

JURY TO DECIDE FLANNERY'S SEATE IS UNDELETED

Twelfth Venireman Sworn In to Try Former Commissioner of Police Gunfighters Shooed Away From San Rafael Court and Trial Will Begin Today

- Personnel of Jury That Will Try H. P. Flannery
F. P. Grady, general merchant, San Rafael.
Maurice Foley, cemetery sexton, Santa Margarita.
William R. Pepper, contractor, Bolinas.
Paul E. Heilrich, plumber, Belvidere.
Henry V. Genazzi, dairyman, Bolinas.
Abel Costa, dairyman, Mill Valley.
George Sokoloff, retired, Schuetzen park.
Charles L. Vott, farmer, Bolinas.
Peter W. Hamilton, contractor, Bolinas.
Patrick Mulvaney, retired hotelman, Tomales.
George W. Longley, dairyman, Olema.
Emilio Filippini, dairyman, Bolinas.

The jury that is to decide the guilt or innocence of Harry P. Flannery, former president of the San Francisco police commission, on the charge of grand larceny growing out of the Sausalito poolroom disclosures of two weeks ago, was completed yesterday afternoon in Judge Lennon's court in San Rafael, and this morning the trial will be in full swing.

The twelfth juror was sworn in at 3 o'clock yesterday afternoon, after less than two days devoted to the examination of talesmen. District Attorney Boyd at once made his opening address, outlining the case which the prosecution expects to prove.

Despite Ward's assertion that he had talked nothing but insurance business to any of the men he had been with, the county officials warned him that he had been indiscreet in his actions and suggested that he keep away from the jurors and the courtroom until the trial was over.

A brief sensation developed just before the conclusion of the examination of jurors in the afternoon. District Attorney Boyd had exhausted the five peremptory challenges allowed him under the statute, and had made an unsuccessful effort to disqualify Joseph Martinez, a San Rafael saloonman, through challenge for cause.

Judge Lennon granted Boyd's request over the objection of the defense, and the district attorney drew from the juror a repetition of a former statement that he had not discussed the case with any one.

At the conclusion of the afternoon session of the court Flannery was ordered to deposit \$5,000 cash bail, but was given until the examination of jurors, with the privilege reserved to any or all of Flannery's five attorneys to take active part in any legal discussion that might arise during the trial.

In his opening address to the jury Boyd outlined the law upon which he will depend to prove the connection between Flannery's alleged relations with the bunkmen of Sausalito and the actual commission of the crime.

WARD WARNED AWAY
F. E. Ward, a solicitor for the Western States life insurance company, was closely questioned during the noon recess yesterday by Boyd and Taylor and was told to keep away from the courtroom. Word had been received that Ward had spent two or three days last week in Bolinas interviewing men who have since been selected for the Flannery jury, and that he was in court during the morning session, giving close attention to the proceedings.

School Girl Bride of Businessman



Miss Bessie Dargie, Oakland girl, who became Mrs. Andrew S. McCarthy yesterday.

with him, and it was just before court recommenced that Boyd and Taylor met him.

A romantic wedding with some of the features of an elopement took place yesterday at the office of Archbishop Riordan in Franklin street when Miss Bessie Dargie of Oakland became the bride of Andrew G. McCarthy, vice president and manager of Sherman, Clay & Co.

There was astonishment expressed by Mrs. William E. Dargie, aunt of the bride, Mrs. Dargie said:

"I have not been told of the wedding and did not dream that an agreement existed between my niece and Mr. McCarthy. She is a mere school girl and has not yet completed her education, but has been out of school lately on account of her health. Her uncle, Mr. Dargie, is in the east and will be amazed, I am sure, to learn of the marriage. Mr. McCarthy was a friend of the family and is many years older than Miss Dargie.

OTHER RELATIVES SURPRISED
The other members of the family and the friends of the bride, an aunt of Mrs. Dargie, were equally surprised to learn of the quiet wedding of yesterday.

The ceremony was performed by Rev. J. J. Prendergast, and among those in attendance were Mrs. Dargie, mother of the bride; J. Frank Morrey and E. R. Sherman. The bride was attended by her aunt, Miss Flora Sarah Sedgwick, as maid of honor and the office of best man was filled by John M. Sullivan. Mr. and Mrs. McCarthy left last evening for New York, where they will pass their honeymoon, but will return to live here.

BRIDE BEAUTIFUL BRUNETTE
The bride is a lovely brunette with a pliant face and charming manner. She had not made her formal debut and was considered one of the favorites of the very best set. She has one brother, Malvern Dargie.

Andrew G. McCarthy is one of the prominent businessmen of the city. Besides being vice president and manager for Sherman, Clay & Co., he is a member of the National Industrial Downtown businessmen's association. McCarthy took an important part in the preparations for the Portola celebration and has had a conspicuous place in commercial affairs for several years.

TWO YOUNG ROBBERS OF TRAINS CORNERED
Posses Flank Rear and Sides of Bandits' Retreat
PHOENIX, May 12.—Hard pressed from the rear by one posse and flanked on either side by other parties of sheriff's officers and Indian trailers, the two youthful bandits who held up the Phoenix and Maricopa passenger train last night are somewhere near the Vekol water hole tonight, midway in the desert between Maricopa and the Mexican border.

GLAVIS 'TRIED' WHEN HE OBJECT WAS RENDERED

Ballinger Reads Letter From Attorney General Declaring Statement Antedated

Secretary of Interior Compelled to Modify Replies on the Witness Stand

WASHINGTON, May 12.—The surprise in the Ballinger-Pinchot inquiry today was the reading by Secretary Ballinger of a letter addressed by Attorney General Wickersham to a house committee in which he made the admission that he antedated the summary of the Glavis charges which he prepared for the president.

Wickersham said that he had discussed the matter with the president and supplied him with a mass of information bearing on the subject, but the summary "necessarily was made up afterward and properly bore the date upon which the matter it contained was presented to and considered by the president."

MORE INFORMATION NEEDED
Coincident with the making public of this letter a reply was received from Oscar Lawyer, assistant to the attorney general for the interior department, also concerned in the preparation of the letter of September 13, 1909, exonerating Ballinger and dismissing Glavis, stating he had kept no copy of memorandum.

LAWYER SAID THAT HE PREPARED A RESUME at the request of the president and delivered it to the attorney general. compliance with a renewed request by Attorney Brandeis, counsel for Glavis, the committee again called on the attorney general for this memorandum. Glavis' counsel is trying to prove that Lawyer, practically an employe of the interior department, really "tried" the case for the president and the attorney general subsequent to the promulgation of the "verdict," prepared a summary in an effort to justify the president's action.

CROSS EXAMINATION NEARS END
The cross examination of Secretary Ballinger was almost concluded. Attorney Popper, counsel for former Forester Pinchot, will question him for a short time tomorrow on the subject of the withdrawal of water power sites.

H. H. Schwartz, chief of the field division of the general land office, will follow Ballinger on the stand. He is one of the "defenses" two important witnesses remaining.

During his cross examination today Ballinger made public telegrams between himself and A. P. Davis, chief engineer of the reclamation service, stating that Davis was receiving pay from a private concern for examining an irrigation project in Mexico and at the same time accepting government compensation. The secretary denied a statement by the witness that he had authority from the secretary to undertake private work. Davis was an anti-Ballinger witness.

RULES AGAINST BALLINGER
Nearly an hour was spent by Ballinger this morning in reading documents relative to decisions of the interior department. Ballinger's defense of the regulations prohibiting former employes from appearing before the department within two years after severing their connection therewith in the prosecution of land cases pending at the time they were in the department.

The documents showed that an investigation of the matter had been made at the instance of Secretary Garfield after Ballinger and his nephew, J. H. Ballinger, had sought to appear before the department in the Bayles case. The action was that the attorney recommended to Garfield that the matter should be permitted to remain in status quo.

Ballinger said there was nothing in the records to show what action Garfield had taken on that report. "Ballinger contended that it was understood at the time that the prohibition applied only to cases involving money," he said. Ballinger, meanwhile, had withdrawn from the Bayles case, but "Jack" Ballinger was permitted to appear in it before the department.

ACCOMMODATION AS ATTORNEY
Questioning the secretary about his connection with the Cunningham claimants, Brandeis referred the witness to a statement in his letter to the president that he had not been a legal representative of the Cunningham claimants.

Ballinger reiterated his statement that he had merely acted for them as a matter of accommodation. He said that Miles C. Moore had not been correct in so referring to him in his letter to him (Ballinger). Referring to the testimony before the committee of Henry M. Hoyt, former attorney general of the Rio Grande regarding his interview with Attorney General Wickersham, to whom he went at the instance of Glavis to ask him to review the Alaskan coal leases and "have him pass on them," Brandeis read at some length from Hoyt's statement.

ATTACK ON HOYT'S VERACITY
Ballinger said something about "that man Hoyt having exaggerated the circumstances of that interview." "Why do you say that man Hoyt?" "Please don't believe that I had any ground for his statements before the committee." "You mean to say that Hoyt made an untruthful statement to the committee here under oath?" "If you want to put it that way, I think he added color to the circumstances of his meeting with the Attorney General."

When Brandeis suggested that the secretary was going a little far in making such a statement, inasmuch as he was not present at the interview, and had no means of knowing just what took place, Ballinger modified his statements somewhat, but reiterated his belief that Hoyt's testimony was exaggerated.

Wickersham Says That He Antedated Paper

In response to a request by congress for information regarding the summary of the Glavis charges prepared for President Taft, Attorney General Wickersham wrote as follows:
This summary necessarily was made up afterward and properly bore the date upon which the matter it contained was considered by the president.
There is no mystery about this matter and nothing which may not be freely stated, but due regard for the constitutional authority of the executive forbids that the action of the president and his advisers shall be called into question by the co-ordinate branch of the government in this manner.

WILSON HAD BEGUN TAKING A MORE ACTIVE INTEREST in the work. QUESTION REGARDING WASTE
Pepper questioned Ballinger about his statement on direct examination that he had the Menominee Indian reservation in Wisconsin investigated, from that it was reported there had been a reckless and almost wanton waste of \$721,000 in connection with logging and milling operations during the time he was in charge of the forest service. Ballinger said that the investigation was made under Special Agent Coulter, and that he was not able to vouch for its accuracy.

The Perkins "black tent" affair was broached. E. T. Perkins, purchasing agent at Chicago for the reclamation service, was charged by Director Newell and Chief Engineer Davis of the service with improper conduct in accepting a salary of \$12,000 a month from the Harriman railways, while he was drawing a salary from the government. Newell testified he suggested to Perkins that he resign and that Ballinger had him and afterward promoted Perkins.

"Did you give Perkins authority to accept this money?" "No. He never had any such authority from me." LACK OF CONFIDENCE SHOWN
Pepper referred to letters exchanged between Perkins and Newell regarding the former's proposed lecture tour. The attorney asked the secretary if he thought the letters contained authority to receive the money. He thought they did. He added that inasmuch as Perkins was giving lectures under authority of Garfield and Newell the latter should have asked him to resign while he was under investigation.

Ballinger instead of being not hostile to the reclamation policy under Newell, but admitted that he had little confidence in either Newell or Davis. STATEMENT SHOWN INCORRECT
Pepper secured an admission that he had not made a study of the fiscal system of the reclamation service and that the Ballinger statement that there was an \$8,000,000 deficit was not accurate.

The witness was forced to admit that he had balance between assets and liabilities had favored the assets. Pepper questioned the secretary regarding the Cole bill, which Ballinger advocated before a house committee, but which never was passed. The "prospect" says it would have legalized the Cunningham claims. Pepper and the witness engaged in a heated argument as to whether it would have allowed coal claims to be consolidated.

SLAYER ATTEMPTS TO ESCAPE AT INQUEST
C. F. Huddleson Believed to Be Trying to Feign Insanity
Freud for a moment to permit him to sign certain testimony, Charles F. Huddleson, who is being held for the murder of William Colburn, attempted to break away from his guard yesterday at the morgue during the coroner's inquest in the Colburn case. He kicked over a couple of chairs before he was subdued and handcuffed again.

Huddleson was taken to the detention hospital, where he has been confined for the last few days pending an examination as to his sanity. It is thought that his actions were feigned in order to strengthen his plea of insanity. His story of the murder was somewhat wild and heterogeneous from the case he had to do before. He said that he had stabbed Colburn with the chisel until his wrist gave out. He was also heard to ask if it were possible to place a chisel in a coat pocket in such a manner that a person falling upon it would be stabbed to death.

It was recommended in the coroner's verdict that Huddleson be held for trial in the criminal courts. JORDAN MUST RESTORE SON'S MISSING MONEY
Court Gives Him Week in Which to Return \$1,400
A severe reprimand was administered by Judge Graham yesterday to N. Jordan, who had been cited by his 16 year old son, Archelus P. Jordan, to explain what had become of \$2,300 received from the United Railroads as compensation for the loss of his right foot in a streetcar accident.

The father admitted that he had loaned the greater part of the money to his brother and friends, but said he could restore the money from Judge Graham to Jordan, "and if it has not been made good at that time steps will be taken against your bondsmen." Jordan promised that he would restore the money.

PHYSICIANS CHARGED WITH GRAND LARCENY
Orlofs Accused of Swindling Two Women
Oscar Orlof, clairvoyant, and his wife Mary appeared in Police Judge Conlan's court yesterday on the charge of grand larceny brought by Mrs. Frances Shaw, 1021 Fifty-fourth street, Oakland, who accuses them of taking from her December 27 \$150 by representing to her that the spirits had advised them to induce her to invest the amount in a gold mine in Nevada. By a continuance was granted until tomorrow. Mrs. Rose Alves, Elmhurst, Alameda county, obtained a warrant from Police Judge Deasy for the arrest of the Orlofs on a charge of procuring \$100 from her December 22 by falsely representing that the spirits wanted her to invest the amount through the Orlofs in mining stock.

HALEY ESTATE \$100.—A petition for letters of administration in the estate of M. C. Haley, a former county clerk of San Francisco, was filed yesterday by his widow, Elizabeth J. Haley. The estate does not exceed \$100.

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For Infants and Children.
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LONG AND SHORT HALLS UP TO VOTE

Senate Will Pass Today Upon Amendments to the Railroad Bill

Smoot and Nixon Get Word In for Utah and Nevada Complainants

WASHINGTON, May 12.—Agreeing to a proposition by Senator Elkins to begin voting on the long and short haul amendments to the railroad bill tomorrow at 4 o'clock, the senate today took an advanced step in the consideration of the bill.

The agreement provides the voting shall be concluded within the "legislative day." This is an elastic arrangement, and if the voting should be prolonged there might be delay until Saturday. If the Dixon amendment should be voted down a number of others will be offered, and under the agreement they can be debated, if discussion is desired.

The first vote will be on the Dixon amendment, a substitute for the Hayburn provision. Both of these provisions seek to stiffen the present statute, but the Dixon substitute gives the interstate commerce commission more discretion than does the other.

CONFIDENT OF DEFEAT
The organization of republicans is confident of the defeat of all amendments. Considering that 13 republican votes will be cast for the Dixon provision, they claim from 12 to 15 democratic votes against it. The smaller number would give them a majority of five.

Toward the close of the day's session the senate reached an agreement to meet daily, beginning Monday, at 11 o'clock, instead of 12 o'clock. There also was understanding that practically all other business, even including appropriation bills, should be excluded until disposition was made of the railroad bill.

During the debate today Smoot complained that the railroads did not deal with shipments from the west to the east as they do with shipments from the east to the west. Having said Salt Lake City pays more on every article shipped from eastern points than do Pacific coast states, Smoot asserted that in no instance is Chicago charged more than New York on invoice from the west.

"That," Piles said, "is because Chicago is in the water zone." CHICAGO HAS POWER
"No," responded Smoot, "that is not the reason. Chicago has power enough in the railroad world to demand just treatment."

Replying for Smoot, Dixon of Montana said by giving to Los Angeles terminal rates the railroads had built up a city of 300,000, while Santa Barbara and Santa Monica, which 25 years ago was about the same size as Los Angeles, had remained comparatively stationary because of the denial of the same favor.

NIXON PLEADS FOR NEVADA
The last speech of the day was made by Senator Dixon, who said Nevada had suffered more from long and short haul discrimination than others. As an illustration he said that while the freight rate from New York to San Francisco, 3,000 miles, is about 80 cents per hundred, that from San Francisco to Reno, 244 miles, is \$1.29 per hundred.

A. K. DETWILER CASE POSTPONED FOR DAY
Rev. S. D. Hutsinipiller Chats With Defendant in Court
Determination of whether the district attorney is bound to turn over to A. K. Detwiler, the Home telephone official accused of bribery, a copy of testimony taken before the Oliver grand jury in his case was yesterday postponed by Judge Lawlor to this afternoon.

W. W. Kaufman, attorney for the defendant, explained that former District Attorney Langdon and Miss L. H. Condon, stenographer, who had been subpoenaed to testify as to whether a formal demand was made in the jury room that the testimony be reported in shorthand, would not be able to attend court until today.

Detwiler yesterday had the moral support of Rev. S. D. Hutsinipiller, who chatted with the defendant pending the calling of the case.

CAR LINE COMPLETED TO DEL MONTE HEIGHTS
Fifty Lots Sold Weekly in the New Townsite
An electric car line has been completed that connects Pacific Grove and Del Monte heights, and this has largely increased the interest in the Del Monte heights project, according to reports of L. E. Hackett, the San Francisco agent. Recently something like 50 lots a week have been sold. Del Monte heights is the latest townsite to be developed on the shores of Monterey bay. New buildings are rising and some are nearing completion.

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NO REASON FOR PIMPLES

New Healing Agent Causes Them to Disappear.
The dispensers of poslam, the new skin discovery, ask that notice be given that no one is urged to purchase it without first obtaining the sample package, which will be sent free to any one who writes to the Emergency Laboratories, 32 West Twenty-fifth Street, New York. This is usually enough to clear the complexion and to rid the face of pimples. Every one who has tried poslam knows that the 50-cent box, on sale at The Owl Drug Co., as well as all other drug stores, contains sufficient for the worst cases of eczema, where the surface affected is not too large. The itching ceases on first application. It will also cure acne, tetter, blotches, scaly scalp, hives, barbers' and every other form of itch, including itching feet. Being flesh colored and containing no grease, the presence of poslam on exposed surfaces, such as the face and hands, is not perceptible. Water and soap can not be used to clear the complexion with it, as these irritate and prolong skin troubles, sometimes even causing them.

DON'T wait until the last moment to get your free ticket for the FREE EXCURSION TO SUNNY EAST SAN MATEO SUNDAY May 15 GRAND FREE CLAM BAKE Plenty to Eat and Drink TWO COTTAGES Free to Purchasers at the AUCTION SALE of Lots ON EASY TERMS. FREE TICKETS at the office only. EAST SAN MATEO LAND CO. 1009 Monadnock Bldg.

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