

# MURPHY, IN COURT DEFENSE, MAKES DOOR BY DOOR

## Ruef Lawyer, on Trial for Jury Bribing, Tries to Ridicule the Prosecution

## Newburg Also Takes Stand and Ties Himself Up in Knot of Contradictions

## Testimony Given to Impeach Blake Presented by Men With Grievances

Denying that he had ever offered a bribe to John Martin Kelly to E. A. S. Blake, Frank J. Murphy told his story to the jury in Judge Murasky's court yesterday. Murphy was a rare spectacle as a witness. Peering always at the ceiling with half closed eyes the indicted attorney was a pitiable sight. In almost every detail he denied the confession of Blake, repudiating it as an attempt on the part of the prosecution to "put up a job" on the defense.

Murphy spent most of his time as a witness in attempting to impress the jury that the prosecution should be held up to ridicule. At every opportunity he spoke about the immunity contracts that had been given to the supervisors in order to secure their evidence, which resulted yesterday in Ruef's conviction.

## SHOWS CONFUSION

There were evidences of confusion in the testimony of the witness as he proceeded, and such confusion as did arise played havoc with the defense attorneys. They had relied upon Murphy's testimony against Blake's to show that the former Ruef lawyer was the victim of a plot, but certain admissions made by the witness served only to weaken his defense.

Upon direct examination by Schlossinger, Murphy testified that he had never been charged with a crime, but before Assistant District Attorney William Hoff Cook had finished with the cross examination it was shown that Murphy had faced criminal charges in San Francisco and in Napa county. The disclosure of these facts seemed to make Murphy nervous and he said that Murphy told of the elaborate system in vogue among the defense attorneys to ascertain "how prospective jurors stood" as regards the defense and the prosecution. He went into detail under cross examination by Cook, telling how seven carbon copies of the special venire had been prepared by the defense attorneys and how the veniremen were always "sounded" or "looked up."

The witness seemed greatly disturbed in finding an answer to the question as to why he had not reported Blake's conduct and Kelly's alleged solicitation of a bribe to the jury. He said that he could throw no light upon this phase of the examination.

## TANGLES HIMSELF

Although Murphy's attorneys produced two score of witnesses as to Blake's bad character and Murphy's good reputation, Murphy declared upon cross examination that he knew of Blake's reprehensible character when the confessed jury briber was requested by Murphy to see John Martin Kelly and determine how he stood in regard to the graft. Murphy said that he believed Blake to be innocent when the latter made the affidavit in Martin Stevens' office which has since proved to be false.

All through his testimony Murphy replied to important questions, "I don't know," "I don't think so" and "I could not remember."

Murphy had stated during the morning session of the trial that he had general lists of prospective jurors that had been prepared during the early stages of the Ruef trial. It was suggested that he bring the lists into court during the afternoon session, and when he was recalled to the stand he was asked by Cook why he did not bring the lists along. He offered no explanation other than that he had not been ordered to produce the documents.

## NEWBURG TAKES STAND

E. Newburg, also under indictment for alleged connection in the attempted bribery of John Martin Kelly, was called as a witness by the defense, and although he evaded the important questions asked by the prosecution, he became badly confused toward the last and made the incriminating statement "that he had told Dr. Rosencrantz that Burns was putting up some kind of a job against the defense and that Murphy wanted some kind of an affidavit in an effort to defeat Kelly's plans of disclosing the bribery plot to Judge Lawlor."

When reminded of the value of this statement to the prosecution to be used against Murphy, Newburg attempted to retract, and made a sort of vague explanation. Newburg's unenviable predicament caused a ripple of laughter to pass over the jury.

More than 100 witnesses were called by the defense in an effort to prove that Blake was a man of bad repute and that Murphy was a lawyer beyond suspicion or reproach. The majority of character witnesses called by the defense declared, however, upon cross examination that they had grievances against Blake, and one witness declared that for 10 years he had been losing sleep over the fact that Blake owed him \$2.50.

Additional witnesses for the defense will be put upon the stand today. It is expected that the case will close tonight.

## CAN NOT PAY THEIR DEBTS

George F. Morrill, a farmer near Stockton, filed yesterday in the United States district court a petition in bankruptcy. His liabilities are \$5,495.25; no assets.

Pumyea Williamson, a San Francisco salesman, petitioned to be declared a bankrupt. Liabilities, \$1,014.75; no assets.

B. F. Hartley, a miner living in Oakland, filed a petition to be declared a bankrupt. Hartley owes \$28,575, with no assets. Among his creditors is the Bank of Placer county and \$7,000. The debt having been incurred in the sale of certain mining property. He owes E. A. Huntington \$2,000, J. J. B. Hartley \$2,000, and R. H. Hartley and J. M. Clough of Everett, Wash., \$5,500 each.

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# SECOND CLASH OF TONGS BLOODLESS

## Three Highbinders Are Captured by Police After Factions Exchange Shots

## Present Trouble in Chinatown Is Said to Have Been Caused by Slave Girl

Battle No. 2 in the Chinese tong war that is on between the Suey Ong tong and the On Yicks, which was fought bloodlessly last night around the Stevenson monument in Portsmouth square. One of the bullets from an On Yick gun grazed the words of the monument's inscription—"To be honest, to be kind."

The first fight occurred Wednesday night at Clay and Stockton streets, when 30 shot were fired without effect. At that time the police predicted that the quarter was on the verge of one of the bloodiest tong wars in the history of the city. On one side of the fray is the Suey Ong and on the other the On Yicks, with the Hop Sings and the Hip Sings aiding them.

A little after 7 o'clock last night a war party of the Suey Ongs crossing the park was set upon by a detachment of On Yicks, with the Hop Sings and the Hip Sings aiding them.

The Chinese scattered, one of them, Ah Quong, jumping on a Kearny street car where he was captured by the police. Sergeant Arthur Layne and three policemen, hearing the shooting, ran to the scene of the trouble.

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Wednesday night no one was wounded, but Ah Chin, a gun fighter of the On Yicks, was arrested while running away from the fight, and Ah Pow, Hong Kong, and Ah Kung, San Francisco, were arrested later. They were all armed. Their names were registered on the detinue book at the city prison.

The police say that the shooting in Oakland Wednesday night over a fan-tan game was merely a pretext for the commencement of hostilities here, the real cause being a slave girl in a house in Spofford alley. About a week ago the On Yicks, who had demanded \$500 which she had promised to give the tong, but she asked for time. The Suey Ongs were mad and nearly wrecked the place. The keeper of the house is a member of the On Yicks. The Hop Sings and these tongs promptly demanded an apology from the Suey Ongs, which was given to the Hop Sings but not to the On Yicks.

## HOPES FOR AGREEMENT

Attorney Grant Carpenter, who represents both sides of the warring tongs, is making a strong effort with the six companies to bring the heads of the warring tongs together and get them to agree to bring the war to a conclusion before blood is shed and hopes that he will be successful.

It is believed that when the last war between tongs occurred, Chief Biggy succeeded in getting the heads of the warring tongs together at a meeting of six companies, where an agreement was made to stop hostilities. It is hoped that a similar agreement will be reached at this time.

Extra men will be detailed in Chinatown meantime with lines drawn to arrest all suspicious Chinese and a search for weapons of all others seen lurking about.

## Killed by Highbinders

SALINAS, Cal., Dec. 10.—An organized gang of Chinese highbinders has made its appearance in the oriental quarters. Quong Doo, a merchant, was assassinated with a knife.

## RUEF TO BE TRIED AGAIN FOR BRIBERY IN TROLLEY DEAL

Abe Ruef must go to trial again on Monday morning. Moreover, he will be called upon to answer a charge in which the evidence is practically identical with that upon which he has just been convicted. He will be compelled to answer to a jury again in connection with the trolley bribery. Just what particular case will be called has not been announced. The trial just closed was based on the bribery of Furey. The prosecution has more than a dozen cases from which to select, and in each instance the evidence parallels that which has just formed the foundation of a verdict of guilty.

The announcement of the intention to send Ruef to trial again without delay came from the district attorney's office. It is understood that this policy had been determined upon long in advance, but was not divulged until yesterday.

The maximum penalty for bribery is 14 years. With only one conviction and good behavior Ruef could gain his liberty in eight or nine years. It is felt that the many crimes warrant at least another conviction, which, with an ensuing sentence, would bring the full term to 28 years. This would mean Ruef's incarceration, even with full credits, for 18 or 19 years.

The members of the prosecution are as ready to press forward with their work as they were at the very beginning of the graft cases. A well defined policy was announced some time ago and the district attorney is following the lines marked out at that time.

## RUEF CRINGES WHEN IRON DOORS OF JAIL CLANG BEHIND HIM

Despite his appearance of unconcern when the verdict of the jury was announced yesterday afternoon Abraham Ruef lost his effrontery the moment he stepped inside the steel door at the county jail No. 2 shortly before 6 o'clock yesterday evening. Pallid of face Ruef entered through the steel door and walked to his cell. He spoke to no one and the officials at the county jail could see that the fallen boss was visibly affected by the verdict of guilty as charged returned by the jury yesterday afternoon.

Ruef failed to notice the guards as they passed by his cell, but paced back and forth for several minutes. He seated himself finally on the edge of his bunk and stared at his feet with his face in his hands. Only a few words were spoken by him to Under Sheriff Hegerty in answer to an inquiry from the newspapermen. Ruef stated that he would not talk for publication, but that he would leave that to his attorneys. Ruef retired for the night shortly after 9 o'clock.

In the absence of Attorney Ach, who is in Berkeley, Thomas B. Dozier, who is associated with Ach in the defense of Ruef, said last night that he would not make any statement to the public, but would leave that to Attorney Ach.

# Heney Cheered by Delighted Court Crowd

## HENEY GRATIFIED BY JURY'S VERDICT

## Expected Conviction if None of Twelve Was Reached by Ruef Agents

criminal power. Our American system, strained in the last two years almost to the breaking point, has been vindicated; and the verdict proclaims again the power of the people to punish their betrayers.

Ruef's race is run. His personality may henceforth be eliminated. His conviction sounds the death knell for a generation of his system, and that of his accomplice—public service corporations—the system by which a political boss sells to an equally guilty corporation boss privileges and rights which belong to all the people.

## OTHER GRAFTERS TO KEEP CURLY BOSS COMPANY IN PRISON

The public is familiar with the evidence presented by the people in the Ruef case. From that evidence it was apparent that no honest jury could do other than find a verdict of guilty. No one doubts Ruef's guilt, therefore the people of this state and county must be satisfied with the verdict.

The failure to convict Ruef at this time would have been the greatest disgrace that could have befallen this city and state. A debt of gratitude is due Hiram Johnson, Matt J. Sullivan and J. L. Dwyer, who took up the battle when Francis J. Heney was stricken down by an assassin's bullet, and with Mr. John O'Gara continued the work that had been done by Mr. Heney.

The conviction of Ruef is but a forerunner of other convictions that must inevitably follow in the graft cases that are yet to be tried. The graft prosecution will go on until it is demonstrated that San Francisco is capable of enforcing its laws and that courts and juries are not a mere mockery and a sham.

The arch criminal of San Francisco is now on his way to the penitentiary. Those who have been associated with him in violating the public law will soon follow him.

## RUEF'S CONVICTION IS VICTORY FOR PEOPLE, DECLARES W. J. BURNS

It is very natural that I should be gratified with the verdict. It is a vindication of the people of San Francisco—the law abiding people of the city.

The conviction clearly demonstrates that once public opinion is aroused the people can be depended upon.

But we are only beginning. They must suffer the penalty that they well deserve.

deserve, but this verdict will serve to arouse the people.

The program press, that has attempted to block the prosecution of crime in this city, must read in the verdict the signs of the times. It was plainly the people's victory.

The trial was in many ways a test of the law's efficiency, of the extremities to which attorneys can go, and, in fact, a test of physical endurance. In all these instances the cause of the people has won out.

## RUEF JURORS HAPPY WHEN LONG DRAWN CASE COMES TO END

The strain of listening attentively through the long drawn out Ruef case told on the 12 jurors, and they expressed great satisfaction at its conclusion. In all the statements made yesterday the juries each had nothing but the greatest regard for the integrity and lack of bias in their fellow jurymen. The one obstacle which for five ballots prevented them from reaching a unanimous verdict was a disagreement as to how the testimony of Gallagher, Wilson and Furey was to be received. When this opposition was overcome, chiefly through the able presentation of the salient features of the case by Foreman McNamara, there was nothing left to do but to bring in their verdict of guilty.

## Anderson Makes Statement

"Murphy told me after the verdict," John Anderson said last night, "that if the other 11 jurors had voted for conviction on the first ballot he 'too would have voted that way. He said he could not make the evidence fit together and that was why he was undecided."

"To Foreman McNamara belongs the credit for the conviction. It was he that convinced Murphy and the acquittal advocates. Roller was another strong man on the jury, and he too deserves a lot of credit for the verdict. The Heney shooting had no effect on me and I knew nothing of any mass meetings."

"I voted for conviction all the way through, and although I made little effort to argue with the acquittal advocates and Murphy, my opinion never changed."

## Technicality Delays

William Oakley said:

"The whole delay hinged on a technicality and a doubt of the testimony given by Wilson and Gallagher. Soft-heartedness had a whole lot to do with the stand taken by Murphy, who remained undecided until the last ballot."

"It is my belief that Murphy and those who voted for acquittal were expressing honest opinions."

"Of course we knew about the shooting of Heney, but that had nothing to do with the verdict. The first thing I knew about mass meetings was when Dozier in his argument before the jury made reference to indignation meetings which had been held."

"By the time the case was given to the jury I was fully convinced of Ruef's guilt and never had a doubt throughout the balloting."

## RUSSIA TO BUY AEROPLANE

ST. PETERSBURG, Dec. 10.—There has been some delay in the negotiations regarding the sale of the Russian rights in the Wright aeroplane to the Russian government for military purposes, but these are regarded as temporary only. The price proposed is \$100,000, with royalties on the machines built in Russia.

## Two Left in Minority

"After a great deal of general discussion another vote was taken, mak-

ing the fifth ballot. Harrison alone on this occasion voted for acquittal, Murphy still holding out, undecided.

## RUEF JURY HONEST SAYS McNAMARA

## Verdict of Guilty Hinged Upon Credibility of Gallagher, Wilson and Furey

"The dinner over, the discussion was resumed. No word in reference to the case was spoken to and from the Hotel St. Francis or while we were at dinner. The chief source of disagreement was the credibility of the testimony of the ex-supervisors Gallagher, Wilson and Furey. Murphy seemed to be conscientiously opposed to bringing in a verdict of guilty on the mere say-so of these supervisors."

"Numerous arguments were made by both divisions, and finally, to clear up certain hazy notions of some of the jurors, we resolved to ask the court to read portions of the testimony of Gallagher, Wilson and Furey, with parts of the judge's instructions regarding acquittals."

"When we again retired to our chambers a third ballot was taken. Eight votes were again cast for conviction, Harrison and O'Brien voted not guilty and Sullivan joined Murphy as undecided. This move of Sullivan's was the first step toward breaking down the not guilty division."

"We retired about 1:45 o'clock this morning and preserved the same silence in regard to the case as we had on going to dinner. Breakfast was had without argument, the deputy sheriffs being present."

## Sullivan Changes Vote

"Once more on returning to Carpenters' hall a ballot was taken, making our fourth attempt to agree. Sullivan abandoned his attitude and voted guilty. O'Brien and Harrison stood for acquittal and Murphy was not to be shaken from his stand, undecided. This vote was taken about 10 o'clock."

"I had been busy all this time trying to clear, if possible, in my own way, the view of those who disagreed with me. O'Leary and Roller also made convincing, strong addresses to their fellow jurymen. We used the Parkside case and Umben's confession that he paid \$15,000 to Ruef for fortifying our position. The testimony of Morris Levy, the member of the fight trust that received permits for boxing exhibitions, also tended to have a direct bearing on Ruef's actions."

"We pointed out that Ruef undoubtedly exercised great power over the board of supervisors when he forced them to change their vote on the telephone grant, the supervisors having previously acted independently with Halsey of the Pacific States telephone company. All this, we argued, was strong presumptive evidence that in the case under discussion it was Ruef that was the power behind the throne."

## HIGH SCHOOL BONDS SOLD

PETALUMA, Dec. 10.—The Petaluma national bank was today awarded the bonds of the Analy high school. The bonds sold for \$21,218. The new school building will be erected in Sebastopol.

"Lunch was served to us in the chambers and afterward we sat down at a long table to once more begin a sifting of the evidence. Finally Murphy, turning to Harrison, said, 'Well, what are we going to do about this?'"

"The jury deliberated for three or four minutes, openly and within the hearing of the rest of the jurors. And then Harrison said that he would vote for conviction, and Murphy for the first time gave a decided opinion, registering a desire to join the majority of the deliberating body."

"I turned from the table and made out the verdict and asked the judges to sign it. Again before leaving the room to notify the court of our agreement, I turned to the eleven and said 'Is this your verdict, and they all answered yes.' The rest of the proceeding was in open court and is known to everybody."

## Jurors Honest, He Says

"The jury in my opinion was thoroughly honest. I think that each man voted as he saw the evidence and I do not think that anybody was influenced by anything else than the arguments presented in the course of the trial."

"We were not affected by any of the things we have heard so much of since we were discharged. The shooting of Heney in court did not prejudice us against the defendant. At the very moment of the shooting we were aware that it was Heney that had been shot. I think that it was Anderson who saw a man, presumably the person who had fired the shot, grappling with somebody else who shoved him to the ground. Oakley saw Heney raise his hand to his head and I believe Bond also witnessed something of the tragedy. We were not assured entirely of the fact, however, until the next day, when Judge Lawlor gave us the information. The jury, to go back a little, was just about to emerge from the anteroom where we were closeted when the shot was fired. That is how a couple of the jurymen caught a flash of what was going on."

## Haas Considered Anarchist

"Our impression was that it was the act of a man of anarchistic tendencies, a maniac in fact. We did not impute the deed to machinations of friends of Ruef, and the shooting acted in no way prejudicial to the defendant. At least that is my view. If there was any such suspicion, the suicide of Haas wiped away every sentiment or prejudice against Ruef."

"The jury was much affected by the plain argument, unostentatious argument of O'Gara. His evident sincerity, his labors to make every point clear, were sources of great strength to the cause of his prosecution."

"We had no knowledge of the public meeting called after the shooting of Heney, and the introduction of Johnson and Sullivan into the legal forces of the prosecution, did not, in my opinion, sweep the minds of the jurymen from their convictions. The first thing we learned of mass meetings was when Dozier in his closing address referred to them. But the outside sentiment of the rest of the world was as nothing to us. Our attention was entirely riveted on the evidence being presented, and I believe every man acted for himself, giving his verdict as he was conscientiously inclined."

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## PROPOSALS

PROPOSALS FOR 1,000,000 POUNDS OATS. Sealed proposals will be received at the office of the General Purchasing Officer, Indianian Canal Commission, Washington, D. C., until 2:30 p. m., December 21, 1908, at which time they will be opened in public for furnishing the above mentioned articles. Blank and general information relating to this circular (No. 485-C) may be obtained from the office of the General Purchasing Officer, 24 State Street, New York City; Custom House, New Orleans, La., and 1088 North Polk Street, San Francisco, Cal. Also from the U. S. Engineer Offices in the following cities: Seattle, Wash.; Chicago, Ill.; St. Louis, Mo.; and Galveston, Tex. F. C. Berg, Captain, Corps of Engineers, U. S. A., General Purchasing Officer.

Office Constructing Quartermaster, Fort Mason, San Francisco, Cal., December 9, 1908. Sealed proposals, in triplicate, will be received here, until 11 A. M. January 9, 1909, and then opened, for constructing a building for the issue of reinforced concrete in the General Hospital, President of San Francisco, Cal. Information furnished on application. A deposit of \$20 will be required to insure return of plans. Envelopes containing proposals should be indorsed "Proposals for Issuing Ward," and addressed to Major Geo. McK. Williamson, Q. M. U. S. A.

## PROPOSALS FOR DREDGING

U. S. Engineer Office, Oakland Harbor, San Francisco, Cal., Nov. 12, 1908. Sealed proposals for dredging in Oakland Harbor, Cal., will be received here until 12 noon, December 12, 1908. Information on application. JOHN RIDDLE, Lieut. Col., Engrs.

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