

IMPANELLED "A BATTLE OF METAPHYSICS" Judge Lawlor Gives Apt Description of Proceedings in Calhoun Trial

Single Session of Court Held and Venire Practically Exhausted

Majority of Talesmen Examined Believe in Guilt of the Defendant

By W. Russell Cole

Judge Lawlor yesterday termed the conduct of the impeachment of the jury for the Calhoun trial "a battle of metaphysics." He said it in sadness rather than in anger, but he hit upon a most apt description of the proceedings. Not only was his measure of method applicable to the particular incident which called forth his expression, but applicable to the case as a whole, as it has developed since the beginning of the trial.

It has been the abstract part in the examination of the more than 140 talesmen who have been subjected to inquiry since the first venire was summoned, and abstract subjects have furnished the grounds for more challenges in the cases of those excused than have definite expressions of bias or opinion concerning the subject matter directly in issue. The court has been powerless to prevent these digressions, for the statutes give great latitude to the examining attorneys and the opportunity to take advantage of this has not been overlooked.

There was no progress toward the completion of the jury yesterday. Only a single session of court was held, for a meeting of the superior judges caused the afternoon sitting to be dispensed with and the noon adjournment was final for the day. This, however, should result in no delay in the end, for the venire on hand is nearly exhausted, and had the case gone ahead at fair speed yesterday afternoon the box probably would have been emptied, necessitating a lapse until a new panel could be summoned and returned. As it is, a new venire has been ordered, returnable at 4 o'clock this afternoon, and the latter portion of the day will be given over to the hearing of excuses. Regular proceedings will be resumed in the meantime at 9:30 o'clock this morning. The panel ordered yesterday numbered 60, making the total venire summoned to date 500.

EIGHT TALESMEN EXAMINED

Eight talesmen were examined during the morning session, but none of them were brought within striking distance of the goal. It was the same old story over again of opinion, bias, prejudice and general disqualification founded on this, that or the other thing. A talesman might believe himself fair when he entered the box, but his own opinions were futile in every case against the handshakes of the attorneys. He became a matter of 10 minutes on the average for the attorneys to prove absolutely unfair the man who sincerely believes his state of mind to be without leaning toward either side, and where the challenge is on which the challenge is always hung. It was strikingly noticeable yesterday that in every case except one in which an opinion was admitted that opinion was strongly in favor of the prosecution and coupled with better challenges used were submitted by the defense, and in the case of the one other talesman the inquiry pointed to a leaning slightly in favor of the prosecution, though it was Henry who challenged the juror. Stanley Moore of counsel for the defendant did practically all the work of examination, for in only a single case was the examination extended to any length by both sides, while in the others the prosecution contented itself with three or four questions.

WILFRED E. BURNHAM OF THE BURNHAM PLUMBING COMPANY WAS THE FIRST TALESMAN EXAMINED.

He came to San Francisco about three years ago and was not familiar with all the details of the graft cases. At the time of his removal to this city he brought a letter of introduction to Ruef, but despite this he said he believed that if Ruef and the supervisors were guilty the other men indicted in the graft cases also were guilty. It was in the case of this juror that Henry submitted one of his challenges, which was not resisted by the defense.

BELIEVED CALHOUN GUILTY

Robert H. Atkinson of 3338 Twenty-third street, salesman, had a decided opinion and said if he was in the position occupied by Calhoun he would not want to be tried by 12 jurors in his own state of mind. Stanley Moore interposed the challenge and Henry returned the challenge on the ground of non-resistance. Thomas M. R. Burke, an employing plumber of 1496 Guerrero street, had an opinion formed from newspaper reading at the time Calhoun was indicted. Stanley Moore based a challenge on the fact that Burke had read the confessions of the supervisors as given before the grand jury and published in full in The Call.

George E. Burlingame, a young contractor of 50 Fortola avenue, threw a challenge into the ranks of the defense by appearing in the jury box wearing the blue lapel button of the league of justice. Moore most naturally turned his examination at once to the subject of the juror's membership in the organization and redoubled his fire when he discovered that Burlingame also was a member of the good government league. He attempted to bring Burlingame to the declaration that the league of justice stood for the conviction of Calhoun, but the juror insisted that his conception of its activities was that they related in general to the bringing about of equal justice. Moore eventually interposed a challenge, which Henry, after asking a few questions, did not resist.

Horatio T. Harper, assistant to the treasurer of the Standard oil company of California, said that he knew very little about the case and that while he had a slight opinion it would not be sufficient to influence his verdict as a juror. He added that he would be willing, if in Calhoun's place, to be tried by 12 men of his own state

A. S. Holman, One of Eight Calhoun Jurors



A. S. Holman, one of the eight Calhoun jurors.

of mind, and Moore passed him without further questioning. Henry challenged and gained the admission that Harper had the opinion that Calhoun was innocent. He asked several other questions and then submitted the challenge, which was allowed.

"BATTLE OF METAPHYSICS"

Robert H. Hunter, an electrical engineer, said he would endeavor to be fair and impartial if taken as a juror, but doubted his ability to be so. He had a fixed opinion believing that some one connected with the United Railroads paid the bribe money to the supervisors and that probably Calhoun was implicated. It was during his rather extended examination that Judge Lawlor labeled the bickering "a battle of metaphysics." Stanley Moore challenged the juror, and after some questioning Henry acquiesced in the challenge without protest.

STOCKTON OPPOSES DRAINAGE SCHEME

Declares Sacramento District Has Already Been Organized

[Special Dispatch to The Call]

STOCKTON, Jan. 27.—Word has reached Stockton that a Sacramento drainage district has been organized for the purpose of reclaiming the flooded portions of the lower Sacramento valley, including Bouldin island in San Joaquin county. It is understood that the Sacramento interests are trying to extend the area so as to include the delta lands of San Joaquin county. Many of the prominent land owners of this county have sought relief against the proposed action of Sacramento and Attorney J. M. Eddy of the Stockton chamber of commerce has written to Senator John T. Lewis and Assemblyman Beardslee and Stuckenbruck asking them to ascertain if such legislation is pending and to keep local interests informed as to its status at all times. Eddy's opinion will be mixed by this county on the ground that it is deemed unjust to submit a tax on San Joaquin county land owners for a pocket condition characteristic of the Sacramento valley.

CHINESE TOO BUSY TO HAVE BLADE REMOVED

Knife Breaks When Plunged Into His Head by Indian

[Special Dispatch to The Call]

SANTA ROSA, Jan. 27.—Because he was too busy and did not have time to undergo an operation Gee Sing, a Chinese tender of a joss house in Sebastopol, is carrying around in his head today a piece of knife blade an inch long. Gee was sweeping the walk in front of the joss house last night when a party of his breed Indians well filled with liquor came along. One of the trio attacked him, stabbing him in the back of the head with a pocket knife which broke into two pieces, one remaining buried in the skull right up to the break even. To all entreaties to have the piece removed he replied he was too busy and would wait until Friday, when he would have the time.

PASSENGER TRAIN DRIVEN BACK BY SNOWSTORM

Seven Walk to Town to Secure Food for Those Held Up

BOCA, Jan. 27.—The combination passenger and freight train which left here Friday morning for Beckwith and Loyalton and should have returned that evening arrived here this morning over 13 hours late after a battle with a terrific snowstorm on the summit. The passengers from Boca reached Loyalton Sunday morning aboard the engines, the cars being unable to get farther than the summit. The stalled cars were taken to Loyalton with difficulty and on the return to Boca the engines left the track. Seven passengers walked six miles through snow to Boca and food was taken out to the half starved and frozen women and children.

BEAUTIFUL RENO GIRL AND LOVER VANISH

Pearl Murder or Abduction

RENO, Nev., Jan. 27.—Possible murder, abduction, mysterious disappearance and prostrated parents all figure in a case that has just come to light here. Mary McBride, a beautiful 15-year old girl of this city, mysteriously disappeared from her home last Friday and every effort to discover her whereabouts has failed. William Leavery, 15 years old, who was desperately in love with the girl, and who was forbidden her company by her father, dropped from sight Sunday. The police believe that Leavery eloped with the girl. McBride reported the matter to the police and requested their aid in locating her daughter.

COQUELIN PASSES AWAY SUDDENLY

Great French Actor, Who Had Reached Zenith of His Fame, Dies

Was at Work Rehearsing Rostand's "The Chanticleer" When the End Came

PARIS, Jan. 27.—Benet Constante Coquelin, the great French actor, whose culminating triumph had been awaited in Edmond Rostand's "The Chanticleer," which is now being rehearsed, died last night at Pont-aux-Dames, Seine-el-Marne. The death of M. Coquelin is an incalculable loss to the French stage. Only a few days ago M. Rostand, who recently has been giving the finishing touches to "The Chanticleer," arrived in Paris from Cambay and was ready to begin the rehearsals of the play, in which M. Coquelin, who had the leading role, was expected to duplicate his famous success obtained in M. Rostand's "Cyrano de Bergerac." Only yesterday M. Coquelin recited gayly long passages of "The Chanticleer" to some of his friends, but he succumbed suddenly at midnight to an acute attack of embolism, from which he has long been a sufferer.

Stage Laurels World Wide

Coquelin's stage laurels were gathered around the world. His genius transcended the restrictions of a single tongue. In France the last half century of the drama is inseparably intertwined with his career. In America his sympathetic character portrayal and his almost Yankee comedy perception gave him a place to which few foreigners could attain; in Germany he was hailed as an authority on matters pertaining to the theater. The noted actor will be remembered by San Franciscans in connection with his visit here in 1901 when he played at the old Grand Opera with in Mission street with Sarah Bernhardt. He played Flambeau to her duke of Reichstadt in Rostand's "The Count of Monte Cristo," and "The Duke of Guise," but it was as Cyrano de Bergerac in his greatest triumph here. It was the good fortune of many who attended the closing performance of that engagement to see Coquelin's portrayal of light comedy parts. He was particularly effective in a bit of monologue in which he depicted the idiosyncrasies of a somewhat pompous Englishman. Even those to whom the words were unintelligible grasped the keen humor of his expressive movements and gestures.

It was in 1860, when he was but 19, that Coquelin made his debut. He had taken the second prize for comedy the year before. His early successes were in "The Duke of Guise," "The Duke of Reichstadt," and "The Duke of Guise," an affiliation with the Theatre Francaise was interrupted in 1888 and again in 1891 by American tours. Upon his return to Paris he entered into an engagement with the Renaissance theater. This led to a lawsuit with the Comedie Francaise, in which the actor was compelled to pay damages. His last visit to America was in 1901. Coquelin gained renown as a writer and lecturer on the drama and some of his works are standard.

Death of French Actor An Incalculable Loss

M. Coquelin and one of his favorite characters—that of Cyrano de Bergerac.



M. Coquelin and one of his favorite characters—that of Cyrano de Bergerac.

W. W. WALLACE WILL BE SENT BACK TO TENNESSEE

Governor Gillett Honors Requisitions of Two States

SACRAMENTO, Jan. 27.—Governor Gillett today honored the requisition of the governor of Tennessee for the return of W. W. Wallace, a former county clerk of Warren county, Tennessee, indicted for embezzling \$272 in county taxes more than two years ago. Wallace is now under arrest in Los Angeles. The requisition of the Kansas authorities was also honored for the return of Eugene G. Leekley, alias Andrew Prior, now under arrest in San Francisco for the alleged passing of a forged check in his home state. A requisition was made today by Governor Gillett upon the governor of Washington for W. A. Morrissey, now in that state, who is wanted in San Francisco for passing a fictitious check for \$6.

Taft Will Be Given ALLIGATOR STEAK FEAST

Louisiana Determined Not to Be Oudone by 'Possum Meal

NEW ORLEANS, Jan. 27.—Determined that Louisiana, shall not be Georgia 'possum dinner, absent the Georgia 'possum dinner, shall not be behind in furnishing unique and typical viands for the delectation of President Taft, Secretary M. B. Trazevant of the Progressive union, which organization is taking a prominent part in arranging an entertainment for Taft on his visit here, has advanced a plan to give the distinguished visitor an alligator steak dinner in New Orleans.

GRAND DEPUTY RULER IS GUEST OF ELKS

Shanley Witnesses Initiation by San Jose Lodge

[Special Dispatch to The Call]

SAN JOSE, Jan. 27.—Grand District Deputy Exalted Ruler James Shanley of the Elks was the guest of honor at an initiation tonight by the local lodge. Following the initiatory ceremonies a banquet was served in the Elks' clubrooms. An address by Shanley and an informal discussion of the ball to be given Friday evening at the Grand Opera house, in which the actor would be given the honor of a 'possum dinner, shall not be behind in furnishing unique and typical viands for the delectation of President Taft, Secretary M. B. Trazevant of the Progressive union, which organization is taking a prominent part in arranging an entertainment for Taft on his visit here, has advanced a plan to give the distinguished visitor an alligator steak dinner in New Orleans.

LAWYER'S NEGLECT COSTS HIM FEES FOR JURORS

Fails to Notify Court of Delay and Is Made to Foot Bill

Because he was not ready to proceed with the trial of the case of Fred W. Wise against the United Railroads when it was called yesterday, Attorney Otto Irving Wise, counsel for the plaintiff, was ordered by Judge Sturtevant to pay the fees of a jury and of the official reporter, totaling \$34. Lawyer Wise pleaded that he was actually engaged in the trial of a case in another department of the superior court. This was not a valid excuse, Judge Sturtevant told him, because he should have notified the court of this fact several days ago and thus permitted other arrangements to be made. As it was, Judge Sturtevant said, the time of the court for the day was wasted. Twelve jurors were sworn, but not sworn, and were paid \$2 each and discharged. The case then went over to Monday for trial, retaining its place on the calendar.

BOATMEN FIGHT FOR LIVES UNDER WHARF

Skiff Capsizes and Throws Men Into Water

Lawrence Conlan and Hector Brodie, boatmen in the employ of the harbor commission, fought for their lives yesterday afternoon in the inky darkness underneath the ferry depot. Their skiff, in which they were searching the dark recesses for some missing piles, capsized and the men were thrown into the water. Where the water shoaled the bottom was oze and the concrete supports on which the great building rests offered no grip to their grapping fingers. Hanging to their overturned skiff they yelled for help, but the dark cave in which they had been wrecked was sound proof and they soon realized that they could put their breath to better use. After a struggle they succeeded in righting the skiff. Under the mud with which they were coated they were still pale when they reported to Superintendent Jenks and asked permission to go home and change their clothes. They laughed later as they told of their experience, but if Jenks wants those piles he will have to get them himself.

GLASSES UNNECESSARY

Eye Strain Relieved by Quitting Coffee

Many cases of defective vision are caused by the habitual use of coffee. It is said that in Arabia, where coffee is used in large quantities, many lose their eyesight at about fifty. A N. J. woman writes to the point concerning eye trouble and coffee. She says: "My son was for years troubled with his eyes. He tried several kinds of glasses without relief. The optician said there was a defect in his eyes which was hard to reach. 'He used to drink coffee, as we all did, and finally quit it and began to use Postum. That was three years ago. He has not had to wear glasses and has had no trouble with his eyes since. 'I was always fond of tea and coffee and finally became so nervous I could hardly sit still long enough to eat a meal. My heart was in such a condition I thought I might die any time. 'Medicine did not give me relief and I was almost desperate. It was about this time I decided to quit coffee and use Postum, and have used it ever since. I am in perfect health. No trouble now with my heart and never felt better in my life. 'Postum has been a great blessing to us all, particularly to my son and myself. 'Name given by Postum Co., Battle Creek, Mich. Read 'The Road to Wellville,' in pkgs. 'There's a Reason.'"

EVER READ THE ABOVE LETTER?

A new one appears from time to time. They are genuine, true, and full of human interest.

NEWEST SENATOR AFTER HARRIMAN

Bristow Says Magnate Should Be in Penitentiary for Looting Alton

Declares That Four Men Got \$56,000,000 Out of Watered Stock

[Special Dispatch to The Call]

TOPEKA, Kans., Jan. 27.—When Joseph L. Bristow was elected United States senator from Kansas by the legislature today he was called upon for a speech. In a prepared address he declared that George J. Gould, E. H. Harriman and James Stillman should be imprisoned for their part in looting the Chicago and Alton railroad company of \$104,000,000 by increasing its bonded debt and stock.

"Now the present owners are demanding rates from the people that will enable them to meet the obligations imposed by this excessive indebtedness. It should be just as easy to send a man to prison for robbing a store of \$50,000,000 as it is to send the man who robs a postoffice."

BACKERS OF PROPOSED PANAMA LINE BUSY

Seek the Government's Support Through Supply Shipments

WASHINGTON, Jan. 27.—Several persons interested in the establishment of a new line of steamers between San Francisco and Panama twined on the secretary of war today to ascertain to what extent the government would support the line by forwarding supplies for the Panama canal by the proposed line. The secretary told his callers he favored the project, but was not prepared to say what assurances the government could give.

Rudolph Barth, watch maker and jeweler, now permanently located at 36 Kearny street.

VICHY Natural Alkaline Water CELESTINS Avoid Substitutes so-called "VICHY" offered by unscrupulous dealers.

Every test that is of value in ascertaining what glasses are needed is applied here. There is no such word as "trouble" while we are testing.

HIRSCH & KAISER 218 Post St. Opticians

Soft Water Process Used solely by us—Insures perfect Washing

UNITED STATES LAUNDRY PHONE MARKET 1721

THE CHANTILLY GRILL Is pronounced by epicures as the best place to dine in San Francisco. Telephone Douglas 274.

342-350 Sutter Street Bet. Grant Av. and Stockton St.

Advertisement for Victor Records featuring a woman playing a violin and a gramophone. Text includes: "HIS MASTER'S VOICE", "FEBRUARY VICTOR RECORDS READY TODAY", and a list of records such as "Carnival of Venice", "The Song That Reached My Heart", and "The Darky and the Boys".