

ADVERTISEMENTS.

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AS TO CLOTHING.

HERE is an epitaph in a Vermont churchyard: "I expected this but not so soon." Such is the epitaph on clothing worn out in the wash-tub. Underclothing may be fragile, yet it ought not to wear out in ten weeks. But this isn't wear; it is decay. You buy 5 cents worth of cheap soap and you lose the equivalent of 50 cents in the wash-tub. Ivory Soap will not harm the most delicate fabric. Is it wise not to use it? IVORY SOAP IS 99 PER CENT. PURE.

LITIGATION CONCERNING

Far-Reaching Effect of Decision Regarding Insanity Law.

Bondsmen of Treasurer and Auditor Thought to Be Liable.

The decision of the Supreme Court in the Lambert case, filed a few days ago, may prove a bombshell to various State prior judges and officials and result in suits against the bondsmen of the Auditor and Treasurer for the recovery of some \$25,000 paid out of the city treasury for the examination and commitment of insane persons since 1897.

Under the decision all persons who were committed to asylums for the insane may secure their release on habeas corpus, it having been held by the court that the statute under which they were committed was unconstitutional and therefore void. Auditor Wells has been notified that he will hereafter audit claims of the Commissioners of Lunacy at his own risk, and he is now investigating the matter. Should he find that he or his bondsmen are liable under the law for the expenditure of money in this respect he will refuse to audit the said claims, which aggregate some \$25,000, varying between \$50 and \$900 each month.

The attention of the Attorney General has been called to the situation resulting from the decision in the Lambert case, and as he is the proper official to see that the rights of the people of the State are properly guarded he may take steps to recover the money which has been paid without warrant of law under the act now declared to be unconstitutional.

Improperly Restrained of Liberty. The Lambert case, which is responsible for the trouble and litigation which seems inevitable, was an appeal from the Superior Court of Napa County. W. H. Lambert alleged that he was improperly restrained of his liberty by A. M. Gardner, Lambert was an inmate of the asylum at Napa, and he applied for a writ of habeas corpus on his commitment to that institution by Judge A. J. Buckles of Solano on November 9, 1898. He alleged in his own behalf that the law under which he was committed, in that he was thereby deprived of his liberty without due process of law; that the proceedings thereunder were insufficient to authorize his commitment, and that upon the application therefor the Judge of the Superior Court had no jurisdiction or authority to make that order, and that the said order, together with the documents accompanying the same, did not justify his detention or confinement.

Law Declared Invalid.

The Supreme Court analyzed the law of 1897, which provided for the organization of a State Commission in Lunacy and defined its powers. Under this law an accused person was arrested without notice, and after a purely ex parte examination by a commissioner acting under the authority of court was either committed or released in accordance with the evidence adduced. The court, in holding this procedure to be contrary to the provisions of the constitution, which guarantee liberty to all citizens according to prescribed formulas, went on to say:

An order for the commitment of a person to an insane hospital is essentially a judgment by which he is deprived of his liberty, and it is a cardinal principle of jurisprudence that before any judgment can be pronounced against a person there must have been a trial of the issue upon which the judgment is given. The constitutional guaranty that he shall not be deprived of his liberty without due process of law is violated whenever such judgment is had without giving him an opportunity to be heard in defense of the charge, and upon such hearing to give evidence in support of his defense. His right to a hearing depends upon his will or caprice of others, or upon the discretion of will of the Judge who is to make a decision upon the various questions of insanity, institutional rights. (Underwood vs. People, 32 Cal. 2d 187.) To say that a person is insane, therefore any notice to him would be vain, is to beg the very question whose determination is the right of the citizen. It is also held that the insanity law of 1897, to the extent that it authorizes the confinement of a person in an insane asylum without notice and an opportunity to be heard upon the charge against him, is unconstitutional and void. The petition is held by the respondent to be invalid.

Effect of the Decision.

The effect of the decision will be to place all persons who have been committed to the various asylums in this State since 1897 in a position to successfully apply for writs of habeas corpus. The asylums in this country are numbered from twenty-five to one hundred people a month. Other counties of the State have sent a proportional number to the asylums at Napa, Stockton, Ukiah and Agnew. Of course the decision applies to only such persons now confined in the asylums. Liberty would not be a menace to the lives and welfare of others. In cases of insane persons confined in the asylums, the liberty would be fruitful of harm, the court might order their temporary detention until a Legislature could enact a law not in conflict with the constitutional rights of citizens or until a legal commission in lunacy might be convened. The result of the decision quoted is to give every man charged with being insane the right of trial by jury and the additional right to offer testimony in his own defense. It is because of the lack of these requirements that the law of 1897 has been declared unconstitutional. The law did not provide the proper machinery for depriving insane people of their liberty, and in the eyes of the law an ex parte examination will not be held to deprive of his constitutional rights is of no effect.

By the act of 1897 there have been four physicians appointed by the Superior Judges, who served alternately each month as Commissioners of Lunacy in this city. The fee in each case examined, whether the accused is committed or released, is \$500. The Commissioners are usually employed an hour each day and their compensation rarely averages less than \$150 a month. Their demands are presented to the Superior Judges, and after being passed upon by the Finance Committee are sent to the Auditor. They are then audited and paid by the Treasurer.

It is quite likely that until his personal liability is determined in the premises the Auditor will audit no more claims of the Commissioners of Lunacy. The outcome of this litigation will be watched with interest by the attorneys and public generally.

NOTICE TO PATRONS.

Owing to the large size of The Call's Christmas Edition to be issued Sunday, December 15, and the great volume of extra advertising already received, no advertisements of any description will be accepted for publication in that issue after 9:30 p. m. Saturday. The Christmas Call will be the largest, finest and most elaborately illustrated holiday edition published on the Pacific Slope. Send a copy to your Eastern friends. Ready for mailing 5 cents per copy.

Native Daughters Will Dance.

"La Esperanza Parlor, Native Daughters of the Golden West, located in San Francisco, will give a grand ball in South San Francisco Opera-house, corner of Railroad and Folsom, to-night. The affair promises to be one of the finest social events ever given by the parlor.

FIRST SYMPHONY PHIOLOGY WILL CONCERT PLEASES BE THEIR STUDY

Paul Steindorff Wins Educators to Speak at New Laurels as a Leader. Mark Hopkins Institute.

The first concert of the San Francisco Symphony Society, given yesterday afternoon at the Grand Opera-house, must be voted a genuine success. The comparatively large house that greeted the new leader and his men shows a highly encouraging interest in the society, and the work done yesterday afternoon by the conductor and the orchestra more than justifies all the interest shown. It is not quite the kind of thing that was expected from Mr. Steindorff as a leader, but it is something just as good and perhaps safer. He surprised even his best friends yesterday afternoon by the general excellence of the work done under his baton as well as by its unexpected conservatism, and was found lacking only in those qualities that time alone can furnish.

Mr. Steindorff has a particularly good orchestra at his command, strong in the strings and well balanced throughout, though through the exigencies of the Grand Opera-house accommodations, the wood wind loses its weight and the whole tone of the orchestra is slightly thinned and deadened. But practically all the best orchestral material in town is to be found in the orchestra, though there are still a few names that should not be thought of as sacrilegious. The orchestra is solid grip, balance, precision and sincerity amply proves that the orchestra has found a fitting leader, but that it is in the least spirited leadership than had been looked for from the enthusiastic conductor of the Tivoli, Mr. Steindorff's efforts during the Tivoli grand opera season went to full satisfaction, and that he has thought fit to sacrifice his worldly wisdom for a more classic correctness at the outset of his symphony career promises well indeed, for his future work in the society.

The programme of yesterday was a modest one—rather a lightweight programme, in fact, and perhaps unimpressive by varied in character. The "Academic Overture" of Brahms came first, with its ingenuously interwoven melodies, rhythmic fun, noble harmonies and large, joyful spirit, well interpreted by the orchestra. The "Largo" of Beethoven, with its technically the least satisfying number on the programme. There was admirable work done in the Raff symphony "Im Wald," that followed, delicate and wonderfully balanced work, that showed Mr. Steindorff in his newer light to best advantage. The "Largo" of Brahms, with its muted string accompaniment and lovely echoing flute and oboe melodies, was charmingly given, and the "Largo" of Beethoven, with its given with elegance and spirit. One felt a lack of climax in the heavy finale, but it was an excellent reading on the whole and most promising. Two light numbers of Moszkowsky's warmed the house up to encore point, and the Spanish dance was repeated to its evident enjoyment. The pretty, abrupt Volkmann serenade, for strings, came next, and the Slavic color and racy richness of Liszt's "Ricochet March" closed the enjoyable programme.

Considering the refrigerator-like atmosphere of the Grand Opera-house—like every other symphony concert-house, by the way—the audience was an enthusiastic one, though on the whole it would have been better at the Tivoli. The "Largo" of Brahms, with its muted string accompaniment and lovely echoing flute and oboe melodies, was charmingly given, and the "Largo" of Beethoven, with its given with elegance and spirit. One felt a lack of climax in the heavy finale, but it was an excellent reading on the whole and most promising. Two light numbers of Moszkowsky's warmed the house up to encore point, and the Spanish dance was repeated to its evident enjoyment. The pretty, abrupt Volkmann serenade, for strings, came next, and the Slavic color and racy richness of Liszt's "Ricochet March" closed the enjoyable programme.

ONE MILLION DOLLARS FOR A MILLING PLANT

Eastern Capitalists Ready to Invest That Much Money in a Local Enterprise.

Eastern capitalists now in this city will soon invest a million dollars in a new milling enterprise. They have made a careful examination of the seawall district and it is their intention to erect the mill where both water and rail facilities may be obtained. The manufacture of rolled oats will be the purpose of this enterprise. It is rumored that an enterprising local miller is also interested in the venture.

Read a Paper on Bugs. The California State Floral Society met yesterday at 223 Sutter street. Emory E. Smith occupied the chair and Mrs. Henry P. Tricou acted as secretary.

A paper written by Alexander Crow on the subject, "Bugs to Be Encountered in Floriculture," was read. Crow is a recognized authority on that subject, and his remarks were attentively listened to. It was decided to incorporate his suggestions in the form of a circular and to send the same to all persons interested in floriculture.

Poems were read by Mrs. J. R. Martin, Mrs. A. W. Maslin and Miss A. G. Callahan. Several fine specimens of the golden poppy were displayed. A social followed the transaction of the business of the meeting.

Mail a copy of the great Christmas Call to your friends in the East and foreign lands.

PICTURES and stories for the young and the old! Poetry and prose! Sermons from the pens of eminent California divines! A new game that you can cut out of the paper, paste on cardboard and play during the long winter evenings! All of these and much more in next Sunday's Call—the great Christmas edition.

FAVORS ACQUISITION OF PUBLIC UTILITIES

Iroquois Club Intends to Co-Operate With Union Labor Party to That End.

The Iroquois Club at its meeting last night instructed the secretary to send a communication to the Union Labor party, inviting it to appoint a committee to meet with an Iroquois Club committee to devise plans for the municipal acquisition of certain public utilities, particularly the Geary-street railroad.

Stephen V. Costello discussed the power of the following new officers were elected: Officers whose terms are fixed by the charter. He quoted many decisions holding that removal can be made for cause only. The following new officers were elected: J. B. Keenan, president; first vice president, J. C. Gorman; second vice president, W. H. Kline; recording secretary, E. R. Zion; corresponding secretary, H. L. Blendfield; financial secretary, August Pratt; treasurer, W. A. Amussen; trustees—W. J. Bryan, L. Metzger, Charles Gilden, C. J. R. Buttler, L. V. Merle, A. Leaf and W. J. Locke.

Max Popper preferred charges against Captain George H. Krimphoff, a member of the club, for acting as a delegate to the recent Union Labor party convention.

De Longpre's Flower Paintings. Exhibition will continue till Saturday at Kennedy & Rabjohn's, 21 Post street. Open evenings.

FIGHT AGAINST LOWER DUTIES

Members of Chamber of Commerce File a Protest.

A special meeting of the board of trustees of the Chamber of Commerce was held yesterday afternoon to act upon the report of the committee on foreign commerce and revenue laws, to which the matter of trade relations with the United States and Cuba had been referred. President George A. Newhall presided. The board authorized the president to sign a petition to the California delegation in Congress to use its best efforts to induce Congress to maintain the coast-to-coast shipping laws between the United States and the Philippine Islands, which provide that all trade between the islands and the United States shall be in vessels carrying the American flag. It was also decided that the president should telegraph William M. Bunker, the permanent representative of the Chamber of Commerce in Washington, to confer with the California delegates in an endeavor to have the present duties on rope and manufactured cigars coming into this country from the Philippine Islands maintained. The board endorsed the resolutions of the National Rivers and Harbors Congress which will be presented to Congress by a committee of twenty-two, composed of delegates from each State represented at the Harbor Congress in Baltimore, the object of the resolutions being to impress the necessity of providing ample funds in the rivers and harbors bill for the proper improvement of rivers and waterways.

The following resolution adopted by the board was telegraphed to Mr. Bunker at Washington at the conclusion of the meeting, with a request that a copy be given to each member of the California delegation:

Whereas, strenuous efforts are now being made for the declaration of reciprocal trade relations between the United States and Cuba; and whereas, such trade relations would seriously injure the agricultural and horticultural industries of California and other States; therefore be it

Resolved, That the Chamber of Commerce of San Francisco hereby earnestly protests against any reduction of the duties now in force on importations from Cuba, which provide protection to the agricultural and horticultural products of California, such as sugar, citrus fruits, etc.; and further Resolved, That we hereby respectfully request the California delegation in Congress to oppose any action which would lead to a reduction of these duties.

The Manufacturers' and Producers' Association took action yesterday afternoon in accord with the Chamber of Commerce. The resolutions adopted by the Rivers and Harbors Convention last October, calling for a definite plan for the improvement of rivers and harbors, were endorsed.

LOCATES WRECK OF SAN RAFAEL

Captain Rogers Fastens Drag on Sunken Ferryboat.

The wreck of the San Rafael has been located and fast again several times. Now Captain H. J. Rogers and his assistants are certain they have the remains of the vessel for good. Yesterday they were out on two of Crowley's launches and after drifting for an hour the drag held. Then the assistance of the Spreckels tug Relief was called in and the remains of the ill-fated vessel were finally located. Regarding the belief that the wreck has been located Captain Slivich of the tug Relief said:

I am certain we have located the remains of the San Rafael. Our drag anchor held and the hukes and chain are marked with white and green paint. We were almost in a straight line from the Alcatraz light to the gas works and the hull lies in twenty fathoms of water. There is fourteen fathoms over her, but on each side of her there is a rail of about thirty feet. She could not have drifted more than a quarter of a mile after she collided with the Sausalito before she went down.

Judging from our soundings she must be lying on her side. I am sure they have located her but whether the hull will ever be any use even if it is recovered I don't know. The machinery is the best of its kind and is well worth saving.

Divers will go down to-day and make sure, but to my mind there is no doubt that they have the wreck. If it is in the position we think then both the captains were wrong in their calculations.

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MYSTERY RULES COPPER MARKET

London Speculators Unable to Fathom the Affair.

LONDON, Dec. 13.—The directors of the Rio Tinto Company have been meeting here daily, though quite informally, since the copper crisis became acute. It was officially started after to-day's meeting that whatever settlement may be arrived at now lies entirely with the Amalgamated Copper Company. The Rio Tinto Company has made all the propositions which it intends to make, but so far has received no indication of the action the Amalgamated Copper Company proposes to take. A feeling prevails that the conditions will not be altered at present.

The Fall Mail Gazette says that if Rockefeller has really thrown down the gauntlet to the Rothschilds, which the paper thinks improbable, there can be little doubt of the Rothschilds' victory. The paper adds: "The Rio Tinto Company is in a position to make a bid for the copper market, but not so the Standard Oil Company, which has been awarded the six detectives who arrested Kilpatrick, one of the alleged Great Northern train robbers. Twenty per cent of this will go to the Police Relief Association. This will leave a reward of \$22,000 each for Detectives A. L. Gulot, John McGrath, James Burke, George Williams, W. F. Brady and John Shevlin."

Wedding Date Is Announced. WASHINGTON, Dec. 13.—The marriage of Miss Helen Hay, daughter of the Secretary of State, and Payne Whitney of New York will occur Thursday, February 6, at the Church of the Covenant in this city. The Rev. Tunis S. Hamlin, the pastor of the church, will officiate and will be assisted by two visiting clergymen. About 600 invitations will be issued.

Money for Mare Island. WASHINGTON, Dec. 13.—Secretary Long to-day sent to the House additional estimates for naval improvements, including \$300,000 for the naval station at Cavite, \$314,000 for the Puget Sound naval station and \$200,000 for Mare Island, California.

It is believed in many quarters that the most important London houses consider the present prices to be justified by the great expansion and consumption of copper in recent years, and that consequently, they are willing to lay in considerable stocks.

Women's Irregular Menses

Stanton, Mo., May 26, 1900. I have always suffered with terrible pains at my monthly periods. These last three months I have taken three bottles of Wine of Cardui and three packages of Bedford's Black-Draught, according to your instructions, and now have no pains at all. As I have always suffered before, all during the time, I can safely say the medicines have done me much good. I consider your Bedford's Black-Draught a fine remedy. I think your medicines stand at the head of all others in regulating the monthly periods. SOPHIA LOTTMAN.

Regular habits are the foundation of a woman's health. She courts disastrous sickness and even death itself, when she allows herself to keep very late hours. It is unnatural for anyone to spend sleepless nights and drowsy, fretful days. This strain strikes at the vital center of womanhood, the nervous system and deranged menstruation, with all its appalling suffering, is the result.

WINE OF CARDUI

will regulate the menstrual flow. It makes strong nerves. Mrs. Lottman suffered because her menses were irregular, and Wine of Cardui cured her of a very severe illness. A woman who is careful to take Wine of Cardui to correct irregularities need never know the suffering so many of her sisters endure. Wine of Cardui has cured 1,000,000 sufferers, many worse cases than Mrs. Lottman's. Don't suffer any longer. The offer of such a remedy as Wine of Cardui puts the whole matter in your hands. Will you get a \$1.00 bottle of Wine of Cardui from your druggist to-day and secure speedy relief?

For advice and literature, address, giving symptoms, "The Ladies' Advisory Department", The Chattanooga Medicine Company, Chattanooga, Tenn.