

HUTTON SCORES IN FIRST CASE

Judge Lawlor Sustains Demurrer to the Accusation Preferred by Mary Duran SECTION INOPERATIVE

Petition for Writ of Mandamus to Compel the Mayor to Take Action Filed

Police Commissioner H. W. Hutton, "special chief of police for 1129 Dupont street," scored a point before Judge Lawlor yesterday in winning his demurrer to the accusation of Mary Duran, who seeks to remove him from office under section 772 of the Penal Code. Judge Lawlor granted the motion to dismiss. Then a petition was filed with Judge Lawlor for a writ of mandamus to compel Mayor Schmitz to forthwith appoint a successor to hold the office of Police Commissioner "heretofore occupied by Hutton, and now made vacant by virtue of section 10, article 16 of the charter, Hutton having been convicted and sentenced by Judge Cook for contempt of court in violating the injunction restraining the police from interfering with the restaurant business of Jean Pon." The petition is signed by Peter Rubino and was filed by Attorney George D. Collins. The Judge granted an alternative writ and made it returnable before himself next Tuesday morning.

In rendering his decision on the Duran accusation the Judge said, in part: "It is insisted by the complainant that to act in excess of the authority of an office is to refuse or neglect to perform the official duties pertaining to the office. This does not state a proper rule of construction. It is not to be assumed that the Legislature in adopting said section 772 intended thereby that a public officer showing diligence and acting in good faith would be liable to removal from office and pay a fine and costs by way of punishment merely because he may exhibit an undue zeal or act erroneously in the discharge of his duties. It is the duty of a public officer to interpret the provision under consideration no strained or artificial construction should be favored with the result that laudable zeal on the part of public officers should in any manner be discouraged and a premium placed on indifference to the proper claims of public duty. It is the view of the court that the accusation does not state a case within the meaning of the said section 772.

Attorney Collins took an exception to the Judge's ruling and intimated that he would apply to the Supreme Court for a writ of mandamus to compel the Judge to hear the merits of the case.

Collins has also laid the matter before the Grand Jury, under section 759 of the Penal Code, which authorizes the Grand Jury to present for removal from office any officer guilty of willful or corrupt misconduct in office. Proceedings under this section involve the finding of an indictment and the institution of the charge by the District Attorney before a jury in the Superior Court.

ADVERTISEMENTS.

BAY CITY MARKET

1132-38 Market St. 25-27-29 Turk St.
Phone South 13

SPECIALS for TO-DAY:

PRIME RIB ROAST 12 1/2c
BEEF, per lb. 8c
CHOICE ROAST BEEF, per lb. 10c and 8c
FORE-QUARTERS SPRING LAMB, per lb. 7c
HIND-QUARTERS SPRING LAMB, per lb. 10c
ROAST PORK (Corn Fed), per lb. 9c
CORNED BEEF (the Best), per lb. 6c

And All Other Meats at Cut Prices.

CHARLES STILLMAN

Bay City Market.
Telephone South 397.

In the place where you can find the choicest of creamery butter.

CHOICE CREAMERY BUTTER

Best Firkin Butter, at 25c lb
CHOICEST OF EGGS—Good, fresh Eggs at 30c doz
Choicest California, Eastern, Swiss and Limburger Cheese. Pure Vermont Maple Sugar and Syrup.

Free delivery to all parts of the city.



Singing the Praise

Of our laundry work is a "grand, sweet song" in which you'll add your voice to swell the chorus once you have your bundle returned by us.

Sing out by phone South 420, by mail or personally and we'll call when and where you say. No saw edges.

UNITED STATES LAUNDRY,

1004 MARKET STREET.
Telephone South 420.

BAJA CALIFORNIA Damiana Bitters

IS A GREAT RESTORATIVE, INVIGORATING AND NUTRITIVE.
The most wonderful aphrodisiac and Special Tonic for the Sexual Organs, for both sexes. The Mexican Remedy for Diseases of the Kidneys and Bladder. Sells on its own merits. S. BAKER, ADAMS & BRUNE, Agents for 225 Market St., S. F.—(Send for Circulars.)

CHILD WILL SING

Gertrude Fleming to Appear at Steinway Hall.



CLEVER LITTLE GIRL WHO WILL SING AND PLAY WORKS OF THE MASTERS.

Gertrude Fleming, a San Francisco girl, who is only 11 years of age and who has a soprano voice that ranges to high E, and is also an accomplished pianist, will give a concert at Steinway Hall next Tuesday evening at the request of many friends. Her pianistic numbers will include works of Beethoven, Bach, Chopin, Mendelssohn, Schumann and other classical composers. She will sing Gounod's "Au Printemps," Pissuti's "The Last Watch" and the beautiful Bach-Gounod "Ave Maria," with a violin obligato by Charles Foley.

WHEREABOUTS OF MISSING GIRL IS STILL UNSOLVED

Dr. Petrie Hoyle Can Throw No Light on Disappearance of Miss Bertha Ebert.

The mystery surrounding the disappearance of Miss Bertha Ebert still remains unsolved. Dr. Petrie Hoyle, who is referred to in the telegram sent to the missing girl by her sister, Sophie Ebert, from Bay City, Mich., can throw but little light upon the subject. He says he is the manager and resident physician of the Occidental Medicine Company, with offices in the Starr King building. He states that Miss Ebert began working for them early in June. She left their employ on October 4, giving as a reason that she was offered a better position. That was the last they heard of her.

Dr. Hoyle scouts the idea of suicide.

He says that when she left their employ she had \$50. As to her whereabouts he was absolutely at a loss to offer any solution. Further than that he knew nothing.

Dress Suit Cases and Bags.

We don't sell all the best suit cases and bags, but all the suit cases and bags we do sell are the best; same with trunks, pocketbooks and wrist bags; all lettered in gold free of charge. Sanborn, Vail & Co.

Prisoners Are Sentenced.

Three prisoners were sentenced by Judge Cook yesterday. Noah Warwick, a soldier, convicted of assault with a deadly weapon for stabbing George H. Woodward on July 14 was sentenced to pay a fine of \$350 with the alternative of six months in the County Jail. A. R. Bratton, a soldier, who pleaded guilty to forging the name of Horace T. Rutherford, a comrade, to a check for \$25, was sentenced to serve three years in San Quentin. Walter Jenkins, convicted of assault to rob committed upon Young Sing, a Chinese, in Union Square Park on July 17 was sentenced to serve ten years in Folsom penitentiary. Judge Lawlor sentenced Jules Le Mai, a sailor, convicted of stabbing Francois Cochard at 17 Jackson street on August 14 to serve twenty-two months in the County Jail.

When your liver is inactive, when you are dull and drowsy by day and restless at night, take Lash's Bitters.

BENEFIT FOR ST. VINCENT'S SCHOOL.

The Alhambra Theatre will be the scene of a grand vaudeville entertainment on Wednesday evening, November 18, to be given under the auspices of St. Vincent's Alumnae. Excellent professional talent has been engaged for the benefit of St. Vincent's School, which is conducted by the Sisters of Charity. Tickets for sale by Benjamin Curtiss & Son, 16 O'Farrell street.

"Adams" IRISH MOSS COUGH BALSAM

HELPS FROM THE FIRST DOSE.

IRISH MOSS COUGH BALSAM

PRESCRIBED BY THE BEST PHYSICIANS FOR

Coughs, Colds, Whooping Cough, Bronchitis, Croup in Children, and All Throat and Lung Troubles

Try a bottle to-day; don't wait till the doctor says "CONSUMPTION."

25c; 50c at ALL DRUGGISTS

CURES IN A DAY

DISCORD INVADES APARTMENT HOUSE

War of Women Inmates Aired in the Police Court.

Holding up a rosy-cheeked, thumb-chewing infant for Police Judge Mogan's inspection, Mrs. Mary Davis, a buxom German matron, proudly announced that it was the youngest of six, the others being equally clean and healthy. Then, encouraged by his Honor's approving smile, she proceeded to proclaim her opinion that a greater outrage than her arrest for disturbing the peace of Mrs. Lizzie Gorman had seldom or never been perpetrated, as she could prove if the court would give her the opportunity to do so.

"Mid did kid und fin oders ter vash und dress und mend for und shpauk," Mrs. Davis said, "I heft'n der dime ter fight mid mine neighbors. Ain'd dot so?"

His Honor diplomatically sidestepped the query by instructing Mrs. Gorman to state her complaint.

With commendable directness Mrs. Gorman complied. It was her misfortune, she averred, to live in the same apartment-house, 432 1/2 Sixth street, with Mrs. Davis and several other ladies. If it were not for the conduct of Mrs. Davis a more desirable dwelling place could not exist, for all the other ladies were remarkably amiable. Mrs. Davis, however, had done to herself to make their home life as unpleasant as she could. It was true that since she was arrested on the charge of killing a lady by striking her on the head with a heavy lamp Mrs. Davis had not been so highly esteemed as she was previous to that occurrence and it was also true that her removal from the house would be hailed as a blessed relief by those left behind her. Perhaps the fact that Mrs. Davis was promptly acquitted of the aforementioned charge might have impelled her neighbors to treat her less frigidly and probably they would do so if she were not so snobbish. However, no treatment that Mrs. Davis could receive from her neighbors would justify the retaliation in which she had indulged. All that Mrs. Gorman had done to incur Mrs. Davis' enmity was to simply ignore her, yet Mrs. Davis deliberately sprinkled with dirty water the clean linen that Mrs. Gorman had hung out to dry. No, the term "murderess" had never been applied to Mrs. Davis, either directly or indirectly, by Mrs. Gorman. Other ladies in the house might have so addressed her, but Mrs. Gorman—never!

In reply to a judicial inquiry Mrs. Davis said she was not in love with her present place of residence and would have changed it long ago if she had not imagined that such a step would have conveyed gratification to the feminine combine that was systematically endeavoring to compel her removal. If that had occurred, however, she would leave the house as soon as she could find another one equally suited to her family's requirements, but she did not propose to have her offspring subjected to any physical discomforts by such a change.

The Judge thought it would really be better for the youngsters if they were transferred to a more congenial environment and then he gave Mrs. Davis a week in which to find a new home.

Frank Snowden and William Schemilfinc, 16-year-old boys whom the police classified as "wharf rats," were caught in the act of plundering a drunken man who had fallen asleep in a water front hallway, and an account of their youth Judge Gorman advised them to leave the house as soon as they could find another one equally suited to her family's requirements, but she did not propose to have her offspring subjected to any physical discomforts by such a change.

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Emile Ravezzini and Otto Musatti, 12-year-olds, were arrested at 9:30 o'clock Thursday evening as they lay upon the roof of 524 Green street and with an air gun popped bullets through the windows of 533 Green street. The occupant of No. 533, an Italian gentleman, had squirted seltzer water on the boys while they were playing at his doorway, and it was to "get even" that they perforated his windows. Judge Mogan will sentence them for disturbing the peace.

John Johnson, able seaman, has been two months without a ship, and during that period his sober hours have been a minority. One of his drunken pranks was to ring the doorbell of the Sailors' Home and then run away, and it was for this offense that he was arrested last Thursday night by Patrolman Sandman and charged with vagrancy. Sentence postponed.

Bradford D. Schell, a furniture dealer, was intoxicated when he appeared for trial before Judge Mogan on the charge of having disturbed the peace of his wife and her sister, Mrs. Charles White, and his Honor instructed the bailiff to take him into custody for drunkenness in a public place. The defendant's wife testified he made her life so miserable that she left him and instituted proceedings for divorce, and that since then he had occasionally visited the home of her brother-in-law, 1216 Mission street, and bullied and threatened her. He will be sentenced to-day for both offenses.

Frank Ariola, employed by the Western Fish Company, was convicted of having offered for sale a silver bass which did not exceed a quarter of a pound weight, whereas the legal minimum is three pounds. After the defendant had tried to explain how great fishes shrink after they have been subjected to atmospheric influence he was fined \$50.

Mary Kenny had been forcibly ejected from three different wet goods emporiums ere she was arrested at Fifth and Mission streets by Patrolman J. L. Murphy and her plea before Judge

Mogan was ingenious, but unsuccessful. "I am troubled with heart weakness," she said, "and my physician instructed me to stimulate the action of the affected organ by drinking whisky whenever I felt an attack coming on. That's how I happened to beg a drink in those three saloons."

Then the policeman testified that the defendant was an old offender and was intoxicated when he arrested her. The Judge sentenced her to three months' imprisonment.

A similar term of imprisonment was prescribed for Ella Magreany, middle-aged and tattered, who ran away from Patrolman Nelson when he attempted to arrest her for vagrancy on lower Jackson street. So swiftly did she sprint that the officer, who is something of a track athlete, was about to relinquish his pursuit as hopeless when she indiscreetly booted into a restaurant that happened to have no rear exit. She was found concealed in the kitchen.

Mrs. Nellie Kelly and Mrs. Julia McCarthy, sisters, denied that they disturbed the peace of their neighbors, Mr. and Mrs. Augusto Mendino of 32 Pixley avenue. The defendants were attired in severe black and so modest was their demeanor as they stood before Judge Mogan that it was difficult to believe them guilty as charged by the complainants. Mr. Mendino averred that the sisters frequently got drunk and while in that condition amused themselves by berating Mrs. Mendino, calling her a "dirty dog" and other names even more insulting. Mrs. Mendino would probably have testified to the same effect if she had been able to speak English or if there had been an interpreter to translate her testimony. As the defendants stoutly pleaded innocence of any offense and emphatically promised to abstain from offending the Mendinos in future they were discharged from custody.

Joe Mulhatton, who was arrested for stealing a tattered coat and leaving his own worthless garment in its place, was discharged by Judge Mogan. The man's conduct indicated insanity, but the Lunacy Commissioners declined to examine him because no formal complaint had been filed with them. Friends of the unfortunate fellow will send him to relatives in Washington, D. C.

Trachoma is granulated Eyelids. Murine Eye Remedy cures this and other Eye troubles, makes weak Eyes strong.

SUES FOR DAMAGES.—Henry Van Erkelens yesterday sued Charles A. Blume for \$15,000 damages for injuries alleged to have been sustained on September 8 while the plaintiff was placing metal girders on the sixth floor of a new building on Sixth street, near Market. A rope broke, causing Van Erkelens to fall to the fourth floor. His left leg was fractured and he was otherwise injured.

MARKS BROS.

MONEY SAVING SPECIALS

FOR TO-DAY

- Walrus Bags \$1.25
- Lisle and Wool Vests 73c
- Cape Collars 34c
- Lace Stocks 17c
- Velvet Belts 50c
- Fancy Ribbon 5c
- Taffeta Ribbon 10c
- Luster Taffeta Ribbon 15c
- Auto Veils 50c
- Drape Veils 25c
- Women's Hose 17c

Send in your name and we'll Mail Free our Fall and Winter Mail Order Book.

MARKSBROS.

The Home of Honest Values
1220-1224 Market Street.

The Wooltex Sun Is Rising Higher

To-day. Its circle of influence is greatly widened. It will spread the warmth of style and economy into scores of new homes, where girls are wanting new winter coats and women are thinking of heavier walking skirts.

The "Wooltex" Coats For Girls Are Supreme

Perfect in material, in tailoring, in style. They're made from heavy wool material, that is guaranteed all wool, made on graceful, girlish lines that individualize every garment. Perfectly cut, perfectly tailored, with every seam bound, with an extra cape on every coat to insure extra warmth.

Besides, they cost no more than you have been in the habit of paying for coats that were no nearer than "next-best."

You want to get the little girl a coat she will be happy in, one that will fit and stay fit, no matter how roughly she wears it. You want to get her a coat better than you have ever gotten her before if you can get it without paying more for it. You want to get her a Wooltex coat. If we could just spread out a few of the coats here they would mean more to you than all we can say. We know you will be glad to see this splendid demonstration we are making on the second floor to-day.

But note the style of the Coat in the Picture, \$7.50

Wooltex Coat at \$10.00

Long coat of dark mixed Scotch cheviot, double-breasted, inverted plait down the back, with strapped belt, tailor sleeves, collar of dark red velvet trimmed with four rows of soutache braid; sizes 6, 8, 10, 12 and 14 years. \$10.00.

The Wooltex Skirts for Women

Well new skirts that are man tailored, that fit and hang as tho they were made to your measure. This one in the picture is a Skirt at \$5.00

In mixed gray: a suggestion of the flare; a convenient walking length, strapped at the hips with tucked side panels.

At \$7.50—A broadcloth skirt, in black or brown. Some Oxford mixtures, plaited panel, strapped hips. Plafts fall loosely at the bottom.

"Oh! Fudge!" Chocolate Fudge 2 lbs for 25c

That's the good candy news for Saturday.

It's the candy you want to have in the house for Sunday. Made especially for Hale's and especially for you. Pure, good and wholesome. 20c lb. regularly. To-day 2 lbs for 25c.

10c and—

You will be interested to see how much it will buy.

In Toilet Helps To-Day.

- 10c for 1/4 lb. of Exolium—It's like vaseline.
- 10c for 3 cakes Toilet Soap—Pure and clean.
- 10c for Tooth Brush—Lots of bristles, the kind that stay in.
- 10c for a Chamox Skin—Soft, good-sized.

Last Day to See Galatea—the Statue

That turns into a beautiful living woman. It will be shown for the last time this morning from 10 to 12; this afternoon from 2 until 4:30. Fourth floor. Bring the children to see it. No charges for admission.

Two New Ribbons Two Extra Values To-Day.

At 9c yard—A No. 40, 3/4-inch plain taffeta.

The ribbon you want for pretty bows or neck ribbons; all wanted colors.

At 11c yard—A No. 80, 4-inch plain taffeta.

In white, blue, cream, pink, cardinal, light blue, green and other colors.

And we will tie them for you—in any way you want—free.

Umbrellas at Hale's. Splendid covers we've had put on sample; handles of ivory, pearl, silver. At average half price.

Market Street, Near Sixth, S. F.

PERSONAL.

C. D. Daly, a merchant of Eureka, is at the Grand.

Captain W. T. Forman of Colusa is at the Grand.

Dr. Plumb Brown of Springfield, Mass., is at the Palace.

Dr. and Mrs. M. S. Ayres of New York are at the St. Francis.

H. D. Langille of Washington, D. C., arrived at the Grand yesterday.

C. E. Horton, proprietor of a hotel at Loyaltown, is at the Grand.

Robert Hayes Smith and I. L. Bryner, Coalings oil men, are at the Grand.

R. H. Rickey of Carson City, who is interested in Nevada mining, is registered at the Palace.

Colonel A. B. Hotchkiss, a Los Angeles attorney, is among the latest arrivals at the Grand.

Leopold Wallack, a New York lawyer, and his wife arrived yesterday from the East and are at the St. Francis.

Richard C. Jones, the well known lumber merchant, leaves next week for an extended trip through the Eastern States.

Hervey Lindley, formerly of Los Angeles but now operating a railroad and lumber mill on the Klamath River, is at the Palace.

Murray M. Harris, formerly engaged in the manufacture of organs in Los Angeles and now devoting his attention to mining, is at the Grand.

Keith Spalding, son of the famous sporting goods manufacturer and baseball magnate, arrived at the St. Francis yesterday from San Diego, where he is now living.

M. S. Mullen, assistant manager of the Palace, and his wife and grandson leave to-day for the East, where they expect to remain for a month. Their plans include a visit to the St. Louis Exposition, Boston, New York and other large cities. On their homeward journey they will stop over at the Grand Canyon.

Californians in Washington.

WASHINGTON, Oct. 14.—The following Californians arrived here to-day:

At the Raleigh—William H. Vincent of San Francisco, A. McMillen and wife of Oakland, F. S. Montgomery and wife of San Jose and M. Nichol of Samoa, Cal. At the National—McKee Sherrard and Hamilton Murdoch of San Francisco. At the New Willard—Mr. and Mrs. Robert Greer, Henry Kowalsky, Mr. and Mrs. S. M. Marx, August H. Muller and wife, Charles J. Hegerty and wife, Mrs. George A. Knight, Lyman D. Foster, wife and son; Howard C. Homer and wife, Mrs. Caroline Huffman, George W. Hooper and wife, Mrs. H. L. Van Bergess, C. S. Wright and Frank M. Hall of San Francisco.

Californians in New York.

NEW YORK, Oct. 14.—The following Californians arrived here to-day:

From Francisco—E. E. Horne, H. B. Larzelere, A. Mayer and J. C. Ryan at the Hotel Imperial, A. H. Merritt at the Hotel Victoria, M. L. Pancoast and wife at the Grand Union, M. W. Rosenhine at the Hoffman, Miss Tibbets at the St. Denis, W. Cohen at the Herald Square, Mrs. R. E. Dargee at the Murray Hill, Miss J. B. Hayes, Mrs. H. A. Hogan and Miss M. Hogan at the Hotel Bristol, Dr. C. A. Nahl at the Marlborough, Colonel J. Stevenson and wife at the Bristol, Mrs. E. L. Baker at the Earlington, W. C. Foy, J. W. Schouten and H. Taylor at the Broadway Central, J. D. French and

ADVERTISEMENTS.

"Just as Good" Grocers

A grocer's integrity is reflected in his stock. If he is the creature of the unprincipled manufacturer, his goods are cheap imitations of better ones, which he sells under the false representation of "just as good." No conscientious grocer will tell a customer that the cheap imitations of D. Ghirardelli's Chocolates and Coconos are just as good as the genuine. He knows that if they were of the high quality of the original he could not receive the greater profit. He realizes that the success of these preparations depends on the unprincipled small dealer who will not scruple to hoodwink his customers for the sake of a few cents. A good grocer scorns deceit; he has built up his business by handling quality goods. The cheap imitations of the D. Ghirardelli's Chocolates and Coconos have no place in the good grocer's stock.

Insist on getting the original and genuine D. Ghirardelli's Chocolate and Cocoa. All others are imitations.