

DETWILER TRIAL PROMISES TO BE A BATTLE

Attorneys Will Attack Validity of the 13 Separate Indictments in Every Way

Defendant Is to Be Arraigned This Morning in Judge Lawlor's Court

Abram K. Detwiler of Toledo, former vice president of the Home telephone company, who appeared like a phantom in San Francisco Tuesday, after three years of fugitive wanderings, and announced that he was ready to face thirty indictments returned against him here at the time the graft prosecution was in full swing, will be arraigned this morning in Judge Lawlor's court.

In the absence of District Attorney Fickert, who was out of the city yesterday, it was announced from his office that Detwiler will be arraigned this morning on all the indictments that are pending against him. This will be done for the reason that there has not been adequate time since his return for a thorough study of the evidence against him in the various cases, and no decision has been reached by Fickert as to which case will be selected for the first trial.

There is no chance of any progress in any of the cases today beyond the mere arraignment of the defendant. Attorney W. W. Kaufman, who will act as Detwiler's chief counsel, announced yesterday that he would ask for the statutory time to plead or move before taking any steps in the matter, and that he would then attack the indictments on technical grounds, as has been done by nearly every defendant in the graft trials.

Following the arraignment today on 13 counts, the cases probably will be continued until some time next week. No plea will be entered until every technical objection has been exhausted, and the preliminaries undoubtedly will consume several days. Kaufman said yesterday that his first step would be to move to set aside the indictments, and in addition to the technical points that will be raised in this connection he will advance three distinct points as a basis of argument. His first contention, similar to that put forward in several of the other graft cases, is that the indictments are defective because of the presence in the grand jury room of Francis J. Heney at the time of the investigation which led to the finding of the true bills. Heney, it will be asserted, held a federal commission at the time he was acting as assistant district attorney of this city and county, in violation of a constitutional provision to the effect that no federal official can hold a state office.

Kaufman's second point of attack will be that the indictments returned against Detwiler do not contain the names of all the witnesses who were examined in the Home telephone inquiry, as a result of which Detwiler was indicted. He declared yesterday that his study of the case had convinced him that many of the witness names were not put upon the indictment and that he considered this omission a fatal defect. Kaufman also will emphasize the argument that the 13 indictments against his client charge the same crime, and not 13 separate and distinct crimes.

The last point mentioned is also one which other defendants in the graft cases depended, but in every instance the contention was overruled by the trial court and the question has never been passed upon by the supreme court. Although the indictments set forth practically the same facts concerning the alleged bribery of supervisors for the purchase of their votes in connection with the passage of the Home telephone franchise, a different supervisor is named in each indictment as the recipient of the bribe. Detwiler remained quietly yesterday at his hotel, and Kaufman said in his brief that nothing more would be said either by him or by his attorneys regarding the details of his wanderings during the last three years while he has been under indictment and a fugitive from justice. Detwiler was put under \$50,000 bonds Tuesday and announced that he would remain in San Francisco until he had been tried and "indicted."

Kaufman's long trial, sprinkled with every available technicality, just as against all the other graft trials. "Vindication" is to be sought, just as it has been in all the cases growing out of the graft exposure, through the most rigorous kind of an extended legal battle.

Despite Detwiler's positive declaration Tuesday that his hiding place after the bribery indictments were returned against him in this city had been in Europe, dispatches yesterday from Tulsa, Okla., were to the effect that from a time beginning about a year after his indictment he lived in Tulsa for six months under an assumed name. It was reported that while in Tulsa he made every effort to keep his identity a secret, but that while in recognition by a former eastern acquaintance while on a visit to the office of a Tulsa physician, he was discovered.

Judge D. L. Sleeper of Tulsa is said to have attended to Detwiler's legal affairs while he remained in the Oklahoma city and to have been in constant communication with Detwiler's Toledo associates in regard to his general business affairs. Furthermore, Judge Sleeper is said to have made several trips to this city and Los Angeles in Detwiler's behalf.

According to the Tulsa dispatches Detwiler remained there until about 14 months ago, at which time he left for Europe.

For a scenic trip nothing can equal the beauties of the Ocean Shore Railway. You will fancy yourself in Switzerland. Low excursion rates. Leave San Francisco daily 8 a. m. and 9:30 a. m.; also 10:30 a. m. Sundays.

Montesano, Wash., May 4.—Late today a jury was secured to try William Gohl, charged with the murder of Charles (Herman) Hadberg at Aberdeen in December.

The jury was given into the charge of four bailiffs, who were instructed to take every precaution to prevent any communication between the members and outside persons.

The strain is beginning to tell on Gohl. Monday and yesterday he maintained a cheerful demeanor. Today, however, he appears worried.

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Technical Fight to Gain "Vindication"



Abram K. Detwiler, former vice president of the Home telephone company, who will be arraigned today on thirteen indictments for bribery.

MARY HARRIMAN CUPID'S TARGET

Heiress to Millions Reported to Be Engaged to Sculptor Charles C. Rumsey

NEW YORK, May 4.—Mrs. Mary Averill Harriman, widow of the late E. H. Harriman, declined tonight to discuss a report that her daughter, Mary, will marry Charles Cary Rumsey of Buffalo. When Mrs. Harriman was informed today that news of such an engagement was current, she sent back word:

"I will neither confirm nor deny the report."

The entire bulk of the Harriman millions was left without condition to Mrs. Harriman, and it is inferred the children, in the course of time, will share the estate among themselves.

There are five children living—Cornelia, the eldest daughter, who married Robert Livingston Gerry; Mary, now reported engaged to Rumsey; Carol, who was presented to society a year ago; William Averill, now in Yale; and Roland, a lad of 13.

Miss Mary Harriman was said to be her father's favorite daughter. She shared his love of horses and cattle, his plain spoken ways and capacity for business. During his life he took the greatest pride in her executive ability, and at his death she succeeded him as manager of Arden farms, with his 46,000 acres, and hundreds of head of cattle.

Rumsey is a sculptor. His model was accepted by a committee chosen to build a memorial to Harriman at Goshen, the county seat of Orange county, in which Arden farms are situated.

Mrs. Harriman and her daughter spent the winter at their town house in Fifth avenue. Rumsey also was much in New York this winter.

PROSECUTOR FEELS COURT'S CRITICISM

Judge Dislikes Government's Methods in Presenting Heinze Case

NEW YORK, May 4.—Judge Hough today again criticized the government's method of presenting its case against F. Augustus Heinze, who is charged with misapplication of funds of the Mercantile national bank and with overcertification of the checks of Otto Heinze & Co., his brother's firm.

A protest was made by Heinze's attorneys when District Attorney Wise attempted to question a witness concerning the value of United copper stock in which the Heinze firm was interested. Judge Hough then interrupted the proceedings to say that the court doubted if the indictment, charging misapplication, warranted such questioning. He sustained many objections of Heinze's counsel. Wise succeeded in drawing admission from Max H. Schultz, a member of the Heinze firm, that there was a syndicate in United copper stock in 1907 and some light also was thrown on a loan of \$500,000 made by the Mercantile national on August 5, 1907, to Frederick Eckstein, an employee of the United copper company. Eckstein testified that he had no hand in the loan, knew nothing about it before it was made and turned the entire \$500,000 over to the account of Schultz, who acted as trustee in certain copper stock transactions.

From Eckstein Wise tried to show that Arthur P. Heinze, another brother of the defendant, was interested in the syndicate or pool of 1907. Eckstein said he received checks from Arthur Heinze, which he supposed went to "something like that," but he did not think it was a pool.

MRS. SWOPE ENDS THE STATE'S CASE

Tells of the Death of Hunton Followed by That of the Colonel

Dr. Vaughn Adds New Points to Mass of Poison Testimony

KANSAS CITY, May 5.—To the disappointment of several hundred people, who used physical force, cajolery and friendship to pry their way into the criminal courtroom this afternoon, Mrs. Logan O. Swope went on the witness stand and calmly gave a synopsis of the Swope tragedies. Her testimony closed the state's case. Only once did Mrs. Swope appear to be affected. This was when she was telling how Doctor Hyde informed her shortly after James Moss Hunton's death that Colonel Swope could not live.

Mrs. Swope did not attack Doctor Hyde nor his wife. They sat directly in front of her and she looked both in the eyes several times. They stared at her in return.

ANTIPATHY EXPLAINED

The whole situation between the two families was summed up during Mrs. Swope's cross examination: "You told Mrs. Hyde when she left your house on December 18 last you hoped she would come back, and she said she would return only when you invited her husband, I believe?" asked Walsh.

"That is what happened," answered Mrs. Swope. The defense attempted to show that Mrs. Swope's antipathy toward Doctor Hyde had its beginning last fall over a financial matter.

"When Mrs. Hyde refused to give her portion of the Hunton estate over to Mrs. Liddle Moore, a sister of Hunton, you told her Clark Hyde had advised her to refuse; that he did not love her and only wanted her money, did you not?" asked Walsh.

"I most certainly did not," said Mrs. Swope, warmly. The contention of the defense that Doctor and Mrs. Hyde did not know whether they were remembered in Colonel Swope's will was denied by Mrs. Swope.

On September 12, said Mrs. Swope, Doctor Hyde first talked about Colonel Swope's will.

"He came to Hunton and myself," said the witness, "after he had talked with Colonel Swope and said: 'Colonel Swope wants to make a will. He wants a Mr. Hawthorne to be an executor. He wants you to have it in for you, Mr. Hunton.'"

DEATH OF HUNTON

Feeling, Mrs. Swope said, that James Moss Hunton could not live after suffering the attack of apoplexy, she ordered him taken to her room. It was there he died.

"Did you see the bleeding of Hunton?" queried Reed.

"Not much of it," Mrs. Swope replied. "I glanced in the door just once. Doctor Hyde was jerking the string which was around the artery in Mr. Hunton's arm."

Of the last illness of Colonel Swope Mrs. Swope said:

"While Doctor Hyde, Miss Keller and I were at breakfast on the morning of October 3 the doctor gave her a capsule to administer to Colonel Swope. They went out, and upon returning the nurse told me Mr. Swope had not taken the medicine, but would later.

"When Mr. Swope suffered his convulsion Doctor Hyde said to me: 'It's just another case like Mr. Hunton's. It's only a question of time now.'"

CONFIDENCE IN HYDE

"I was unnerved, due to the death of Mr. Hunton, and when Doctor Hyde, in whom at that time I had absolute confidence, said Colonel Swope's death was near I felt I could not go into the room. Therefore it was several hours before I went to his bedside."

As Mrs. Swope talked of this phase of the case, her voice faltered.

Much of the morning session was consumed in the cross examination of Dr. Victor C. Vaughn by Attorney Frank P. Walsh. The defense relinquished the witness a few minutes before noon.

Walsh's interrogations were confined solely to the investigations made upon the organs of Colonel Swope. New features of the case were revealed. Strychnine would accumulate in one organ of a body.

All the liver of Colonel Swope has been destroyed since Doctor Hyde's scientists applied to Doctor Vaughn for part of it.

The liver contained only 950 grams, whereas the normal liver contains about 1,400 or 1,500 grams.

Doctor Vaughn said if there had been apple seeds or peach hearts in Colonel Swope's stomach hydrocyanic acid would have been present. This acid forms the deadly part of cyanide of potassium.

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SANTA ROSA READY FOR BIG CARNIVAL

City of Roses Puts on Gala Attire and Prepares to Crown Queen Lillian

Children Will Begin Festivities by Placing Diadem on Their Own Ruler

[Special Dispatch to The Call]

SANTA ROSA, May 4.—The streets are taking on a gala attire and the City of Roses never presented a more inviting appearance than today as she is on the eve of entertaining what promises to be the largest crowds in her history. Flowers of every kind are being used lavishly in the effort to sustain the name of the fair city, and no one who comes here during the next few days can leave without words of praise for the abundance of floral beauty.

The first official feature of the three days' festivities will occur tomorrow afternoon at 1:30 o'clock in Grace Brothers' park, when Queen Jeffries will be crowned amid thousands of her young subjects, the juvenile population of the city. A musical and literary program has been arranged for the event, which is to be followed by a parade of decorated baby carriages and a baby show.

The greatest attention, however, will be centered upon the coronation of Queen Lillian at the pavilion rink in the evening and the coronation ball which follows.

The opening of the "Rose Garden Pathway" as the street fair is designated, also occurs Thursday evening, and will furnish amusement for the populace.

For the purpose of assisting the local police in maintaining order, the carnival chief of police, J. M. Boyes, has been authorized to ask Chief of Police Martin of San Francisco to send a detail of plain clothes men here for special duty.

CHARGED WITH LARCENY—Pierre Campagne, formerly driver of a laundry wagon for Gregory Galach, 2118 Lombard street, was arrested last night for grand larceny. Campagne was charged with having stolen \$65 from his employer early in March.

As sacredly guaranteed as the coin of the realm, Old Taylor yellow label bottled in bond Whisky.

ARE YOUR KIDNEYS WEAK?

Thousands of Men and Women Have Kidney Trouble and Never Suspect It

Nature warns you when the track of health is not clear. Kidney and bladder trouble compel you to pass water often through the day and get up many times during the night.

Unhealthy kidneys cause lumbago, rheumatism, catarrh of the bladder, pain or dull ache in the back, joints or muscles, at times have headache or indigestion, as time passes you may have a sallow complexion, puffiness or dark circles under the eyes, sometimes feel as though you had heart trouble, may have plenty of ambition, but no strength, get weak and lose flesh.

If such conditions are permitted to continue, serious results are sure to follow: Bright's disease, the very worst form of kidney trouble, may steal upon you.

Prevalence of Kidney Disease

Most people do not realize the alarming increase and remarkable prevalence of kidney disease. While kidney disorders are the most common diseases that prevail, they are almost the last recognized by patient and physicians, who usually content themselves with doctoring the effects, while the original disease constantly undermines the system.

A Trial Will Convince Any One

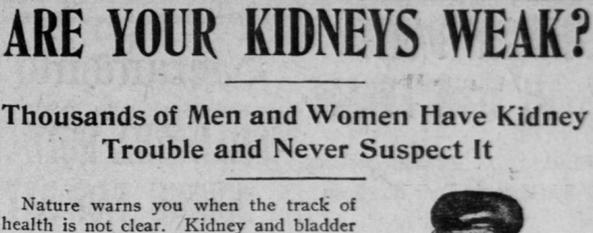
If you feel that your kidneys are the cause of your sickness or rundown condition, begin taking Dr. Kilmer's Swamp-Root, the great kidney, liver and bladder remedy, because as soon as your kidneys begin to get better they will help the other organs to health. In taking Swamp-Root, you afford natural help to Nature, for Swamp-Root is a gentle, healing, vegetable compound—a physician's prescription for a specific disease.

You can not get rid of your aches and pains if your kidneys are out of order. You can not feel right when your kidneys are wrong.

Swamp-Root Is Pleasant to Take

If you are already convinced that Swamp-Root is what you need, you can purchase the regular 50-cent and one-dollar size bottles at all drug stores. Don't make any mistake, but remember the name, Dr. Kilmer's Swamp-Root, and the address, Binghamton, N. Y., which you will find on every bottle.

SAMPLE BOTTLE FREE—To prove the wonderful merits of Swamp-Root you may have a sample bottle and a book of valuable information, both sent absolutely free by mail. The book contains many of the thousands of letters received from men and women who found Swamp-Root to be just the remedy they needed. The value and success of Swamp-Root is so well known that our readers are advised to send for a sample bottle. Address Dr. Kilmer & Co., Binghamton, N. Y. Be sure to say you read this generous offer in The San Francisco Daily Call. The genuineness of this offer is guaranteed.



DR. KILMER'S SWAMP-ROOT Kidney, Liver & Bladder REMEDY. DIRECTIONS: TAKE ONE, TWO OR THREE (according to condition) before or after meals and at bedtime. Children less according to age. They commence with small doses and increase to full dose or more, as the case would seem to require.

This great remedy is recommended for kidney, liver, bladder and liver acid troubles and disorders due to weak kidneys, such as catarrh of the bladder, gravel, rheumatism, lumbago and Bright's Disease, which is the worst form of kidney disease. It is pleasant to take. Beware of cheap imitations.

DR. KILMER & CO., BINGHAMTON, N. Y. Sold by all Druggists.

Swamp-Root is always kept up to its high standard of purity and excellence. A sworn certificate of purity with every bottle.

Oakland Office of The San Francisco Call 468 11th St. (BACON BLOCK) Tel. Sumner—Oakland 1082 Tel. Home—A2875

DEATH ADDS TO BENDER MYSTERY

Was Mrs. W. Peters, Who Died at Rio Vista, the Notorious Woman in Murder Cases?

[Special Dispatch to The Call]

RIO VISTA, May 4.—Was Mrs. W. Peters, whose lifeless body was found today in her dwelling on the river shore, the notorious Kate Bender, who, with her parents and brother, was implicated in June, 1873, at Cherryvale, Kan., in the murder of 12 men.

Living alone and avoided in a dilapidated house the woman had few friends in her last days, but it is told today over her remains that 10 years ago she confessed to General John Collins that she was Kate Bender.

It is said that she admitted that her part in the horrors was to lure men to the Bender tavern. After the family crimes were discovered, the alleged confession continued, Kate Bender escaped from the Kansas town, went to Chicago, then made her way to the Atlantic seaboard and came to San Francisco in a sailing vessel around Cape Horn.

Dr. R. H. Endicott, formerly of Rio Vista, now living in Oakland, has been mentioned as knowing the story of the woman's career. In a telephone interview with a Call correspondent tonight Doctor Endicott said that he knew nothing of any confession that Mrs. Peters might have made and nothing that would tend in any way to connect her with the Bender family.

MARRIED SEA CAPTAIN

About 20 years ago the woman came to Rio Vista, after having lived in San Francisco, where, it is said, she was employed as a nurse by Dr. C. O'Donnell. She married Captain John Gavin, a whaler and arctic sealer, but was separated from him and resumed the name of Peters, which she said was her maiden name.

In Rio Vista the woman kept a roadhouse. Ten years ago she was taken seriously ill and it was then that she is alleged to have made her confession to General Collins.

The Bender murders were peculiarly atrocious crimes and the fate of the murderers has been a subject of continual speculation ever since the crimes were discovered. One story was to the effect that the four members of the Bender family were lynched at the scene of their outrages in 1873.

The Benders—father, mother, John, a son, and Kate, the daughter—ran a tavern at Cherryvale, near Galena, Kan. The place was regarded with suspicion by the countryside. One day in June, 1873, Dr. William York disappeared after having been seen traveling in the direction of the Bender tavern.

Later a search was made of the Bender place and in the cellar the man's glasses were found. The search was continued and the bodies of 12 victims were found buried in the yard. Nothing definite was learned of the Bender family after that.

FAMILY LYNCHED, HE SAYS

On July 24, 1901, a Kansas family traveling near Denver, professed to identify a Mrs. Frank Ayres of Fort Collins, Kan., as Kate Bender. In August of the same year Cornelius Stone, a resident of Linn county, Ore., declared that he was one of a party of men who first discovered the crimes of the Benders and that he assisted in the lynching of the entire family, including Kate Bender.

The woman who died in Rio Vista was about the age that Kate Bender would have been had she lived. The old woman, Mrs. Peters or Kate Bender, had been dead several days before her body was discovered.

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Sterling Furniture



"Arts and Crafts"

More of That Satisfying Furniture—At Satisfying Prices

The Davenport, \$45.00 The Rocker, \$12.50 The Arm Chair, \$12

All made of select quarter sawed oak in fumed finish—you know the rich nut brown color.

The Davenport is five and a half feet long and proportionately deep and roomy. These pieces are all made with loose cushions of choice morocco leather; soft as kid, but they'll wear forever.

Solid, substantial construction—the kind of furniture that will look well after any amount of use, or abuse.

Arrange for easy payments—monthly or weekly

Axminster Rugs, \$20.00 Nine by Twelve Feet

Here is the quality that makes the bargain: They are the regular thirty-dollar grade. Another thing that adds to the general satisfaction—the certainty of being pleased. Every design, every color, every pattern ever thought of is to be found in this assortment.

Free delivery with our own wagons in Oakland, Berkeley, Alameda and Fruitvale. Carpets laid, stoves set up and credit given.

Sterling Furniture Company 1049 MARKET STREET OPPOSITE McALLISTER.