

James A. Godfrey and Joseph E. Emmons Accepted by Both Sides

John H. Powers, Heretofore Passed, Is Ill and May Be Dismissed

Presence of Mrs. Cohn, Friend of Morris Haas, Causes Small Flurry

Talesmen Passed Subject To Peremptory Challenge

Joseph Dixon, clerk, 2000 Steiner street.

Peter Anthes Sr., retired mining man, 763 San Jose avenue.

Walter L. Baskette, book keeper, 1424 California street.

Walter J. Rook, stationery salesman, 1226 Green street.

Michael Maguire, retired hay and grain merchant, 281 Page street.

David Holberg, jeweler and optician, 1629 Geary street.

John H. Powers, architect, 3689 Sacramento street.

Arthur S. Holman, life insurance, 2918 Van Ness avenue.

James A. Godfrey, lodging house keeper, 2014 Webster street.

Joseph E. Emmons, proprietor carpet cleaning works, 2400 Geary street.

By W. Russell Cole

Indications of renewed progress in the impalement of a jury lifted the Calhoun trial yesterday out of the rut into which it has been gradually settling, and before the symptoms abated two possible jurors were allowed to slip through and take their places with the eight in the jury box.

Coincident with this, however, there was a backward slide, brought to attention by Judge Lawlor's announcement that a serious illness might prevent the further service of John H. Powers, an architect numbered among the eight already passed subject to peremptory challenge.

The court referred to Powers' sickness just before the close of the afternoon session, stating that a number of conferences with the talesman's physician already had been held over the telephone, and that the latter had said Powers might be confined to his bed for a week or 10 days. Powers was taken to a lodging house at 2014 Webster street yesterday and did not appear in court either yesterday or Monday. Judge Lawlor suggested that the attending physician be summoned into court and questioned by the attorneys, and it is possible that this will be done either today or tomorrow.

When Powers' illness was announced Stanley Moore proposed that pending the outcome of his sickness he might be deemed as present in court for the purpose of peremptory challenge and not dismissed until such a stay was proved absolutely necessary. Judge Lawlor said that he was anxious to complete the jury at the earliest possible moment, but that Powers' physician had stated to him that jury confinement might work great injury to his patient. Under the circumstances the court declared that he would discontinue immediately the examination of any juror who might be taken any risk of having the trial interfered with after it was once begun. The matter was put over until today for further consideration.

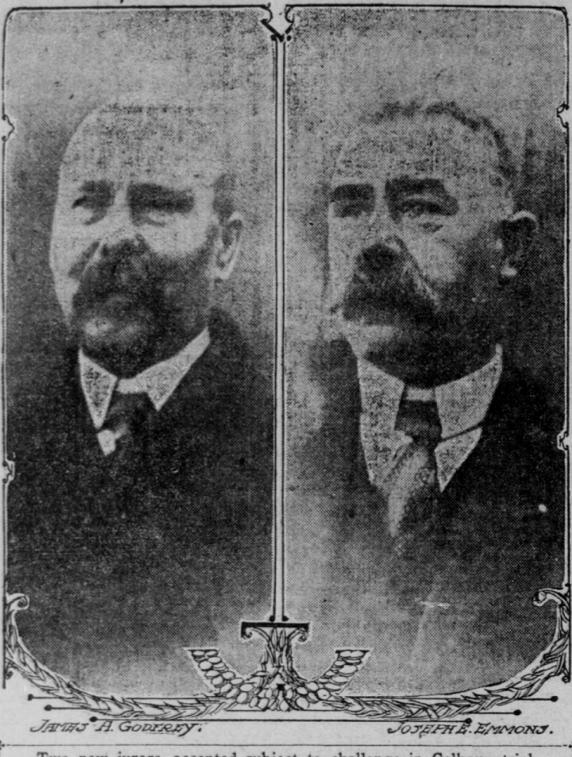
TWO SATISFACTORY

The two talesmen temporarily accepted yesterday were James A. Godfrey, proprietor of a lodging house at 2014 Webster street, and Joseph E. Emmons of 2400 Geary street, proprietor of a carpet cleaning works. Both men were passed during the morning session without challenge from either side, and neither case was the examination particularly extensive. Both admitted that they had read and heard of the graft cases in general and the particular case on trial, but that they had formed no opinions which would prevent them from giving all parties an interest a fair and impartial trial.

A small flutter was caused in the courtroom before the noon hour by the appearance in court of Mrs. Marian Cohn, the woman who was an intimate of Morris Haas prior to the latter's attempt to murder Francis J. Heney, and who came into considerable notoriety after Haas committed suicide at the county jail. Heney's wife and accompanied by another woman of attractive appearance, Mrs. Cohn stepped from the vestibule into the body of the courtroom and stood for a moment near the door, looking uncertainly about her. Policeman P. W. Robt. of the courtroom detail started to lead Mrs. Cohn to a seat in the front of the room, but suddenly recognized her as the woman whom he had seen at the mortuary when the Haas suit was being taken up. Robt. turned and secured seats for the two women in the rear of the room and then sat down with them. He at once asked Mrs. Cohn her name and address, and when she had given them she explained to Robt. that she had visited the court in search of a collection attorney named Adams, whom she had made several futile attempts to see at his office, and then asked Robt. to point out to her the man and Patrick Calhoun. Robt. told her that she had acted unwisely in entering the courtroom and advised her to leave at once. She acquiesced without hesitation, and when told that her appearance was likely to cause commotion offered to submit to a search of her person.

The whole incident had occupied not more than five minutes up to the time Robt. ushered the two women out of the building, but Heney's bodyguard, James Foley, had seen and recognized Mrs. Cohn and informed Heney of her presence in the room. Just as the women left the building Heney arose from his seat, instructed Foley and McCarthy, the two bodyguards, not to accompany him, and followed the women to the door. He expected, he said, to question Mrs. Cohn as to the reason for her visit, but was too late to intercept her before she left the building. Earl Rogers, the Los Angeles member of Calhoun's legal staff, returned to the courtroom yesterday afternoon and took an active part in the examination of several of the talesmen, sev-

Two Possible Jurors Are Added to Panel



Two new jurors, accepted subject to challenge in Calhoun trial.

enteen veniremen were put through the mill during the day and the panel was again exhausted when adjournment was taken in the afternoon. A new venire of 60 has been ordered for this morning and the hearing of excuses will be taken up by Judge Lawlor at 9 o'clock, so that the regular examinations may be resumed before noon.

Owen L. Gibson, secretary of a hardware company, was the first talesman examined yesterday morning, and his answers in reply to the questions put by the attorneys for the defense led to an interesting bout between him and Heney. He had an opinion, he told Moore, to the effect that supervisors who violated their oath of office would "plunge any oath and that, while he believed money had passed, he considered it a holdup.

"Does this prejudice you have amount to a feeling against the prosecuting officers?" Heney asked when the juror had been passed to him.

"I don't like to say," answered Gibson.

"Oh, that's all right," Heney answered. "We are not thin skinned. I should like to know if you have any bribery of public officials, but when covered in his statements declared outright that he did not believe any bribery had been committed, except, possibly, by the Home telephone company. He was challenged by the prosecution and excused. James D. Gliven of 2026 Green street, a photographer, was excused for personal business reasons.

COMES FROM PETALUMA

James A. Godfrey, who was accepted as the ninth prospective juror, was formerly a resident of Petaluma and has lived in this city but a short time, conducting a lodging house at 2014 Webster street. He declared that he had no opinion concerning the granting of immunity contracts or relative to the car strike controversy, and believed he would be a fair juror to both sides. He was accepted without challenge after a comparatively short examination.

Henry C. Golcher, a sporting goods merchant, proved to be a strong admirer and personal friend of the defendant, but this was not brought out on examination of the defense, although a challenge finally was interposed by the defense on the strength of Golcher's statement that he could not try the case fairly. Heney denied the challenge for a minute and led Golcher to say that he often went shooting with Calhoun and played golf with Thornwell Mullally. Objections were interposed by the defense to these questions, and Heney admitted the challenge after explaining why he had questioned the talesman at all.

"I wanted to show," he said, "why they wanted to get him after he said he couldn't try the case fairly."

Joseph E. Emmons, the second talesman accepted, gave an interesting statement of his views concerning the duties of citizenship while his examination was in progress. This was after he had been passed by the defense and was under examination by Assistant District Attorney O'Gara. He had previously stated that if money was paid to the United Railroads to the supervisors he supposed Calhoun must have known something about it, but that he had no opinion on this subject and could be a fair juror. He preferred, he said, not to serve on the jury because of the publicity of the case.

"It is the duty of a man to serve on a jury," he said, "if he can honestly do so, for decent men must serve in order that justice may be done. One does not want to go to war and be shot at, but when war occurs it is one's duty to go and fight. I might be dishonest and get off, but that would not be right. As to the right by striking before their agreement was up. It was not the square thing to do."

"Would you accept the testimony of the supervisors?" O'Gara asked.

"I would not give the same weight to the testimony of a confessed criminal that I would to that of an honest man," Emmons answered, "but still I thought it deserved. I believe that Calhoun should be as amenable to the law as any one else, and I am sure that I know of no reason why I could not try the case fairly to both sides."

With Emmons passed to the jury box the rest of the day moved along almost without incident. The next four jurors were disqualified on brief examinations because of prejudice. They were Charles A. Fey, Julius Gluck, Julius A. Ehorn and Charles H. Farrier. Frank A. Gilley of 303 Church street, a master plumber, was challenged by the defense after he had said that he went to the ferry depot to meet Heney on the night of his return from the east. Gilley also declared that he was in favor of every good government proposition.

Other jurors disqualified were Melvin C. Ferrier, Stuart Gayness, Ernest J. Gilchrist, William H. Garretson and William H. Gill. Austin S. Ferguson was the last member of the panel, and although a member of the League of Justice, declared that he believed he could give the defendant an impartial trial. He said that he thought he could lay the slight opinion he held aside, and it was not until he declared that he would be unwilling to be tried by 12 jurors in his own state of mind that a challenge interposed by Rogers was allowed.

HONORABLE SERVICE CAP

"Doc" Creeley of Jury Tampering Fame Involved in Charges

Accused of Forcing Applicants for License to Attend His College

[Special Dispatch to The Call]

CALL HEADQUARTERS, CHAMBER OF COMMERCE BUILDING, SACRAMENTO, Feb. 2.—While I was a member of the state board of veterinary examiners I admit the examinations were farcical. All that we required in most cases was that the applicant did not look as if he were a chronic drunk," said Dr. Whittlesey of San Francisco before the assembly livestock committee this afternoon.

"This fellow Creeley, who is on the examining board now, is the man who has been in jail for trying to tamper with the Ruff jury, and is one of the main men in the veterinary college in San Francisco. I can bring you cases where this board turned down applicants for licenses so as to get them to go to the Creeley college so they could make money out of them," was the next startling announcement made by Dr. W. L. Williamson of San Francisco.

"I know instances where this board, or members of it, took the lists of questions applicants for license in advance of the examination," was the contribution of Professor Mullen of Oakland.

"I admit that I am financially interested in the San Francisco veterinary college, but I never forced any applicant to attend there," is the defense of Dr. Creeley. "This fellow Mullen and some of these others are charlatans. He sells patent medicines and when there is no patent doing in that line as a veterinarian. This fellow Williamson is unreliable."

These and other similar anectdotes were passed this afternoon by gentlemen who are here for the purpose of having the state governing the state board of veterinary examiners amended with a view to "elevating the profession."

Bills Must Await Dunne

[Special Dispatch to The Call]

CALL HEADQUARTERS, CHAMBER OF COMMERCE BUILDING, SACRAMENTO, Feb. 2.—All railroad legislation is at a standstill because Peter F. Dunne, newly elected chief counsel of the Southern Pacific, can not conveniently appear before the joint committee of the legislature to argue against the railroad commission bill which is pending today evening. This condition of affairs exists in spite of the fact that the committee this evening listened to representatives of the railroads for several hours, during which they argued against the proposed amendment of George F. Richardson, superintendent of transportation for the Southern Pacific; W. R. Scott, assistant general manager of the Southern Pacific; and E. E. Mote, manager of the Pacific coast service bureau, addressed the committee.

The entire evening was occupied by the railroadmen in discussing reciprocal demurrage, and they all claimed that it would be unfair to the transportation companies, although they would be prepared to accept reciprocal demurrage to have the right to charge shippers for any delay in unloading cars. Senator Miller, who has a bill before the senate providing for reciprocal demurrage, asked many questions which were embarrassing to the railroad representatives.

Will Get Coffey Jury Today

No progress was made yesterday in the task of impaneling a jury to try Michael W. Coffey, the supervisor charged with accepting \$4,000 for an overhead trolley franchise for the United Railroads. The remainder of the venire summoned for the previous day was expected to appear, but only one talesman answered the call of the clerk. The others had presented legal excuses to the judge. William McKay, the talesman who appeared, was excused, but he had a fixed opinion as to the guilt of the defendant. Another special venire of 60 has been summoned to appear today and the jury probably will be secured today.

PASS SULPHUR RESOLUTION

CALL HEADQUARTERS, CHAMBER OF COMMERCE BUILDING, SACRAMENTO, Feb. 2.—For years the fruit industry of California, both houses of the legislature today rushed through a joint resolution asking the legislators of other states to pass laws prohibiting the sulphuring of fruit.

This resolution was introduced yesterday morning by Senator Miller, chief of the California Fruit Growers' association, the state board of trade, the California Dried Fruit association and the California Promotion committee. Owing to its important bearing upon one of the greatest industries of the state, it was passed unanimously and unopposed by the legislature.

Radical Court Changes

CALL HEADQUARTERS, CHAMBER OF COMMERCE BUILDING, SACRAMENTO, Feb. 2.—A radical change in the law governing the procedure in the superior court is proposed by Assemblyman Henry Beatty of San Francisco. He today offered a constitutional amendment that a judge of any superior court of the state might hold a superior court in a county at the request of the county judge of the county or at the direction of the governor, but it is further provided that a cause in superior court might be tried before a judge pro tempore, who may be a member of the bar, agreed upon in writing by the parties litigant, or their attorneys.

Tom Finn Gets Setback

CALL HEADQUARTERS, CHAMBER OF COMMERCE BUILDING, SACRAMENTO, Feb. 2.—A bill which would curtail the authority of every municipal commission in San Francisco made a brief appearance before the senate today evening. The bill was introduced by Tom Finn, for extensive repairs.

BOTH SIDES FIGHT WAR ON AFFINITIES

Prohibitionists Join With Saloon Men in Opposition to Measure

Probably Will Be Amended Before Going Out of Committee

[Special Dispatch to The Call]

CALL HEADQUARTERS, CHAMBER OF COMMERCE BUILDING, SACRAMENTO, Feb. 2.—The consideration of Assemblyman Wylie's local option bill before a joint committee this afternoon developed an unexpected situation—the prohibitionists of Los Angeles county joined with the saloon interests in opposing the bill. The saloon men attacked the measure because they considered it the entering wedge of prohibition, while the prohibitionists opposed it because they deemed it a compromise with wrong.

Frank Dietrich, a local saloon man, opened the discussion by describing the Wylie bill as a step toward prohibition, which he branded as a detriment to all the industries of the state.

Colonel Herbert L. Choyinski, attorney for the retail liquor dealers, followed by insisting that prohibition is subversive of the best interests. He asserted that prohibition has been a failure and asked the local option prohibition. He quoted government statistics showing that drunkenness and crime are greater in prohibition states than in license states. W. H. Treichler of Sacramento also opposed the bill.

Before reporting the bill out of committee it is the intention to amend it by exempting breweries, wineries and distilleries, and making a township or a precinct unit in acting under the proposed law.

Lawyers Oppose Scheme

CALL HEADQUARTERS, CHAMBER OF COMMERCE BUILDING, SACRAMENTO, Feb. 2.—The assembly judiciary committee today evolved a scheme of placing the quietus on the Commonwealth club bills which were drafted with a view to simplifying the present criminal procedure.

The effort to minimize the chances of rich criminals escaping justice by urging endless technicalities did not appeal to some of the lawyers on the judiciary committee of the lower house and today they finally hit upon the scheme of asking the assembly to name a holdover committee to work on the Commonwealth club bills during the legislative recess. By such action the bills would be disposed of for this session and the holdover committee might be able to amend the scheme so that the rich criminals would not be robbed of all their technical defenses.

\$150,000 for Sacramento River

CALL HEADQUARTERS, CHAMBER OF COMMERCE BUILDING, SACRAMENTO, Feb. 2.—A bill to appropriate \$150,000 for correcting the Sacramento, the San Joaquin and the Feather rivers, according to recommendations by federal engineers, was introduced today by Assemblyman Hewitt.

Would Change Annexation

CALL HEADQUARTERS, CHAMBER OF COMMERCE BUILDING, SACRAMENTO, Feb. 2.—Such counties as San Mateo will find it easier in future to banish smelters with their poisonous fumes if Assemblyman Holman secures the passage of two bills introduced by him today regarding municipal annexation.

Enjoy Your Meals

By Simply Eating a Little Pleasant Tablet After Each of Them

A TABLET DIGESTS A MEAL

When digestion is perfect the fluids necessary to this process come naturally to the aid of the stomach. They are of right proportion and do their work speedily and well. When digestion and dyspepsia are present, these same juices come slowly if at all, are weak and insufficient, or are filled with strong acids and alkalies. When such a condition exists each meal is a hardship upon the digestive tract. The next should strengthen the juices, but on the contrary it weakens them, so that man by the very act of eating causes conditions to arise which of themselves bring him pain and loathing for the next meal.

By eating one of Stuart's Dyspepsia Tablets after each meal, the stomach is made strong, vigorous, many times more powerful than the natural digestive juices. These tablets are made up from natural vegetable and fruit essences and are composed from Hydrastis, Golden Seal, Lactose, Nux, Acetic, Peppin, Bismuth and Jamaica Ginger. There is the formula and one grain of it will digest 3,000 grains of food in any stomach. Besides digesting the food it will give the blood the power to enrich the digestive fluids so that after a time nature will take care of itself. Though you have no stomach trouble one of these tablets after each meal is a powerful assistance to nature and is an excellent habit to make.

Go to any druggist and ask his opinion of Stuart's Dyspepsia Tablets. We will abide his answer. If he is an honest man they sell for 50c per package. Send us your name and address and we will send you a trial package by mail free. Address F. O. Stuart Co., 150 Stuart Bldg., Marshall, Mich.

SENATORS BALK AT WAR ON AFFINITIES

McCarty Pleads in Vain for Penalty Against Some Trial Marriages

"Don't Let's Monkey With Morals," Says Willis, and His Ideas Prevail

[Special Dispatch to The Call]

CALL HEADQUARTERS, CHAMBER OF COMMERCE BUILDING, SACRAMENTO, Feb. 2.—There will be no interference with a certain brand of trial marriages at this session of the legislature. The attempt of a southern senator to make it hot for affinities was squelched this afternoon in the judiciary committee. While expressing the utmost reverence for the Mosaic law, the learned lawyers of the committee slammed their feet down and chorused "No!" when asked to legislate morality into errant husbands and wives.

When Senator McCartney, pulling a face of Draconian severity, asked the committee to hang heavy penalties over the heads of husbands and wives who wander from their own firesides to enter into that species of trial marriage which ignores the formality of divorce, the members, a little tired with routine, sat up and took notice.

As the Los Angeles senator explained that he proposed to reach these unions of affinities by leaving out of a certain statute the words "open and notorious." He said that the interpretation of those two words furnished more vagaries of law than any other provision of the codes and that by omitting them the keen eye of justice might frown upon the Mosaic law is broken," declared Senator Willis, and then noting the looks of shocked amazement on the faces of his brothers, hastened to explain that he had the greatest respect for the Mosaic law and the greatest detestation for those who broke it.

"Only don't let's monkey with morals," warned Willis.

Wolfe thought so, too, and suggested the possibilities of blackmail if the change were made. So McCartney pleaded in vain and the bill was chloroformed. There are to be no more terrors for affinities.

PETTY OFFENDERS IN STOCKTON MUST TOIL

San Joaquin County Supervisors Authorize Road Gangs

[Special Dispatch to The Call]

STOCKTON, Feb. 2.—At a session of the county board of supervisors an ordinance was passed yesterday authorizing the sheriff to work all petty offenders on the county highways.

It is provided that those arrested will wear a suitable and distinguishing uniform and will labor at regularly prescribed hours. Those placed on the work gang will be given three meals a day. Other prisoners will be served as formerly but twice a day.

Five days a month will be deducted for good behavior during incarceration.

END OF A RED NOSE

New Flesh-Colored Product That Heals and Hides Skin Imperfections

A peculiar feature of poslam, a new skin discovery, is that it is naturally flesh-colored and contains no grease, so that when used on the face for the complexion, or for pimples, red noses, or any other inflammations, blemishes, or discolorations, its presence cannot be detected. It can thus be applied in the daytime, the natural color of the skin being immediately restored and the actual healing and curing process accomplished in a few days. It can be had of any pharmacist who sells pure drugs. The Owl Drug Co. make a specialty of it. Fifty cents' worth will answer either for the troubles mentioned or in curing ordinary cases of eczema. Itching stops at once.

The Emergency Laboratories, No. 52 West Twenty-fifth Street, New York, are the sole dispensing agents for poslam in the United States, and will send an experimental quantity free by mail in plain wrapper to all who write for it. This will show results after an overnight application.

The First National Bank and the First Federal Trust Company

Have removed to their new offices in THE FIRST NATIONAL BANK BUILDING, N. W. cor. Post and Montgomery streets.

Announcement of removal of the Safe Deposit Vaults will be made later.

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