

TRIES TO EJECT SEIZED EVIDENCE

Heney Offers Papers Taken
From United Rail-
roads Offices.

ABBOTT'S VENGEFUL TALK

Helm Says He Declared Somebody
Ought to Shoot Heney—Cobb
Says Prosecutor Gave Up
Practice to Serve City.

SAN FRANCISCO, May 21.—Adjournment of court tonight ended the most important week in the long-drawn-out trial of Patrick Calhoun, now well in its fifth month and all concerned indicated their relief. Tempers on both sides were worn to thin edges, while Rudolph Speckels and John Helms alternated on the witness stand today and it was evident, from the intense interest displayed by rival counsel, that a crisis in the case has been reached, but not passed several hours interest was sustained until a late hour in the afternoon, when Assistant District Attorney Francis J. Heney, ignoring two restraining orders issued by a court of similar jurisdiction, announced that he would ask Judge William P. Lawlor's permission to open sealed packages seized in the raids upon the office of William M. Abbott, and alleged to contain documents stolen from the office of William J. Burns. Argument upon this issue was deferred until Monday, when the prosecution, according to announcement made today, will attempt to support the charges made by Detective Helms against Abbott, under whose direction he professes to have operated.

Dynamiting of Gallagher's House.

One of the lines of probable inquiry was indicated today, when Helms, who for several months has been in the employ of both sides at the same time after testifying that he knew Luther Brown, former partner of Earl Rogers, said: "Abbott asked me to dynamite the house of Gallagher, a prominent attorney, and I did it."

"What dynamiting?" inquired Mr. Heney.

"The dynamiting of Gallagher's home," said the witness, "and I was ordered to this line of inquiry and it was not pursued further."

Another opening wedge was inserted when Helms declared that several efforts had been made to prevent his appearance as a witness in the Calhoun trial. Menlop was named as one of the persons who had been in the Calhoun house, and Helms charged that since his arrival in this city a plot had been laid in the office of W. H. Metson, a prominent attorney of this city, to trap him in a conversation over the telephone. The testimony followed an inquiry by Rogers, who asked the witness if he knew that a gramophone had been attached to the telephone while he was speaking from the other end of the line.

Thirst for Heney's Blood.

It was while Helms was on the stand that the most dramatic outburst of the day occurred. Helms charged that Abbott had once expressed to him the opinion that "some one ought to shoot Heney," and that Stanley Moore had conspired with him to do so. Helms, following Burns, usually deliberate in his manner, Stanley Moore arose in his place at the counsel table, and in a voice trembling with passion told Helms that he "was lying like a dog" and perjured himself. The face of the witness paled at the insult, and he stepped in front of Judge Lawlor, with his arms extended, threatening gesture as he defied the young attorney to make good his charge.

Heney's Sacrifice to City.

Charles W. Cobb, law partner of Mr. Heney, who was credited with a payment of \$10,000 by Rudolph Speckels for service in the prosecution, was the third witness of the day. Heney's purpose, evident from the questioning and the replies, was to support his claims that he had engaged in the work of the prosecution without compensation and at great personal sacrifice.

The inquiry had not proceeded far when Alexander Bell objected on the ground that it served no purpose save the laudation of the interrogator. The court permitted Heney to continue, however, and Cobb said he knew that his associate had thrown up his representation of the Government in the Hyde-Pinson land case and the Tinger-Hermann case and that he had refused President Roosevelt's request that he direct the prosecution of Senator Borah of Idaho. Cobb affirmed that Heney had lost his law practice since entering upon his duties as municipal prosecutor.

TELLS FACTS ABOUT HENNEY

Papers About Payment by Govern-

ment Sent From Washington.

WASHINGTON, May 21.—Upon the request of the counsel for Patrick Calhoun, an trial at San Francisco, the Attorney-General today forwarded to the United States Attorney copies of the appointment of Francis J. Heney as counsel for the Government, together with vouchers signed by Heney for money he received from the Government for his services. It is understood by the Department that Heney's recusal in connection with his official status before the Government has been brought into question, and the documents were sent by the Attorney-General for the purpose of clearing up that situation.

Seek to Reopen Glass Case.

SACRAMENTO, Cal., May 21.—The At-

torney-General filed with the Supreme Court today a petition for a rehearing in the case of the people against Louis Glass, accused of bribery of the San Francisco Board of Supervisors to prevent a rival telephone company from obtaining a franchise. The Second District Court of Appeals reversed the verdict of guilty.

The Attorney-General submits the decision of the Appellate Court and refers the Supreme Court to the people's view of the law as presented in the brief filed with the District Court. A supplementary petition and brief will be filed later.

TOLD DIXON TO KEEP AWAY

(Continued From First Page.)

and about \$60 contributed for their support.

Quarrel of Long Standing.

According to the story as told by Ryan

this evening, the quarrel between him and his neighbor is one of long standing. He says Shubert insisted on making a road to his home diagonally across Ryan's wheat field for a distance of

three-quarters of a mile. This road was fenced up, according to Ryan, even this did not stop the trespassing. Therefore, when Shubert returned last evening about dark from Milton with a load of grain, he was met at the place where he was accustomed to turn into the Ryan place from the road, by Ryan, who would not let him pass.

Ryan Backs Threats With Gun.

According to the story told on the witness stand today by the Dixon boy, Shubert went home to get his hired man to be a witness to what happened, and Ryan says his enemy went to get the other hired man to help him fight.

By the time the two men and the boy returned it was quite dark. Ryan was there, however, and was armed with his Winchester rifle, intending to see that they did not drive across his grainfield. When it was seen that the team was gone, the owner demanded to know where it was, and Ryan told him he guessed they would find it down the lane somewhere if they would look. A quarrel ensued, one word bringing another, and the two men were kept advancing toward him despite repeated warnings, with Shubert keeping his hired man in front of him. The prisoner says he told Dixon eight times not to come any closer to him, and at the same time he kept backing away. He says this was kept up until he backed up against the fence, whereupon he told his opponents not to advance another step or he would fire.

Boy Says Ryan Shot at Him.

He says that at that point Dixon rushed for him and attempted to grab the rifle, whereupon he pulled the trigger. He also says Dixon called him a — bluffer and dared him to shoot.

The prisoner says this was the only shot fired, but the little boy says the man also shot at him. The boy also insists that when he and his mother returned about an hour later to look for his father that Ryan put another cartridge into his gun.

The bullet entered Dixon's right thigh near the waist line, and passing on through entered Shubert's leg lower down. Shubert was evidently thought he was the only injured, and all scattered. Ryan says he then yelled like a Comanche Indian. The boy ran down the lane and Shubert hobbled across the field to his home and Dixon started across another field toward the house of a neighbor. He died, however, before he had gone more than a quarter of a mile, despite the fact that he had a hankerchief around his thigh just above the wound.

Wife Waits All Night in Vain.

Ryan says he also returned to his own house, where he was found by the Sheriff. Shubert, thinking Dixon had gone for assistance, stayed at home waiting for some one to come, and Mrs. Dixon being left at home with her children, kept her lonely vigil through the night after making the one attempt to find her husband. The report of the tragedy was therefore not given out until this morning. The body of Dixon was soon found in the wheat field and Shubert was rushed to a Walla Walla hospital for treatment.

The dead man was about 40 years of age, Shubert is 45, while the man who did the shooting is 18. Ryan owns a large farm and is worth more than \$20,000. Before Sheriff Taylor arrived at the scene of the tragedy, a posse of neighbors gathered and rounded the Ryan home, but none would venture in. The slayer was seen pacing about on a small hill just back of the house, and the posse went to him. It was feared he intended to be defiant and resist the officers. This fear proved to be unfounded, however.

Ryan Man of Many Troubles.

Ryan has been a resident of the county for 21 years and has been generally regarded as a quiet, law-abiding citizen. About 15 years ago he became involved in a quarrel with Will Col, and after being shot in the back by the latter, he was landed on a barbed wire fence, receiving injuries which left his left hand practically paralyzed.

SHUBERT KEPT BEHIND DIXON

Says He Thought Ryan Would Not

Shoot at Hired Man.

WALLA WALLA, Wash., May 21.—(Special.)—Jacob Shubert, who was brought to the city this morning by train after having been shot by Michael Ryan, speaking of the shooting, said: "I had gone to Freewater yesterday for a load of chop. In the evening I returned, and to get to my farm with a loaded wagon, had to travel through the lane, crossing four or five farms in so doing. There is no county road leading to my place, and we have always used the party lane."

"When I reached the farm of one of my neighbors, just as I was about to enter the lane, I noticed Ryan, who was at his home on a side hill, and considerably above us. He rushed into the house, secured a rifle and then rushed through the field, about a quarter of a mile in advance of me, but to the side of the lane through which I must now pass. I could see he was excited about something, he told my neighbor, to whom I had been talking, that he had better keep his eyes open and see what was doing, as Ryan had threatened to kill me on sight, making the remark to my man Dixon."

"I then started through the lane and soon came upon Ryan, who was in the field with the gun pointed toward me. He ordered me not to go another inch lest he shoot me, and at that I returned to my place, and he followed me. He accompanied me so as to be a witness in the suit I was intending to bring. When he went back Ryan was not to be seen, so I called three times, but we received no answer. On looking around, however, we discovered him lying in a wheat field, with a gun in his hand, and immediately sprang up with a gun in his hand. Dixon told him he did not dare to shoot us, as we were in another man's field and had as much right there as he had. Ryan waved his arms excitedly and continued his threats, while we gradually neared the place where he was standing. 'I'll shoot you if you come any closer,' yelled Ryan, and Dixon, who was ahead of me, said, 'Well, shoot away then.'"

"There was a bang and the bullet struck Dixon, coming through his head and striking him in the leg. All the time we were walking toward Ryan he kept shooting at us, trying to get a shot at me, but I kept behind Dixon, thinking the man would not fire unless he could get me. He was not after my man, but wanted to kill me."

Extensions Being Made.

Thirty men are already working on the Swift plant extension line, the franchise for which was recently passed by the Council over the Mayor's veto. Other extensions are now being made on Hawthorne avenue, Union avenue and on Belmont street.

Votes to Bust the Paving Trust, and get cheaper street pavements.

SOCIALISTS BREAK UP LABOR MEETING

Only 10 of Them, but They
Prevent Nomination of an
Independent Ticket.

INSIST UPON UNION CARDS

Demand Each Candidate Indorsed
Have Card in Pocket, Which Is
Equivalent to Indorsement of
Entire Socialist Ticket.

Not more than ten noisy Socialists last night disgraced a so-called citizens' meeting of over 200 men in the Oddfellows' Hall, East Side and Grand avenue, and prevented the proposed nomination of an independent or labor ticket for the approaching municipal election. The interfering Socialists insisted that nominees for municipal office should not be indorsed unless they carried union cards from top to bottom. As this was not contemplated in the program by the promoters of the meeting, a motion to adjourn prevailed amid confusion.

Last night's meeting was called at the instance of a committee of three prominent members of organized labor, J. D. Crockett, J. P. Cassidy and J. E. Ledwidge. Casidly it was convened for the purpose of nominating a complete citizens' or labor ticket, but several of the Socialists' supporters were included in the audience.

That representatives of organized labor might attend the meeting, the regular session of the Central Labor Council, which meets every Friday night on First street, adjourned at an early hour and several of its members participated in the business and financial districts of the East Side conference. C. A. Bignelow, president of the East Side Business Men's Club, presided as chairman of the meeting.

When the meeting had been assembled, J. J. Lewis, a Socialist agitator, was recognized by the chair, and proposed that the meeting indorse for nomination five only such candidates as carried union cards. This suggestion was presented in the form of a motion, which was ruled out of order by Chairman Bignelow. Another member of Debs' party followed by the nomination of a complete labor ticket. This also was dismissed as undignified and before further deliberations could be had a motion to adjourn prevailed.

Just after the meeting had been called to order, C. P. Canfield, president of the Central Labor Council, announced that the members of organized labor would refuse to be bound by any action that might be taken at the meeting. The members of the Council refrained from taking any part in the primary election so far as the indorsement of candidates was concerned. Following the primaries they have maintained the same position.

Two years ago they undertook to demonstrate their strength in the primary election, but the result was so disappointing they have since avoided any direct participation in the political game, and organization. Had Lane been nominated by the Democrats in the primaries and qualified as a candidate for reelection, it is entirely probable organized labor very generally would have supported his candidacy. In the pending campaign this element is an uncertain quantity, although the friends of Kellaher are claiming the support of a majority of the non-Socialist membership of the trades unionists.

Present indications are that there will be four candidates in the race for election as Mayor: Joseph Shubert, a Republican, the Republican primary election, and Judge M. G. Munly, the Democratic nominee, already qualified. State Senators H. R. Albee and Dan O'Connell, two independent candidates, have completed the circulation of their nominating petitions and will today file with the City Auditor Barbur. Independent candidates must file their nominating petitions with the Auditor some time today if their names are to appear on the official ballot.

FRANCHISE PETITION READY

Over 4000 Names for Referendum

on Street Railway Franchise.

The referendum petition on the street railway franchise will be filed with City Auditor Barbur either today or Monday. This was the announcement made yesterday by H. J. Parkinson, one of the most active representatives of the labor organizations, by which these petitions were circulated. Mr. Parkinson said that over 4000 signatures had been obtained to the petition, and it required 200 to insure the submission of such a measure to a vote of the people. If the petitions are found to be regular, it will be necessary for the City Council to call an special election at which this measure shall be submitted, otherwise it will be held up for two years.

BIG STRIKE COLLAPSES

FRENCH LABOR LEADERS ABANDON THEIR STRUGGLE.

Heads of Unions Make Counter

Charges Against Each Other

to Dodge Responsibility.

PARIS, May 21.—The curtain was rung down today upon the general strike and recriminations by the leaders who tried to throw the responsibility for the failure upon each other and the defeated and unemployed. The end came when a few hundred laborers voted to resume work.

The General Federation of Labor then threw up the sponge and tonight issued a manifesto trying to cover up its retreat, explaining that the postal employees were overconfident of the success of their second strike, "which everything shows was prepared and instigated by the government, which was desirous of an opportunity for avenging itself against the leaders of the first strike."

The statement added that the strike of the excavators and other workmen having sufficiently demonstrated the solidarity of the proletariat and the postmen, there is no reason to go on with the unions, notably the electricians, who had expressed their readiness to enter the fight.

With the surrender of the Federation the strike of the postmen collapsed entirely, and the few still on strike decided to try to secure their own bread and butter. The postmen and a few of the other unions are now raising a fund from which to give the dismissed employees \$20 a month until they can obtain other employment.

Mine Work to Be Stilled.

BUTTE, Mont., May 21.—Work at all

Shoe Sale

Extraordinary

The sale continues today and till 10:30 tonight, and till my stock is reduced sufficiently to fit in half the space this astonishing bargainfest will go on. The caption is no exaggeration.

Read:

Big assortment of Ladies' Wichert & Gardner Shoes, \$5.00 to \$6.00 values—

\$2.50

Ladies' Laird & Schober in various leathers and many styles, \$5.00 to \$6.00 Shoes—

\$4.00

50c

283-285

Morrison St.

X

OIL WORK PAUSES

Standard Activities Cease in

Honor to Dead.

ROGERS' FUNERAL IS HELD

Leaders of Business and Financial

World Pay Respects to Man

Who Formed Great Oil

Company Scheme.

NEW YORK, May 21.—The funeral of H. H. Rogers, late president of the Amalgamated Copper Company and active head of the Standard Oil Company, today brought together many men prominent in the business and financial districts of this city. Although attendance at the funeral in the Church of the Messiah at 30 A. M. was limited to intimate business associates and personal friends, these included many of the leaders of the New York financial and business world that their absence from their usual activities had a noticeable effect on the business of the financial district. Throughout the country wherever the Standard Oil Company has a branch there was a cessation of all work for two hours to mark the passing of the first vice-president of the company and one of the men who had helped materially to make it a great organization. This applied to every one of the 67,000 employees—a condition which had not existed in the giant corporation since its foundation more than 25 years ago.

Rockefeller Not Present.

John D. Rockefeller could not attend the funeral as he is in Hot Springs, Va., with Mrs. Rockefeller, whose convalescence from a severe illness would not permit him to leave her. He sent, however, a long telegram to Mrs. Rogers expressing his grief.

The funeral cortege left the Rogers home at 3 East Seventy-eighth street at 9:30 A. M., and proceeded to the Church of the Messiah, in East Thirty-fourth street, where the Rev. Robert Collier, minister, emeritus, friend of the dead capitalist, conducted the funeral services according to the Unitarian form.

During the services a quartet from the Mendelssohn Glee Club sang several selections, including the hymns, "Lead, kindly Light," "My God, to Thee" and "Abide With Me."

On the list of pallbearers were the names of William Rockefeller, John D. Archibald, E. T. Bedford and James A. Harriman, Elbert H. Gerry, Melville B. Stone, James M. Beck, John D. Ryan, Charles A. Peabody, George W. Perkins, Dr. C. C. Rice, Raymond Dupuy, General James J. Jourdan and Colonel A. G. Payne.

Delegation From South.

The Lotus Club, of which Mr. Rogers was a member, sent a number of its members to represent it at the services and a delegation from the Norfolk, Va., Board of Trade, who were interested in Mr. Rogers in the building of his Virginia Railroad, came to attend the funeral.

Following the services at the Church of the Messiah, the body was taken to the Grand Central station and shipped on a private train which left for Fairhaven, Mass., at 11:15. The train was accompanied in the Church of the Messiah were exceedingly simple and followed closely the ordinary customs of the Unitarian Church. The officiating clergyman was Rev. Dr. Robert Collier, the venerable pastor emeritus of the congregation, who has known Mr. Rogers for many years.

"It is no time for a sermon," said Dr. Collier, "only for some words about a very dear friend."

Collier spoke in a voice breaking with emotion at times, as he referred to the numerous incidents which occurred during his long friendship with Rogers.

"I found him one of the truest and most ever met in my life," said the minister. "He was ever quick and generously charitable, always doing things through others and avoiding the public knowledge of his biggest acts."

TANK WAGONS IDLE FOR HOUR

No Matter Where They Were, Oil

Carts Remained Still.

CHICAGO, May 21.—Between the hours of 9 and 10 o'clock, while the funeral of H. H. Rogers was being held at New York, the vast machinery of the Standard Oil Company in this city and at Whiting, Ind., ceased to move. Hundreds of employees ceased work for the hour. Tank wagons, setting under instruction, promptly at 9 o'clock halted wherever they happened to be and did not move on until the hour had passed.

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