

### BAROMETER OF BUSINESS

San Francisco's bank clearings yesterday were more than Seven and a Half Dollars

# THE CALL

"The People's Newspaper"

"An Independent Newspaper"



WEATHER FORECAST: Cloudy; moderate southwest winds.

The Call's 6 o'Clock A. M. Edition contains the very latest city and general news of the night.

VOLUME 114.—NO. 7.

SAN FRANCISCO, SATURDAY, JUNE 7, 1913.—PAGES 1 TO 8.

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PRICE FIVE CENTS.

# JURY FINDS FRANK ESOLA GUILTY OF BUNKO GRAFT

## Verdict Branding Former Police Officer Felon Reached After Four Ballots

### UNITED PROPERTIES TO SPEND MILLION ON KEY ROUTE PIER

Immense Sum, Held in Trust by Bank, Is Not Available to Trustees of Smith Interests, Says Report, Which Is Denied by Officials

### WORK WILL BEGIN WITHIN 30 DAYS

City's Financial Circles Are Much Concerned in Ability of Advisory Board to Meet the Payment of \$2,500,000 Notes of San Francisco-Oakland Terminal Roads

San Francisco financial interests are much concerned in the ability of the Smith trustees to meet payment of the \$2,500,000 notes of the San Francisco-Oakland Terminal railways, which fall due Thursday next. While there was a grain of comfort in the statement of John S. Drum, printed in The Call yesterday, to the effect that the advisory committee is working out a refunding scheme to meet the notes and he had every expectation they would be successful, there continues to be more or less uneasiness on this score.

That uneasiness was increased yesterday by a rumor that \$1,000,000 held in trust for one of the Smith companies would not be available for use by the trustees in settlement of Smith's affairs. According to a generally accepted story, the trustees had endeavored to obtain this \$1,000,000, but the bank with which it was deposited had absolutely refused to give it up except upon the terms under which it had been placed in their care. These terms required expenditure for certain specific improvements and not for payment of debts.

### STORY IS SCOUTED

While the trustees and others concerned scouted this story as wholly imaginary, sufficient information was gleaned from several authoritative sources to show that the rumor, in part at least, had a foundation. Publication of the facts here may quiet one disturbing canard.

There is deposited with the Union Trust company of San Francisco \$1,000,000 subject to the order of the United Properties company upon certain conditions. This money was raised by release of three mortgages upon the following properties: San Francisco, Oakland and San Jose railway (first and second mortgages) and S. P. O. & S. J. Consolidated railways (first mortgage).

The terms of this payment were that the \$1,000,000 given for the release was entirely to be used in the improvement of the Key Route basin. Those terms are about to be complied with.

### CONTRACTS ARE LET

Within 30 days the trustees of the United Properties company will begin the filling in, solidifying and improvement of the Key Route terminal pier at Oakland. Contracts have been let and the expenditure of all of the \$1,000,000 will be made upon the pier. This much was admitted yesterday by a trustee of the United Properties and by an official of the Union Trust company.

### TWO COMMITTEES AT WORK

Not only is the advisory committee holding daily meetings in the Royal Insurance building, but several local financiers meet daily in the offices of a prominent underwriting firm, both sets of meetings engaged in finding a way out of the black hole.

"We have had financial offers from abroad, but we are not going to make any bargain counter sale. The notes for which we are arranging payment are well secured and we will finance the proposition right here," said one of those interested.

Securities for the \$2,500,000 notes total \$26,777,200 made up as follows: \$1,842,000 Oakland Traction General Consolidated Co. \$1,415,000 San Francisco, Oakland and San Jose Consolidated Co. \$11,200 preferred "A" San Francisco, Oakland Terminal Railways cumulative 6% \$1,000,000 preferred "B" ditto \$13,710,000 common stock ditto.

### BOY KEEPS DOG; COSTS MAYOR \$2

Rolph Pays Money to Poundman When He Finds Lad Crying for Unlicensed Pet

"Wow, boo hoo, he's got my dog, he's got my dog," cried a small boy at the corner of Twenty-fifth street and San Jose avenue.

"What's the matter, little fellow?" asked a kindly man.

"The poundman, he's got my dog," whimpered the lad. "I took him out of my brother's yard for a run. He hasn't any license."

"Too bad," said the stranger. "How much for his release?"

"Two dollars," said the poundman, turning around. His face fell. "But we never take dogs from crying boys, Mr. Rolph," he stammered.

"But you are only doing your duty," insisted the mayor. "Take your money."

The poundman obeyed, and the boy took the dog and ran home.

Mayor Rolph, a great lover of dogs himself, modestly refrained from mentioning the little incident, but it leaked out yesterday when a witness told of it in the city hall.

### ARMS SHIPPED TO PEER OF NORTHERN IRELAND SEIZED

Sensation Caused by Discovery of So Called Plot to Fortify Unionist Centers

DUBLIN, Ireland, June 6.—A sensation was caused by the seizure today by the customs authorities of a consignment of 500 rifles and bayonets on board a steamer from Liverpool. The arms were addressed to Baron Farnham, an Irish peer, at his country seat, Farrham, county Cavan.

Baron Farnham, who is 33 years old, and is the eleventh baron of the line, formerly was an officer in the regular army. He has taken a prominent part in the campaign against home rule.

It is reported that the authorities have discovered an elaborate organization in London for supplying the unionist centers in Ulster with arms.

### FOLSOM CONVICT SUES TO QUIET TITLE TO PROPERTY

Former Real Estate Man's Action Necessary Before Foreclosure Can Be Made

(Special Dispatch to The Call)

SACRAMENTO, June 6.—The unusual incident of a state prison convict suing to quiet title to property occurred in the superior court today, when J. H. Garlough sued William McNulty et al for valuable property in K street. Garlough is a former real estate man who is serving time in Folsom prison for embezzlement. It is necessary to clear the title before a \$5,000 mortgage held by S. Iser can be foreclosed.

### LUMBER FIRM TO TEACH HELP TO SPEAK ENGLISH

Marion Nine, Normal Graduate, Employed to Conduct Night School Made Up of 200 Workers

(Special Dispatch to The Call)

CHICO, June 6.—The Weed Lumber company has employed Marion Nine, a graduate with this year's class of the Chico state normal school, to work in its factory at Weed and at night to teach 200 Italian employees how to read and speak English. The company pays all the expenses of the night school over which Marion Nine will preside.

### TAFT VISITS WASHINGTON

Professor in Capital to Attend Memorial Commission Meeting

WASHINGTON, June 6.—William H. Taft, Kent professor in Yale, arrived tonight to pay his first visit to the national capital since he retired from the presidency. He is here to attend a meeting of the Lincoln memorial commission, of which he is a member. Few were on hand to welcome Mr. Taft. He was met by a few friends, including Miss Mabel Boardman, his hostess, and Assistant Secretary of the Treasury Sherman Allen and several secret service men.

### R. R. CLERK SHOTS TWO

Slays Ticket Agent and Fatally Wounds His Assistant

PITTSBURGH, June 6.—James McNair, ticket agent for the Pennsylvania railroad at the union station, was shot and killed at noon today and his chief clerk, Ralph Pauly, was fatally shot by C. Sage, a clerk who had failed to be promoted in recent staff changes in the ticket department. Sage escaped.

### REPORTER CONVICTS MAN

Manufacturer is Guilty of Assault When Asked for Interview

NEW YORK, June 6.—David Dows, a wealthy iron manufacturer, was convicted of assault today because when Alva Johnston, a newspaper reporter, made a midnight call at his house to get an interview Dows and his butler threw a blanket over the reporter's head and dumped him in the back yard.

### SYLVIA GUILTY OF PLANTING A BOMB IN CIVIC CENTER

Miss Spankhurst Had Nothing to Do With the Outrage, but She's Convicted, Anyhow

Militant suffragettes and a large and an exceedingly black bomb occupied the center of the stage at the second annual mock trial of the Howard Men's club last night, when "Sylvia" was convicted.

Continued on Page 3, Column 4

Frank W. Esola as he appeared just after his star was taken from him.



## DEFENDANT CALMLY HEARS DECISION THAT CLANGS PRISON DOORS ON BACK

Seven Other Members of Department, Under Indictment on Similar Charges, Sit in Courtroom When Doom of Comrade Is Sealed by Twelve of His Peers; Judge Announces That He Will Pass Sentence on Convict Tuesday Morning; Allowed to Spend Night in Prison

### VOTE STOOD 11 TO 1 THROUGH THREE BALLOTS; DELIBERATE FOUR HOURS

Frank Esola, former police detective, was found guilty of grand larceny at 12:25 o'clock this morning by a jury in Judge Dunne's court.

The verdict was reached on the fourth ballot after the jury had remained in deliberation for nearly four hours.

When the verdict was announced the defendant gave no sign of emotion, but his attorneys were loud in their expressions of surprise, and Esola's several co-defendants in the police bunco cases all of whom were present in the courtroom, were visibly worried.

After the first ballot the vote in the jury room stood 11 to 1 for conviction, Juror U. M. Cochrane being the only one to hold out for an acquittal. Cochrane changed his vote to guilty after the jury had returned to the courtroom and listened to the reading of a disputed portion of the testimony taken during the trial.

The trial, based on a grand larceny charge growing out of Esola's connection with the Italian bunco ring, began on May 26 and continued just two weeks.

The jury was locked up at 8:17 o'clock last night and remained in the juryroom until 11:30, when the 12 men fled into the courtroom and asked for further instructions. Foreman George W. Pennington stated that a question had arisen as to the right of the jury to convict on circumstantial evidence in the absence of direct evidence.

Judge Dunne repeated his instructions to the effect that circumstantial evidence might serve as the basis for conviction, and then Pennington raised a point regarding the evidence. He called upon Juror Cochrane as the one who had raised the point.

### WRANGLE THEN FOLLOWS

Cochrane asked if the evidence showed that a warrant or a complaint had been issued for Mike Gallo, the bunco man, or for a man resembling him, and if such paper had been given to Esola to serve. There followed a wrangle between the attorneys, until Judge Dunne ordered a halt and had the testimony in question read from the record, showing that such a complaint had been issued and given to Esola.

The jurors were sent out again and five minutes later announced that they had reached a verdict. Only one ballot was necessary after the mooted point was settled. They returned to the courtroom and handed the clerk the verdict finding the former detective guilty as charged in the indictment.

### REMANDED TO SHERIFF

Following the polling of the jury at the request of the defendant's attorneys, Judge Dunne remanded Esola into the custody of the sheriff and he was locked up for the night in the city prison. The court set 10 o'clock Tuesday morning as the time for pronouncing judgment.

"This is only the beginning of things," announced District Attorney Flockert after the jury had been dismissed.

"We have a few more surprises in store for the future and are going right ahead with the other cases. As for the verdict, it is eminently just and nothing more than was expected at all times by the prosecution."

The attorneys for Esola declared that they would appeal the case, but formal motion to this effect is not expected until after sentence is passed.

"The defendant was convicted on a charge of grand larceny by evidence that was entirely foreign to that of the charge against him. We will take immediate steps to appeal the case and feel confident that the judgment of the lower court will be reversed by the supreme court."

Esola refused to make a statement, referring questions to his attorneys. As the jurors passed out of the courtroom following their dismissal, Attorney Thomas O'Connor and Juror Cochrane engaged in a brief, but heated, wrangle. They spoke in low tones, however, and neither gave an inkling of the cause for the passage at arms.

The particular charge upon which Esola was tried was that of grand larceny, but the attempt of the prosecution was to prove that there existed a great conspiracy of the many bunco men of the city and Frank W. Esola to perpetrate robberies and that Esola protected, aided and encouraged the confidence men and shared in the proceeds of their crimes.

The closing argument in the case was made by Assistant District Attorney James Brennan, who spoke for four hours and seemed good for four more when he stopped. Brennan summed up in detail the evidence for and against the defendant and carefully strung together, link by link, the chain with which he proposed to shackle Esola and fasten him to prison walls. Brennan's arraignment of the defendant was scathing and merciless.

Attorney Barrett, for the defense, had given the jury a vivid picture of Dante's Inferno and said that Gallo, the bunco man and witness for the defense, ought to be consigned to the lowest circle. Brennan said he would admit that that was where Gallo belonged, but that there should be still one more lower pit, in which ought to be placed Esola, who was an infinitely worse man than Gallo.

Judge Dunne's charge to the jury

### Jury That Tried Esola Who Sealed Officer's Fate

The following jurors tried Frank W. Esola:

- THOMAS MIKKELESEN, retired merchant, 608 Anza street.
- D. DAVIDSON, retired, 1769 23rd street.
- JOHN PLATH, 1405 Steiner street.
- D. BARRY, former supervisor, 2057 Hayes street.
- J. CHRISTENSEN, retired, 435 Haight street.
- THOMAS B. ROSS, retired, 703 Shotwell street.
- NELSON ADAMS, retired, 1336 Hayes street.
- E. B. CARR, blacksmith, 329 Noe street.
- JACOB RHINE, retired hardware dealer, 741 First avenue.
- J. VON STADEN, retired saloon man, 553 Sanchez street.
- GEORGE W. PENNINGTON, iron manufacturer, 1015 Shotwell street.
- U. M. COCHRAN, lumberman, 200 Eureka street.

### ABSCONDER PAYS BACK \$1,400,000 AND SAVES BANK

He Eludes All Detectives and Walks Into Court to Restore Fortune He Embezzled

(Special Dispatch to The Call)

PHILADELPHIA, June 6.—Walter F. Shourds, a trusted employe of the Merchants' Union Trust company, who robbed that bank of \$1,400,000 in securities and \$30,000 in cash and who has been hunted by the police, the Pinkertons and the Burns detectives, came into court here today, confessed his crime and made restitution.

Justice Hall then ordered the bill of indictment submitted and a verdict of not guilty taken. The case was dropped because the officials of the institution which was robbed said that if they could not drop the case and get their stolen bonds back the bank would go to the wall.

Shourds gave back all he took and \$5,000 in addition as a sop for the injured feelings of the bank directors. George Burnham Jr., one of the officials of the institution, spent \$20,000 in trying to apprehend Shourds.

In September, 1911, Shourds, who was the superintendent of the vaults of the bank, disappeared. When the officials went to their offices that day they could not open the vaults. Shourds was not to be found. He was sent for. His wife sent back word that he was not in the house. Experts were engaged to open the safes and the bank began to open its business with money from other institutions. An investigation showed that \$20,000 in cash was gone, and a few days later it was discovered that bonds to the extent of \$1,400,000, almost all of them negotiable, had been stolen.

### CHICAGO COOLS IN A RUSH

Mercury on Season's Hottest Day Drops From 91 to 59 in Hour

CHICAGO, June 6.—A sudden change in the direction of the wind sent the mercury down 40 degrees within an hour tonight. The day had been the hottest of the year, the thermometer reaching 91 degrees at 2:30 o'clock p. m. There was a strong south wind and several were overcome. The change came shortly after 10 o'clock.

### MUSIC TEACHER CONFESSES THAT HE FIRED STUDIO

Prof. Max Bachmann of San Jose Bares Arson Trail Blazed From Coast to Coast

(Special Dispatch to The Call)

SAN JOSE, June 6.—In Prof. Max Bachmann, head of the Boston music studio of this city and prominent in the musical world as a teacher and orchestra leader, both on this coast and in the east, the local police believe they have a dangerous firebug and a man who has defrauded insurance companies out of thousands of dollars in all parts of the United States. Professor Bachmann has confessed to three "jobs" on this coast in which he set fire to buildings in order to collect the heavy insurance he had on what he said was an unusually valuable collection of musical instruments, and the police believe they can trace other crimes to him.

Bachmann was arrested here today following an investigation into a fire which partially burned his studio at 321 East Santa Clara street, May 10. He was away at the time directing a rehearsal of an amateur orchestra. He presented a claim for \$3,200 insurance and attempted by an inventory to show a loss of \$4,393, \$4,470 of which he said was in valuable violins and cellos. He made a full confession to day before Chief Ed Haley of the fire department, County Detective W. J. Dreischmeyer and City Detective Ray Starbird.

Bachmann confessed also to having caused a fire July 23, 1910, in Los Angeles and having collected \$2,104 in insurance for the loss of the same articles he said he had lost here. Another fire, at Coronado, where he was leading the orchestra, July 4, 1911, netted him \$1,020. A third fire he confessed to was one in Atlantic City, N. J.

Bachmann has been here six months, and has a wife at present in Spokane, Wash.

### RAIL COMMISSION ORDERS HUNT INTO TELEPHONE RATES

Pacific Firm Must Show Cause Why It Should Not Be Regulated Throughout the State

(Special Dispatch to The Call)

The Pacific States Telephone and Telegraph company within the jurisdiction of the state of California has been notified by the state board of railroad commissioners to appear before the commission June 27 and explain why rates and charges in the interchange of telephone service in the state should not be regulated.

The commission issued an order yesterday that has direct bearing on the telephone cases frequently brought to public attention as to long distance rates and local services in the towns of the state.

"It is planned principally to settle the long distance situation that has given a great deal of trouble through lack of adjustment," said Railroad Commissioner Thelen. "We had to bring this matter to an issue to establish the jurisdiction of the commission concerning long distance charges, and we took the affair under advisement and by unanimous vote settled it."

"The stand of the commission was that we should investigate into rates and charges by the telephone company not only in San Francisco, but in all of California."

The commissioners carried out the idea outlined by Mr. Thelen and concurred in by all of the board in the following language: "It is hereby ordered that the commission institute on its own motion an investigation under the provisions of section 6 of the public utilities act an investigation into the rates and charges, rules and regulations in connection with the interchange of the telephone service of the Pacific States Telegraph and Telephone company within the state of California."

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