee's headquarters in Union square and lay before it his ideas for a great civic assembly hall.

FIRE DAMAGES TEMPLE—Fire caused by a defective fuse did \$20 worth of damage to the interior of the Geary street temple, Geary street between Octavia and Laguna, yesterday afternoon.

P. J. WENIGER & CO., WINE DEALERS, GO BANKRUPT

Creditors, Failing to Oust G. H. Perry, File Plea in the Federal Court

The creditors of the firm of P. J. Weniger & Co., wholesale and retail liquor merchants, met at the offices of Franklin P. Bull in the Pacific building yesterday morning and failed to come to an amicable settlement with George H. Perry, who was appointed trustee by Adolph Heiting, president of the company. Shortly before he left for the east, the business was passed into the hands of an assignee. The creditors were determined to oust Perry, claiming that he had not been legally appointed.

Three of the creditors filed a petition in the federal court asserting that the firm of P. J. Weniger & Co. committed an act of bankruptcy on November 14, when an assignment of its property was made to George H. Perry, as a purported trustee, for the benefit of the creditors.

According to the petition the firm owes the Wilson distilling company \$1,528.40, George A. Kessler & Co. of New York \$10,585 and James Buchanan & Co. of England \$2,147.75. There was a large number of creditors not mentioned in this suit. The total assets of the company reach approximately \$55,000 and the liabilities about \$77,000.

LEG BROKEN BY CAR—Armstrong Sim, aged 15, who lives at 128 Mississippi street, was struck by an omnibus Bryant street car as it turned into Sixteenth street yesterday. Sim's left leg was fractured and he was treated in the Central emergency hospital.

A Man May Eat Any Meal And Digest It Easily If He Will But Try.

FREE DIGESTIVE TABLETS. Don't be afraid of your meals. The reason you have dyspepsia is that something is lacking in your digestive apparatus necessary to the stomach's work.

A perfect stomach loves to work. Perfect digestion is not a trait of any meal and benefits by its consumption of food the whole machine of man.

Stuart's Dyspepsia Tablets make easy the work of digestion, because they combine active fruit and vegetable essences which are needed by the stomach. These essences are so powerful they digest food without aid from the stomach. They have done this with a meal encased in a glass tube.

We will send a trial package to any one free for his name and address. Eat what you will or when you will, then take a Stuart's Dyspepsia Tablet and see how you will digest that meal. In a short time your stomach will have a natural supply of gastric juices and your whole system will be able to take care of digestion easily.

Ask any druggist about Stuart's Dyspepsia Tablets. His answer will tell more than we can say. Ask him how they sell. If you want to buy them give him 50c. But if you want to test them write us and you will receive a trial package by mail without cost. Address F. A. Stuart Co., 150 Stuart Bldg., Marshall, Mich.

Advertisement for PEDESTAL 135, featuring a large illustration of a pedestal and text: 'On Sale Friday and Saturday Only Open Saturday Even'gs. A handsome and artistic ornament for your home. Just the thing for the holidays. Your choice of rich golden oak or deep weathered oak finish. Stands 3 feet high; has good sized top and massive shaft. One to a customer. No children's orders. M. Friedman & Co. OF FARRELL AT POLK'

Advertisement for EXCURSION SUNDAY, featuring text: 'DON'T FORGET IT. TO SUNNY EAST SAN MATEO, 11:40 A. M. For particulars, 1005 Monadnock building. Only 30 minutes' ride. Magnificent climate and a place to invest a few dollars of your earnings in a new and modern, strictly up to date place, where you can double your money in a year. Call and let us tell you about it.'

Advertisement for BUY BOOKS FOR CHRISTMAS GIFTS AT THE NEW BOOK STORE, W. H. WEBSTER, Manager, Sutter Street at Stockton.

Advertisement for Linens and Doilies Etc., featuring an illustration of a doily and text: 'Also other Family Washing will be laundered in a pleasing way if you send it here. The difference between our work and that of other laundries is quite noticeable. Ours is about 40 per cent better. Other laundries may try, but we have the facilities and the most improved methods, and that is everything. Phone Market 1721 United States Laundry 1148 HARRISON STREET'

Advertisement for Dr. Wong Sung, featuring a portrait and text: 'Herb Sanitarium, 925 CLAY ST., Cor. Waverly Place. Diseases cured by Chinese Medicine. Over 3,000 varieties of herbs in use. This famous doctor was for long time one of the leading physicians of the Government hospital, Canton, China. Telephone China 329.'

Advertisement for W.T. HESS, Notary Public, featuring text: 'ROOM 1112 CALL BLDG. At residence, 1460 Page St., between 7th and 8th p. m. Residence telephone, Park 2797.'

Advertisement for THE CALIFORNIA PROMOTION COMMITTEE, featuring text: 'The California Promotion Committee (The State Central Organization, organized in 1902—An association for the commercial and industrial development of California.) "PROMOTION": The act of promoting, advancement, encouragement.—Century Dictionary. The committee has for its object the PROMOTING of California's interests. It has nothing to sell. It fosters all things tending to the ADVANCEMENT of California. It is an authority on all matters relating to California. IT ENCOURAGES the establishment of new industries and fosters those already established. It invites desirable immigration. It presents the opportunities and needs of all fields of business and professional activity. It is supported by popular subscriptions and makes no charge for any service rendered. It has affiliated with it 200 committees of California's cities, with a combined membership of more than 20,000. Meetings of representatives of these organizations are held semi-annually in different parts of the state, where matters of California interest are discussed. Headquarters of the committee are maintained in California building, Union square, San Francisco. CORRESPONDENCE INVITED.'

Advertisement for PROPOSALS, featuring text: 'PROPOSALS FOR THE MOVING AND ERECTION OF A STEEL TANK AND FRAME—Office of the Chief Quartermaster, Department of California, Chronicle Building, San Francisco, Cal., December 4, 1908.—Sealed proposals, in triplicate, will be received here until 11 A. M. December 24, 1908, and then opened, for the moving and erection of a steel tank and frame and all structural and plumbing work in connection therewith at Fort Riley, Cal., according to specifications on file in this office. Preference given to articles of American production. Conditions of price and quality (including in price of foreign productions) the duty thereon being equal. Information furnished on application. Envelopes containing proposals should be indorsed "Proposals for moving and erection of a steel tank and frame at Fort Riley, Cal." and addressed to Lieut. Col. ROBT. R. STEVENS, Chief Quartermaster, San Francisco.'

Large advertisement for ROOS BROS. featuring a woman in a dress and a man in a suit, with text: 'Every Mother Should View Our Display of Children's Apparel. This Department One of the Interesting Features of Our New Store. WE carry the best and widest varieties of children's clothing on the Pacific Coast—made possible only through the bigness of our organization. The conveniences, advantages and economies presented by this department for completely outfitting the young, make ours pre-eminently the Children's Outfitting Store. Roos-Made Children's Apparel means garments that hold their shape, style and color until worn out. Opening Week Specials: Boys' Gibraltar Overalls.. 45c, Boys' Knickerbocker School Suits.....\$5.00, Children's Sailor and Russian Blouse Suits.....\$5.00, Girls' Man Tailored Coats,\$7.50, Boys' and Girls' Hose, per pair.....20c, Children's Patent Leather Sailors.....\$1.50. THE CALL'S BRANCH OFFICES: 1651 FILLMORE STREET, 815 VAN NESS AVENUE, 2200 FILLMORE STREET, 533 HAIGHT STREET, 150 SIXTH AVENUE, SIXTEENTH AND MARKET STS., 1108 VALENCIA STREET, 974 VALENCIA STREET, 3011 16TH ST. COR. MISSION. Subscriptions and advertisements will be received in San Francisco at following offices: 1651 FILLMORE STREET, 815 VAN NESS AVENUE, 2200 FILLMORE STREET, 533 HAIGHT STREET, 150 SIXTH AVENUE, SIXTEENTH AND MARKET STS., 1108 VALENCIA STREET, 974 VALENCIA STREET, 3011 16TH ST. COR. MISSION. If You Want What You Want—When You Want It—USE CALL WANT ADS'