

THREE JURORS CALLED INTO JUDGE'S CHAMBER

One Said to Have Admitted That Attempt Had Been Made to Influence Him

side of the door of the juryroom and it was announced that a verdict had been reached.

In the interval that elapsed while the jury was out of court Flannery left the courthouse with his attorney and took a short walk. His bail was ordered released and he was technically in the custody of the sheriff during the half hour period, but no actual restraint over his movements was exercised. He had returned and been in his seat less than 10 minutes when the jury filed back into the courtroom to report its verdict.

CONGRATULATES HIS LAWYERS

Before receiving the verdict Judge Lennon gave a warning that, no matter what decision was announced, any demonstration in the courtroom would be met with severe punishment. As a result the formal question of the verdict was greeted in absolute silence, the only stir being at the defendant's counsel table when Flannery, with his face beaming, arose and shook hands with the other members of his counsel.

The verdict was known a minute or two before it was officially announced, owing to a slip by Foreman Peter W. Hamilton of the jury, and so it happened that Flannery received the congratulations of his attorneys and friends about him before the decision actually was recorded. The roll of the jury had been called and the court asked the formal question whether a verdict had been reached.

"Yes, your honor, it is 'Not guilty,'" answered Foreman Hamilton.

"Read it," answered Judge Lennon quickly, but the reading had lost its interest for those near enough to the jury box to overhear what the foreman had said.

SUMMONED BY JUDGE

Hamilton fumbled for a minute with the paper and then read the formal finding. The necessary technicalities were quickly concluded and the court was dismissed, but as its members filed out of the box a deputy sheriff spoke quietly to the three who followed him into Judge Lennon's chambers, where they were joined immediately by the court and District Attorney Boyd.

Attorney Charles Hegertry of Flannery's counsel was sent for a few minutes afterward, but only remained with the judge for a short time and made no statement concerning the purpose of his visit.

According to the statements made by several of the jurors, the verdict was based on the general belief in the minds of all the members of the body that the connection between Flannery's dealings with Joseph Abbott in San Francisco and the actual robbery of Robert N. Wood by the poolroom gang in Sausalito had not been shown sufficiently to warrant a conviction on the grand larceny charge. The specific charge, it was argued in the jury room, was too remote from the alleged conspiracy claimed by the prosecution to have been entered into between Flannery and Joseph Abbott in San Francisco.

Interest in the trial reached its climax yesterday, and the spacious courtroom was packed from morning until the case was given to the jury by a crowd anxious to hear the summing up arguments of the attorneys. The space inside the rail behind the attorneys' table and the newspaper desks was filled with extra chairs, and the aisles and rear of the courtroom were packed with those who had been unable to secure seats. One of the San Rafael schools was dismissed for the day in order that students and instructors might visit the court and listen to the arguments, and even a circus that visited town failed to prove of equal attraction.

WOMEN AND POLITICIANS

Fifty or more women were in the courtroom during the day, and there were also the familiar faces of a number of San Francisco politicians and courtroom haifersons. Jerome Bassity was accompanied by a coterie of friends, among whom was Meyer Cohen, at whose home Bassity was found in hiding a few nights ago after having successfully evaded subpoena servers from Marin county for nearly a week. Bassity was present as a grand jury witness in connection with the jury tampering investigation that has begun. It was hinted by District Attorney Boyd in his cross examination of Flannery during the trial that he had knowledge of a purported conference between Flannery, Bassity and Attorney

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ney James W. Cochrane, but Flannery testified that he had not been present at such a conference. It is understood that Bassity is to be asked if such a conference occurred and what its purpose really was, and also to explain why he became a fugitive as soon as a subpoena was issued to bring him before the Marin county grand jury.

BASSITY QUESTIONED

Bassity was not called into the grand jury room, but was questioned privately by Foreman E. R. Samuels and instructed to return when the grand jury is again called next week. Other witnesses who were examined briefly were those connected with the alleged jury tampering incident last week at Lombardi's restaurant in San Francisco, where William Elliott, night manager of Flannery's saloon, is said to have discussed the case at dinner in the hearing of two jurors and to have asked Miss Carrie Genazzi to prevail upon her brother, Juror Henry V. Genazzi to "go light on Flannery."

The witnesses examined were Harry Wilber, a detective who investigated this case under the direction of Sheriff W. P. Taylor; T. J. Chynar, an insurance man, who was present when the alleged conversation took place; William Elliott, who is said to have discussed the case; Miss Carrie Genazzi, and William Genazzi, a brother of Juror Henry V. Genazzi. It is said to have taken the latter and another juror to dinner.

District Attorney Boyd began his opening argument to the jury immediately upon the convening of court yesterday morning. He went very little into the detail of testimony in this speech, contenting himself with a rapid sketch of the evidence and pointing out the theory upon which the defense claimed to have established Flannery's connection with the robbery of Robert N. Wood in the Sausalito fake poolroom. He hinted at jury tampering at the very outset by expressing his regret that a necessary had been required, that restrictions be placed upon the jury.

AN UNUSUAL CASE

"Of course, this is an unusual case," he said, in explaining why the grand larceny charge had been made the basis of indictment instead of a charge of conspiracy to defraud. "It is always unusual to reach out in the dark and hunt for a criminal who is skulking and hiding—the real criminal, whose brain conceives the crime—but it is fortunate that sometimes the law can reach and bring this criminal trembling and cowering into court."

Boyd pointed to Flannery's admission that he had told Abbott he would assist him in opening a "poker club," to his telegram to Abbott and to his various conflicting statements as to its meaning, as evidences of his guilt, and then drew attention to the details of corroboration of parts of Joseph Abbott's testimony. He referred to Flannery's testimony beyond the building as "hypocritical reasoning that couldn't stand the test of cross examination," and to MacHester's testimony as common, ordinary perjury.

State Senator E. B. Martinielli, who made the opening speech, pointed to the defendant, had a bad start through conflict with the noise of bands and a calliope in the circus parade which was passing the courthouse, and a short recess was taken until the parade had gone beyond the building. Martinielli summed up the evidence in Flannery's behalf in a skillful manner, attacking the evidence introduced by the prosecution and declaring that no case had been made against Flannery and Joseph Abbott in San Francisco.

"Joe Abbott attempted to get out of the scrape he was in first by bunking Flannery, his father's friend, and when Flannery wouldn't aid him he turned against him," asserted the speaker. "If Flannery had been guilty he would not have refused to aid Abbott, but would have assisted him by shooting him out of town."

KNIGHT GROWS ELOQUENT

Knights' address was eloquent and of a dramatic nature. He denounced Abbott as an informer, who thrust in a scudshell, whose heart is black, and who is now trying to write with a felonious finger desolation over Flannery's home." Referring to Fremont Older and Abbott in one breath, he said that it was a case of putting "bug against bug." He did not follow up his former attack on Sheriff Taylor, but made a strong appeal to the prejudices of the jury.

"Who in the name of God Almighty is Fremont Older, that he should come over here and put his hand into the judiciary and the affairs of the sworn officers of this county?" demanded Knight. "You jurors must say to yourselves, 'Let us remember that this is Marin county, and let San Francisco wash her own dirty linen.' Every so often a band of reformers sweeps through the land, and when they do up your hand down on your pocket-book and get a god hold on your watch."

DETECTIVES ATTACKED

Knight made a violent attack upon detectives and "gun shoe operators" as a class, and in closing his argument said:

"I'd be willing for Sheriff Taylor himself to write the verdict in this case from the evidence brought out, or I'd be willing for the newspaper men here to write it."

Knight occupied an hour and ten minutes in his summing up, and then was succeeded by District Attorney Boyd, who promptly complimented Knight upon his eloquence, but then asked for an "eloquence intended to delude his listeners, to charm men's minds and to raise false issues." He went deeper into the evidence again and closed with an appeal for a conviction. He occupied only 35 minutes in the rebuttal argument.

LAD BECOMES TRAMP TO SEEK UNCLE HERE

Beats His Way Back to El Paso After Fruitless Quest

[Special Dispatch to The Call]

EL PASO, May 19.—Friendless and without funds, George Thompson arrived in El Paso Thursday on a freight train from San Francisco, where he had been in fruitless search for C. Thompson, his uncle and only living relative. The boy's father died at Houston, Tex., three months ago, leaving the lad alone and without funds. Thompson had heard his father say that he had a brother in San Francisco, so the boy started to beat his way to the coast.

Arriving in San Francisco, young Thompson walked the streets in vain search for his uncle, whose street address he did not know. Finally giving up the search, he started back to Houston, stopping here to earn money with which to buy food.

RANCHER FOOLS WITH DYNAMITE—Bellington Wash, May 19.—Andrew Green, aged 38, rancher here, was arrested today for setting a stick of dynamite in two with a knife.

Comet's Tail Lags and Misses Slap at Earth

By Director W. W. Campbell, Of Lick Observatory, at Mt. Hamilton

THE earth will not pass centrally through the tail of Halley's comet, if it passes at all tonight.

The nucleus of Halley's comet was observed this evening in exactly the predicted place by Astronomer Aitken. It was seen at about three-quarters of an hour after sunset. A faint glow visible on the western horizon shortly after the nucleus had set is believed to have been the section of the tail nearest the head projected on the sky.

No ail projected up onto the sky was visible, and it is therefore uncertain whether the earth and the comet's tail have yet met. If the earth and the comet are to pass during the night the earth will not pass centrally through the tail and may even pass entirely to the south of the tail.

Yesterday morning even before the moon had quite set, the tail was visible in the eastern sky at least 140 degrees in length and perhaps 160 degrees. The doubt as to its length arises from the fact that the bright background of the milky way interfered with observations of its extreme tip. In appearance it was very much the same as Wednesday morning, except that it was nearly twice as wide yesterday morning, due no doubt to its closer proximity to the earth.

As predicted in my message Wednesday evening, the tail lagged behind the straight line drawn from the sun through the head of the comet. This lagging at the point through which the earth was expected to pass amounts certainly to several million miles. The diameter at the point in which we are specially interested, 14,000,000 miles from the head, was about 8 degrees. If the tail at daylight yesterday had been almost in contact with the earth, we should have expected the angular diameter to be much greater than it was. The tail was therefore probably several million miles away.

CAPITALIST ENDS LIFE WITH GAS

James Hamilton Morton Goes to Friends' Home in Alameda to Commit Suicide

James Hamilton Morton, the retired fruit grower of Tulare county and capitalist, who has been living for the last year at 120 Commonwealth avenue, committed suicide some time after midnight Wednesday at the home of Mrs. Thomas C. Seller, 1217 Court street, Alameda. His body was discovered yesterday morning by Julius Hansen, a neighbor, who noticed lights burning in the house after daylight. On gaining an entrance to the place Hansen was led by the fumes of gas to a bedroom. The door was forced and Morton's dead body, clad in underwear, was discovered on the floor.

There was every indication that the act had been planned carefully. The doors and windows were carefully locked and three gas jets were open. In the mail yesterday morning Mrs. Morton received at the Commonwealth avenue address a note mailed by her husband the night before at the ferry building and in which he intimated a suicide. The widow is prostrated and can assign no reason for the suicide of her husband. His finances and property interests were in satisfactory condition and he had just recently invested in a home and a new automobile. To occupy his mind he had become interested in oil stocks and had done some light investing in the Bakersfield district.

Morton evidently had planned his suicide some time before Wednesday, for he selected a time to visit the Seller home when the Sellers were visiting his wife in this city. While they were spending the night in his home he endeavored to get into the house. An inquest will be held Friday by Coroner Tisdale.

The dead man was a member of the Masonic fraternity. Mrs. Morton was Miss Cora Wallace of this city. She was formerly the wife of Dr. M. H. Tisdale, from whom she was divorced. For some years the Mortons have resided in Los Angeles and the San Joaquin valley. Mrs. Morton is active in Christian Science church affairs.

COLONEL FINLEY BACK WITH HEALTH RESTORED

Chief of Staff Benefits by Visit to Hot Springs

Colonel Walter L. Finley, chief of staff of this department, is back at his post. When he was suddenly attacked with lumbago some 60 days ago he was considered to be in a very serious condition.

He was rushed out to the general hospital at the Presidio, where he remained for two weeks, and was then sent to the United States general hospital at Hot Springs, Ark. He has returned to his post with his health fully restored.

Captain Eleutheros H. Cooke, paymaster's department, United States army, at this post, has been ordered to Fort Rosecrans for duty during the joint army and militia coast defense exercises that are to be held in that district next month.

Captain James F. Brady, coast artillery corps, stationed at the Presidio, has been granted leave of absence for 30 days, beginning July 1.

Captain Perry L. Boyer, medical department, United States army, has been ordered to Fort Mason to relieve Captain Ernest G. Bingham, the surgeon now in charge at that post.

Lieutenant M. Brechbaum, medical reserve corps, registered at the department headquarters yesterday, staying at 1635 Euclid avenue, Berkeley.

BANKRUPTCY PETITIONS ARE FILED IN COURT

James Y. Symington, a local salesman, filed a petition in bankruptcy yesterday in the United States district court. His liabilities are scheduled at \$21,000.12, with \$150 in available assets.

William Blume, owner of the Golden Gate bottling works of San Francisco, filed a petition in bankruptcy. His liabilities are scheduled at \$2,179.98, with \$1,700 in available assets.

Creditors of the Standard electrical works of San Francisco filed an involuntary petition in bankruptcy. Among the creditors that joined in the petition were Holabird-Reynolds company, Pacific mercantile agency and Stanley & Patterson, who claim that the electrical company committed an act of bankruptcy by making a general assignment.

Sea Fishing—Ocean Shore Ry. reaches the finest fishing ground. Leave daily at 8, 9:30 a. m., also 10:30 a. Sundays.

GILDED TREASURY HOLDS NO GOLD

Hillsboro' May Have "Hock" Perturbed Pavements and Wistaria Covered, Jail

Hillsborough, the gilded city, held its second municipal assembly last night in the artistic El Cerrito cottage. Templeton Crocker, Henry T. Scott and George H. Howard were attired in neatly fitting tuxedos with expansive exposure of white shirt front. N. K. Davis was clothed in a cutaway and Rev. W. A. Brewer, the mayor, in clerical garb. The sartorial vagaries led Howard to suggest the appointment of an official tailor.

That philanthropy and politics do mix was demonstrated when the question of a regular meeting place was considered.

"We could not think of it," protested Scott.

"But I insist," returned Howard. "Finally it was compromised, the cottage to be rent free until August and thereafter Howard to receive \$100 a month. And the stable adjoining was thrown in as a cute little firehouse."

But it soon appeared that the municipal treasury was not in accord with its reputation. "A letter was received from the San Francisco motor club asking that the town award a cup in aid of the good roads movement."

"What have we in the treasury?" inquired the mayor of that worthy official.

"Merely a vacuum," replied that worthy official, and that seemed to settle the matter.

But, if Hillsborough is collectively broke, it has credit, for an order is to be placed with a San Francisco silversmith for a beautiful 375 seal, designed by George Howard.

By unanimous consent Henry P. Bowie was elected recorder and judge and ex officio chief of police. Committee assignments were then announced. Henry T. Scott was made chairman of the body on finance and municipal affairs and N. K. Davis chairman of the judiciary, police and health committees.

Templeton Crocker will look after the fire department, the lighting and water systems. George E. Howard was given charge of highways, buildings and drainage.

SUPPORTERS CHEER CURRY AT BANQUET

Candidate for Nomination for Governor Speaks of His Work for State

About 75 members of the Wholesale Merchants' Charles R. Curry club gave a banquet and smoker to their candidate in a downtown cafe last night and pledged themselves to work earnestly for his candidacy. Curry was saved for the closing speech and his remarks were greeted with the enthusiastic cheers not only of the banqueters but of diners in other parts of the cafe.

"The businessmen and workmen here have made San Francisco and California what it is today," said Curry. "It will be the business and workmen who will nominate and elect the next governor. They have worked hard in hand. I have always endeavored to treat the businessman right and I have endeavored to treat the laboring man right and I think I have succeeded."

Curry then told of his accomplishments in the office of secretary of state and how he brought it from a tax eating office to an office that brought in annual revenue to the state.

"There are many reforms needed in California and I think that my training and my business experience will enable me to accomplish many of these needed reforms. Our different institutions are in need of reform in many instances. I endeavor to treat the businessman right and I endeavor to treat the laboring man right."

The question of patronizing home industry was brought up by one of the speakers and Curry declared that he was and always had been in favor of the movement recently started by the state promoting association.

Dr. Joseph Pöbsel presided as toastmaster. Speeches were made by Walter Pierce, S. Schwartz, P. A. Bergerot, General Salomon, C. S. Laumeister, John Polito, Charles Fisher and R. B. McClellan.

VEILS DISGRACEFULLY FLIRTS WITH COMET

Planet Blamed For Visitor Failing to Keep Its Appointment With Earth

CONTINUED FROM PAGE 1

refractory tail wagging a fond good night, as it were.

"There is a possibility," said Director Campbell yesterday evening, "that we are passing through the tail of the comet tonight. Of this, however, I can not speak definitely."

Calculations Upset

The failure of the comet's tail and the earth to meet Wednesday was one of the genuine surprises of the astronomical world. So positive were scientists that the expected would happen that the nonappearance of phenomena was regarded as being somewhat remarkable, but not improbable. Little thought was there that the earth had not passed through the tail and it was not until yesterday morning's observations had been made that there was discovered to be a palpable hitch in the arrangements. From mountain peak to mountain peak there went the message:

"Our calculations have been upset."

Director Campbell was one of the first of the astronomers to spy the joker in the pack. Shortly before midnight Wednesday he gave out a statement, expressing his doubts.

"I can not say that we are passing through the tail of the comet," he then observed. "The brilliant moonlight makes it impossible for us to make any observations, and there are no indications of the comet's tail."

The morning saw his doubts well founded. The scientists were not the only ones to be disappointed. Several amateur gazers of the heavens assembled about the fog line of Mount Hamilton, hoping that their toll and vigil would be rewarded by a display of celestial fireworks. In vain did they gaze. There were no fireworks. Nary a speck of star dust fell and there was not even a shooting star to make life exciting. Toward morning they became peevish and irritable, feeling that they had been victims of some kind of a bunko game. Silently they descended the steep mountain slopes to their neglected beds of the hotel at Smith creek.

TO BE VISIBLE IN WEST

When seen last night the comet was about 15,000,000 miles away from the earth. It will set at about 8:45 o'clock tonight, at 9:15 tomorrow night and 9:45 P. M. Sunday.

BALLOON EXPEDITION SEES NO PHENOMENA

ST. LOUIS, May 19.—Frustrated with mundane excitement, but not eventful astronomically, the balloon expedition to explore the tail of Halley's comet, which began here last night at 9:35 o'clock, ended near Hillview, Greene county, Illinois, at 11:20 o'clock. The aerostat traveled 65 miles.

Professor George O. James of Washington university, who made the trip with John Berry, pilot, and Andrew Drew, a newspaperman, had with him an aneroid, an aneroid barometer, a thermometer and a telescope.

The balloon rose in a cloudless sky. As only 17 bags of ballast were taken on a landing was made at Carsonville, St. Louis county, at 7:15. Supper was taken at a farmhouse and 50 children were taken on short flights "to see the comet," the balloon being held captive by the drag rope.

The aerial voyage was resumed at 8:45 and all ballast except eight bags had to be sacrificed. Unknown to the pilot the balloon changed its course from west to north.

Just as the balloon was about to land a freight train began to move directly under it. The balloon drag rope barely missed being caught by the caboose.

Professor James said he did not see any traces of the comet's tail, although he often scanned the heavens with his telescope. The balloon at no time reached a high altitude.

"I noticed no phenomena which I could confidently attribute to the effects of the passing of the comet's tail, in which we rode for two hours," said Professor James. "There was no wail phosphorescence in the skies, no aurora display and no shower of meteors within our vision, such as many astronomers had predicted."

WOMAN IS MADE MAD BY FEAR OF COMET

SANTA ANA, May 19.—Fear of the comet made one woman mad here today and drove another to attempt to commit suicide after she had tried to murder her two children.

Raving that the world was about to be destroyed, Mrs. Debe, Madras, was brought into court today before a lunacy commission and was adjudged insane.

Almost at the same time Mrs. Viola Gastelum of Anaheim gave her two children concentrated bromide and drank some herself. All three are at the point of death tonight. Mrs. Gastelum said the comet was sure to destroy the earth and everything with it, and she wanted her children to die with her.

Joker Causes Terror

ROSELLE, N. J., May 19.—Midnight comet watchers here were thrown into a state of terror as the result of a practical joke played by H. C. Boehn, a young chemist. Knowing that many persons were on the lookout for strange small balls, a quantity of sodium, a time fuse and a stick of dynamite, contrived an apparatus which would rise into the air to a height of 4,000 feet and then explode with a terrific roar. The apparatus was released in a large vacant field south of the town and worked to perfection. The explosion of the dynamite was heard for miles.

OFTEN EXHAUSTED

When Spring Came On, but Never Since Taking Hood's Sarsaparilla

Mrs. A. Hopkins, 225 East Ragle St., East Boston, Mass., writes: "Years ago I learned what a good medicine Hood's Sarsaparilla is. When spring came on I was thoroughly exhausted and obliged to take to my bed. I thought I would rather die than be so tired. I began taking Hood's Sarsaparilla, and before long was perfectly well. Since then spring has never come without my having Hood's Sarsaparilla."

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