



CHARLES M. SHORTRIDGE, Editor and Proprietor.

SUBSCRIPTION RATES—Postage Free: Daily and Sunday Call, one week, by carrier, \$0.15...

BUSINESS OFFICE: 710 Market Street, Main—1868

EDITORIAL ROOMS: 217 Clay Street, Main—1874

BRANCH OFFICES: 620 Montgomery street, corner Clay; open until 9:30 o'clock.

OAKLAND OFFICE: 908 Broadway.

EASTERN OFFICE: Pacific State Advertising Bureau, Philadelphia, Pa.

THE SUMMER MONTHS. Are you going to the country on a vacation? If so, it is no trouble for us to forward THE CALL to your address.

THURSDAY, AUGUST 1, 1895

THE CALL SPEAKS FOR ALL.

The rumble of the Valley road grows more lusty every day.

Every man summoned as a juror in the Durrant case wants a change of venue.

The European war cloud in Bulgaria is getting so thin anybody can see daylight through it.

Senator Quay seems to have more politics on his hands just now than anybody else in the Union.

Just as the lottery evil was about to be crushed some of our contemporaries are trying to revive it.

If the Defender should be beaten all the contending cranks in the country would say, "I told you so."

The "Crime of the Century" Company are evidently in doubt whether to call this thing a frost or a roast.

The eve of the annual fair is an awkward time for the directors of the Mechanics' Institute to fall out.

California's exhibit at the Atlanta fair will display sunshine, gold and climate in their most alluring forms.

Fellows who wish to have a pudding in betting on the international yacht race are as much at sea as the Valkyrie.

Adopting the new charter would probably rid us of the acts of the Solid Eight by superseding the consolidation act.

Two murder cases now before the local courts make a queer disclosure of some men's conception of a citizen's duty.

Belvedere's "Night in Venice," arranged for next Saturday evening, will throw a sickly hue o'er the splendor of the stars.

General Schofield's demand for more troops at Sitka makes us fear that President Dole is about to invade that Territory.

Afro-Americans have reason to be proud of their representatives in the League convention, for the body is an able one in every way.

It is disheartening to observe that some newspapers, which have so much power for good, are exercising it for harm in advertising lotteries.

Round the world pedestrians and round the world cyclists in these days may walk a mile and wheel a mile, but they do most of their traveling on their gall.

It is not likely that the throbbing excitement in Chinatown can be allayed except by a highbinder war and a dead Chinaman for breakfast every morning.

The agreement between the Valley road directors and the Postal Telegraph Company for a telegraph line along the road shows that the equipment for business is to be complete.

We observe that our City contemporaries, heedless of the awakening of public pride and conscience against lotteries, are publishing lists of the drawings and thus encouraging the swindle.

To the San Francisco company organized to explore Guatemala for petroleum might find it more convenient and profitable to ascertain what California might be able to offer them in that line.

If the methods adopted by venemore to escape jury duty are a fair indication of the community pride, conscience and sense of citizenship it is no wonder that "solid eight" are elected to the Board of Supervisors.

The New York Sun says if no man is a candidate for the Presidency until he avows himself then Cleveland is not a candidate for a third term, but if a man becomes a candidate as soon as he begins to scheme for a nomination then Cleveland is a candidate.

The intention of the Southern Pacific Company to secure from the State Board of Equalization a valuation based on the earnings rather than on the physical value of the property makes it proper to inquire if the California Legislature has ever passed an income tax law.

While the most patriotic, earnest and progressive forces of the State are inducing the people to keep their money at home, some of the daily papers are attempting to break down the movement by advertising swindling lotteries which take money away and give nothing in return.

A number of New York newspaper men and women propose to make a trip to the Atlanta Exposition in a boat by going up the Hudson River, through the Erie canal to the lakes, thence through the Port-mouth canal to the Ohio, then to the Mississippi and up the Tennessee to the point nearest to Atlanta.

The expression of American patriotism made by Senator Mitchell of Oregon is one of the most suggestive definitions that we have ever heard. "In my judgment this country is great enough, powerful enough, resourceful enough to maintain its own monetary policy, irrespective of the wishes or dictation of Great Britain, or any other foreign power on earth."

THE ISSUE JOINED.

The Solid Eight have filed their answer to the accusation of malfeasance in office, laid recently before the Superior Court. The answer, when read carefully, will be found to be a sort of confession and avoidance which is practically an admission of guilt and which must result in their swift conviction unless the court shall nullify the statute of 1893.

The answer of the Solid Eight may for the sake of analysis and criticism be divided into two parts. First, that which alleges the insolvent and general worthlessness of the San Francisco and San Mateo Railway Company as a reason why its application for the franchise was ignored, and second, a denial of any intention to commit a breach of the statute of 1893 in proposing to sell the franchise in question to the Market-street Railway Company. Coupled with this denial there is an avowal that the manner in which this franchise is advertised to be sold will not in any way interfere with free competition among bidders at its public sale.

With respect to the first portion of this answer it should be plain to all that it presents an utterly immaterial issue. In the first place the statute wisely excludes any exercise of such a pretended discretion on the part of the Board of Supervisors as would permit it to ignore an application for a franchise. That this is true is very evident from the fact that the statute expressly requires the franchise to be granted to the highest bidder. It follows that if the board has power under the statute to ignore an applicant for the franchise in the first instance, it must also have the power to ignore the bid of the same applicant at the sale of the franchise even though he should be the highest bidder therefor. One of the clearest and plainest purposes of the act of 1893 was to take away from the Board of Supervisors the power to exercise this dangerous discretion, in order that they might not do the very thing which the Solid Eight are attempting to do in the present instance. The claim that the first applicant for this franchise is irresponsible is therefore a unimportant issue in the present controversy, and the elaboration with which it is set forth in the answer of the Solid Eight appears to be nothing more or less than an effort to belabor the real issue before the court with a mass of inconsequential averments.

The second portion of the answer presents the only issue in the case. That issue is whether or not the governing power of a city, in providing for the public sale of a franchise to construct a railroad upon its streets, can weave into the franchise proposed to be granted such conditions and limitations as to make it valuable to but one bidder and utterly worthless to any but that favored one. This is precisely what the Solid Eight have done in the present instance. They have resolved that they will sell a franchise to operate a railroad for great streets, but have coupled with and interwoven into that franchise the requirement that the railroad shall be "an adjunct to and extension of and operated in connection with" the already existing lines of the Market-street Railway Company. By what possible bidder could such a franchise be utilized save the one of whose railroad system it was an adjunct and extension?

The matter is too plain for argument. For this franchise there can be one bidder, and will be but one bid. If the act of 1893, which seems so clear and simple, is susceptible of the construction which the Solid Eight have placed upon it, then, instead of a protection and a benefit to San Francisco, it is an injury, a delusion and a snare. If the Solid Eight have a right under this act to advertise and sell this franchise as an adjunct to and extension of the Market-street Cable Railway system when the Market-street Railway Company is the applicant, it follows that they have the right to impose the same conditions upon every other franchise to be sold, no matter who the applicant may be. It follows further that the Solid Eight possess the power to offer in a lump franchises to run railroads over every unoccupied street in the City of San Francisco with the limitation that the purchaser can only utilize them as adjuncts and extensions of the Market-street Railway system. These conclusions are irresistible, and display the utter absurdity of the defense which the Solid Eight have offered to the charge of malfeasance in office.

The issues are now made up and the cause of the people of San Francisco against the Solid Eight is ready for trial. Let there be none of the law's delay in the submission and decision of this case. The interests of the City and of good government demand a prompt and a righteous judgment therein in order that we may understand, and that speedily, how far officials can go in their disregard of duty and evasion of the letter and spirit of the law.

INSURANCE AND MURDER.

The extraordinary revelations made in connection with the case of Holmes, now under arrest for defrauding insurance companies, has called renewed attention to the frequency with which crimes of that nature have been committed in recent years. No other man, it is true, has ever been charged with so many murders for the sake of insurance money as have been alleged with seeming proof against Holmes, but none the less quite a number have been as guilty as he in purpose if not so successful in accomplishment.

The frequency of the crimes shows the extent of the temptation which the modern life insurance system has put in the way of unscrupulous villainy. The rascal who plans to defraud an insurance company in this way does not at first contemplate murder. He generally begins by trying to pass off the dead body of some other individual as that of the insured person and thus succeed in collecting the insurance. This plan, however, has its drawbacks, and he is obliged to carry out, it is easy of detection and discovery, it requires a division of the spoils between two parties. Murder is much simpler and more remunerative, and sooner or later the rascal who begins by trying to palm off bogus bodies ends by furnishing the real ones.

It is evident by the increasing number of such crimes that the punishment of one villain does not deter others. The testimony at the trial of each new offender always discloses some defect in his methods which other rascals think they can avoid, and consequently they enter upon the murderous business with a spirit of self-confidence in their ability to evade the law. This being so it is clearly advisable to devise some means of making it less easy to defraud insurance companies in this way; for the money could not be obtained from the companies there would be no inducement for the murders and the crimes would not be committed.

The subject has given rise to considerable discussion in the East, where the horror of the atrocities of Holmes has been more acutely felt than here and where such offenses have been more common. One of the best suggestions on the subject has been made by the New York Recorder in proposing the enactment of a law requiring an autopsy to be performed within twelve hours of the death of every insured person, with the provision that the insurance company should have a representative at the autopsy. Such a law would make detection certain in the case of crimes to defraud the companies, and thereby very largely put an end to them.

A WORD WITH VENEMORE.

A notorious and difficult murder trial generally requires the summoning of a large number of citizens from whom to select a jury. Panel after panel is exhausted and hundreds of men are examined and dismissed in the apparently simple task of finding twelve intelligent and fair-minded men to constitute the jury. In this process days and sometimes weeks are consumed, justice is delayed, expense is incurred, private business is interfered with, and the public is kept on an unwholesome and demoralizing strain. All this would be unnecessary if it were not for two petty and deplorable things. The first of these is that men are prone to shirk their duty. Their business may suffer, they must endure a long and severe mental strain; in a sense they are prisoners and at the end they may have to encounter the reprobation of the public. The inducement, therefore, to volunteer is exceedingly strong, and to secure exemption some men run the risk of having it believed of them that they have not told the truth under oath. It requires a certain high order of conscience, manhood and citizenship to resist this temptation to commit one of the gravest public wrongs of which an individual is capable. No man who shirks jury duty can call himself a worthy citizen. As a rule we may judge a man's character and citizenship by his willingness or unwillingness to uphold and assist in enforcing the laws which guard his and his neighbors' deepest interests.

The chief means by which it is supposed some venemores disqualify themselves are by testifying that they do not believe in capital punishment, and that they would not convict on circumstantial evidence. With regard to the first objection it is conscientiously held by a large number of intelligent men. It is largely a matter of sentiment, and argument against it would be unprofitable. A man's intimate friends may be able to determine whether he has sworn falsely in urging it, and they may judge his honesty and citizenship accordingly. With regard to conviction on what the law defines as sufficient circumstantial evidence, the holding of a fixed opinion is largely a matter of intelligence. A man who has not sufficient intelligence to be willing to convict on sufficient circumstantial evidence generally creates a presumption that he is not worthy of exercising the right to vote. There are exceptions, but generally a man's intelligence may be judged by his attitude in that matter.

The second loophole is found in the holding of an opinion concerning the guilt or innocence of the accused. Some men will swear that they have an opinion so strong that no evidence could remove it. This is a confession of a most lamentable lack of intelligence. The Judge and lawyers know that approximately every person in the community who has read or heard of the case has an opinion—generally a very strong one—concerning the guilt or innocence of the person charged with the crime. The question as to whether this opinion is held in general is expected to be answered in the affirmative. It is when the venemore shows that he is fair, honest and intelligent and has the commonsense to hear, understand and weigh all kinds of evidence and render a verdict prompted by ordinary wisdom and justice that he is deemed acceptable, even though he may have an opinion which strong evidence is required to overcome. Many men overlook the fact that the point of view of a jurymen is wholly different from that of a private citizen who forms an opinion on an exceedingly loose and imperfect presentation of the alleged facts. A trial is the product of a finely adjusted machine and is as nearly perfect as human science can make it. The man who cannot understand this difference and who does not appreciate the vastly greater difference between a loose opinion as a casual reader and the serious obligations and responsibilities that rest upon him as a jurymen sworn to uphold the law, and swears that no evidence could change his opinion, must expect to create a doubt that affects either his truthfulness or his intelligence.

AMERICAN FAIRNESS. In an interview with a New York reporter the other day Governor Oates of Alabama made a very interesting remark. Speaking of the reopening of factories and a general revival of business, he said: "The best of it all is that manufacturers and employers generally are voluntarily increasing the wages of their men. It is indicative of the spirit of true American fairness, and presages a more amicable and equitable adjustment of the differences between labor and capital."

In spite of many instances to the contrary, we are all aware that there is such a thing as a "spirit of true American fairness" and that it is constantly manifesting itself on a generous scale. This refers to the spirit of the whole people and must be regarded as an averaged product of individual sentiment. In other words, it expresses a kind of balance. Hence, whatever individual instances of meanness and selfishness occur must be regarded as abnormal and sporadic, antagonistic to the prevalent spirit moving the whole mass, weaker than the power which this general spirit exerts and therefore compelled sooner or later to submit to the discipline exercised by the mass.

It is in a wise comprehension of this idea and an intelligent effort to foster it that the hope of the country lies. If we should depend entirely upon the laws to compel fairness among the people our Government would not hold together a fortnight. The weakness of a spirit of fairness among a people can be generally measured by the stringency of its laws and the centralized strength of its Government. Where force takes the place of fairness this admirable principle no longer is a motive of conduct. Enforced fairness means the absence of a conscience, and the enforcing of fairness blunts the conscience. In a judicious cultivation of individual accountability the highest human types are produced. This principle has been more and more in vogue in recent years that it has been adopted as one of the fundamental ideas in the con-

DUCT OF AMERICAN SCHOOLS.

It is distinctive of American schools. It is distinctive of American ideas. The picture has another side. Where a spirit of fairness prevails there also will be found knavery preying upon and taking advantage of its confidence and generosity. Thus the very things which distinguish American people for good distinguish them also for bad, and it is the averaged result of this conflict of principles that finally determines their character. And this we know to be on the side of fairness. Fairness is justice pure and simple—not the justice defined by laws and enforced by courts, but that which gives unwritten expression to conscience. It is a standing marvel to Europe that our laws are administered with so open laxity; that the rascals whom we carelessly elect to office are not radically punished for betrayals of a sacred trust; that political "machines," organized for public plunder, are permitted to name their candidates so openly and to support them so shamelessly in their roguery when elected, and that private interests, without fear of molestation, may secure the most valuable privileges by corrupting those charged with guarding the public good.

It is all explainable on the ground that there is a spirit of fairness among the people which has innumerable ways of manifesting itself outside the lines of written justice. That is the stay of the people. It is clear, however, that this safeguard comes from material rather than temperamental conditions; that it is a product of prosperity rather than of a superior innate sense of right; that it is subject to the mutations which may affect its source, and therefore that it has its peculiar perils which we can guard against only by lending to it the stability of the law, and that it is every one's highest duty to uphold the law, which is the firmer foundation upon which all National justice rests.

PERSONAL.

Dr. H. L. Pace of Tulare is at the Palace. Rev. Samuel Hirst of Vallejo is a guest at the Grand. Ex-Sheriff and Mrs. W. P. Harvey of Yuba are at the Russ.

Professor E. E. Barnard of the Lick Observatory is at the Occidental.

F. G. Little, a banker of Dixon, registered yesterday at the Russ.

W. T. Jameson, a big rancher of Bakersfield, is staying at the Russ.

Rev. Caleb Ben-Ham of Napa registered at the Occidental yesterday.

T. L. Reed, a big rancher from Reedley, registered at the Grand yesterday.

General T. W. Sheehan of the Sacramento River Delta is at the Occidental.

J. P. Houseman, one of the managers of the Vina ranch, is a guest at the Russ.

William Gillette, the playwright, returned to the Palace yesterday from Monterey.

W. H. Clary, a prominent mining man of Sheep Ranch, and his son, William H. Clary, are at the Lick.

N. A. Covarrubias of Los Angeles, United States Marshal of the Southern District of California, is at the Palace.

Isaac Sierra, a prominent merchant of Guatemala, came in on the San Juan yesterday and went to the Occidental.

John M. Vance, one of the leading capitalists of Humboldt County, and Mrs. Vance registered yesterday at the Grand.

H. Hunsaker of Pittsburg, Pa., a lieutenant-colonel on the staff of the Governor of that State, is a guest at the Palace.

H. M. La Rue, president of the Railroad Commission, came down from Sacramento yesterday and put up at the Occidental.

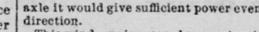
Samuel McMurtrie of Denver, who is interested with his brother in cutting tunnels on the line of the coast road in San Luis Obispo County, is at the Palace.

Louis Dussand, a son of the French engineer who is building the big drydock jetty for the Chilean Government at the harbor of Talcahuano, arrived by the San Juan yesterday and went to the Occidental.

UP-TO-DATE IDEAS.

To the Editor of the Call:—This is the end of the wind which is left open so the paddles and interior mechanism of this machine may be any height and of any reasonable length. It can be constructed with galvanized sheet and angle iron. Any handy man can construct it, as it is very simple.

The wind in this city and on the coast blows in one direction a rule for about ten months in the year, therefore the machine is made fixed firm and solid facing the winds. If the wind should change in the opposite direction the wheel will run in the same direction. Moreover, if the end casings are constructed so



THE SAN FRANCISCO WIND-ENGINE.

as to catch the wind when in the line of the axle it would give sufficient power even in that direction.

This wind engine can be constructed with wind-pressure balance shutters, so that it would work automatically. As any one may see, the San Francisco wind engine is stationary, so that it differs from all others in that particular. It can be made in compartments of any height and of any length, with as few bearings as would be necessary, and by using R. W. Hunt frictionless roller bearings any power could be obtained, from 1 horse to 5000 horse power. My son and I have looked over the patent reports for twenty years, and find that it has not been patented.

This can be used for raising sand or water for an overhead-wheel, whereby it would double its capacity, and also for compressing air. It may also run an electric motor, and can, in fact, be made serviceable wherever power is needed. I have given this information to the public so that no one can have the machine patented, and for the good of mankind.

A. W. MANNING. San Francisco, July 31, 1895.

AROUND THE CORRIDORS.

One of the arrivals by the San Juan yesterday from the South was Louis Dussand, son of the French founder of the great dock and jetty at the harbor of Talcahuano, Chile. Mr. Dussand yesterday at the Occidental, in speaking of this work said: "Talcahuano is the largest and best port on the coast of Chile, with an island at the entrance and good facilities for defense. It is expected to be more a war harbor than a commercial port. The work now being done is only the beginning of what the Government proposes to do. A drydock 6000 meters long is to be built, and 13,000,000 francs is the work that my father has been doing."

Asked about the political outlook in Chile he said: "I looked, when I left, very much as if the Conservatives and the Government were losing strength, and that the Liberals or Radicals, the old Balmacedists, would come back to power."

GREEN AND MCFEE.

THE EDITOR INDORSES THE SALVATIONARY FARM SCHEME. To the Editor of the Call: I noticed some days ago that some workmen's organization had resolved against the farm plan of relief for the unemployed, because, as they say, it would afford no relief to the men. Captain McFee, of the Salvation Army, is disposed to admit that it will not afford relief to them, except that it will take the single men out of competition.

JOAQUIN MILLER.

There will be a surplus over what will be consumed on the place, and the surplus, under proper regulations, could be distributed to the families of men working there; for, as the families are so far from being lodged on the farm, each one doing all he or she was able to do toward the common support. I think all this would come easy, and that it is simply a matter of detail, the best way to do which would develop itself as the work progressed. It would not relieve the married man of competition. In the great struggle for employment the principle of the survival of the fittest must obtain. The farm would be the very place to which any one seeking help would go, and hence if the single man is to be found there and the married man out of sight somewhere, the single man will have the advantage. All these difficulties, however, will vanish before such details of management and discipline as could be established.

OUT-OF-TOWN PERSONALS.

Avalon, Catalina Island, July 30.—Among well-known San Franciscans who have visited Catalina Island for this season are: Dr. C. G. Kenyon and family, Mrs. Marcus Rosenthal and family, Mr. and Mrs. Isaac Hech and C. H. Lindley and family, J. Boss and daughters, J. Downey Harvey and family, Mrs. Katter and daughter, James H. Doolittle and family, J. W. Hogg and family, Dr. and Mrs. Winslow Anderson, Miss Hermann, Mr. and Mrs. M. W. McKenney, Mr. and Mrs. J. A. Timmins, Mr. and Mrs. J. W. Crow, Mr. and Mrs. J. Young, Miss E. M. Young, Miss Lillie Ellis, E. J. and M. V. Arnold, Mrs. M. McNeill, Misses Lillian and M. M. White, Mr. and Mrs. B. A. White, L. Tieroff, Ellen J. Morton, Miss M. J. Stephens, Mrs. J. E. Lincoln, A. Rosenberg, J. E. Dinkelspiel, H. S. Lincoln, A. Rosenberg, J. E. Dinkelspiel, W. R. Murphy, J. H. Marshall, Henry Meyer and family, Mr. and Mrs. George Hech, H. H. and H. L. H. Lord, the Misses Harrigan, Mrs. J. A. Zellner and daughter, Louis Schneider, Mrs. J. A. 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