

FIGHT AGAINST CIVIL SERVICE

Argument on Petition for Injunction Heard by Judge Hebbard.

On Behalf of Plaintiff It Is Contended That Municipal and County Governments Are Separate.

The attack of so-called city and county officers on the civil service provisions of the charter opened yesterday afternoon before Judge Hebbard. J. T. Crowley appears as a plaintiff in the action and as a taxpayer he seeks an injunction restraining the Civil Service Commission from carrying further indebtedness by holding examinations for clerks to serve in the offices of the Assessor and Tax Collector.

Attorney Frohman, representing the firm of Garber, Creswell & Garber, argued on behalf of the plaintiff. He asserted that there had never been a complete merger of the city and county governments and that a clear distinction exists between them. Upon this theory he advanced the argument that the charter was a city governing instrument and that the county government still prevailed in matters pertaining solely to the county government.

Thus, he claimed, the Board of Supervisors was dissolved so far as the county government was concerned, and it could maintain jurisdiction over matters pertaining to the county. There should be a County Board of five members, the attorney said, and hence the actions of the Board of Supervisors in the regulation of county affairs were not warranted under the law. The legality of the appointment of the county clerk by the County Clerk was questioned by the lawyer. This question went to the regular proceedings in the local Police Courts and as to the authority for the payment of the salaries of the clerks until a new municipal government is organized, their appointment shall have been determined, he said.

In answer to a question Mr. Frohman explained his views as to the separate existence of the city and county governments.

There is no city and county government, said Mr. McEnerney, addressing Mr. Frohman. "It was established in 1856, which the Supreme Court has decided in the case of Martin against the Board of Education. I claim that such a condition is impossible," answered Frohman.

After some discussion as to the status of the county government, they are "officers" under the meaning of the constitution limiting the tenure of "officers" to the term for which they were appointed until this morning was ordered.

BAZAAR OF MEMORIAL PRESBYTERIAN CHURCH

Opening in Masonic Hall Is a Pleasing and Very Successful Event.

The Ladies' Aid Society of the Memorial Presbyterian Church opened their annual bazaar in Masonic Hall, Fourteenth and Railroad avenues, yesterday, and will continue to-day and to-morrow. The display of fancy work, needlework, bric-a-brac and other articles is larger and finer than in any previous year. The decorations are attractive and in good taste. Those in charge of the various departments are as follows:

Lunch and ice cream tables—Mrs. George W. Kelley, Mrs. E. A. Ayres, Mrs. M. J. McEnerney, Mrs. John Hyde, Mrs. Charles D. Jones, Mrs. J. C. Jones, Mrs. Jennie Burns, Mrs. C. L. Jones.

Fancy articles and fine needlework—Mrs. T. C. Lundy and Mrs. M. J. Schmeckelbeck.

Domestic booth—Mrs. G. A. Wells and Mrs. E. B. Brewer.

Tablet booth—Miss Edna Stummey, Miss Gertrude Rose, Miss Emma Kraban, Miss Barbara Riggs and Miss Uta.

Religious booth—Miss Ethel Hyde, Miss Bernice Noddeman and Miss Leona Ayres.

Young ladies' fancy booth—Miss Regina McEnerney and Miss Josephine Stummey.

Confectionery booth—Mrs. J. G. Hodgkins, Miss Alice Ayres and Miss J. H. Robinson.

Tablet booth—Miss Addie Walrath, Miss Edna Stummey, Miss Anna Kraban, Miss Barbara Riggs and Miss Uta.

Elephant booth—Mrs. M. J. McEnerney and Mrs. J. C. Jones.

The entertainment last evening consisted of selections by a male quartet, composed of M. W. S. Stocks, Mr. Tombs, J. Longerman and Alfred Ayres, a piano selection by Miss Edna Stummey and other numbers.

ORDER OF NAVAL OFFICERS HAS A SOCIAL SESSION

Elects Officers and Spends a Pleasant Evening at the California Hotel.

The members of California Commandery, Naval Order of the United States, met last night at the California Hotel and elected the following officers:

Commander, Captain W. H. Campbell, U. S. N., retired; vice commander, William W. Ames, late U. S. N., recorder, Esplanade, Palace Hotel.

Secretary, Captain W. H. Campbell, U. S. N., retired; adjutant, Esplanade, Palace Hotel.

Members of council—Captain William H. Whiting, U. S. N., Francis Richardson, late U. S. N., Commander E. Sebree, U. S. N., late; Louis Horatio Turner, late U. S. N., Joseph Matthews, U. S. N., Maxwell M. Nutt, trustee for term ending November 1901, Horace Zerah Howard, late U. S. N.

After the election and installing of officers, refreshments were served and the evening was spent in social chat.

GRAPE-NUTS. A CHEMIST SPEAKS

Of Predigested Food.

"After having tested and tried every form of predigested food on the market, and experimenting in my own family, my attention was attracted to an article headed 'Branney's Diet,' mentioning eggs and Grape-Nuts. I carefully tested the new food and finally began its use in my family, with most gratifying results.

"My little boy at that time was a pale, anemic child and very poorly nourished. Now, thanks to Grape-Nuts, he is as fine a specimen of infantile strength as I could wish for. My own personal experience means much to me. For some years I was troubled with dyspepsia; that is, I could not eat bread or any preparation of it, but wheat flour, such as cake or the like, has been remarkable. I formerly weighed 122 pounds and now weigh 137. Am strong, have more nerve force than I ever possessed, appetite perfect, sleep sound and can endure any amount of work. I know exactly where the change has come from, and it is from your truly scientific and wonderful food, which is worthy of the highest commendation."

Chas. B. Prior, C. of P., Class 'M, Middleton, N. Y.

ALAMEDA MAJORITY LOSS OF SILKEN MAJORITY FOR LARGEST REPUBLICAN MAJORITY TO SAN FRANCISCO

In But One Precinct did the Number of Bryan Ballots Deposited Pass Two Figures.

AKLAND, Nov. 7.—With a plurality of 7674 for William McKinley, Alameda County was ready to do battle with the State for the Republican banner that it has often won before, when the returns from San Francisco began to come in late this afternoon and it was announced that the metropolis would give McKinley between 11,600 and 12,000 plurality over Bryan. Alameda County took its political hat off to the larger city.

But Oakland is consoling itself with the fact that in no other county in the State was a complete Republican ticket elected, and that there is but one office-holder in the county not a Republican, that being T. C. Crawford, County Superintendent of Schools, who was elected two years ago. There was some trepidation in the Republican ranks over some of the candidates, but the only district that was the least close was the First Supervisorial, which is normally Democratic, and where Thomas D. Wells, the Democratic candidate, is a wonderfully popular man.

seph R. Knowland ran, and the Fifty-first district, which comprises the Seventh Ward, part of the Fifth Ward, East Berkeley and some smaller precincts, in which Dr. N. K. Foster ran. Foster took the palm away from Knowland by a very small majority, he receiving 234 majority against 268 for Knowland. Each of these candidates got a vote of three to their opponents' one. The tremendous vote given Congressman Metcalf makes him the active leader of the party in Alameda County, and there are whispers abroad of his possible candidacy for Governor.

The Congressman denies, saying that he is satisfied to serve his constituents in the national legislature if they are so willing. Here are the complete returns from Alameda County:

Table with columns for ASSEMBLYMEN, PRESIDENTIAL ELECTORS, CONGRESSMAN, SUPERIOR JUDGES, STATE SENATOR, and SUCCESSFUL CANDIDATES FOR STATE SENATOR, JUDGES AND SUPERVISORS IN ALAMEDA COUNTY.



across the bay and is prepared to surrender the banner. But in giving up the banner to the big city Alameda County does not feel at all chagrined, for never before in her history has such a majority been given for any President, and many years has Alameda held the banner. It must be confessed that the Republicans of Alameda County did not look upon San Francisco as their competitor for the Republican banner. Their attention was directed toward Los Angeles County, for this is the only county in the State that has ever wrested the treacherous bit of silk from its resting place with the Oakland Republican Alliance. The Republicans of Alameda County were a little surprised and interested in the first place, it was hardly expected that Alameda County would give much more than the 5000 majority that it gave four years ago. In the second place, it was not expected that the majority would be more than any possible majority that either San Francisco or Los Angeles County could give.

The Republican nominees for Superior Judges—John Ellsworth of Alameda and F. B. Ogdien of Oakland—made most remarkable runs and their majorities will be almost 10,000 each. They ran far ahead of the national ticket, owing to their personal standing and popularity and to the feeling that it is best to retain a good judiciary, which Alameda County is acknowledged to have. So Alameda County gave the second largest majority in the State and the largest majority in proportion to the total vote cast, for the McKinley vote was more than two to one. This county has elected a complete Republican legislative ticket, a complete Republican ticket for Supervisors and a complete Republican judiciary. Even San Francisco, with its big majority of figures, cannot show a vote of two to one for McKinley.

The figures of Alameda County are interesting. In but one precinct in the county did Bryan get a vote of more than two figures and that was in Fruitvale No. 3, a very large precinct, and there he received 115 votes, but McKinley received 214. Exactly the same thing is to be said of Fremont, the Democratic candidate for Congress, and in this same precinct he received 108 votes. The contest for the banner Republican Assembly district in the county lay between the Forty-seventh district, which comprises all of Alameda city, Brooklyn Township and part of Eden Township, in which district Jo-

White, S. D. 742
Frat, S. D. 90
McWade, R. 1874
Gelder, R. 1321
Forsberg, S. D. 141
Phillips, Pro. 36
Bills, R. 2042
Mera, D. 105
Philbrick, S. D. 105
Humphreys, Pro. 42
Foster, R. 3271
Reboll, D. 1129
Lesser, S. D. 162
Wales, Pro. 123
Hornor, R. 1294
Wells, R. 1112
Rowe, R. 2390
English, S. D. 1533
Roeth, S. D. 641
Leiss, S. D. 211
Tiffany, I. 211
Mitchell, R. 3221
Bradley, S. D. 1346
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The vote on Berkeley Justices of the Peace was as follows: Edgar, 1165; Lloyd, 674; Lord, 326.

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COMBUSTION IN FULLY EXPOSED

Los Angeles Police Officials Are Charged With Offenses.

Special Dispatch to The Call.

LOS ANGELES, Nov. 7.—The long expected report of the committee of fifteen, which has been engaged for some time in an investigation of abuses in certain of the departments of the city government, has been given to the public. The committee has been making a patient search since its organization, and has expended much time and money in its efforts to get at the bottom of the wrongs alleged to have been carried on by the city government. Particular attention is paid to the police department, where Police Commissioner Ling comes in for a scoring. The report on the Police Commission, after certain explanations by the committee of fifteen, was adopted without dissent. The report says in part:

The general charges against the police commission current in the community, among others, were: That immunity to carry on the various Chinese gambling games, the opium dens and the lottery houses, was purchased by the Chinamen from either the police commission or some of its members, and that the police were to have influence with them; that the matter of granting and transferring liquor licenses in Los Angeles was controlled by the brewers, who own a large number of saloons and who are carrying on the saloon business on an extensive scale; that great favoritism exists in the granting of liquor licenses and the race for Congressman

ASHE'S SWEET POTATOES GO TO EPICURS AND ORPHANS

T. H. Williams Jr. Busy Distributing Carload of Garden Truck He Won on Julius Kahn's Election.

SAN FRANCISCO, Cal., 11, 7, 100.

This is to certify that we have received a carload of sweet potatoes from W. L. Ashe to be sold on consignment, proceeds to be paid to Mr. Ashe when sold.

PORTER BROTHERS COMPANY, T. H. Williams Jr. Please deliver this carload to Mr. T. H. Williams Jr. and oblige W. L. Ashe.

THE BIT OF PAPER BY WHICH POSSESSION WAS GIVEN OF THE CARLOAD OF SWEET POTATOES LOST BY W. L. ASHE AND WON BY T. H. WILLIAMS JR. ON AN ELECTION BET.

Kelly, Ashe's trainer. To the great surprise of Williams Ashe approached him in the Palace Hotel bar Tuesday evening and called him away from Major Frank McLaughlin and Louis Lissak, with whom he was talking. The three thought for a moment that trouble was brewing, but Ashe said goodnaturedly:

"Tom, I'd like to make a little bet with you on the election, just for the sake of old times."

"Well, I'm agreeable," replied Williams, "what will it be, Williams?"

"I've bet all the ready cash I have," Ashe said, "on my brother's election, but I had a carload of sweet potatoes shipped along and I'll cover it with money."

"So the wager was made at even money, prosperity prices for the potatoes. Odds were that time in the evening 2 to 1 against Porter Ashe, but when a man is betting potatoes that he raised himself and double and over the ownership of the mare Geraldine and other race horses purchased by Williams from Mike

LUKENS COUNCIL TOWARD HERMANS

Mayor Snow Descants Upon the Varied Moods of City Fathers.

Oakland Office San Francisco Call, 1118 Broadway, Nov. 7.

"If ever it should come to pass that coats of arms should be adopted by civic bodies I believe a weather-vane would be appropriate for the present City Council," was Mayor Snow's caustic sentiment expressed to-day at a meeting of the Public Works during a discussion concerning the purchase of Fire Department house sites in the annexed territory.

For some reason not apparent on the surface, a faction in the municipal legislature has been busily engaged in doubling back on the question of purchase of lease of site for an engine-house. Half a dozen resolutions have been transmitted from the Council to the board, and there have been so many changes of opinion that the Police Commissioners were particularly in view of the fact that the board has long since leased one site and is about ready to close the lease on another one.

The property selected is a lot on Yernon avenue, near Telegraph avenue. Alder leased it from H. C. Babcock at \$10 a month, with option of purchase within two years. The second site is at Klunkner and San Pablo avenues, leased for \$12 a month from Charles A. Klunkner, with option of purchase for \$2500.

The Board of Police Commissioners received a communication to-day from Mrs. Lena Rice, who desires to retain her unsalaried position as City Frisco matron, although she has resigned as assistant secretary of the Associated Charities. Mrs. D. C. Bortland, who succeeds to the assistant secretaryship, has been presented for the matron's place by the association, but she has not yet been directly interfered, but a suggestion has been made which will probably settle the difficulty before the next meeting of the board.

Chief Hodgkins reported that he had investigated charges made against Policeman Hill by Edward Tharsing and did not believe they could be sustained. The report was as follows:

Rev. H. Gehreck, pastor of the church, was present, and besides acting as master of ceremonies made a brief address in German. The German choir, which was also in the congregation and Sunday school.

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Hayne Claims Le Conte Has Been on Both Sides of the Water Case.

Must Be Consolated With Knowledge That Majority Is Greatest in Proportion to Vote.

Engineer Permitted to Testify. Court Ruling That He Is Not Debarred by Law or Ethics.

Oakland Office San Francisco Call, 1118 Broadway, Nov. 7. Engineer Louis J. Le Conte, who was employed by the city of Oakland, in 1898, to make an exhaustive report upon the valuation of the Contra Costa Water Company's plant, bobbed up in the water suit trial to-day as a witness for the corporation. Not only did Attorney Hayne, for the city, very strenuously object to Le Conte's appearance in that role, but the lawyer made a decided protest against the use by the expert of the very report he had been paid by the city to make. Mr. Hayne declared that no court of equity should tolerate such a proceeding.

Attorney McCutchen came to the embarrassed engineer's relief by making a long argument about the difference between Le Conte's attitude and that of the lawyer's position of the city as a client. McCutchen insisted that Le Conte's report, although made for the city, was a public record and that the water could be utilized by anybody desiring to reach it. McCutchen did not mention the fact that the report, a misgiving from the files in the City Clerk's office.

Judge Hart allowed Le Conte to testify. San Francisco:

"I do not know that the witness obtained any information from the City Council while he was employed by the city of Oakland."

But Hayne made one point stick fast. When Le Conte produced an original of the report, the witness refused to give it, wanting to know where the information came from that formed the basis of the document.

McCutchen said the engineer would use it only as an aid in refreshing his memory.

Hayne ascertained from Le Conte that most of the data was given to him by Anthony Chabot. Judge Hart ruled in Le Conte's favor, but the witness would not use the report for the purpose intended, because of the hearsay nature of its contents. But the water company was given the privilege of introducing the document as independent evidence, if the attorney desired to do so.

The morning session opened with a continuation of the cross-examination of William J. Dingle, vice president of the Contra Costa Water Company, who demonstrated the serious inconvenience, to say the least, that has been caused by the constant "cutting" of the water by the corporation's books that existed before the corporations were combined. Attorney Hayne found that Dingle was not able to give him much of the information he sought, and which was lost, apparently, at the instance of the Contra Costa Water Company. For instance, Mr. Hayne desired to know how many consumers the Oakland Water Company had in the city of Oakland. Mr. Dingle could not tell positively what portion of Oakland was covered by the Oakland Water Company's pipe system. He said that the water was piped in more than half the city was piped by that company and he was sure that the system had been in use since the water was first consumed in the city prior to the consolidation.

Dingle had no personal knowledge of the way the two systems have been connected since the absorption.

Hayne continued to press Dingle upon the fact that the Contra Costa Water Company had, but the water mains outside the city.

"Why," Dingle plaintively declared as the ghost of the old rate war loomed up, "sometimes there would be thirty subscribers on a day and the next day there would be only five because the Contra Costa people offered to supply them at 8 cents a month less."

Dingle finally came to the conclusion that there were about 9000 taps, of which 3000 were not in service.

The witness detailed and went into a long detailed statement of the cost of construction work of the Contra Costa Water Company since 1886, his estimate being based on data furnished to him by Engineers Boardman and Hewson of the water company. Boardman's figures were for the year 1886 report, which covered data upon work done before that year. McCutchen abandoned his inquiry along that line.

FRAUEN VEREIN GIVES CONCERT FOR CHURCH

Annual Entertainment for Benefit of St. Matthew, at Which Ladies Officiated.

For two hours last evening Union Square Hall echoed to the strains of sweet music, instrumental and vocal. The occasion was the annual entertainment of the St. Matthew Frauen Verein for the benefit of St. Matthew Church. The Verein has a committee of ladies, headed by Mrs. O. Olsen for vice president, Mrs. Mauch for secretary, Miss Folke for recording secretary and Miss Koehndorfer for treasurer. The members are all included in the St. Matthew church. The Verein has a piano and a few other instruments. Mrs. Olsen for vice president, Mrs. Mauch for secretary, Miss Folke for recording secretary and Miss Koehndorfer for treasurer.

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