

BURKE PROTESTS "I'M INNOCENT," WHILE WIFE SOBS IN HIS CELL

DR. WILLARD P. BURKE, Who was found guilty Friday of attempting to kill Lu Etta Smith.

WOMAN'S LOVE GIVES COMFORT IN COUNTY JAIL

Prisoner Boasts of Spouse's Affection and Expresses Pity for Judge and Jury

"My Life Has Been Devoted to Saving Life, Not the Taking of It," He Declares

By HARRY DAVIDS [Special Dispatch to The Call]

SANTA ROSA, Jan. 28.—The love of woman, passing beyond the belief of human kind, remained with Doctor Burke today, when incarcerated in the county jail, his wife and his women patients flocked to him and gave him the cold comfort of sympathy.

The old man was as agreeable as when the indictment was returned. To him the verdict was an error. He pitied the jury, the judge and the prosecuting attorney. He wagged his gray whiskers in the sadness of heart, not for himself, but for the jury that would return a verdict against him.

He declared himself sorry for the jurors. He complimented District Attorney Lea on his closing address. He looked forward to seeing him the next democratic congressman and vowed that the forthcoming years would see him voting for Lea.

SINCERITY OF PROSECUTOR

"A bright boy," he said, "a remarkably bright boy. I presume that while I am languishing in jail Lea will be running for congress. He is a bright boy, a very bright boy. He is mistaken in my case, but I believe he is sincere, and that he thought in prosecuting me he was prosecuting the greatest criminal on earth."

Beside Doctor Burke stood his wife. His other friends had with the verdict. The old man did not seem to care in the least. He chuckled at his luck, but as he laughed he pressed the hand of the old woman.

"Misfortune," he said, "brings sorrow, but misfortune brings joy. Here I am an old man making love to my wife. We might be a couple of youngsters out in the moonlight, by the way she acts. In these moments which are supposed to be those of my deepest disgrace I am revelling in the honeymoon period of my young life."

WIFE STANDS BY BURKE

"My wife stays with me. I thank God for that. I feel my utter unworthiness, but she remains with me. Neither the verdict of the jury nor the sentence of the judge can take away from me the love of her, my mate and wife."

He stroked his beard and gazed into the fire of the stove in his cell. The wife of whom he talked hovered above him. It was evident that she loved him. Her tired hands stroked his head, her weary smile lighted up to meet his gaze.

"There, there, honey," she said. Her voice is that of a southerner, soft and clear cut. "Don't give way, boy."

"In a flash she turned. Her anger dominated her. She snapped her jaws. "They are going to take him away from me," she burst out. "We have been married now for 40 years and they are going to take him from me. Ah, God, God!"

COUPLE WEEP TOGETHER

The old voice cracked. The old head dropped upon the table. Together they cried, the old man and the old woman. It was just for a moment. The prisoner seemed to realize his position and he placed his wife in a chair. "I am guilty," Doctor Burke said, "according to the verdict of a jury. In my heart I know I am innocent. For myself I do not care, but for the wife of mine, well, I hope to God that those who swore against me might feel some of the misery I am feeling now. I am not harsh, but look here, look here."

He pointed to the wife weeping by him, and into his face there came a look of the utmost desperation. He seemed to be governed by an implacable ferocity.

"DEVOTED TO SAVING LIFE"

"Why is it?" he asked, pounding the table. "Why is it? Great God, boy, I never tried to harm a living thing on earth. My life has been devoted to the saving of life, not to the taking of it."

The wife, her paroxysm of tears spent, turned to him. Her gentle hands calmed him, her soft voice held him in check. "Honey love," she said, "don't get excited. You all know that—that—"

"She cried against the woman had nothing but tears to offer him, and in the offering she felt their inefficiency. She cried as if her heart were breaking; she cried with the terrible sobs of an old woman, and in her sobs she poured over him. She harked back to the days of their youth and murmured incoherently.

EMBARRASSING INTERVIEW

For an outsider it was embarrassing. It did not seem right that another should hear the innermost secrets of man and woman. The woman murmured and cried on, and the man patted her.

"Honey girl," he said, "don't go and cry, please don't!" She sobbed on. Her withered old fingers found his sleeve and she laid her cheek against it. "They are taking you from me, honey," she burst out. "They are taking you from me."

Apart from the sentiment toward his wife, Doctor Burke appeared utterly nonchalant.

"Suppose," he said, "they send me to San Quentin. If so, I hope that Warden Hoyle will place me in the medical department. My life is over now. What do I care for the sentence of a judge? I am not a youth. All I want is to ply my profession. I believe that there are many men in the penitentiary who are afflicted with diseases. Now I hope I will be allowed to treat these unfortunate."

PROTESTS HIS INNOCENCE

"What do I care? I have done my work and I have lived my life. This misfortune will accept as I will any other. Some men lose money and others lose health. I lose my name and my liberty. But what is the difference? The boy who prosecuted me



Lu Etta Smith, the accuser of Doctor Burke, and her child.

PHYSICIAN NOTED FOR HIS CHARITY

Many Friends Made During 20 Years' Professional Work in Sonoma County

Name Scarcely Mentioned Without Some Allusion to His Marked Generosity

[Special Dispatch to The Call]

SANTA ROSA, Jan. 28.—For more than 20 years Dr. Willard P. Burke has been among the prominent figures of Sonoma county and he has as his friends and acquaintances some of the leading men of the state. Until a few years ago he was regarded as one of the leaders of the county, but ugly rumors began to be whispered about the conditions at his sanatorium, and little by little he began to lose the admiration and respect of the community.

He was born in Pentry county, Missouri, in 1850, but two years later, his father, Benjamin Burke, lured by the gold fever, removed with his family to California, settling at Shasta, near Tuolumne county. The family remained there four years, but mining did not prove the success expected and another move was made, this time to Santa Cruz county near Watsonville, where the father engaged in farming. Six years later the family moved again, settling in Lake county.

PHYSICIAN'S OFFICE BOY Here, at the age of 16, Dr. Willard P. Burke began the study of medicine. His first experience in his profession was with Dr. Dexter Witter, who was looked upon as one of the first physicians of Lake county. His work was that of the usual office boy in a practitioner's employ. He compounded pills and prescriptions, dusted, swept, lit the fires and pored over the dusty tomes of medicine in his spare hours.

"I realized," said Doctor Burke, "that the profession of medicine was changing rapidly at that period. Old doctrines and old principles had to be regarded as standard by the practitioners were being shown up as worthless and valueless. Accordingly I determined to enter a college. Prior to doing so, however, I found that in my endeavor to study medicine I had neglected other educational subjects, and I decided that I would enter Christian college in Santa Rosa—the institution which is known now as Ursuline college."

STUDIED NINETEEN YEARS

He remained at Christian college for two years and in 1880 went east to take up his study of medicine. His first years were spent in the sanatorium at Battle Creek, and in 1882 he enrolled himself as a student in the medical department of the University of Michigan at Ann Arbor. His studies in Michigan lasted for two years and he then came back to California, entering Cooper medical college in San Francisco and was graduated from there in 1885.

He was by this time 35 years of age and had devoted 19 years preparing himself for his profession. Immediately on graduating he went into sanatorium work and received the position of physician in charge of a sanatorium at St. Helena in Napa county. After holding this place for two years he resigned and went to Napa city, where he opened a sanatorium for himself.

CONVERSION OF COLONY

Within two years, however, he was back at his old place at St. Helena.

He looked around as if in apology for his tears and gently bade her be calm.

LU ETTA SMITH IN SOLITUDE Lu Etta Smith locked herself in a room when the verdict was made public and would go no word to any man. "Don't talk to me," she said yesterday. "I do not want to talk."

"Do you love him still?" she was asked.

"Yes, I love him," she declared. "What are you going to do now?" "How am I to know?"

Her son yelled and she flew to him. Doctor Burke will be sentenced Monday morning. At present he is in the custody of the sheriff at the Sonoma county jail.

AUTHOR DIES IN HER MASSACHUSETTS HOME

Elizabeth Stuart Phelps Ward Stricken Suddenly

NEWTON, Mass., Jan. 28.—Elizabeth Stuart Phelps Ward, author and lecturer, died at her home in Newton Center tonight after a short illness, at the age of 67 years. Her husband, Herbert D. Ward, was in the south when she was taken ill and he has not yet reached home. He is expected tomorrow.

Mrs. Ward was born in Boston, August 31, 1844, the daughter of Rev. Austin and Elizabeth Stuart Phelps. She began to write for the press when 13 years old.

She was the author of many books, the first, "The Gypsy series" of four volumes, appearing in 1869. From that time until recently hardly a year passed that from her pen a book was not published.

Some men are always trying to get a finger in the pie in order to spoil the appetite of others for the pastry.

Forty-three per cent of the families of Vienna live in a single room each.

Radium gives a violet tinge to glass and porcelain turns white paper, yellow.

A deposit of almost pure tantalum ore has been discovered in the Ural mountains.

The annual lumber cut in the coast forests of Alaska is about 27,000,000 board feet, mostly spruce.

For the next six or seven years he went from place to place, practicing in Alameda, Oakland and in Lytton Springs in Sonoma county. In 1897 he took over the Altruria colony in Sonoma county, converted it into a sanatorium, named it after himself and has been there since continuously.

"While I was studying under Doctor Witter in the early days," he said, "I saw many cases of cancer treated, and ever since that time I have done work along this line. Recently I have been experimenting on food lines. Also, I have originated hydrotherapy and electrical treatments."

INDEPENDENT AND GENEROUS "Throughout my life I have tried to be as independent as possible not only in matters of medicine, but along all lines. I have tried to meet evils by my own judgment and my own experience. The sudden growth and development of life and thought of the present century makes original, free and independent thought absolutely necessary. The ideas of the past governed the conditions of the past; those of the present must be met by original thought."

One of the marked characteristics of Dr. Rosa's life is his generosity. In Santa Rosa his name is scarcely mentioned without some allusion to this trait. He has made a large amount of money, but much of it has been spent in charity. For several years he has maintained charity patients at his sanatorium, and it is because of this trait that the present crisis sees him surrounded by so many friends.

The more you do for some people the angrier they get with you for not doing more.

POPE INSISTS ON MODERNISM EDICT

Letter to Archbishop of Cologne Declares Struggle Should Be Continued

Professors in State Schools Without Pastoral Office Need Not Take Oath

BERLIN, Jan. 28.—Widespread interest has been aroused by a letter from the pope to Cardinal Fisher, archbishop of Cologne, relative to the oath of disavowing modernism, which is required of the theology professors by the Vatican.

"The ruling has already resulted in the withdrawal of several members of the theological faculty at the University of Munich and has called forth a sharp controversy in the press.

After declaring that the bishops should not permit foresight and caution to develop into faint heartedness in connection with the deprivation of office for clergymen when they refuse to defer to a new test, and expressing no surprise that those who fear their own positions are striving against the edict, even, perhaps, calling upon the state to prevent its being carried out, the pope proceeds:

"In fulfillment of duty so far as God's praise is directly concerned, the struggle should not be abandoned. On the contrary, it should be courageously entered upon."

The letter sets forth that professors of theology in state schools need not take the oath, except when they are at the same time occupying the pastoral office, but it regards as "cowardly indifference" the action of state teachers who make use of the permission of Rome not to take the oath because of those who, though of the Catholic church, declare it to be a violation of human intelligence and a hindrance to the progress of science. A recommendation follows that exemptions for other reasons should not be permitted. Newspapers of all shades of opinion forecast government action. The Kreuz Zeitung says:

"There can be no doubt of the pope's intention to enter into a conflict with the Prussian government, the consequences of which can not at present be foreseen."

The Kölnische Zeitung says: "It is not too late to reply to this high handed policy, thus far and no farther."

The Leipziger Neuste Nachrichten says: "The letter shows that the Vatican intends to proceed in the modernist movement without consideration of the rights of the state."

GOOD HIGHWAYS IN PENINSULA WANTED

San Francisco, San Mateo and Santa Clara County Men Launch Movement

[Special Dispatch to The Call]

SAN MATEO, Jan. 28.—The peninsula highways convention, representing a combination of all the civic bodies of San Francisco, San Mateo and Santa Clara counties, convened in the San Mateo city hall this afternoon and launched a strong movement to secure for the peninsula one of the proposed roads to be constructed from the \$18,000,000 bond issue authorized at the recent election.

San Francisco, San Mateo and Santa Clara counties, secretary, E. W. Marston of San Francisco, L. H. Newbert of San Mateo, and C. A. D. Clark, vice president, Captain William Matson of the San Francisco chamber of commerce, Byron Meier of the San Francisco merchants' association, Thomas Magee of the San Francisco real estate board, A. J. Rich of the Automobile club, W. B. Lawler, E. L. Hoag and George C. Ross, San Mateo, A. F. Murgotten, W. H. Kelly and J. T. Brooks of Santa Clara county.

Henry T. Scott acted as chairman of the convention and Paul Finckley of the local board of trade was secretary. The following were appointed as an executive committee of 15 to outline a campaign for the promotion of the project:

Henry T. Scott of the San Francisco chamber of commerce, president; L. E. Burke of the Automobile club of California, secretary; E. W. Marston of San Francisco, L. H. Newbert of San Mateo, and C. A. D. Clark, vice president; Captain William Matson of the San Francisco chamber of commerce, Byron Meier of the San Francisco merchants' association, Thomas Magee of the San Francisco real estate board, A. J. Rich of the Automobile club, W. B. Lawler, E. L. Hoag and George C. Ross, San Mateo, A. F. Murgotten, W. H. Kelly and J. T. Brooks of Santa Clara county.

The convention was held in the afternoon and the following were appointed as an executive committee of 15 to outline a campaign for the promotion of the project:

Henry T. Scott of the San Francisco chamber of commerce, president; L. E. Burke of the Automobile club of California, secretary; E. W. Marston of San Francisco, L. H. Newbert of San Mateo, and C. A. D. Clark, vice president; Captain William Matson of the San Francisco chamber of commerce, Byron Meier of the San Francisco merchants' association, Thomas Magee of the San Francisco real estate board, A. J. Rich of the Automobile club, W. B. Lawler, E. L. Hoag and George C. Ross, San Mateo, A. F. Murgotten, W. H. Kelly and J. T. Brooks of Santa Clara county.

The convention was held in the afternoon and the following were appointed as an executive committee of 15 to outline a campaign for the promotion of the project:

Henry T. Scott of the San Francisco chamber of commerce, president; L. E. Burke of the Automobile club of California, secretary; E. W. Marston of San Francisco, L. H. Newbert of San Mateo, and C. A. D. Clark, vice president; Captain William Matson of the San Francisco chamber of commerce, Byron Meier of the San Francisco merchants' association, Thomas Magee of the San Francisco real estate board, A. J. Rich of the Automobile club, W. B. Lawler, E. L. Hoag and George C. Ross, San Mateo, A. F. Murgotten, W. H. Kelly and J. T. Brooks of Santa Clara county.

The convention was held in the afternoon and the following were appointed as an executive committee of 15 to outline a campaign for the promotion of the project:

Henry T. Scott of the San Francisco chamber of commerce, president; L. E. Burke of the Automobile club of California, secretary; E. W. Marston of San Francisco, L. H. Newbert of San Mateo, and C. A. D. Clark, vice president; Captain William Matson of the San Francisco chamber of commerce, Byron Meier of the San Francisco merchants' association, Thomas Magee of the San Francisco real estate board, A. J. Rich of the Automobile club, W. B. Lawler, E. L. Hoag and George C. Ross, San Mateo, A. F. Murgotten, W. H. Kelly and J. T. Brooks of Santa Clara county.

The convention was held in the afternoon and the following were appointed as an executive committee of 15 to outline a campaign for the promotion of the project:

Henry T. Scott of the San Francisco chamber of commerce, president; L. E. Burke of the Automobile club of California, secretary; E. W. Marston of San Francisco, L. H. Newbert of San Mateo, and C. A. D. Clark, vice president; Captain William Matson of the San Francisco chamber of commerce, Byron Meier of the San Francisco merchants' association, Thomas Magee of the San Francisco real estate board, A. J. Rich of the Automobile club, W. B. Lawler, E. L. Hoag and George C. Ross, San Mateo, A. F. Murgotten, W. H. Kelly and J. T. Brooks of Santa Clara county.

The convention was held in the afternoon and the following were appointed as an executive committee of 15 to outline a campaign for the promotion of the project:

Henry T. Scott of the San Francisco chamber of commerce, president; L. E. Burke of the Automobile club of California, secretary; E. W. Marston of San Francisco, L. H. Newbert of San Mateo, and C. A. D. Clark, vice president; Captain William Matson of the San Francisco chamber of commerce, Byron Meier of the San Francisco merchants' association, Thomas Magee of the San Francisco real estate board, A. J. Rich of the Automobile club, W. B. Lawler, E. L. Hoag and George C. Ross, San Mateo, A. F. Murgotten, W. H. Kelly and J. T. Brooks of Santa Clara county.

The convention was held in the afternoon and the following were appointed as an executive committee of 15 to outline a campaign for the promotion of the project:

Henry T. Scott of the San Francisco chamber of commerce, president; L. E. Burke of the Automobile club of California, secretary; E. W. Marston of San Francisco, L. H. Newbert of San Mateo, and C. A. D. Clark, vice president; Captain William Matson of the San Francisco chamber of commerce, Byron Meier of the San Francisco merchants' association, Thomas Magee of the San Francisco real estate board, A. J. Rich of the Automobile club, W. B. Lawler, E. L. Hoag and George C. Ross, San Mateo, A. F. Murgotten, W. H. Kelly and J. T. Brooks of Santa Clara county.

The convention was held in the afternoon and the following were appointed as an executive committee of 15 to outline a campaign for the promotion of the project:

Henry T. Scott of the San Francisco chamber of commerce, president; L. E. Burke of the Automobile club of California, secretary; E. W. Marston of San Francisco, L. H. Newbert of San Mateo, and C. A. D. Clark, vice president; Captain William Matson of the San Francisco chamber of commerce, Byron Meier of the San Francisco merchants' association, Thomas Magee of the San Francisco real estate board, A. J. Rich of the Automobile club, W. B. Lawler, E. L. Hoag and George C. Ross, San Mateo, A. F. Murgotten, W. H. Kelly and J. T. Brooks of Santa Clara county.

The convention was held in the afternoon and the following were appointed as an executive committee of 15 to outline a campaign for the promotion of the project:

Henry T. Scott of the San Francisco chamber of commerce, president; L. E. Burke of the Automobile club of California, secretary; E. W. Marston of San Francisco, L. H. Newbert of San Mateo, and C. A. D. Clark, vice president; Captain William Matson of the San Francisco chamber of commerce, Byron Meier of the San Francisco merchants' association, Thomas Magee of the San Francisco real estate board, A. J. Rich of the Automobile club, W. B. Lawler, E. L. Hoag and George C. Ross, San Mateo, A. F. Murgotten, W. H. Kelly and J. T. Brooks of Santa Clara county.

IOWA GRADUATE'S INTENTIONS BEST

Albert Thorsen Intended to Give "I O U's," Not Fictitious Checks

Albert Milton Thorsen of 1381 Geary street, a young man who declares he is a native of Sioux City, Ia., and a graduate of the University of Wisconsin, was arrested yesterday by Detectives Dave Murphy and Richard Bell and Patrolman A. J. Skelly on a charge of issuing fictitious checks. Information against Thorsen was filed by Gus Lecker, proprietor of the Monarch shoe company at 1419 Stockton street, where he has recently been employed.

One check signed by Thorsen was drawn against the Lecker company and was for \$5.50, while another for \$5 was on a butcher at Stockton and Green streets. Thorsen was just released from a debauch when taken

into custody. He admitted having written the checks, but said he did so Friday night while on a tour of the red light district in the company of a woman companion, and had merely given them as I. O. U. memorandums which he intended to take up later.

Thorsen said that his home was in Sioux City and that he was a graduate of the University of Wisconsin and a member of a prominent college fraternity. Since leaving college, he said, he had traveled about the country, working for a time in Pueblo, Colo., and later as a shoe clerk in several downtown stores in this city. He has been here about six months.

In Thorsen's pocket was found a high school pin engraved with the name of Miss Bessie Nash of the class of 1901 at the Pueblo high school, who, according to Thorsen's statement, is a niece of Governor Thomas of Colorado. Thorsen admitted that Miss Nash had his fraternity emblem, but insisted that they were not engaged. The prisoner also wore the pin of a Sioux City lodge of a well known fraternal organization.

Thorsen admitted the truth of the statement made by his former employers that he had been drinking heavily for the last few weeks and had spent a great deal of time and money in the company of women of the tenderloin.

Root for your own town and root out the knockers.

FINAL SALE Gantner & Mattern Co. Annual Clearance of Knit Goods. Only a Few Days Remain for You to Take Advantage of the Most Unusual Sale of Knit Goods Ever Held in San Francisco. You Know Our Qualities. Hosiery— 35c Women's Cotton and Lisle Hose... 19c 50c to \$1.00 Women's Lisle Hose... 23c 75c Women's Lisle and Silk Lisle Hose... 35c 75c to \$2.00 Women's French Emb. Lisle Hose... 45c \$1.50 Women's All Silk Hose, Lisle Soles... \$1.15 \$4 to \$8 Women's French Emb. Silk Hose... \$2.95 1,800 pairs of our 75c and \$1.00 Men's French Silk Lisle Embroidered Socks, all reduced to 35c \$1.25 to \$2 Men's Imported Silk Embroidered Socks... 75c Underwear— 50c Women's Merode Vests or Tights... 40c \$1.25 Women's Swiss Ribbed Union Suits... 95c \$1.50 Women's Merino Ribbed Vests or Tights... \$1.15 \$1.75 Women's Italian Silk Vests... \$1.35 \$1.75 Women's Ribbed Mesh Health Vests... \$1.45 \$1.75 Men's Good Wool, per garment... \$1.35 \$2.00 Men's Silk Lisle, per garment... \$1.45 \$3.75 Men's Silk and Wool, per garment... \$2.17 \$4.50 Men's Silk and Wool, a garment... \$2.45 \$3.50 Men's Our Famous Irish Linen, garment... \$2.85 \$3.50 Men's Union Suits, Silk Lisle, per garment... \$2.90 Sweater Coats— \$3.00 Women's All-Wool Box Coats... \$1.95 \$4.50 Women's All-Wool Sweater Coats... \$2.95 300 of our \$5 to \$8 Women's Sample Coats... ONE-HALF OFF \$3.50 Men's Soft Wool Sweater Coats... \$2.35 \$6.00 Men's Heavy Shaker Coats... \$4.50 Crochet Aviation Caps— \$2.50 Hand Crochet, Pure Wool... \$1.85 \$2.00 Hand Crochet, Pure Wool... \$1.25 Special G. & M. Link and Link... \$1.35 Hundreds of Other Reductions in All Departments. Gantner & Mattern Co. GRANT AVE., AT POST ST.

DIRECTORY LEADING HOTELS HOTEL ARGONAUT Society of California Pioneers' Building Fourth Street Near Market California's Most Popular Hotel 400 Rooms, 200 Baths, 200 Bunks. European plan, \$1.00 per day and up. Dining room seating 500. Table d'Hote or a la Carte service. EDWARD BURLIN, Genl. Mgr. HOTEL COLONIAL Stockton Street, Above Sutter San Francisco. American plan, \$2.00 per day. European plan, \$1.50 per day. A hotel with every modern convenience. Every room furnished with bath. HOTEL TURPIN Newest and Most Popular Commercial Hotel. 17-19 Powell Street at Market San Francisco. 500 rooms, 500 baths, 500 bunks. Best eating houses within city limits. Rates \$1.00 to \$1.50 per day. 725 rooms, 2nd floor, 2nd room in the house. F. L. and A. W. TURPIN, Prop. and Mgr. Former Owners Royal and Hamilton Hotels. HOTEL STEWART Geary Street Above Union Square European Plan, \$1.50 a day and up. American Plan, \$2.00 a day and up. HOTEL STANFORD Headquarters for former patrons of the Lick, Grand and Russ Hotels. 150 rooms, 150 baths. Rates \$1 day up. 230 Kearny street between Sutter and Bush. WHEN THINGS LOOK DARKEST: READ AND USE CALL WANT ADS.