

LUETTA SMITH FAR TOO REEL TO BE TRAPPED

Lawyers Fail to Shake Testimony of Chief Witness Against Doctor Burke

Woman of Strange Beliefs Declares She Will Not Sue Alleged Dynamiter

By HARRY DAVIDS

[Special Dispatch to The Call]

SANTA ROSA, Dec. 14.—J. H. Oetjen, a member of the jury trying Dr. Willard F. Burke, was attacked with acute and chills today and made necessary the postponement of the case until Friday. At the adjournment Lu Etta Smith was still on the witness stand, all appearances as keen and emphatic as she was when she first began her strange testimony last Thursday.

In the face of her remarkable story and still more remarkable behavior there has been transferred to her the interest and curiosity usually centered in the defendant in criminal cases. The public sentiment of the community, in trying to fathom the workings of her mentality, in endeavoring to harmonize her statements with her shrewd and quick mind, has lost sight of Doctor Burke and the dynamiting charge. To read her theories arouses a doubt as to her sanity, and to agree with the defense that the woman is a victim of hallucinations. To see her on the witness stand, parrying with retort and answer the skillful questioning of two of the best attorneys in Sonoma county, to observe her coolness and wisdom, the woman would be in hysterics, to watch her comprehension and grasp of all subjects brought to her notice, removes all thought of her being insane. Never during the entire long cross examination did she allow herself to be trapped; never once did she trip. At times, after she would make a sensational answer, it seemed that she had broken down and the public expected her to collapse momentarily, but she would smile and say she was not so, or a word make her position stronger than ever.

WOMAN AN ABBLE WITNESS

That she had a good working knowledge of court procedure was evident, and the presumption was that she acted in the way of a stenographer for law firms in Oregon. She seldom asked to have a question re-read to her, but frequently safeguarded herself by saying: "I have answered that question once, sir."

And the probabilities were that she had. She seemed to be fully aware of her privileges and rights as a witness and, under no consideration would she allow them to be trampled. If the district attorney defended her, well and good; if not, she defended herself.

Her weakest moments were when she tried to explain her metaphysical reasonings. Her language was correct and fluent and her arguments, at first blush, more than plausible. It became evident, however, as she proceeded that she was suffering from the common complaint of indignation from her rapid eating of the fruit of the tree of knowledge.

For the last 10 years she has satisfied herself with religious literature. She has delved into Hinduism, touched Shintoism, gobbled philosophic treatises against Christianity and dabbled with all the fads of socialistic and unsoundable views of almost all the self-dubbed prophets the age has produced. The yogi man has found in her a ready pupil. She has toyed with telepathy and clairvoyance, and she has sought the unique, the strange, the queer and seems to have found them all—but found them imperfectly. Her philosophies are the result of her semi-education. They seem warped, wanting, like structures on unstable foundations, shaken and influenced by every gust of passing thought.

The woman is far from beautiful. She has high cheek bones, hollow eyes and a poor complexion. Her redeeming features are her forehead, which is high and broad, and her eyes, which are penetrating, keen and sharp. There is not an iota of insanity in her appearance.

DEALS WITH MOTIVE

The case, as far as it has gone, has dealt merely with the motive of the crime. The charge proper scarcely has been mentioned. The prosecution holds that Doctor Burke dynamited her tent to destroy her and the baby and thus rid himself of an embarrassing situation. Up to the present all that the state has done has been along lines of proving the motive, its theory being that Lu Etta Smith, going to the sanatorium as a well meaning and virtuous woman, was inveigled into a life of evil by the teachings of Doctor Burke. There was little in her testimony to prove that Doctor Burke imparted to her any of the views she holds at present, apart from the thesis on free love which he gave her. In the minds of a large number of the jury, Doctor Burke did not teach her these things, but took advantage of her exotic beliefs.

From the evidence that has been brought out, both by the prosecution and the defense, the contention has been an attempt surrounding the principal persons in the trial were base and vicious.

Despite all that Lu Etta Smith has said, the defense holds that she is either the most flamboyant liar that ever stepped into a witness box or that the woman is the victim of hallucinations. They have failed to prove either fact on cross examination. They tried to show during the session of court this morning that she was testifying with a view to bringing a civil suit against Doctor Burke, but she denied this emphatically, saying that she had no intention of suing Burke for the alleged dynamiting, and that her sole claim against him was for the support of the child.

When the case is opened she will renew her testimony. There is little else for her to say. Every possible subject has been thrashed out and over again, and the probabilities are that a few more questions will bring her examination to a close. That the defense will try to impeach her is freely admitted.

Kurtz to Be Witness

BERKELEY, Dec. 14.—Prof. Benjamin Kurtz of the English department of the university probably will be called to testify at the trial of Dr. Burke on the charge of dynamiting the cottage of Miss Lu Etta Smith and her infant child. The university faculty man has been requested to attend the trial. An attempt will be made to show that Miss Smith and Professor Kurtz were close friends.

"Miss Smith and I bore the relationship of instructor and student," said Professor Kurtz today. "I never met her outside the class room, and only once or twice there when she stayed after class to ask a question. I am ready to go to Santa Rosa when I am wanted."

Christmas Trees and Plenty of Candy for Tots in the Schools



Providing holiday cheer for kindergarten pupils.

CARNEGIE'S GIFT TO MAINTAIN PEACE

Transfers \$10,000,000 Bonds, the Revenues to Hasten Abolition of War

WASHINGTON, Dec. 14.—Andrew Carnegie today transferred to a board of trustees \$10,000,000 in 5 per cent first mortgage bonds, the revenue of which will be used to "hasten the abolition of international war" and establish a lasting world peace.

The formal transfer was made at a meeting in the rooms of the Carnegie research foundation. The trustees organized by choosing as president United States Senator Elihu Root, the permanent representative of the United States at The Hague tribunal. President Taft has consented to be honorary president of the foundation.

The method by which the annual income of half a million dollars shall be expended is left by Carnegie entirely in the hands of the trustees.

The foundation is to be perpetual, and when the establishment of universal peace is attained the donor provides that the revenue shall be devoted to the banishment of the "next most degrading evil or evils," the suppressing of which "would most advance the progress, elevation and happiness of men."

The trustees of the fund are: United States Senator Elihu Root, former secretary of state and former secretary of war; Nicholas Murray Butler (New York), president of Columbia university; Dr. Henry S. Pritchett, president of the Carnegie foundation for the advancement of teaching; Joseph H. Choate, lawyer and former ambassador to Great Britain; Albert K. Smiley (Lake Mohawk), educator; and Charles W. Eliot, president emeritus of Harvard university; James Brown Scott, solicitor of the state department; John W. Foster, lawyer and former secretary of state; Andrew J. Montague, lawyer and former governor of Virginia; William M. Howard, lawyer and congressman (Lexington, Ga.); Judge Thomas Burke, Seattle, Wash.; James L. Slayden, congressman (San Antonio, Tex.); Andrew D. White, former ambassador to Germany; Robert S. Brookings, lawyer, St. Louis; Samuel Morison, former secretary of the navy; and Charles D. Walcott, geologist.

The name of Louise Whitfield Carnegie and Margaret Carnegie, wife and daughter, respectively, of the donor, are appended to the deed of trust as witnesses.

Carnegie Honors Regent

It was as a regent of the University of California that A. W. Foster of this city was selected by Andrew Carnegie as one of the trustees of the Carnegie fund for the promotion of peace. Foster received the following message, addressed to him as regent of the university, notifying him of the meeting, and accompanied by the list of men selected by Carnegie for his trust:

The following named gentlemen have accepted the trust which I propose to constitute for the promotion of peace. If convenient, I hope you will attend a meeting of the trustees for the purpose of receiving delivery of the deed of gift inaugurating the organization, and such proceedings as shall be deemed expedient, the meeting to be held at the Administration building of the Carnegie Institution of Washington, corner of Sixteenth and F streets, in Washington, D. C., on the 14th of December, at 10 o'clock, very truly yours, ANDREW CARNEGIE.

Foster did not have time after receiving the notice to go to Washington to assume the trusteeship.

WOMEN VOTERS SIGN PETITION FOR RECALL

Fair Sex Joins Movement to Oust Seattle's Mayor

SEATTLE, Dec. 14.—Nearly all of the women who are registered as voters in Seattle sign the petition for the recall of Mayor Hiram C. Gill as soon as they have qualified themselves. Their names count on the recall petition, but they must register again next year to be able to vote.

INDIANA WOMAN OF 45 MOTHER OF 28 CHILDREN

Twenty-one Living of Family Where Stork Arrives

NEWCASTLE, Dec. 14.—The twenty-eighth child has arrived at the home of Mr. and Mrs. Jason Bonner. Twenty-one of the children are living. Bonner is 49 years old and his wife is four years his junior.

LECTURE ON SOCIALISM.—Rev. Father Moran, C. S. P., lectured on socialism Tuesday evening in St. Mary's hall, adjoining St. Mary's Parish church. The lecture was delivered under the auspices of the German club.

SANTA BRINGS JOY TO KINDERGARTENS

Golden Gate Association Gives Presents to Children in Its Charge

More than 100 tots in this city were made happy yesterday, for Santa Claus stopped at three of the kindergartens under the management of the Golden Gate kindergarten association and left behind him a goodly array of dolls for the girls and toys for the boys, and big boxes of candy and red and gold Christmas calendars for everybody. The toys, piled high at the base of beautiful trees, gaily decorated and illuminated with the fairy lamps of the season, were distributed after the children had sung their songs of greeting and of Christmas cheer.

The Heart kindergarten, in Glen park, opened the round of entertainments for the children, with exercises under the direction of Miss Anita Rhoades. At the kindergartens at 734 Fourteenth street about 40 eager little ones were present for the distribution of gifts under the supervision of Miss Maud Twyman, and at the Golden Gate kindergarten even a greater number were in attendance, as 16 of the little orphans from the Jewish home have lately been added to the class and were present yesterday at their first kindergarten Christmas. Mrs. Arthur Poyser directed the exercises, but many of the officers and directors of the association were present to watch the pleasure of the children, for many of whom it will be their only Christmas tree.

All of these kindergartens have been established by the Golden Gate kindergarten association and it is all flourishing under their control, most of them in connection with public schools. Nine other public schools have applied recently for kindergartens, but the association has been obliged to decline for lack of sufficient funds. Altogether 16,000 children are instructed in their care, and are taught to work and to play intelligently and to do many useful things to make their leisure hours enjoyable.

Miss Virginia Fitch is president of the association. Mrs. Louis Sloss and Mrs. Cyrus Walkers are vice presidents; Miss M. L. Brown, treasurer; Mrs. Silar Palmer and Mrs. F. Boardman, secretaries. Among the directors are Mrs. E. E. Brownell, Mrs. B. F. Norris, Mrs. Ernest Cowell, Miss Spears, Miss M. E. Parsons of Kentfield, Mrs. A. P. Hotaling Jr., Mrs. E. R. Lillenthal and Mrs. A. D. Keyes.

This morning there will be Christmas trees for the children of the Washington Irving school kindergarten, in Broadway near Montgomery, for the Heart kindergarten in Union street near Stockton, for the Stanford at San Bruno and for the Pppe and Walker memorial in Greenwich street near Gough.

BALDWIN DECLINED TO MEET ROOSEVELT

Wording of Invitation Caused Judge to Pass Up Banquet

NEW HAVEN, Conn., Dec. 14.—An explanation of the absence last night of Judge Simon E. Baldwin, the governor elect, of the chamber of commerce dinner, at which Colonel Roosevelt spoke, has been learned. The invitation extended to the judge read:

To meet the Hon. Theodore Roosevelt. As there has been a failure to adjust the differences which arose over Judge Baldwin's exceptions to Colonel Roosevelt's criticism during the recent political campaign, the former absented himself from the dinner. The correspondence between Colonel Roosevelt and Judge Baldwin has not been disclosed.

MANAGER OF THE CUBS BUYS ORANGE GROVE

Frank Chance Pays \$25,000 for Citrus Fruit Orchard

[Special Dispatch to The Call] WHITTIER, Dec. 14.—Frank Chance, the leader of the Chicago Cubs, bought another orange grove six miles from here today. He paid \$25,000 for the orchard.

SOCIALIST VICTOR IN MISSISSIPPI ELECTION

BILOXI, Miss., Dec. 14.—The first socialist elected in Mississippi and one of the few in the south scored a victory in a municipal election here yesterday. S. W. Rose, running on a socialist platform, was elected to the city council over a democratic nominee.

ARMY OFFICERS TO BE PROMOTED

Retirements to Result in Selection of Major Generals and Brigadiers

WASHINGTON, Dec. 14.—Announcement was made at the war department today of the selection of several general officers of high rank, and their nominations will be submitted to the senate for confirmation soon.

Upon the retirement of Brigadier General Walter Howe, December 30, Colonel Joseph W. Duncan, Sixth infantry, will be promoted to brigadier general.

Upon the retirement of Brigadier General Earl D. Thomas, January 4, Colonel Walter S. Schuyler, Fifth cavalry, will be promoted to brigadier general.

Major General William P. Duvall, commanding the division of the Philippines, will retire January 13, and Brigadier General Charles L. Hodges, now in command of the department of the lakes at Chicago, will be promoted to be major general.

Colonel Robert K. Evans, Twenty-eighth infantry, will be appointed a brigadier general.

Major General Hodges will retire March 13, and Brigadier General Arthur Murray, present chief of coast artillery, will become a major general. Colonel Erasmus M. Weaver, now in charge of the militia division, will be appointed chief of artillery with the relative rank of brigadier general.

Brigadier General Frederick K. Ward will be retired March 19, and Colonel George S. Anderson, Ninth cavalry, will become a brigadier general.

TRAIN CREW AND AUTOS SUFFER IN COLLISION

Motor Cars Are Thrown From Freight and Badly Damaged

PORTLAND, Dec. 14.—Balky airbrakes on the Soo-Spokane train of the Oregon railroad and a navigation division caused a collision between that train and a freight in the east side railroad yards at noon today. Engineer Ferguson and Fireman Robertson of the passenger engine jumped and were slightly injured. None of the passengers suffered anything worse than a severe shaking up. A freight car containing automobiles was thrown 160 feet. Some of the automobiles were damaged almost beyond repair.

POLICEMAN WOUNDED BY ANOTHER OFFICER

Texas Bluecoat Resents Attention to His Daughter

HOUSTON, Tex., Dec. 14.—Mounted Policeman Lubbock of the city police force today shot and probably fatally wounded James Fife, another mounted policeman. Fife was with Lubbock's daughter on the street when the latter met them and opened fire. The attentions of Fife to Lubbock's daughter were objectionable to the father.

Famous "Pint of Cough Syrup" Receipt. No Better Remedy at Any Price. Fully Guaranteed.

THE NORTH WESTERN LINE UNION PACIFIC OVERLAND. Make a plain syrup by mixing one pint of granulated sugar and 1/2 pint of warm water and stir for two minutes. Put in one ounce of pure Pinex (fifty cents worth) in a pint bottle, and fill it up with the Sugar Syrup. This gives you a family supply of the best cough syrup at a saving of \$2. It never spoils. Take a teaspoonful every one, two or three hours. The effectiveness of this simple remedy is surprising. It seems to take hold instantly, and will usually stop the most obstinate cough in 24 hours. It tones up the jaded appetite and is just laxative enough to be helpful in a cough and has a pleasing taste. Also excellent for bronchial trouble, throat tickle, sore lungs and asthma, and an unequalled remedy for whooping cough. This recipe for making cough remedy with Pinex and Sugar Syrup (or strained honey) is a prime favorite in thousands of homes in the United States and Canada. The plan has been imitated, though never successfully. If you try it, use only genuine Pinex, which is the most valuable concentrated compound of Norway white pine extract, and is rich in quinine and all the natural healing pine elements. Other preparations will not work in this recipe. A guaranty of absolute satisfaction, or money promptly refunded, goes with this recipe. Your druggist has Pinex or will get it for you. If not, send to the Pinex Co., Ft. Wayne, Ind.

COMMITTEE WORKS FOR NEW RAILWAY

Money for Building Railroad to Be Raised by Private Subscriptions

[Special Dispatch to The Call]

SAN LUIS OBISPO, Dec. 14.—The committee appointed by the chamber of commerce to make the preliminary arrangements for the building of a railroad from San Luis bay to Hanford has reported favorably. The committee first intended to form plans for procuring funds by popular subscription for building a road from the end of the Stone Canyon railway to a branch of the Southern Pacific company at Alcaide, a distance of 15 miles.

As the plan was expensive, owing to the rough character of the country the committee decided to change its plans and has now mapped out a direct line of the proposed road from tidewater to Hanford.

Committees to solicit subscriptions in the vicinity of Hanford and Visalia, as well as in the county of San Luis Obispo, are to be appointed. They are first to procure sufficient funds to pay for the preliminary survey, the proposed line to touch this city.

A company will be incorporated and known as the San Luis Obispo and San Joaquin railroad, with the board of directors, three of whom will be the presidents of banks of San Luis Obispo.

BALLINGER CASE UP TO CONGRESS

Pinchot Says Ruling Should Be Had on Reports of Committee

WASHINGTON, Dec. 14.—"Congress can not now fairly avoid responsibility of ruling on the reports of the committee," declared Former Forester Gifford Pinchot today, in discussing the recent report of the majority of the Ballinger-Pinchot investigating committee.

Pinchot said that from the beginning it was known what the report would be and that the "standpat majority" did only what was expected of them. He said the public was entitled to know which of the three reports congress approves.

"Certainly the stand patters in congress who believe in the Ballinger kind of conservation should have a chance to go on record to that effect," he continued. "The question whether Ballinger is an unfaithful public servant is of little consequence compared to saving the coal lands in Alaska and the water power rights of the people."

PHYSICIAN KILLS HIMSELF.—Pittsburg, Dec. 14.—Lapsing from a window in the new Homeopathic hospital early today, Dr. W. H. Proctor, one of the best known practitioners in the city, was killed. The case was reported to the coroner as a suicide. Doctor Proctor underwent an operation at the hospital yesterday.

A VALUABLE SUGGESTION

Information of Importance to Everyone

A great deal of pain and suffering might be avoided if we had some knowledge of physiology and the care of the body, particularly those parts that do the most work and should always be kept strong and healthy.

In an interview with a prominent physician he states that people should pay more attention to their kidneys, as they control the other organs to a remarkable degree and do a tremendous amount of work in removing the poisons and waste matter from the system by filtering the blood.

During the winter months, especially, when we live an indoor life, the kidneys should receive some assistance when needed, as we take less exercise, drink less water and often eat more rich heavy food, thereby forcing the kidneys to do more work than Nature intended. Evidence of kidney troubles, such as lame back, inability to hold urine, smarting or burning, brick-dust or sediment, sallow complexion, rheumatism, may be weak or irregular heart action, warns you that your kidneys require help immediately to avoid more serious trouble.

An herbal medicine containing no minerals or opiates has the most healing influence. An ideal herbal compound that has had remarkable success as a kidney remedy is Dr. Kilmer's Swamp-Root.

You may receive a sample bottle of Swamp-Root by mail, absolutely free. Address Dr. Kilmer & Co., Binghamton, N. Y., and mention the San Francisco Daily Call.

"Sterling Furniture is the Ideal Gift." Give Your Wife a Richmond a Richmond. If there is one thing that will make a housewife happy it is a good cook stove. Put a Richmond Range in your kitchen and you will always have good cooking, also a good cook. Try it this Christmas. \$1.00 a Week will place any of our stoves in your kitchen ready to cook upon. COME IN TONIGHT AND PICK OUT A PIECE OF FURNITURE. STERLING FURNITURE COMPANY 1049 MARKET STREET OPPOSITE McALLISTER. They Speak for Themselves. San Francisco, Nov. 21, 1909. Dr. Wong Him, 1268 O'Farrell Street, San Francisco.—Dear Doctor: After suffering for a number of years from Bright's disease and Stomach Trouble, I came to you for an examination and treatment. Your diagnosis of my case by simply feeling the pulse gave me confidence and after taking your herb treatment for a few months I am entirely well and free from pain. Faithfully yours, HECTOR BEAULA, 1032 Kearny Street, San Francisco. San Francisco, February 3, 1910. Dr. Wong Him.—Dear Sir: For three or four years I suffered with nervous gastritis of the stomach, kidney and liver trouble, could not eat potatoes, bread or any starchy foods for months and was at death's door. As a last resource I applied to you. I did not care to take Chinese herbs, but was compelled to as I could not receive any relief from any other source. After a few months I was entirely cured and can eat all kinds of food, even starchy foods, for which I tender you my sincere thanks. MRS. ELIZABETH KLUBER, 2273 Post Street, S. F., Cal. DR. WONG HIM 1268 O'FARRELL STREET SAN FRANCISCO 3 FLOORS BETWEEN Gough and Octavia 10 a. m. to 1 p. m., 2 to 6 and 7 to 9 p. m. The Call's Branch Offices Subscriptions and advertisements will be received in San Francisco at the following offices: 1657 FILLMORE STREET Marks & Fink Open until 11 o'clock every night 10TH AND MISSION STS. Mills Stationery Store 1108 VALENCIA STREET Blake's Bar 818 VAN NESS AVENUE Parent's Stationery Store 2200 FILLMORE STREET Tremayne's Branch 553 HAIGHT STREET Christian Branch 1474 HAIGHT STREET The Atlas 16TH AND MARKET STREETS Jackson's Branch 974 VALENCIA STREET Halliday's Stationery Store NINETEENTH ST. NEAR GASTRO Mac's Bazaar, Tel. Mission 2233 Real Estate Bargains Abound in The Sunday Call