

THE BASIS OF THE NEW CHARTER

Pamphlet Issued by the Municipal Reform League.

DEFECTS ARE ALLEGED.

Ten Reasons Set Forth for Taking an Attitude of Hostility.

A LONG ARGUMENT OFFERED.

Criticism of Many Essential Details of the New Plan for Municipal Government.

A pamphlet is in circulation in the City, which has the caption: "Why the proposed new charter should not be adopted."

First-It is too long. Second-It is dangerously, if not fatally, defective.

Third-It practically prohibits municipal ownership of public utilities, and retards instead of expediting business.

Fourth-It is uncertain and contradictory in its provisions.

Fifth-It is unconstitutional in many and important respects.

Sixth-It is unwise in its policy.

Seventh-It places too much power in the hands of one man.

Eighth-It reverses the natural order of municipal administration in giving legislative power to the Mayor, instead of making the author of laws responsible for the enforcement of them.

Ninth-It violates the natural right of many persons to earn a living in a profession for which they are qualified.

Tenth-If adopted, it will take longer and be more difficult to amend than after rejecting it, and adopting a wisely conceived and just charter.

The pamphlet having made these observations proceeds to discuss them seriatim. Concerning the length of the proposed charter the following is alleged:

It is longer than the Magna Charta and Bill of Rights of Great Britain, the Declaration of American Independence, the constitutions of the United States and of California-it is twice as long as the combined.

It contains nearly 80,000 words and innumerable provisions, every one of which will have to be passed upon by the Supreme Court before we can be assured of their meaning.

As to whether the proposed charter is "fatally defective" as alleged the author of the pamphlet asserts, in substance, that no office is made elective except the Supervisors, that it defeats the municipal ownership of public utilities, and that it instead of expediting business and "metaphorically places the great municipal corporation of San Francisco in a strait-jacket."

For particulars the pamphlet alleges in this connection that it secures public light and water works, under the proposed charter, the following conditions are essential:

First-The Mayor must be in favor of it. Second-The entire Board of Public Works must favor it, and.

Third-Nine of the Supervisors must also be in favor of it before any such proposition can be submitted to the people.

It is alleged that "if the proposed charter does not provide any means by which the Mayor, who is to rule all departments of the City Government, is to get his office, nor the election by the people of any officer except the Supervisors, but does say (Article 14, section 26) that every office not made elective by this charter shall become vacant immediately on the taking effect of this charter. If the charter is adopted in November next and is approved by the Legislature of California (according to the provision quoted) we will have no head of government, no Auditor, no Assessor, no Tax Collector, no Treasurer, no Recorder, and the legality of the acts of every one of these officials, if they seek to retain their office, will be called in question by interested parties. Rich corporations will seek to evade their taxes and refuse compliance to the City ordinances because of the equivocal and doubtful position of the Mayor and other officers, and chaos would reign in every department."

The charter is attacked because "it requires that all city work amounting to more than \$500 shall be done by contract" and also on the ground that it is "uncertain and contradictory and contains ridiculous repetitions." The allegations of the pamphlet on this point are as follows:

"In granting contracts there are two systems. One is to give absolute contracts, minus such express reservations as shall be desired. The other is to give specified powers and retain by implication all others. The authors have sought to combine the two. They first grant absolute powers, and then undertake to qualify the grant by clauses making specific grant of each power intended to be given, thereby creating the confusion from which there is no outlet save through the courts, until the courts have passed upon the matter we have no way of knowing what powers are granted and what withheld. This is an example of careless construction, of which there are many in the proposed charter. We shall briefly mention one more. On page 66 it is provided that the Public Administrator shall be appointed by the Mayor, while on page 211 it is provided that 'whenever the laws of the State of California shall have been so altered and amended as to permit the appointment of Public Administrator he shall be appointed by the Mayor. The first quoted provision is unconstitutional. The courts alone can tell us whether the latter is not."

As to the charge that the proposed charter is unconstitutional the following specifications are made. It conflicts with the laws of the State by its restriction on the power of the Supervisors to fix the tax levy; the civil service rules are unconstitutional; the Board of Education is unconstitutional. As a recapitulation one page is under the caption, "Unwise in Policy," and the following are given as instances of un wisdom:

First-Because it fixes the salaries of nearly every one of its officers so that a change can only be obtained by charter amendment.

Second-Because it favors contract work and prohibits day labor whenever the projected improvement of the city is concerned.

Third-Because it renders it extremely difficult for the City to undertake the construction of water, gas and electric light works and street railroads on its own account.

Fourth-Because it provides (article II, chapter 1, section 2) that the Supervisors shall be authorized to make any laws, rules, regulations, orders, resolutions, or ordinances, which may be necessary for the good government of the City, and which may be in conformity with the laws of the State.

Fifth-Because it makes the Board of Public Works a body appointed by the Mayor. A system which Oakland has done away with in the past two years in order to make the Board of Public Works an elective body because the appointive system was very unsatisfactory and yet the advocates of the charter loudly proclaim this feature as one of its advantages.

Sixth-And it is moreover inexpedient, because it gives place to red tape, where simplicity would be more preferable.

The other principal allegations are: That it makes the Mayor a municipal dictator; that it reverses the natural order of municipal administration in giving legislative powers to the Mayor instead of reserving the administration as well as the making of laws to the administrative

branch: that the provisions respecting the qualification for teaching violate the natural and constitutional right of a large class of citizens to earn a living by the exercise of a profession which they have elected and for which they are qualified.

The attack upon the provisions concerning the teachers is as follows: "Article VII, chapter III, section 4 of this voluminous document provides that no person shall be a teacher in the primary or grammar schools of the City and County except he has been educated in the public school system of the State of California." A person who has been educated by the best of private tutors, in the best private school of the State or in the public or private schools of any other State or nation, is barred from the right to earn a living (in a calling the duties of which he by education and training may be better qualified to perform in a pre-eminent manner) because he was not educated in the public schools of this State, and for no other reason. A man may have been born in the State, be educated in the State, be public-spirited, be talented, a skilful instructor, and an honorable citizen, but, according to the new charter, he shall not teach. Is this just? Does not this cause alone brand with infamy this charter, and every one knowing the existence of this clause who has voted in its adoption? We maintain that this provision is not only infamous, but that it is contrary to the constitutional rights of the citizen."

The pamphlet is signed by Rev. J. E. Scott as president, and P. J. Healy, secretary of the Municipal Reform League.

ORDERED NEW BOATS.

One of Them is to Be Here by March and Will Replace the Monowal.

James Mills, managing director of the Union Steamship Company, New Zealand, which owns a fleet of fifty-five steamers, which run between New Zealand, Australia and the Pacific islands, is here after six months' absence in England. Mr. Mills has been ordering some new vessels to strengthen his steamship line, already the largest in New Zealand. One of these is now substantially completed and the others are under way. When the latter are finished one of them will be put on the water between here and Australia to take the place of the Monowal, which, with other steamers of the Union line, has been running in connection with the Spreckels steamers.

Mr. Mills is a gentleman of large experience in the steamship business. "You see, it is necessary," he said last night, "to keep putting in new steamers, those of later styles and greater adaptation to the business, to take the place of those that are getting old. These vessels which are being ordered in England will be very fine. The engines will be very perfect, and I may add that everything about the vessels will be."

The steamer which will replace the Monowal is the Moana, 320 feet long by 44 feet, with 34 feet depth of hold, and of 4700 tons. She will average fifteen knots an hour loaded. She will be a very elegant vessel. The Moana is expected to be here by March next. One of the other ships ordered is the Waiwaka, of 5200 tons capacity. While absent Mr. Mills also bought a cargo steamer of 3000 tons capacity for the Fiji sugar trade.

MISSION BRANCH WON.

In a Spirited Athletic Contest the Main Y. M. C. A. Loses Laurels.

Hereafter an Athletic Competition is Likely to Be One of the Annual Events.

Out at the grounds of the Mission branch of the Y. M. C. A., on Mission street, between Nineteenth and Twentieth, yesterday afternoon, a merry time was had in competitive athletic sports. The contestants on the one side were the members of the Mission branch and on the other side the main body of the association.

It is estimated that the membership of the main body is about one thousand, while there are only 109 members of the Mission branch; nevertheless, the smaller organization managed to win nine out of the eleven events. All the winners will receive a silver triangle medal, the emblem of the Y. M. C. A., the donors of which are Dr. H. M. Diets and J. G. Danb. Diets is the physical director of the main body and Danb the director of the Mission branch.

The scores in the athletic events were ten points for first place and five points for second. The sum total of the points scored by the boys of the branch were 120, their opponents carrying off only 40.

The following is a record of the afternoon's sport:

100-yard dash-Branch entries, Smith and Grant; main entries-Wilson, Wolfshorn, Harder, Lelack and Guitard; winner, Smith; Grant, second. Time, 11.4-5 sec.

220-yard dash-Branch entries, Smith; main entries-Wilson, Harder, Wolfshorn, Guitard and Grant; winner, Wilson; second, Smith. Time, 27.4-5 sec.

440-yard dash-Branch entries-Smith, Shaw, Taylor; main entries-Kilman, Giska, Harder, Lelack, Johnson and Wolfshorn; winner, Taylor; second, Smith. Time, 61.2-3 sec.

880-yard run-Branch entries, Shaw; main entries-Wilson, Kilman, Peterson; winner, Shaw. Time, 2:19.4-5.

Mile run-Main entries-Peterson, Johnson, Spacher; branch entries, Shaw; winner, Shaw; Johnson second. Time, 5:41.

Running high jump-Main entries, Spacher; branch entries-Grant, Smith; winner, Grant; 5 feet 2 inches.

Pole vault-Main entries, Spacher; branch entries, Grant; winner, Grant. Distance, 8 feet 9 1/2 inches.

Shot put-Main entries-Sanders, Mitchell; branch entries-Lamont, Grant, Shaw; winner, Mitchell; distance, 29 feet 10 1/2 inches.

Running high jump-Main entries, Lelack, Wilson; branch entries, Lamont, Grant, Taylor, Smith; winner, Grant, distance 18 ft. 7 in.; second, Lamont, distance 17 ft. 8 1/2 in.

Hammer throwing-Main entries, Spacher, Sanders; branch entries, Peterson, Lamont; winner, Heuer, distance 108 ft.; second, Lamont, distance 95 ft. 8 in.

Mile walk-Main entry, Lelack; branch entry, Heuer. The race went to Heuer by default, he traversing the distance in 9 min. 10 sec.

J. G. Danb acted as referee, Dr. H. L. Diets as starter, D. E. Duncan as clerk of the course, Dr. Diets as scorer, while the timers were George Thompson, G. E. Geadys and E. Jones, and the judges Frank Worrell, Joseph Brown, Fred Walsh and Will E. Drum.

Most of the first meeting of the kind ever held and cannot be classified as a regular event, but the intention for the future is to make it an annual event.

All the men in the "black-stack" line are working double time.

The Fearless went out at 10 o'clock this morning with a fishing party. The Cordell banks will be visited, and if the fishermen are not seasick a good catch should be made. The gentlemen forming the party are the guests of W. T. Grant.

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A HORSE THAT HATES THE POLICE.

Mounted Policeman McKenna Its Particular Enemy.

KEPT HIM IN HOT WATER

It Was Owned by Cornelius Shine, Dairyman, on the San Bruno Road.

HE HAD TO SEND IT AWAY.

A Few Days Ago It Broke From Its Corral and Chased McKenna for Over a Mile.

Cornelius Shine, a dairyman on the San Bruno road, near the Golden City House, owns a valuable horse that is a terror to the neighborhood. The horse is tractable enough when in harness, but as soon as it is placed in the corral it gets restless and



The Equine Hater of the Police Chasing One of His Mounted V.oms.

breaks out. Then it roams around in search of trouble.

It amused itself by trying to bite the drivers of wagons passing along the road and showed its playfulness by kicking the wagons with its hind heels. Sometimes it varied the monotony by chasing a pedestrian, who would seek refuge in some place which the horse could not reach.

For some unaccountable reason the horse took a special dislike to Mounted Policeman McKenna. Whether in harness or out of harness whenever it saw McKenna it made for him with open mouth. McKenna used to fill his saddle-bags with rocks and when the horse made a rush at him he would throw the rocks at it to drive it off. This made the horse more bitter in its dislike to the mounted policeman and finally McKenna rode up to Shine's dairy and let loose his feelings.

"See here, Shine," he said, "I am getting tired of this sort of business. I don't intend to let that horse of yours monkey with me any longer. You have got to get rid of it or I will do something desperate. I will bring suit against you or kill the horse in self-defense."

The horse was in the corral and while McKenna was talking it jumped over the fence and open-mouthed made a rush at McKenna. Shine tried to stop the animal but it paid no attention to him. McKenna had forgotten to arm himself with rocks. He grasped his revolver and for an instant was undecided what to do. The horse was within a few yards of him and looked so formidable that McKenna dug the spurs into his horse and led a full gallop, hotly pursued by Shine's horse.

The chase was kept up for about a mile and McKenna succeeded in making his escape. Things had to come to a crisis and last Friday McKenna went to Shine's with blood in his eye. He demanded that his enemy be instantly sent to some other part of the country or there would be trouble. Shine pacified him by telling him that the horse would amuse him no more, as he had sent him away forever.

McKenna rode round the ranch to satisfy himself that his enemy was not in sight. He was relieved to find that Shine was not deceiving him.

A TUG'S FAST ROUND TRIP

The Fearless Towed a Vessel to Port Costa and Returned in Five Hours.

Captain Tulloch of the British Ship Brenda Is Dangerously Ill in St. Luke's Hospital.

It was a very busy day on the water front yesterday. The tugs were all engaged and schooners, barks and ships were moved in all directions. Many of them went to sea, some went to Port Costa and others have been laid up in Oakland Creek.

The tug Fearless made the record of the season. Leaving Folsom-street wharf she went to Sausalito, picked up the British ship St. Mungo and towed her to Port Costa. After docking the vessel under the elevator the big tug came back to San Francisco, making the round trip in five hours. Captain Hawley did not expect the Fearless back until noon and was surprised to see her tied up at Folsom street two hours earlier.

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Brenda is lying dangerously ill at St. Luke's Hospital. He was not a well man when the vessel got in from London and got gradually worse. He is now down with typhoid malarial fever and his life is despaired of.

The British ship Balclutha arrived from Swansea after a rather lengthy passage of 135 days. She was caught in a hurricane on June 7 in latitude 55 55 south, longitude 62 61 west, and shifted her cargo. The decks were swept and considerable damage was done. When the storm subsided the cargo was trimmed and the vessel experienced no more troubles. On May 24 a can buoy painted red was passed. On it the figure 7 was painted in white. It is probably one of the can buoys along the Atlantic coast that went adrift last winter.

The British tramp steamer Strathgairn has played in hard luck. She came here under charter to Trubench & Co. for \$210. On her arrival Mr. Trubench had died and the executors of the estate would not recognize the charter. The vessel was thrown on the market and yesterday she was rechartered by G. W. McNear for \$16 to carry barley to Liverpool.

A coat and vest was picked up on Spear-street wharf yesterday and taken to the Harbor Police Station. In the pocket was a card bearing the name "Cyril C. Mowat, 21 West India road, Limehouse, London," and a letter signed Maudie Smith. No owner for the garments can be found and Captain Dunleavy fears it may be a case of suicide.

James Gifferey, who was arrested on Friday by Policeman W. F. Brophy on suspicion of being the "pal" of Daniel Bowman Whipple in the burglary of Daniel McCoy's room, 147 Seventh street, was booked on the charge yesterday morning. They stole a diamond cross and a number of other articles of jewelry.

William M. Fitzhugh has sued Mrs. Veronica Baird for \$600 alleged to be due for rent of the premises at 2519 Broadway. There has been a disagreement between landlord and tenant as to the desirability of the residence, and Mrs. Baird has refused to pay further rent, despite Fitzhugh's repeated demands.

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FAIR'S LETTERS TO BE PRODUCED

They Have All Been Exploited Before a Camera.

C. L. FAIR DEPOSING.

Questions Asked About an Oakland Expert on Hand-writing.

TESTIMONY COMES HARD.

Promise Made to Bring Into Court Certain Papers Called For Upon Subpena.

The deposition of Charles L. Fair took an interesting turn yesterday. Mr. Delmas inquired concerning the action of the deponent between the time when he petitioned to have the Craven will admitted to probate and the time when his attorney moved to have that instrument withdrawn from probate. Many very interesting questions which Mr. Delmas asked were not answered, Mr. Fair declining, under the advice of Mr. Heggerty, to answer them. Mr. Delmas wanted to find out what methods had been adopted and what papers had been produced to compare with the handwriting of the Craven will.

It took a great number of questions to get the desired admission. Mr. Heggerty finally framed some of the answers for Mr. Fair, with the consent of Mr. Delmas, in reference to the production of papers under the subpoena issued. Mr. Fair testified that some letters and other papers, which he knew to be in his father's handwriting, had been taken to Garber, Boalt & Bishop's office, where they had been photographed. He also testified that one expert had told him that the Craven will was a forgery. Other persons had expressed to him the opinion that because of the instrument was a forgery, but he declined, under the advice of counsel, to say who those persons are. Concerning the handwriting expert who had said that the writing was forged, Mr. Delmas asked: "Were you advised by one or by more than one expert?"

"Well, by one in particular."

"Was there more than one in particular or in general?"

"Is it not true that there was more than one and that the one was Mr. Horton of Oakland?"