

CARMEN SUBMIT TO ARBITRATION

Railway Union Ratifies Action of Executive Committee.

Chapman's Plan of Adjusting Hours and Wages Will Be Followed.

The Street Railway Employees' Union has endorsed the action of its executive committee as regards Manager Chapman's proposal to leave the matter of hours and wages to arbitration by President Mahon of the Amalgamated Association of Street Railway Employees of America and Patrick Calhoun, Eastern representative of the company.

A great deal was said about the public's sympathy, and one speaker reminded his conferees that they need the sympathy of the public in this matter.

The union suspended the regular order of business and made the report of the executive committee the special order.

Some time was taken up in discussing Manager Chapman's statement that men wanted the public hearing, it was admitted by the press committee that a motion was passed to the effect that the men shall in future treat the public with greater civility than heretofore.

NEWLY ELECTED DIRECTORS OF THE ART ASSOCIATION

Willis E. Davis Will Be Chosen President of Institution for Second Term.

At the annual convention of the San Francisco Art Association at the Mark Hopkins Institute yesterday the following named directors were chosen:

Willis E. Davis, Lorenzo P. Latimer, Louis Sloss, Henry Hoymann, Chauncey R. Winslow, James D. Pheasant, Horace G. Platt, Warren D. Clark, George W. Turner, Newton J. Tharp and Horace L. Hill.

The yearly meeting of the association took place at the Institute last night. The newly-elected board will soon meet for organization.

Saratoga Blossom Festival.

This annual festival will be held Saturday, April 4. Southern Pacific agents will sell tickets to Saratoga and return by the 8:15 a. m. Narrows train on above date at \$2 the round trip, tickets to be good returning at 2:15 p. m. and 4:30 p. m., same day, or by any regular train leaving Los Gatos or by Monday, April 6. Stopover will be allowed at San Jose, returning.

Arraigned for Murder.

Julius Kittel was instructed and arraigned before Police Judge Morgan yesterday on the charge of murder, and his preliminary examination was set for April 6. During a dispute about a game cock with John Messurier, a neighbor, on Twentieth avenue, south of the Park, Saturday afternoon, Messurier was shot and killed.

Another addition to E. Strozynski Co. Handsome private parlors for gentlemen's uses, shaving, manicuring, hair cutting and scalp treatment has been just opened by us for your comfort and privacy at 36 Geary street, room 6, in front of elevator over our store.

Charged With Burglary.

John Pagen, a Cuban, was booked at the City Prison yesterday by Policeman George Graham on a charge of burglary. He was employed last Friday by Charles Stubbs to clean the windows of a new house at 48 Fourteenth street. There was a carpet in one of the rooms and it is alleged that Pagen returned that night and stole the carpet, which he sold.

If you know that Jesse Moore's Whisky was the best and purest on earth you'd buy so other. It is the best, but we cannot prove it except you try it. Try it.

Takes Command To-Day.

General MacArthur will formally relieve General Hughes to-day as commander of the department. He has selected Captains West and Kernans as his aids.

ADVERTISEMENTS.

MORITZ MOSZKOWSKI, The eminent musician, composer, pianist and teacher of Paris, writes of the Mason & Hamlin Pianoforte:

"It has a full, singing tone, and the action is most satisfactory. Taken as a whole it is, I believe, an instrument of the very first rank."

Benj. Curtaz & Son SOLE AGENTS, (Curtaz Building), 16 to 20 O'Farrell St., S. F.

BRANCHES—San Jose, Fresno, Stockton, Alameda.

HONORABLE MEN SAYS MRS. HUTTON IS SANE, BUT FEARS HUSBAND.

POLICE COMMISSIONER HUTTON took his troubles into court yesterday. He went before Judge Murray and had himself appointed his wife's guardian and then filed a suit in equity in which he charges Attorney D. M. Delmas with entering into a conspiracy to defraud his wife out of her property.

He asks the court to compel the well known attorney to restore to the Huttons her \$3500 he alleges Delmas received from Mrs. Hutton and as a last resort prays that the court issue an injunction restraining Delmas and several other alleged conspirators from interfering with Mrs. Hutton and her financial and matrimonial affairs until the truth of Hutton's charges is proven.

Hutton's complaint is a voluminous document. In it he sets forth the fact that he was married to Mrs. Hutton in 1889. More than a year and a half ago, he says, she became ill and he offered so much physically that her mind became weak. Well knowing, he alleges, her mental condition, Attorney Delmas prevailed upon her to believe that she was in need of legal advice and succeeded in getting her to dispose of valuable property on the corner of Hyde and Sutter streets for \$35,000, receiving for his advice a fee of \$2500.

The property was purchased by Bernard Cassou, who paid for the same, Hutton alleges, in certified checks on the French bank, the bank, he alleges, remaining open until long after hours to enable the alleged arch conspirators to finish the deal and the mulling of Mrs. Hutton's purse within a day. The alleged deal was formally alleged Hutton, on February 15, and on March 11 the deal was completed.

DELMAS MAKES DENIAL.

The other alleged conspirators to defraud Mrs. Hutton, according to her husband, are Attorney Rodgers of Salt Lake City and Mr. and Mrs. M. C. Power of this city. He alleges that Rodgers carried out the plan to defraud Mrs. Hutton, is doing all he can to conceal her whereabouts in Salt Lake and in furtherance of such a plan is acting with Mrs. Hart to prevent the people who are interested in her from seeing or conversing with her.

Attorney Delmas laughed when told of Hutton's charges of conspiracy and fraud. He said they were absolutely no truth in them. His answer to Hutton's complaint, which is a complete denial of every allegation made by the Police Commissioner, contains, in addition, a statement of Mrs. Hutton's unhappiness and how expressed by her and how her husband, who, she told her attorney, had willfully spread about the rumors that she was mentally weak in order that he might get control of her property and convert it to his own use.

Delmas' answer, in part, is as follows: Defendant denies that on the 15th day of February, 1903, or at any other time, he conspired with any one to defraud or deprive the plaintiff of the real property mentioned in said complaint, or of any part thereof, or of any right, title or interest in her therein. He denies that he ever procured said plaintiff to sell said piece of real property for any sum whatever, or at all, in that behalf he avers the fact as follows:

SAEKS HIS ADVICE.

Said plaintiff was unknown to said defendant until about the middle of February, 1903, when she sought his advice with reference to her affairs and her marital relations with her husband, H. W. Hutton. At that time and long before then said defendant had made acquaintance with the real estate firm of this city of Lyon & Hoag for the sale of the property mentioned in the complaint. Said contract is dated the 12th day of December, 1902, is signed by said plaintiff and is in full force and effect.

MAKES AGREEMENT.

Acting in pursuance of the authority conferred upon them by said agreement the said firm of Lyon & Hoag, on the 15th day of January, 1903, sold to one Bernard Cassou, for the price of \$35,000 in cash and \$3000 payable in thirty days after date—the property hereinbefore mentioned and received as a part of the purchase price thereof the sum of \$1000 in cash, the balance being evidenced by an agreement in writing, signed by said Lyon & Hoag, on the 15th day of January, 1903, and acknowledged by them on the following day before A. J. Henry, a notary public, and recorded in the latter day in book 47 of covenants, page 48.

FEARED HER HUSBAND.

She expressed great fear that she would carry out his threats, and would by virtue of the power which he possessed and by means of which she was in his hands. That for these reasons she had determined to tell her property so that she could dispose of the proceeds according to her own wish and without any interference from him, and was her firm resolve that no part of it should go to him. At the time she was in the hands of her husband she was in the hands of her husband and she attempted to oppose him he would crush her.

OLD-TIME JOURNALIST GOES TO LAST REST

Dr. Thomas Foster, Formerly of the Philadelphia Public Ledger, Breathes His Last.

After a lingering illness Dr. Thomas Foster died yesterday at his residence, 781 Sutter street, at the age of 82 years. He was one of the oldest newspaper men in the country, having been connected in an editorial capacity with the Philadelphia Public Ledger in 1836. He went to Minnesota in 1849 and there became editor of the Daily Minnesotan, published in St. Paul. He shortly afterward engaged in the practice of medicine and was Government physician and surgeon for the Indians in Minnesota up to 1873, at which time he ceased the practice of his profession.

The deceased leaves two sons, Thomas E. Foster, United States secret service operative in this city, and Edward T. Foster, of Duluth, civil engineer in the Department of the Lakes.

POLICE COMMISSIONER HUTTON CHARGES ATTORNEY D. M. DELMAS WITH CONSPIRACY AND ATTEMPT TO FRAUD MRS. HUTTON.

POLICE COMMISSIONER HUTTON commenced a suit yesterday charging Attorney D. M. Delmas with conspiracy and attempt to defraud Mrs. Hutton. Delmas will file an answer to-day denying the charge and bringing out the fact that Mrs. Hutton fled from her husband because she feared he would take her property from her and because he threatened to use his power as a Police Commissioner to work her an injury. Hutton accuses M. C. Power, a bed-ridden carpenter, of causing all the trouble between him and his wife—a charge indignantly denied by Mrs. Power, who says that she heard long ago that Hutton abused his wife.

HE DENIES THAT HE PROCURED THE SAID PLAINTIFF TO LEAVE THE CITY AND COUNTY OF SAN FRANCISCO AND TO GO TO SALT LAKE CITY AND TO PURCHASE THERE A PIECE OF REAL PROPERTY ON THE CORNER OF HYDE AND SUTTER STREETS FOR \$35,000, RECEIVING FOR HIS ADVICE A FEE OF \$2500.

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HUTTON SEEKS WIFE.

He denies upon information and belief that said plaintiff is concealed in Salt Lake City, and that he has used any guile or that he is allowed access to her, or that the defendant Rogers is assisting her in keeping her away from her husband, or that the defendant Rogers is assisting her in preventing access of her said husband or communication of her said husband to her, and in that behalf the defendant avers the facts to be as follows: Two days after the consummation of the sale above mentioned, on the 18th day of March, 1903, said H. W. Hutton personally called upon this defendant and said to him that his wife had been taken to Salt Lake City, and that he had no cause of divorce, and that if he could see and speak to her he would in five days sue her to return to him and abandon her claim of obtaining a divorce. He thereupon requested this defendant to assist him in getting her back to San Francisco. This defendant replied that he would communicate with said plaintiff and deliver to her any message which might be sent to her in his office for the same. That at a later hour on the same day said H. W. Hutton sent a letter to this defendant, the contents of which are as follows: "Mrs. I. S. Hutton, care of D. M. Delmas, Call Building, City."

GOES TO SALT LAKE.

In view of the statements made to him by said H. W. Hutton as hereinabove stated, this defendant deemed it his duty to make direct communication with his client, said plaintiff, and, therefore, as soon as his affairs permitted, he proceeded to Salt Lake City, on the 16th of March, 1903, he went to Salt Lake City in person, for the purpose of personally seeing and talking to said plaintiff. He arrived in Salt Lake City on the 18th and at once placed himself in communication with the said plaintiff, and he had with him the aforesaid letter which he had received addressed to her, and informed her fully of the conversation that he had had with her husband. Said plaintiff, in the most positive manner, declared that she would never return to her said husband, and that she would never be separated from him, and that she would never be committed to any insane asylum. In the course of that day and evening this defendant, in the presence of said plaintiff, during all of which said plaintiff remained firm in her purpose, as hereinabove stated, on the next day this defendant had a final interview with said plaintiff. She again announced her purpose not to return to her said husband, and the same day this defendant left Salt Lake City and arrived in San Francisco on the 21st following.

USED UNLAWFUL JUDGMENT.

This defendant denies that he has ever advised said plaintiff to separate from her husband, or to obtain a divorce from him, or to defraud him, or to do anything which would come up between him and said plaintiff, or to do anything which would be determined by her own wish, and in the formation of her said judgment or wish he has never exercised any right to exert the slightest influence whatever.

This defendant denies that in pursuance of any conspiracy or at all, \$3000, part of the \$35,000 mentioned in the complaint, has been spent or wasted or dissipated by the said plaintiff by the instrumentality of this defendant, or at all. He denies that he rendered no service for the sum of \$3500, which was paid to him by said plaintiff, or that he gave no consideration or return therefor, and avers that said sum so paid to him was paid by said plaintiff pursuant to the agreement hereinabove in this answer stated.

HE DENIES THAT HE IS OR EVER WAS HIS INTENTION TO PROCURE SAID PLAINTIFF TO INDEBT THE TWO CHECKS OF \$15,000 MENTIONED IN THE COMPLAINT, OR TO COLLECT THE MONEY PAYABLE THEREON, OR TO DEFRAUD THE SAID PLAINTIFF OF ANY PART THEREOF.

HE DENIES THAT SAID PLAINTIFF IS IN NO NEED OF LEGAL SERVICES, OR THAT IT IS HIS INTENTION TO TRY TO CONVINCE HER BY HIS OWN JUDGMENT, OR BY SO AS TO WASTE OR DISSIPATE THE MONEY OF SAID PLAINTIFF.

HE DENIES THAT THE DEFENDANT ROGERS IS ACTING IN WHAT HE MAY BE DOING IN PURSUANCE OF ANY AGREEMENT WITH THIS DEFENDANT.

HE DENIES THAT MRS. H. W. HUTTON, MENTIONED IN THE COMPLAINT HEREIN, IS KEEPING THE SAID PLAINTIFF IN CUSTODY IN PURSUANCE OF ANY CONSPIRACY OR AT ALL.

HE DENIES THAT SAID PLAINTIFF HAS FOR MORE THAN ONE YEAR LAST BEEN OR IS NOW OR WAS DURING ANY ONE YEAR LAST PAST, IN THIS ANSWER INCAPABLE OF TRANSACTING BUSINESS OR PERFORMING ANY ACT OF A BUSINESS OR OTHER CHARACTER, OR NOT CAPABLE OF REALIZING THE EFFECT OF WHAT SHE DOES. HE AVERS ON THE CONTRARY THAT DURING ALL THE TIMES MENTIONED IN THIS COMPLAINT SAID PLAINTIFF WAS BUSINESS AND COMPETENT AND ABLE TO REALIZE THE EFFECT OF ALL HER ACTIONS. HE DENIES THAT HE HAS AT ANY TIME MADE ADVANTAGE OF THE NECESSITIES OR WEAKNESS OF SAID PLAINTIFF.

HE DENIES THAT UNLESS THE INJUNCTION PRAYED FOR IN THE COMPLAINT HEREIN IS GRANTED HEREIN THE MONEY MENTIONED IN SAID COMPLAINT WILL BE WASTED OR DISSIPATED OR LOST TO THE PLAINTIFF.

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MRS. POWER DECLARES THE INVALID IS BLAMELESS.

Mrs. Power declares the invalid is blameless. "My present troubles with my wife are due to one man. He is M. C. Power, a carpenter, whom I reprimanded once because he was slow in doing some repair work on my wife's property at Hyde and Sutter streets. He has hated me ever since and has not hesitated to talk to me in a manner calculated to belittle me in her eyes."

The above statement was made yesterday by Police Commissioner Harry W. Hutton in response to a question concerning his matrimonial infelicities, which have been a source of public comment during the last few days, or ever since the news leaked out that Mrs. Hutton had fled from this city to Salt Lake, taking with her \$35,000, received by her as the purchase price of a piece of property at the corner of Hyde and Sutter streets.

Hutton makes the charge against a man who has been bedridden with an incurable disease for the last two years. Power is constantly under the influence of opiates and cannot defend himself, but his wife is able to talk and she does so willingly and freely, and with apparent truthfulness, says things that do not redound to the credit of Hutton, who has for some time posed as an earnest advocate of reform in politics and public morals generally.

MRS. POWER INDIGNANT.

M. C. Power is a contractor and lives with his wife at 1071 Filbert street. Owing to his continued and extreme illness Mrs. Power, who has been a friend of Mrs. Hutton for the last ten years, spoke of the matter, regretting at the same time that Hutton should have mentioned her husband's name in connection with an affair, which, she declares, he has had nothing to do with. Mrs. Power said:

This matter of bringing my poor husband, a man 60 years of age, and an invalid, suffering severely every day of his life, into the controversy, is cruel in the extreme. We have known Mrs. Hutton for the last ten years and she has been a friend of mine, and I know she has suffered. She told me on one occasion that Hutton was a wife-beater and that she had been in the hospital, especially when one considers the good woman she is. How can he call her unbalanced mentally? He is strong mentally and a woman is better able to take care of herself than is Mrs. Hutton. Her sister, Mrs. Raines, wrote to me from San Jose telling me that this man Hutton had actually taken advantage of her position as a Police Commissioner of San Francisco to get the aid of the San Jose police to help him in this disagreeable affair.

Why, the poor woman told me on one occasion that she had been left by him for two days when she was ill in bed and for those two days she was without food. That was a year ago, she then got up and packed her grip and went to her sister in San Jose. What Hutton did the last time she went to her sister's, why, her sister, Mrs. Raines, wrote me that the ambulance went to her house with the said invalid and had led her to the house the officers called from residence to residence, asking where she, Mrs. Raines, lived. Mrs. Raines was out that evening and imagine her surprise when she heard that the police had been seeking her. The next day Mrs. Raines had to call on her neighbor and explain that she was no criminal and was compelled to tell what instigated the visit of the police with an ambulance to her home.

SAYS MRS. HUTTON IS SANE.

My husband never tried to influence Mrs. Hutton. We have abstained from offering advice or interfering in the painful affair. We do know that Mrs. Hutton is perfectly sane. Hutton had evidently been threatening her about her property because she continually expressed fear about it to me.

What do you think about a man in the position held by Hutton sending a dangerous sick man such a letter as this?

Here Mrs. Power produced the following, written on Hutton's office letterhead: SAN FRANCISCO, March 27th, 1903. Mr. C. Power, I am somewhat of the opinion that you are to blame for my wife's present troubles. If, at her request, advised her to go to San Jose, where she had been before,

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GLIM GROHERS OBTAINS TWENTY CASES OF WHISKY AND SELLS THEM.

Young Man Makes It a Practice to Fleece Business Houses.

J. E. Crothers, who has a faculty of using other people's names to order for goods, was booked at the City Prison yesterday afternoon by Detectives Ryan and Taylor on a charge of forgery. He was taken from the County Jail, where he is on another charge of forgery.

The detectives have been working on the particular case that Crothers was charged with yesterday for three months and now say that they have the evidence to send him to the State penitentiary. On December 2, by some means unknown, he secured possession of an order signed by Hanson, shipping clerk, for Mack & Co., whiskey, druggists, Fremont street, for two boxes of sarsaparilla on the Langley & Michaels Company. He asked that the two boxes be sent to a place on Market street, and when the clerk and teamster reached there they became suspicious and grabbed hold of Crothers, who broke away from them and escaped.

Crothers retained possession of the order, which was written in pencil, and he altered it to twenty cases of Jesse Moore whiskey. He sent S. Somerville, an expressman, to the warehouse of the Jesse Moore, Hunt Company, 200 Davis street, and the twenty cases were delivered to Somerville. Somerville telephoned to Crothers, who directed him to take the cases to Kennedy & O'Keefe, grocers, 1701 Eddy street, to whom he had sold them. The fraud was discovered and the matter was placed in the hands of the police.

Kennedy and O'Keefe admitted having purchased the whiskey from Crothers, and a portion of it was recovered by Detectives Ryan and Taylor. Kennedy and O'Keefe went to the County Jail and identified Crothers, and he was also identified by Somerville. The expressman Crothers is for obtaining twelve cases of Hunter's rye whiskey from the Christy & Wise Commission Company by means of a forged order. He was arrested while negotiating for their sale from Crothers, and Crothers is the young man who obtained a large quantity of cigars from M. A. Gunst & Co. by means of a forged order last year, and Mrs. Elizabeth Darling, his friend, charged former Policeman L. L. Levings with offering to "fix" the case for \$150.

For rest and quiet. I wrote her there, she did not answer the letters, but came to the City without advising me and called for a key that I supposed she had, and finally went to your place, I believe, I being in the city when called on you, as I have found out to-day, you, on a bed of sickness, for eight days, and she had led her to do the most foolish act of her life, you have done her the greatest wrong that could have been done her, and she is now a home sick beyond description, with an excitement upon her that will in all probability work her a most irreparable injury, and who have you injured but her and your own conscience. Such acts on her part cannot injure me, except for the grief that I have in my mind, and I have been advised and such an irreparable wrong worked upon her, what excuse have you to offer, you who I believe are six years old, to cause a lady that never wronged you the wrong and suffering that your advice will most certainly cause. I do not know what you are doing, but I do know this, that the results to Mrs. Hutton will not be overlooked by me no matter what your condition may be, just consider your actions in this matter and if it is possible for you to do anything to realize the seriousness of your conduct in this matter, to advise a woman sick beyond description to work herself the grievous wrong that I have just described, and then try to realize the great responsibility that rests upon you. W. HUTTON.

ANNOUNCES HER HUSBAND.

Hutton is not faring very well in the row between himself and his wife, at

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LACE DEPARTMENT

This week we will exhibit an elegant variety of NEW GOODS in this department.

NEW FRONTINGS, Embroidered and Tucked in Chiffon, Silk Applique and Mousseline de Soie, in White, Black and Persian colors.

REAL CLUNY AND WOOL LACES, in both Insertings and Bands; White, Ecru and Black.

POINT VENISE GALONS and BAND TRIMMINGS, also EDGINGS AND INSERTINGS, with all-over nets to match. These are in White, Black, Cream and Arabic shades.

TUCKED LACE AND LAWN SHIRT WAISTINGS, all pure white, 1/4 and 3/4 inch tucks, with fine Guipure and Valenciennes Lace Insertings.....50c to \$4.00 per yard

FINE FRENCH EMBROIDERIES, in Nainsook, Swiss and Cambric, all widths edgings, with insertings and allovers to match; also large variety of Lace Trimmed Flouncing and Fancy Galons, Bands and Medallions.

SPECIAL. 50 pieces 48-inch FRENCH CHIFFON, in Black, White, Cream and all leading shades 60c yd.

SPECIAL. 500 dozen LADIES' FINE LINEN HEMSTITCHED HANDKERCHIEFS, 1/4 and 3/8 inch \$1.50 doz.

Our Mail Order Department is most complete. All orders for samples or goods filled and shipped same day they are received.

Emory & Co. 111, 113, 115, 117, 119, 121 POST STREET.

SEVERE STORM VISITS ALL PARTS OF STATE

Rainfall for Twenty-Four Hours in San Francisco Amounts to Nearly an Inch.

Nearly an inch of rain fell in San Francisco during the twenty-four hours preceding 5 o'clock last night. In Los Angeles the rainfall was 1.30 inches, which is very unusual there at this season of the year. Showers were numerous and heavy over the rest of the State as well.

Professor MacAdie of the Weather Bureau says that the storm has not yet run its course and that conditions will be unsettled for a day or two to come. California has already this year received about all the moisture necessary for crops, according to the meteorological experts, but more of it will be beneficial, it is said.

The seasonal rainfall is 17.2 inches. At the end of March last year 14.26 inches of rain had fallen. The rainfall for this month is 6.23 inches, which is nearly twice as much as the average for the last fifty-three years.

Housman Loses His Temper.

Charles Alpers, president of the National Fertilizing Company, secured a warrant from Police Judge Cabanis yesterday for the arrest of F. H. Housman on a charge of battery. Housman was manager of the works at South San Francisco, and last Saturday was arrested on a warrant sworn to by Secretary Sayre, charging him with felony embezzlement. He was released on bonds Sunday. When President Alpers went to take charge of the works Monday, Housman was there, and it is alleged, threw Alpers out.

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What Shall We Have for Dessert?

This question arises in the family every day. Let us answer it to-day. Try Jel-O.

Jel-O, a delicious and healthful dessert. Prepared in two minutes. No boiling! No baking! Add boiling water and set to cool. Flavors—Lemon, Orange, Raspberry and Strawberry. Get a package at your grocers to-day. 10 cts.

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