

## THEY OWN THE FURNITURE

Important Decision to People Who Buy on the Installment Plan.

## DESTROYS DEALERS' LEASES.

The Court Orders the Return of Some Furniture That Was Seized for Non-Payment.

A case of great interest to buyers of property on the installment plan was decided by Justice of the Peace Carroll yesterday. The action was over what is called "leased furniture," or, in other words, furniture sold on the installment plan. The buyers had paid \$87 on a bill of \$113. There was a balance due of \$26, which was not paid promptly enough to suit the dealer and he seized the furniture, on the ground that it had been leased and not sold.

The court completely knocked him out and ordered him to return the furniture, the defendants, of course, being ordered to pay him the balance due, \$26. It was held that the contract signed was not a lease but a conditional sale.

David McKean, who lives on Clara street, bought the furniture last June and signed one of the usual contracts, which reads as follows:

This is to certify that I, the undersigned, have leased from the Aronson Furniture Company, to be used in the personal property in the schedule annexed, for the use of which we hereby agree to pay the sum of \$113, to be paid in installments of \$11.30 per month, and I further agree that if default be made in the payment, then this lease shall be at an end and terminated, and the Aronson Furniture Company shall be at liberty to enter upon the premises and take away the property, and all damages and charges for such entry and the taking are hereby waived.

Aronson simply stated to the court that he sold twenty-one yards of carpet, twelve yards of linoleum and a folding bed to the McKean for \$113. They paid \$87 in weekly installments. When they failed to pay the balance, \$26, on time, he got out a writ of replevin through the Sheriff's office, went to the McKean house and carted off his furniture. Of course, Mrs. McKean stoutly objected, but he did not pay any attention to her. He said it was his property, and he was going to take it.

The McKean fought the suit on the ground that they had bought the furniture on the installment plan and it was theirs to all intents and purposes, no matter what the so-called lease which they had signed said. The court substantially agreed with them and said:

That the writing is not a lease is settled beyond all dispute by the one fact that upon the payment of the amount stated in the contract the title was to pass irrevocably to the McKean. This contract either transferred the title of the property to them, and then is a perfect sale, or it is a conditional sale, and as to the character of the judgment, the court rendered it is immaterial which of these constructions be placed upon it.

This decision is a very important one. There are thousands of these so-called leases at present outstanding between furniture-dealers and small householders who are furnishing rooms on the installment plan. Many of them, like the McKean, have almost paid for their furniture, and then because they missed a payment have had it carted away by the dealer. Under the law the dealer has no right to seize their furniture.

Aronson, in this instance, will have to return the furniture to the McKean, but, of course, they are expected to pay the balance of the bill.

## CHINESE IN A PANIC.

Cigars and Dens on Clay Street Disappear in Rapid Flames.

## CHOW KEE & CO.'S CIGAR-FACTORY

Reduced to Ashes, With a Loss of \$6000.

## DEATH OF MISS WORLEY.

Pneumonia Carries Off a Bright Young Kindergarten.

Miss Elena B. Worley of 1137 Union street, one of Mrs. Light-Plise's brightest and most promising pupils at the Silver-street Kindergarten Training School, died of pneumonia early Thursday morning after a brief illness.

There were thirty people sleeping in the house at the time, and had the second story hall been in flames when the fire was discovered the loss of life would have been heavy.

The Fire Marshal is investigating the case, and believes it to be one of spite-work.

## PHILLIPS CLEARED.

The Case Investigated Against Him by A. Truman Dismissed.

The charge of battery brought against Jennings Phillips, a pressman, by Alex Truman, a watchman, came up before Judge Low yesterday.

It was shown that when Truman advanced to arrest Phillips he did so with his hand in his hip-pocket, and after arresting Phillips he drew his revolver and placed it threateningly against Phillips' breast.

A large number of witnesses testified to the facts and to Phillips' good character, and Judge Low dismissed the charge, saying that he did so because Truman had been so ready with his revolver.

The suit will be begun in a few days.

## Mrs. Levinson's Petition Denied.

The Supreme Court yesterday denied the petition of Fanny Levinson for a rehearing of the case in which Attorney Philbrook was disbarred.

## Hurry Up!

There's only a few days more of the Big Alteration Sale.

Get your Fall Clothes, Hats, Caps and Furnishings.

Now at Cut-in-Two Prices. Open to-night till 10:30.

## COME TO-DAY.

H. SUMMERFELD & CO.,

924, 926, 928, 930 MARKET STREET.

MAIL ORDERS GIVEN STRICT ATTENTION.

## THE AMERICA CUP RACE.

A Miniature Reproduction of the Defender-Valkyrie Contest.

## TO BE GIVEN BY "THE CALL."

The Progress of the Race Will Be Shown by Tiny Models of the Competing Yachts.

The great yacht race in New York harbor this morning, in which the Defender and the Valkyrie, the crack single-stickers on two sides of the Atlantic, will sail the first of their three matches for the famous

casts made. The general tenor of opinion is that the American boat will win. Commodore Isidor Gutte was very much in doubt as to the result. He thinks the race will be close.

## OPPOSES CHILD INSURANCE.

Communication From a New York Humane Society on the Subject.

A communication relative to child insurance has been received by Secretary John McComb of the Society for the Prevention of Cruelty to Children from President Elbridge T. Gerry and Secretary E. E. Fellows Jenkins of a similar society in New York.

Messrs. Gerry and Jenkins were evidently of the opinion that the society here favored child insurance. Mr. McComb says it does not. "We do not favor anything that might furnish a motive for crime," he adds significantly, and he will make reply accordingly.

The New York society has instituted an agitation in opposition to child insurance and is interesting humane associations all over the country in the work.

Sophie Gerlach, a girl 13 years of age, subject to fits, has been sent to the Home

## LAUNDRY GIRLS' ALARM.

Their Ex-Employer Threatens to Blow Them Up With Dynamite.

## LEAPED FROM THE WINDOWS.

Deputy Sheriffs Have Great Difficulty in Making a Sale of the Sunset Laundry.

Four deputy sheriffs, a dozen laundry girls, and a crowd that had gathered at the Sunset Laundry at 385 Eighth street to witness, or take part, in the sale of that business, had an exciting time for a few

## NEW TO-DAY DRY GOODS.

CLOSED ALL DAY, MONDAY, SEPT. 9, ADMISSION DAY.

N. S. G. W. ADMISSION DAY CELEBRATION AND ELECTRIC CARNIVAL AT SACRAMENTO.

## EVERYBODY GOING.

Get the little nick-nacks and things to make beauty more beautiful to-day. Nowhere more, or cheaper, than at Hale's.

GLOVES, VEILINGS, RIBBONS, TOILET PREPARATIONS, ETC., ETC.

## Pretty Creations in Hair Ornaments.

## NECKWEAR.

WHITE LAWN AND SILK POINTS \$2.50

CREAM VAL LACE TRIMMING, \$2.50

TRILBY POINTS for the neck, nothing newer, prices 10c, 12½c and 15c

FANCY YOKES, lace ribbon and chiffon combinations, elegant, prices \$1.25 to \$3.00 Each

GLOVES—None but those we can recommend for fit, elegance and comfort.

HAIR-POUR-BUTTON KID GLOVES \$1.00

from French skins, plain or stitched backs, all colors

LADIES' MOUSQUETAIRE SUEDE \$1.50

KID GLOVES, all shades, \$1.25 and 1.50

Latest Veilings.

TRILBY veil mesh, black dots, very stylish, double width \$1 yard, single width 25c, 35c and 50c

A PRETTY NEW VEILING, white illusion with black and colored dots, double width

Ladies' Teck Ties

Nothing neater, nearly all colors

HANDKERCHIEFS enough for to-day's needs from the great stock purchase, several different styles, value 20c, closing at 10c

SEE SHOW WINDOWS.

## ONE WORD TO OUR NATIVE

Sons and Carnival followers. You want a new tie.

Just inside the door, within the reach of the shortest arm, and the price within reach of the shortest purse, purse and person thus convinced. A thousand TECK TIES, fancy silk. Nobody asks more nor takes less than 25c; our price is 12½c

Embroidery at very special prices. Nearing the end. See to-day the lots on center tables, east aisle.

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