

"By Day a Catcher of Burglars;
By Night a Catcher of Bugs."
The story of an enterprising San Francisco policeman will be found in
THE SUNDAY CALL

THE CALL

THE WEATHER
YESTERDAY—Clear; westerly wind; maximum temperature, 56; minimum, 46.
FORECAST FOR TODAY—Cloudy; possibly high rain; moderate northwest winds.

VOLUME CVIL.—NO. 80.

SAN FRANCISCO, FRIDAY, FEBRUARY 18, 1910.

PRICE FIVE CENTS.

CONBOY JURY DISAGREES AND IS DISCHARGED

Vote Stands 10 to 2 for Conviction During Many Hours of Heated Argument

Jurors F. L. Cook and Spiro Raicevich Maintain Shooting Was Justified

Perjury Charges Growing Out of Trial to Be Prosecuted Without Delay

FOR CONVICTION

- ARTHUR CARMEAN, book keeper, 1537 Sacramento street.
- ALBERT HAAS, clerk, 1048 Haight street.
- MILTON G. BANNER, Banner millinery company, 3629 Clay street.
- FRANK S. ALDEN, lumber dealer, 2386 Green street.
- SAMUEL KRAGEN, insurance broker, 1524 Dolores street.
- SAMUEL SCHWARTZ, dry goods merchant, 2704 Twenty-fourth street.
- ROBERT LUTGE, hotel keeper, 37 Woodward avenue.
- SAMUEL BERNARD, salesman, 1806 McAllister street.
- MAXIM H. MARKS, merchant, 747 McAllister street.
- P. HIRLEMAN, salesman, 1632 Broderick street.

FOR ACQUITTAL

- SPIRO RAICEVICH, furniture dealer, 804 Lyon street.
- F. L. COOK, jeweler, 948 Laguna street.

"NOW we will proceed with the charge of perjury against H. B. Blumberg and some others who testified in the Conboy trial to the mere figments of their imaginations—or those of other people."—Assistant District Attorney MAXWELL McNITT.

"It was a clear case of self-defense."—JUROR F. L. COOK.

"It might have been worse."—MISS MINA CONBOY.

"Arguing with two jurors who stood for an acquittal was like talking to a blank wall."—JUROR S. FRANK ALDEN.

"I am not saying a word."—MICHAEL JOSEPH CONBOY.

With 10 standing for a conviction on the charge of manslaughter and two for an acquittal on the ground of self-defense, the jurors trying the case of Michael Joseph Conboy, former captain of police, charged with the murder of Bernard Lagan, were discharged at 6 o'clock yesterday evening after 20 hours of stormy session and arguments of the most heated character. Conboy, palpably pleased at the anticipated termination, tried hard to hide his smiles as he received the congratulations of his friends.

Crowd Is Dissatisfied

The disagreement of the jury far from satisfied a big crowd which thronged the courtroom and the comment and scornful remarks which had been so freely bandied about the corridors and halls the night before when the jury made the first declaration of being unable to arrive at an agreement, broke out with increased vehemence when the court finally discharged it. The sentiment was one of absolute disgust. Except for the relatives and close friends gathered around his chair Conboy had few partisans.

The two jurors who stood for an acquittal were F. L. Cook, a jeweler, 948 Laguna street, and Spiro Raicevich, a second hand furniture dealer living at 804 Lyons street, and both declared that to their minds the case was one of self-defense and that Conboy was justified in shooting down Lagan.

Prosecutor Is Cynical

Assistant District Attorney McNitt shrugged his shoulders and smiled cynically.

"Ten days ago," he said, "I wrote down the names of two jurors who I thought were going to vote for an acquittal and placed them in an envelope." He yawned carelessly. "Well, I was right." He paused for an instant and then arose and said:

"Now we will get after the perjury cases. Throughout this trial I have tried to be fair and not take any undue advantage of the defendant; but if those who perjured themselves think that the disagreement of the jury ends the whole business they have made the biggest mistake of their lives.

"I have sufficient evidence, I am confident, to convict, and the district attorney's office is going to it properly and with a determination to put up a big fight to stamp out as far as possible this evil. I do not know just how common perjury is in the criminal courts, but so long as I am to represent the people I intend to do the job thoroughly. I state emphatically that there has been perjury in the Conboy case—and a lot of it. I am not making baseless charges or threats, but simply stating a cold fact which I intend to prove in the regular way."

It was with extreme reluctance that

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THE CALL'S NEWS INDEX

Hereafter will be found on the

EDITORIAL PAGE

The Weather Report in brief will be found at the upper right corner of this page, and in full on the last page but one of the paper.

Startling Rumor Circulated About The West Virginia

Report That Hull of the Huge Cruiser Is About Ready To Fall to Pieces

[Special Dispatch to The Call] VALLEJO, Feb. 17.—Founded upon apparently authentic information the startling report reached this city last night that Admiral Stribee of the Pacific cruiser fleet had, Wednesday afternoon, wired a 250 word message to Secretary of the Navy Meyer, advising him that it would be a most dangerous undertaking to attempt to send the big cruiser West Virginia along with the rest of the fleet into southern waters for the regular spring target practice. It is stated that the hull of the cruiser is about ready to fall to pieces. Admiral Stribee is said to have recommended that the vessel be sent here at once.

At the local station all knowledge of Stribee's alleged telegram is denied, with the explanation that the local station will probably first learn of the trouble when the West Virginia is detached here.

RAILROADS DECLARE WAR ON THE PACKERS

Advance Rates on Dressed Meats and Livestock

[Special Dispatch to The Call] CHICAGO, Feb. 17.—Western railroads want more of the packers' money, and let it be known today that they intend to advance freight rates on meats and livestock next month. The increase is in the nature of a declaration of independence by the carriers.

For years the great packing concerns, with their immense traffic and private car lines, pressed freight rates down to the minimum. Then, seven years ago, came the last straw. The Chicago Great Western railroad, with A. B. Stickney in command, entered into a long time contract with the packers, agreeing to carry their products at reduced rates in consideration of their giving the line a specified tonnage.

The Great Western has gone through a receivership, and emerged minus Stickney, the contract has expired, the Hepburn law has put railroad traffic on a fair and aboveboard basis, and now the charges are to go up.

On dressed meats and packing house products the rates from Missouri river points will be put up 5 cents per 100 pounds. On stock the charge will be advanced 2 1/2 cents from Kansas City and St. Joseph. The increases amount to about one-fifth of a cent a pound on meats. All of the roads but two—the Alton and the Wabash—will join in the advance. The other lines say these two are welcome to the business at the old figures.

WOMAN IS CHAINED IN ROOM FOR TWO YEARS

Rescued by Police After Long Martyrdom

PARIS, Feb. 17.—The disappearance of the young wife of a druggist named Parat, whose pharmacy is near the scene of the Steinhilf murder, was cleared up today when the police broke in and found the woman heavily chained between the bed and the wall, horribly scared.

In addition to the chain, which was strongly padlocked around the neck, a cruel contrivance resembling a coat of mail, but strengthened by a belt of copper rings, enveloped the body. Both objects could be removed only by the use of keys.

The woman told a pitiful tale of two years' imprisonment and martyrdom. Last November, when still in chains, she gave birth to her fifth child. The husband refused to call a doctor.

Parat, who was arrested, declared that he loved his wife, but was extremely jealous of her.

CHIEF'S AUTO AFIRE—The automobile used by Chief of Police Martin caught fire from an overheated cylinder yesterday evening in front of police headquarters. The fire department was immediately called and the blaze extinguished. The damage was slight.

QUARTERS ARE IMPROVED ON RIVER VESSELS

Exposure Made by The Call Results in Better Conditions on Steamboats

Owners Install Iron Bunks and Provide for Cleanliness in Forecastle

Great improvement has been made in the quarters for the crews on some of the river boats plying on the bay, and on all of them greater cleanliness is evident as a consequence of the exposure which The Call made in December last of the conditions then existing on the packets.

Henry Huntsman, secretary of the bay and river steamboatmen's union of California, which organization made the fight before the state board of health for an amelioration of the degrading conditions under which the deckhands were forced to live, declared yesterday that since the campaign waged by The Call was started there had been a decided improvement in the forecastles of the vessels.

"We feel very grateful to The Call on that account," said Huntsman.

Dr. Martin Regensburger, president of the state board of health, said yesterday that the steamboat companies had shown a spirit of co-operation with the state board of health recently and that there had been general improvement on the vessels.

Iron Bunks Installed

The California transportation company, whose boats were most open to criticism, has been active since December in putting its packets in better shape. Cleanliness is now required on every vessel. The recommendation of the board of health inspectors that a member of the crew be detailed to keep the quarters of the men clean has been followed.

Not only has that been done, but on the steamer Onisbo the infested wooden bunks of the forecastle have been torn away and replaced with iron bunks of the kind used in the army transport service. The Fort Bragg of the same line is undergoing repairs and iron bunks will be installed on it before it is put in commission again.

The Isleton was being fitted out with modern accommodation for the crew at the time of the exposure of the conditions in the fleet. It is now in commission.

Sleeping Quarters Cleaner

The steambog Pride of the River, which is one of the handsome passenger vessels of the California transportation company, is scheduled to have its forecastle remodeled during the summer months. There are now fewer men sleeping in the forecastle than formerly. The place was much cleaner yesterday than it was in December. However, there appears to be no additional ventilation in the forecastle.

"We are making improvements on all of the boats," said Port Steward Baker of the California transportation company. "We will install iron bunks on all of the vessels. Already we have the iron bunks in several of our boats. On some of the boats, where the forecastle formerly was reached only by the hatchway, we have had a second entry cut, leading into the lower deck of the boat. This door serves to give the quarters better ventilation and also to make the condition of the men safer.

"We also have a man detailed on each boat to keep the forecastle clean. We have refitted several of the boats with modern toilet appliances and have tried in every way to conform with the recommendations of the state board of health."

Reform Movement Succeeds

Captain Fox, port captain of the line which operates the steamer Gold on the Petaluma creek route, admitted that iron bunks had not yet been installed on that vessel, but said that every effort was made to force the men to keep their quarters clean. The forecastle on the Gold is better located, as regards ventilation, than is the case on most of the bay and river boats.

At the office of the Rideout company it was stated yesterday that iron bunks had not been placed on the vessels. The quarters for the men on the Rideout boats are dry and fairly comfortable in comparison with what they were on other lines.

In December last the bay and river steamboatmen's union of California sent a protest to the state board of health complaining of the intolerable condition under which the men employed on the river boats lived. The communication was prepared by H. Huntsman, the secretary, and was presented to the board at Sacramento by Delegate Thomas Cavanaugh. George Comstock, patrolman for the union, also took an active part in the movement. Those three union men constituted the committee which carried on the reform movement to what seems now to be, in the near future, a successful conclusion.

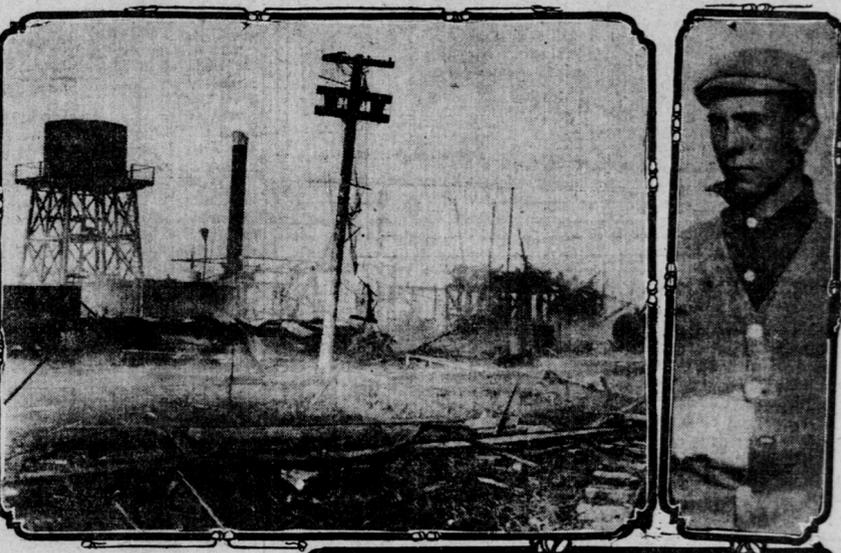
Work of Health Board

Dr. Martin Regensburger, president of the state board of health, interested himself in the cause of the boatmen. Dr. A. P. Kneiber, inspector for the department, was immediately called and the blaze extinguished. The damage was slight.

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POWDER WORKS WRECKED ENTIRE COUNTY IS SHAKEN

All that is left of the Trojan powder works. The nitrate department and engine room were on the right. The man in the illustration is Superintendent M. J. Martina, who narrowly escaped death. Below is a photograph of the ground on which the mixing room stood. It is the place where the charred remains of John Lewis were found.



TOM GEARY HIRED TO DEFEND BURKE

Former Congressman to Appear for Doctor Accused of Dynamiting Miss Smith

[Special Dispatch to The Call]

SANTA ROSA, Feb. 17.—The Sonoma county grand jury will meet tomorrow morning at 10 o'clock and at once take up the consideration of the case against Dr. Willard P. Burke, president and manager of Burke's sanatorium, who is out on \$20,000 bail under a warrant in Justice Atchinson's court, charging him with the use of explosives with intent to injure human beings. It is not expected that the investigation will be completed during the day, as there are about 15 witnesses to be examined.

District Attorney Clarence F. Lea and his assistant, George W. Hoyle, spent all of today going over the mass of evidence accumulated in the last 10 days, preparing it for presentation before the grand jury in an effort to show that an attempt was made on the life of Lou Etta Smith and her 11 months old son, Saturday night, February 5, and that Doctor Burke was responsible for the explosion.

Many Witnesses Summoned

Sheriff J. K. Smith and a score of deputies have been busily engaged during the late afternoon and evening in serving summons to people who will be called before the inquisitorial body and given an opportunity to tell what they know of the case. Dr. Willard P. Burke, Alfred Burke, his brother, and the latter's wife, Mrs. Aggie Burke; Mrs. Sadie Dixon, Dr. H. F. Dessau, Mrs. Claire Dessau, Dr. A. W. Hitt, Dr. Warren Dillard, Attorney Charles E. Naylor, Lou Etta Smith, Thomas Riley, a miner from Kanaka Peak mine, and others are among those summoned to appear.

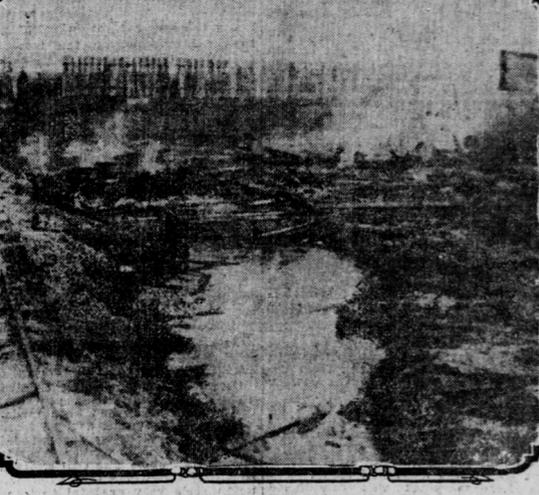
Dr. A. W. Hitt, accompanied by D. Warren Dillard, arrived here this afternoon from Berkeley. Attorney Charles E. Naylor arrived here from San Francisco during the day. He may not be called as a witness until later as he returned home this evening. In addition to the witnesses to be examined there are a number of depositions to be read and the hearing will occupy part of Saturday according to present indications.

Important Evidence Withheld

The object in placing the case before the grand jury instead of going ahead in the justice court on the warrant sworn out by Sheriff J. K. Smith last Sunday is to prevent the defendant from learning the entire case of the prosecution at the present time. All that is required is to make a showing before the grand jury which will convince them that a crime has been committed and reasonable grounds to believe that Doctor Burke committed that act. With the indictment the case will go to trial without the defendant being aware of any more of the evidence than that presented before the grand jury.

Former Congressman Thomas J. Geary, author of the Geary Chinese exclusion act, and Attorney J. Rolfe Lepo, both prominent members of the Sonoma county bar, have been retained by Doctor Burke to conduct his defense. Doctor Burke had been dickered with the former congressman for several days and it was announced tonight that they had reached satisfactory terms.

CHECK FRAUD CHARGED—Oakland, Feb. 17. W. Francis Gandy, arrested at Denver yesterday, is the son of a wealthy Fresno man. He is accused of passing a \$1000 check for \$100 at the Hotel St. Mack. Detective Green will leave for Colorado tomorrow with extradition papers for Gandy.



NORTH BEACH HAS NEED OF ROOSEVELT

Elephants, Who Are Neither Vegetarians nor Teetotalers, Race Through District

Three excitable elephants made a whirlwind tour of 30 San Francisco blocks yesterday afternoon, and North Beach had more thrills to the minute than ever it had before. Since the great animals were neither vegetarians nor teetotalers the butchers and winemakers along the path of the pachydermic cyclones carried loss entries on their ledgers last night that suffered from elephantitis.

The three wanderers constituted the Al G. Barnes troupe of trained elephants, which were performing at the California theater in Broadway near Grant avenue.

The brutes were taken out for a stroll yesterday afternoon to advertise the show. The dodge worked. No sooner had some children criticised the apparent clumsiness of the brutes than they unanimously became peevish and started to pull off a little speed stunt.

They dashed up Montgomery avenue, with two trainers and mahouts and Managers Herzog and Michaels of the theater clutching for their ears. At Chestnut street they turned toward Taylor and there, sighting the succulent array of porterhouses and T-bones in the butcher shop of D. W. Bianchi, they dashed in, trampled the meat under foot and then dashed out again. Several women and children had narrow escapes from being crushed by the elephants.

Sated with the sight of meat the elephants whirled from the shop and charged the iron bound door of the winery of Ciocca & Lombardi at 547-551 Chestnut street. The trained elephants had a lot of fun tossing barrels and casks about.

From the winery the brutes started toward the bay, but were cornered in a vacant lot at Powell and Chestnut streets.

The California theater's tame animals make North Beach life exciting. A leopard encaged there recently spoiled the scanty snery of a soubrette and a lion severely injured a stage hand. And there is no T. Roosevelt in town to protect the beach.

GOVERNMENT LOSES IMPORTANT POINT

Unfavorable Ruling in Timber Fraud Cases on Trial at Boise

BOISE, Idaho, Feb. 17.—Judge Dietrich delivered a blow to the government today in the trial of William W. Kettenschlag, George H. Kester and William Dwyer of Lewiston on charges of conspiracy to defraud the government out of timber lands.

Objections to the testimony of alleged "dummy" entrymen was sustained, the court holding that the government must show that arrangements for the sale of the land were made before the land was fled upon and that money was furnished by the defendants.

The only witnesses of the day were Ivan R. Cornell of Portland, formerly of Lewiston, and Fred W. Shafer of Lewiston, both of whom testified to receiving money from Kester to make filings on timber lands and later disposing of them to Kettenschlag.

Withdrawn From Coal Entry

WASHINGTON, Feb. 17.—Secretary Ballinger of the interior department today temporarily withdrew from coal entry 2,968,492 acres of public land. He also temporarily withdrew from all forms of disposition 127,122 acres. Forty-six thousand four hundred and thirty-one acres were restored to settlement.

Data recently collected by the geological survey indicated that the public lands in Wyoming and Montana contained valuable deposits of coal, and to determine the question, the secretary of the interior today withdrew from coal entry 1,298,296 acres in the former state and 860,286 in the latter. This withdrawal is pending a detailed field examination.

Twenty-one thousand eight hundred and twenty-eight acres along the Red Rock lakes, Montana, have been temporarily withdrawn from all entry in aid of proposed legislation affecting the disposal of water power sites on the public domain.

EIGHT BLOWN TO AWFUL DEATH

Explosion Blots Out the Trojan Plant at Roberts Landing Near San Lorenzo

FIVE INSTANTLY KILLED; THREE OTHERS SOON DIE

Body of One Workman Hurlled 500 Feet Through Air Into the Marsh

CATASTROPHE ATTRIBUTED TO CARELESSNESS OF MEN

- THE DEAD:**
- JAMES MCCARTHY of the drying house.
 - REUBEN THARP, chemist.
 - JOHN LEWIS, powder mixer.
 - ALPHONSE EEOS of the drying house.
 - ELMER C. GOULDING of the mixing house.
 - HARRY ONRAET, laborer.
 - WO CHEE, Chinese laborer.
 - SUEY SONG, Chinese laborer.
- THE INJURED:**
- MARIO J. MARTINA, superintendent.
 - ENG SING, Chinese laborer.

OAKLAND, Feb. 17.—With an explosion which shook practically the whole of Alameda county the Trojan powder works at Roberts landing, near San Lorenzo, blew up shortly before 11 o'clock this morning. Five men employed in the plant were instantly killed and four so badly injured that three died later at the county infirmary.

Following is the list of victims:

The dead: James McCarthy, an employe of the drying house, unmarried, living near San Lorenzo. Reuben Tharp, a chemist, 35 years of age, a native of New Jersey, living at the San Lorenzo hotel. John Lewis, a powder mixer, unmarried, 18 years of age, living near San Lorenzo.

An unidentified Chinese laborer believed to be Shuey Shang. Alphons Eeos, 36 years of age, an employe of the drying house, married, living in San Lorenzo.

Elmer C. Goulding, a native of England, 24 years of age, employe of the mixing house.

Harry Onraet, a native of Belgium, 25 years of age, employed as a laborer at the plant. Wo Chee, Chinese laborer, 32 years old.

The injured: Eng Sing, a Chinese laborer, 45 years old, living in San Lorenzo, an employe of the punching house.

May Have Been Careless

The cause of the explosion is a mystery. Some of the men who escaped attribute it to carelessness on the part of two of the victims, McCarthy and Eeos, who were handling powder in drying house No. 1, which is believed to have been the source of the catastrophe. It is their theory that these men paid the death penalty for violating the fundamental rule of powder workers that boxes of the explosives must not be dragged across a floor. This is merely a theory, however, and the true cause of the disaster will probably never be known.

Vice President W. P. Mulhern of the Trojan powder company was not inclined to place much credence in the theory of carelessness, and said that a chance contact between nails, causing a spark and a concussion, seemed the most plausible explanation.

There were three explosions, the first two sharp and of minor violence, and the third so terrific that its very impact reduced a machine house 400 yards distant to ruins and broke all the windows in the San Leandro school, two miles away. The school children were panic stricken and classes were suspended for the remainder of the day.

Body Blown 500 Feet

The body of McCarthy was blown 500 feet through the air into a marsh nearby, and was picked up in fragments, so horribly mangled as to be hardly recognizable. Eeos was blown into bits.

One of the most remarkable features of the catastrophe was the escape of Superintendent Mario J. Martina. He was seated in the company office near the center of the group of buildings which compose the plant when the explosion occurred. In the same building in an adjoining room was Reuben Tharp, the company chemist. The shock brought the building toppling down upon the heads of the two men, and Tharp it is believed was instantly killed. Martina, however, by some strange freak of fate, escaped with no more serious injuries than a slight cut on the arm and another on his head. He went immediately to the county infirmary to have his injuries dressed, and immediately returned to direct the