

ADVERTISEMENTS

A GREAT CHILDREN'S SPECIAL

Sailor Blouses

In red, brown and blue all-wool serges. Trimmed stylishly and made well. Trousers lined throughout. 3 to 10 years.

\$3

Celebrate the Fourth

Every child visiting our Juvenile Department to-day will be presented with a

Dynamite Cane

Open To-Night Till Ten.

MILL TO MAN.

BROWN & CO.

516-518 MARKET ST. below MONTGOMERY

SICK FIREMAN GOULD PLANS TO CO-OPERATE

MAKES A BOOK

Daniel O'Rourke of Engine 19 Amazes Commissioner Parry by His Industry

Can a man grievously afflicted with divers diseases make a book at a race-track? Is it proper for a fireman, who by his own testimony should be eating chicken soup and sleeping on a feather bed, to deal in pools? These were the questions that almost caused Commissioner Parry and Boyle to forget all that they had learned in books of etiquette yesterday. The solar plexus blow to harmony was caused by the case of Daniel O'Rourke of engine 19.

O'Rourke is reported to have obtained a sixty days' leave of absence on the allegation that he had received injuries in the discharge of his duties. While on his leave he hid himself across the bay and started bookmaking on the racetrack. This infraction of the rules of the department and of the charter was brought to the notice of Commissioner Parry.

The Commissioner at once informed Assistant Engineer Shaughnessy of the infraction. Shaughnessy visited O'Rourke to call at his captain's office and explain his conduct. The industrious fireman pleaded that he needed the money, but was forced to turn the "graff" over to other hands and devote all his energies to fire extinguishing.

What resurrected the trouble was O'Rourke's application to the Commissioner yesterday for back pay, alleging that he still suffered untold agony from his injuries. In support of these allegations he produced a certificate from his family physician setting forth that he had suffered all of the ills with which a mortal fireman can be afflicted. He had appendicitis, paresis, paralysis, peritonitis, pyemia and is liable to be afflicted with softening of the brain before he gets through.

As soon as the afflicted fireman made his appearance before the Commissioners, Parry undertook to place him on the gridiron for a good all-round roast. Just as he started in to make the fire hot for O'Rourke, President Boyle took sides with the industrious invalid and incidentally threw out the hint that he was being persecuted. Boyle said that when a man belonging to the department is on leave of absence he can go wherever he may see fit without the consent of any Commissioner or other person. Parry got red in the face and Boyle got red in the neck, and it looked exciting when Commissioner Barrett quietly moved that the matter be postponed until the next meeting.

GOULD PLANS TO CO-OPERATE

Double Track Arrangement Between the Denver and Rio Grande and Midland

The recent election of C. H. Schlacks to the position of vice president of the Denver and Rio Grande road, and the fact that he has retained his position as general manager of the Colorado Midland has been followed by the story that the two roads are to be operated under a double track arrangement.

Local speculation is rife over the possibility of changes in the offices of the latter road in this city. According to advices received here by railroad men the Gould people have been figuring for some time on a means for relieving traffic over the Rio Grande and have found it in a co-operative scheme between that line and the Colorado Midland. The Colorado Midland at present cuts down 72 miles between Grand Junction and Colorado Springs and, counting the two stops of twenty minutes for meals, the train leaving Denver over the Midland for Grand Junction makes the run in one hour and twenty minutes better time than does the Denver and Rio Grande.

The Goulds own the Denver and Rio Grande and hold the controlling interest in the Colorado Midland, a fact which would have prompted them long ago to consolidate the two roads but for the prohibitive measures in the laws of Colorado, which prevent two parallel lines from being owned and operated by the same company. There is nothing, however, in the law that prevents the Goulds from holding the controlling interest in two lines. According to the information received here the plan is to send a number of the passenger trains and fast freights by way of the Colorado Midland, which will give considerable relief to operations on the Denver and Rio Grande. This scheme is said to have been the main reason for making Schlacks vice president of the Denver and Rio Grande and keeping him in his position as general manager of the other road, with the business of which he is familiar.

The announcement yesterday of the appointment by President Roosevelt of Vice President Paul Morton of the Santa Fe road to the position of Secretary of the Navy was immediately followed by speculation as to who will succeed the latter as the general director of traffic of the big railroad concern.

Among the local railroad men the opinion is unanimous that Morton will be succeeded in that company as second vice president by W. D. Biddle, the freight traffic manager of the company. It is generally believed that W. A. Bissell, assistant traffic manager, with headquarters in this city, will succeed Biddle and that Edward Chambers of Los Angeles, the present general freight agent of the Western lines of the company, will become assistant freight traffic manager. Mr. Bissell, who has been ill at his home for the last three weeks, was up and about yesterday and spent an hour at his office on Market street.

General Manager A. G. Wells of the Santa Fe company arrived from Los Angeles yesterday and is registered at the Palace Hotel. He is here on a tour of inspection.

It is common gossip in the Southern Pacific Company's offices that the next move made by President Harriman will be the changing of Chief Engineer William Hood's headquarters to Chicago. No local confirmation of the report can be obtained, although it is said that the present visit of Engineer Hood in the East has something to do with his removal to the new general headquarters of the Harriman lines in Chicago.

MARKS BROS.

CORSETS—That Fit Just Right

YOU'LL FIND YOUR SIZE.

Ask for any of our regular \$1.25 leading styles or make \$1.00 Your choice to-day.

RIBBON DAY.

At 5c TAFETTA WASH RIBBON, 2 1/2 inches wide, in any color you want, suitable for neck, belt and hair.

20c SATIN TAFETTA WASH RIBBON, 4 inches wide. 12 1/2c

25c LUSTER TAFETTA WASH RIBBON, 4 1/2 in. wide. 14c

30c LOUISINE WASH RIBBON, 5 inches wide. 19c

\$1.00 AUTO VEILS, 50c

75c SILK BELTS 15c

THE BIGGEST SNAP OF THE SEASON. They're made of Peau de Soie and Taffeta Silk, oxidized buckles front and back.

BULGARIAN COLLARS 15c kind 5c

50c HAND BAGS 25c

They're very handy, braided handles; come in black only.

RARE VALUES IN HOSIERY.

At 12c CHILDREN'S BICYCLE RIBBED HOSE, with double heel, toe and knee, an excellent wearing hose, our regular 20c value.

At 11c WOMEN'S BLACK RIBBED TOP HOSE, double sole, high spliced heel, fast back, a good 17c value.

At 25c WOMEN'S FAST BLACK COTTON HOSE, an elegant value, sells all other days for 35c.

MARKS BROS. The Home of Honest Values. 1220-22-24 MARKET STREET.

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THE ELEVENTH ANNUAL patriotic celebration under the auspices of the Swedish-American Patriotic League took place at Shell Mound Park, Berkeley, yesterday. The programme included literary exercises, dancing and games and pastimes, in which young and old participated. The exercises began at 2 o'clock in the afternoon and the celebration wound up at midnight with a grand ball.

Rev. Dr. Nelander, the orator of the day in English, was introduced by Richard Dybergh, a Swedish cheerer and enthusiast. Dr. Nelander delivered an interesting speech on the progress of the Swedish people in this country and his words were well received by the large gathering. Professor P. Olsson-Seffer of Stanford University spoke in Swedish.

The pretty Maypole dance by a number of little girls in Swedish costume was a pretty feature of the day. This dance was followed by several Swedish national dances by pretty young women and stalwart youths.

Grand Jury Indicts Two.

The United States Grand Jury yesterday indicted Alexander Gow, captain of the steamer Arab, for permitting Kaishaburo Hamada, a Japanese, to escape in November, when he knew that the man had not been properly admitted to the country.

Merlin Walsen, a cigar store keeper of this city, was indicted for destroying revenue stamps on cigar boxes and for refilling one box without destroying the stamp.

The case of W. A. Boole & Son, the ship-builders of Oakland, who were charged with working their men more than eight hours on Government work, was heard by the Grand Jury, but "no true bill" was returned.

Believes Friend Is a Suicide.

John Murphy of 423 Bush street, an employe of the printing firm of Valteau & Peterson of 410 Sansome street, telephoned to the Morgue yesterday, stating that he had received a letter from his friend, Joseph Hogan, saying that the writer was going to commit suicide. Hogan declared he had been unable to obtain work and

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JUDGE'S RULING HITS EPPINGER

Lawlor Renders a Decision Admitting Evidence of Other Illegal Actions

DEMING'S BOOK MISSING

Grain Man Collapses in the Courtroom and a Halt in Proceedings Is Enforced

Jacob Eppinger, the aged ex-grain king who is charged with obtaining money by false pretenses, almost fainted away in court yesterday afternoon during the hearing of the case. He had shown signs of increased weakness at the morning session, and as his condition grew worse Dr. Whitney was summoned. The defendant's attorneys asked for a recess that he might lie down and recuperate, but the court denied this, ruling, however, that he might leave the room for a few moments while the jurors were examining papers offered in evidence.

Judge Lawlor said further that if it appeared the condition of Mr. Eppinger was so serious as to warrant an adjournment he would have a physician summoned. After spending a few minutes in the jury-room Eppinger, supported by Dr. Whitney and his son Joe, walked back into the courtroom and was seated by an open window. He apparently heard or saw nothing that went on in the courtroom after his partial collapse. It is said he is suffering from heart failure and the ordeal of the trial is wearing him out.

CITY TO HAVE LOW TAX RATE

A Largely Increased Assessment Roll Will Cut Eight Cents From First Figure

WITHIN DOLLAR LIMIT

Reduced Levy Will Nevertheless Increase Park and Library Appropriations

The Board of Supervisors will on Monday next adopt a city tax rate that will be at least 8 cents less than that of \$1.2653, originally calculated in this levy. The reduction is a result of the increased assessment roll about to be returned by Assessor Dodge, which will aggregate nearly \$515,000,000.

In estimating the expenditures of the city government for the next fiscal year the board figured that it would be necessary to levy a tax rate of \$1.2653 on every \$100 of an estimated valuation of \$465,000,000. Included in this levy was \$1 for running expenses, 7 cents for the parks and 13.5 cents for redemption and interest fund on the new bond issue, which is now up for decision in the Supreme Court. The remainder of the total appropriations of \$7,394,836, amounting to \$1,791,000, is to be raised by licenses and from other sources.

DODGE'S WORK TELLS

The fact that the assessment roll shows an actual increase over the estimated amount of about \$50,000,000 will permit the levying of a smaller tax rate to raise the same amount of money. The sustaining of the Mayor's vetoes to the amount of \$32,200 will also effect a reduction of three-quarters of a cent in the tax rate.

One of the Supervisors said yesterday that the rate would be lower than that contemplated in the budget because the board was averse to allowing some \$400,000 to lie idle in the treasury and no appropriation can now be made of the surplus resulting from the increased assessment. The board would therefore adopt the lower rate on Monday next in consonance with the assessment as returned by Assessor Dodge.

The rate to be adopted will be approximately \$1.13. Of this 93 cents will be for running expenses, being 7 cents within the dollar limit; 7 cents for the parks, the limit allowed by the charter, and about 12.5 cents for the bond redemption and interest fund. The last two items are outside the dollar limit.

ADVERSE DECISION.

The features of the trial yesterday were the ruling of Judge Lawlor as to the admission of secondary evidence and the testimony of James Deming, formerly superintendent of the warehouse at Port Costa. The decision admitting the introduction of secondary evidence is deemed a blow to the defense.

The attorneys on both sides spent two days quoting authorities and arguing the questions involved, and Judge Lawlor yesterday morning rendered the following opinion:

Upon this objection the court is of the view that in all cases where actual and specific intent are involved (and the crime of obtaining money by false pretenses is included in that category) evidence of other transactions, both prior and subsequent in point of time to the crime charged, which tends to involve the defendant in admittance for the purpose of showing motive, purpose, intent or guilty knowledge, even where such transactions are not directly involved in the res gestae of the crime on trial, and although such transactions may represent distinct and separate crimes, when the charge and the theories of the party offering such proof, it might be legally found by the jury, from such evidence, that such transactions were related to each other, and to such a degree that the evidence of such transactions would tend to aid in the determination of the element of specific intent involved in the charge on trial.

Colonel F. E. Book, manager of the International Banking Corporation, was the first witness called yesterday. He identified a number of warehouse receipts. He had never received any grain from Eppinger & Co. and had never disposed of any warehouse receipts from them. On cross-examination by Ach he said that when he appeared at the office of the Pacific Coast Warehouse Company Josua Eppinger claimed to be the local representative of the company. The witness had made no demands for the wheat called for in the receipts until he received notice from Henry Ach of the failure of the firm.

Reginald Norris, note teler for the bank, identified a draft for \$17,000 sent him by a representative of Eppinger & Co., whose name he did not know.

BOOK STILL MISSING.

James Deming, formerly superintendent of the warehouse at Port Costa, was recalled, but little information was gathered from him. His memory was very weak on vital points. Attorney Campbell first questioned the witness regarding his missing grain book, but the witness had not yet found it.

"Have you searched for it?" was asked.

"No."

"Why not?"

"I wasn't instructed to do so."

Deming then was asked regarding the missing book and replied that entries regarding the number of lots of wheat and their disposition were made in it at the end of each month. The questioning then proceeded on the alleged offer of money for the book by the prosecution.

"Did you not show the book to Sheriff Veale?" was asked.

"No, I showed him an old one to illustrate how the accounts were kept."

"Did you not show him a book and say it called for 40,000 tons of grain, while there was not one-tenth that amount in the warehouse?" This question was objected to and the objection sustained.

Questions were then asked as to the conversation in the office of Attorney Campbell, when the alleged tender of \$100 for the book was made. The answer generally was, "I don't remember." When his memory was refreshed by a letter shown him the witness remembered that he had written to Eppinger & Co. saying he could not obtain employment in other warehouses owing to his connection with that firm.

"Did you say that you couldn't get any money, but you thought the creditors should get it for you?"

"I don't remember."

"Did you not say you had a book the creditors wanted?"

"I think Veale said so."

QUESTION OF MONEY.

When asked if there was anything said about money, the witness declared he was to get \$100 for the book and that Sheriff Veale promised him a job at \$100 a month. He did not know what the nature of the work was to be. He could not remember that Veale urged him to give up the book and have it placed in a safe deposit vault, urging that otherwise he "would lose it before the trial," but he did remember that he had lost it. When asked why he didn't give up the book, he said that he didn't see any reason why he should.

Late in the afternoon Josua Eppinger was again called for, but there was no response. It then developed that the police have as yet been un-

ALASKA EXCURSIONS SEASON 1904.

Land of the Midnight Sun. Glaciers and a thousand islands en route. Inside passage. Seasickness unknown. The palatial excursion steamer Spokane will leave Seattle 9 a. m. July 5, 1904. For information apply to Pacific Coast Steamship Co.'s Ticket Office, 400 Market St., C. D. Dunham, Gen. Passenger Agent, San Francisco.

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FEW OF MAYOR'S VETOES UPHELD

Supervisors Overrule Majority of His Refusals to Approve the Appropriations

RIDICULE HIS CHARGES

Allowance for City's Spring Valley Water Company Litigation Is Made Secure

The Supervisors yesterday forenoon took up their budget, lately returned by the Mayor and quietly overruled three of his vetoes. Fifteen members of the board were present—just the number needed to handle the executive's official objection to their proposed measures—but Alpers, Boxton, Bent, Rea and Finn stood with the Mayor and cut the re-vetoes down to ten except in the case of three items. These items were therefore the only vetoes overruled. There were appropriations of \$5000 for maintenance of minors in non-sectarian institutions; \$1475 for the payment of premiums on official bonds of public officers, and \$15,000 for the defense of the Spring Valley Water Company's suit.

In some cases the board scored the Mayor, especially when, in referring to certain vetoes, it declared that it "did not recognize the propriety of the alleged vetoes and considered them invalid and void."

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