SUPREME COURT RESTRAINS COMMISSIONERS FROM TAMPERING WITH BALLOTS

Every graft-despising and law-respecting citizen of San Francisco entertains the hope and belief that the Supreme Court of California, appealed to at Los Angeles yesterday by counsel for the Republican and Democratic parties, will compel the lawless Board of Election Commissioners of this city to respect the law. The court yesterday issued a writ of mandate, returnable next Thursday, restraining the Commissioners from placing Schmitz's name on the official ballot as the nominee for Mayor of Independent Republicans and nominee of Independent Democrats. The Board of Commissioners last night directed that such designation should be made on the ballot.

PARTRIDGE PROPOSES TO SPEAK IN EVERY DISTRICT OF CITY

SUPREME COURT GRANTS RESTRAINING ORDER.

Names of Alleged Independents May Not Be Allowed on the Ticket.

Commissioners to Show Cause Why Permanent Writ Should Not Issue.

The law-defying Board of Election Commissioners of San Francisco last night directed that the nominees of the Union Labor party, headed by Eugene E. Schmitz for Mayor, should be placed on the official ballot as the nominees of the Independent Republican convention and also as the nominees of the Independent Democratic convention. This high-handed violation of law and right was anticipated by the leaders of the fusion campaign committee.

In line with that anticipation, E. F. Treadwell, attorney, representing the Republican and Democratic parties, went to Los Angeles Thursday evening and yesterday petitioned the Supreme Court for a writ to restrain the board from committing the unlawful act. The writ was granted by the court and made returnable in this city next Thursday.

Word comes from the City Hall that the Commissioners are swearing in as officers of precinct boards of election only such men as the gangsters recommend. Lists containing names of capable and eligible men recommended by the Republican and Democratic organizations have been cast aside and ignored.

LOS ANGELES, Oct. 20.—The Supreme Court of California took a hand in the San Francisco municipal campaign today and upon the final result of proceedings instituted by San Francisco attorneys will depend the fate of at least two of the tickets now in the field. The action of the court thus far is only preliminary and is, so far as the final result is concerned, not at all indicative of what the final action of the court may be.

Attorney Treadwell appeared before the Supreme Court this afternoon and made formal application for a writ restraining the Election Commissioners of San Francisco from putting the names of the so-called Independent Republican and Independent Democratic candidates on the ticket to be voted at the municipal election. There was no argument. The attorney simply filed the formal application in which it is set forth that the Election Commissioners are about to place those names on the ticket and that such proceeding would be illegal and for the purpose of preventing a full and free expression by the voters at the polls. Other allegations of similar import are made, the petition closing with a plea that said Election Commissioners be restrained from taking the contemplated action.

The matter was not contested and the court, after a cursory examination of the papers, announced that an alternative writ would issue, returnable in San Francisco Thursday, October 26.

Justices McFarland and Lorigan were asked to-night upon what grounds the writ was petitioned for. Replying for both, Justice McFarland said:

"The members of the court did not examine into the matter at all. We do not know who the Independent Republicans or Independent Democrats are and did not inquire, although some of us had a natural curiosity to know just what turn was to be taken in the San Francisco municipal fight. We will hear the case on Thursday next and not until then will it be possible for us to know much about it."

Attorney Treadwell left on the Owl at 5 o'clock for San Francisco.

GET PLACES ON BALLOT.

The Ruef Board of Election Commissioners decided last night to admit the Independent Republican and Democratic parties to a place on the ballot. This proceeding was hurriedly put through by the board to forestall the writ of prohibition granted by the Supreme Court of the State. The commissioners, especially Voorsanger and Leffingwell, could not refrain from showing their spite against Perry Newberry, representative of the Republican League. The pair were loud in their denunciation of the independent press.

In placing the so-called Independent Republican and Democratic tickets upon the ballot the board acted in nervous haste. As soon as the minutes of the previous meeting were rattled off President Devoto said:

"I understand that the Independent Republican and Democratic parties have petitions signed by more than three per cent of the voters of the city and county and therefore are entitled to be placed on the ballot. I have heard that the Supreme Court has issued an alternative writ of mandate returnable at 10 o'clock next Thursday, but we have not been officially notified of the fact.

"I move that the petitions of the Independent Republican and Democratic parties be filed and given a place on the ballot," said Commissioner Leffingwell.

"I believe that they have been made within the requirement of the law," interposed Devoto. "The words Independent Republican and Independent Democratic are not likely to mislead voters, as has been alleged. In reference to the other proposition advanced by Attorney Treadwell I will say that three per cent of the voters having signed the petition that his motion is overruled."

It was then suggested that it would "be more regular" to vote on the different parties separately. Commissioner Leffingwell moved first that the Independent Republicans be placed upon the ballot and immediately afterward that the independent Democrats also be given a place. Both motions were quickly seconded and carried by Ruef's board.

During the investigation of the case of Jacob Charles Dunbach, charged with being fraudulently registered, Commissioner Devoto openly declared himself an enemy of civil service. "Blame the civil service clerks for the mistake," he said. "There have been frequent complaints against the civil service clerks."

A warrant had been sworn to against Dunbach charging him with fraudulent registration. Dunbach declared that he had been living at 1847 Lombard street for over two months. He was entered on the register as residing at 1817 Lombard street.

Commissioner Leffingwell asked Newberry in an insolent manner if he cared to apologize to Dunbach. Newberry retorted: "It is the mistage of one of your clerks. I am not responsible."

This reply brought forth the bitter denunciation of civil service from Commissioner Devoto, president of the board.

J. T. Maloney of 837 Mission street also declared that he had gained a residence in the district in which he was registered. "This is some more rotten politics on the part of the Republican League," declared Leffingwell. "This is some more of the work of the official persecutor."

A crowd of rusty looking applicants for positions as election officers smiled at Leffingwell's sally and the faithful agent of Ruef looked pleased with himself. All through the meeting Leffingwell and Devoto attempted in a weak and fatuous way to roast the Republican League and to annoy Mr. Newberry. Their efforts were seconded by the hungry looking applicants.

When Mahoney's case was called the facetous Leffingwell asked his landlord, J. Fisler, if Mahoney was a stuffer.

"For why is a stuffer?" asked Mr. Fisler blankly. "I don't know vas is a stuffer."

Frank C. Jordan, local agent for the United States Standard Voting Machine, declared that it would be impossible to tamper with the machines. Jordan said that the general agent of the company was on the way from the East. On his arrival a public demonstration will be given to prove that the machines cannot be doctored.

"I understand that you have a standing offer of $1000 for anybody who can manipulate one of the machines," said Commissioner Leffingwell. "Is that so?"

"I don't know where I could raise the $1000, though," said Jordan.

Jordan was also very bitter in his denunciation of the newspapers.

Attorney A. S. Newburgh, one of Ruef's retainers, was at the meeting as the representative of the Independent Republican party. He was referred to frequently on law points by the Ruef commission.

Attorney Keough, representing wholesale liquor dealers who are interested in defeating the high license ordinance, tried to find out whether the commissioners would have the words "Yes" and "No" or "For" and "Against" the license on the ballot. Keough orated for nearly half an hour. The commissioners became perplexed and put the matter over until next Tuesday.

I. W. Hellman Jr., who was cited to appear to show cause why he did not serve as an election officer when summoned, declared that he was at Lake Tahoe for his health when the notice was served upon him. He declared that he had no desire to show contempt. The case was dismissed.

The case of Laurance Scott was continued until the next meeting.

CLAIMS AGENT HELD HER BABE

Mrs. William Gillman reported to the police last night that her tiny baby was being held in a Post-street lodging-house for the non-payment of a $50 installment on the purchase price of the place and that the owners refused to give up the child until the money was paid. Officer William Isaacs accompanied the woman to the address, 242 Post street, and there he regained the babe, which was readily passed out through the window.

Mrs. Gillman asserts that she had recently purchased the lodging-house and that she was to take possession yesterday. She says that she had paid $500 cash and was to pay the rest in installments of $50 per month. Yesterday was the day that she was to pay one installment and take possession. She came to the place, she alleges, but could not pay the money.

She asserts that F. J. Spaulding, a local real estate man, refused to give her possession and that he held her child. Frantically she rushed to the police to have both possession and the babe given her.

Mrs. Gillman asserts that she was deceived in the transaction. She says that furniture was taken out and fake roomers were introduced to her. She asserts that she will swear out a warrant to-day charging Spaulding with felony and obtaining money under false pretenses.

DEATH'S CALL IS ANSWERED BY MERCHANT

CHICAGO, Oct. 20.—Harmon Spruance died last Monday at his residence, 2400 South Park avenue, Chicago. Harmon Spruance was one of the oldest and best known business men in Chicago, coming there in 1861. He was born in Weston, Pa., on August 17, 1832. His parents and their family of eight children emigrated to the West in 1833 and made their home in Green County, near Carrollton, Ill., and he received his education at McKendrie College, Lebanon, Ill.

He was the son of Benjamin Spruance and brother of John and James Spruance and Mrs. John Caldwell of Alton and William Spruance of Colorado. At the death of his brother, Samuel, he succeeded to his business of grain and commission merchants of Alton and was harbor master for several years.

He leaves a widow and five children. The children are L. J. C. Spruance of Los Angeles, Mrs. Edward P. Bailey, Miss Eugenia Spruance and Miss Harmon Spruance of Chicago and Mrs. Edwin G. Ogden of New York.

SCHMITZ LOSING GROUND IN THE THIRTY-THIRD

TWO MEETINGS AID FUSION

Ticket Gains Supporters at Bernal Heights and at Ocean View.

One of the most significant meetings of the campaign was held last night at Wackenruder's Hall on Bernal Heights in the Thirty-third district. The building was crowded to the doors with voters eager to listen to John S. Partridge. Never before in the two Schmitz campaigns have leaders of the opposition force been able to gather an audience in that section of the district, as it is proverbial that the "gang" is well able to break up any meeting. Last night the tradition was shattered and as a fitting climax to the cheers and greetings of the crowd, Mr. Partridge was detained on the platform several minutes by voters who crowded about him to shake his hand.

Partridge, whose home district, the Thirty-first, once embraced that section of the Thirty-third, was greeted frequently by the name of John from different portions of the house. He opened his speech with a reference to his association in the Thirty-third and told them of the outrages and attacks made on him at Garibaldi Hall. He complimented the police of the district on the efficient order maintained and denounced as a lie that he was going to deprive the force of its holidays. He spoke in part as follows:

The people of this district are to be congratulated upon its remarkable growth. The improvement here has been of the healthiest kind—the building of numerous small homes by persons who own or are paying for their own land. Naturally, you are all interested in improvements, the building of new schools, the betterment of the streets and sewer system, more and better lights, and improved transportation facilities. The issue of this campaign—in which you are most interested—aside from the hatred for graft and dishonesty which I know you must all feel—is the failure to sell the bonds, which is directly traceable to distrust of the present administration. Bonds to the amount of over $17,000,000 have been voted, of which $7,250,000 is for sewers, $3,595,000 for schools and $1,621,000 for streets. This money should have been available a long time ago. The street work should be all under way long before this. The sewer system should be in course of construction. But these bonds cannot be sold because financiers are afraid of the administration. Some of the school bonds have been sold, but the school houses have not been constructed.

Now there is no doubt in the world that with a decent administration financiers would readily purchase these bonds. Then this immense sum of money would be expected, the city would be improved, property values would go up, and an immense number of laboring men would be employed. Carpenters, bricklayers, housesmiths, lathers and plasterers, in fact every kind of labor would find profitable employment.

But even if the bonds are sold, experience has shown that the present administration cannot be trusted to expend the money properly. It is a favorite trick of corrupt politicians, when large public improvements are to be made, to form contracting companies, and divert the major portion of the money into their own purses.

I tell you, the only labor issue in this campaign is whether the money from the bonds shall go into the pockets of the workingmen or into the bank account of the grafters.

Prior to Mr. Partridge's arrival Henry U. Bandenstein addressed the meeting and told some truths about Ruef and his administration. He also read his denial of the false charges made recently by P. H. McCarthy, as follows:

A malicious lie about me that has been circulated industriously during this campaign can be checked only in one way, and that is by the presentation of the facts out of which the charge arises.

An application was made to the Finance Committee of the Board of Supervisors about a year ago by representatives of the American Federation of Labor to light the City Hall done for five nights during the session of that federation in this city, and to erect decorative flag poles on Market street.

It was believed at the time that these flags were in the possession of the Board of Public Works, and that they were sufficient in number for the purpose intended. Such flags as the city owned were placed upon the poles by the executive department, either the Board of Public Works or the Department of Electricity. All this was done in consultation with Mr. Casey, who appeared at the time before the Finance Committee, representing the American Federation of Labor.

It was subsequently discovered that the city did not own as many flags as was believed—the flags thought to be in possession of the city could not be located. No appropriation had been made for the purchase of additional flags, and no application was ever made to the Board of Supervisors or the Finance Committee for such appropriation. An application was recently made for the purchase of flags to decorate the flag poles during the last Labor day celebration, and the Finance Committee, acting upon that application, made a specific appropriation for the purchase of those flags.

The statement of Mr. McCarthy that "the few dollars it would cost to put the flags on the poles, Mr. Brandenstein * * * refused to allow, for forsooth, Mr. George told him he did not want it done" is founded on nothing but the imagination of Mr. McCarthy.

These are the actual facts of the case, which are presented to the public in justice to the other members of the Finance Committee, and to myself.

The presiding officer of the evening was T. R. Huling. Among the first speakers introduced by him were Fred N. Bent, O. C. Pratt, Percy V. Long, Ed. R. Rock and Oscar Hocks.

Second only to Partridge in the warmth of welcome was Peter J. Curtis, candidate for re-election as Sheriff. Curtis told of the importance and irksome duties pertaining to the Sheriff's office and said that it gave but little opportunity to make friends. He added that he had already been tried and found loyal and promised that if re-elected he would do his duty and treat all alike. Curtis left the hall before the meeting ended and was cheered as he passed down the aisle.

WOLF'S HALL CROWDED.

Voters of Thirty-Third District Greet Partridge at Ocean View.

The only fault with the meeting last night at Wolf's Hall in the Thirty-third District at Ocean View was that the hall was not large enough to hold the residents of the district who gathered to hear John S. Partridge.

The presiding officer of the meeting was Louis Ferrari. He reviewed the reason for casting aside of all party favoritism for the welfare of the city and said the issue of the campaign was honest men against corruption in public life. He referred to the actions of the present administration as an insult to labor and pointed out the absence of labor men on the Ruef ticket.

Percy V. Long, the candidate for City Attorney, reviewed the history of the bond issues and the failure of the administration to put idle money to use in bettering the city. He compared the slow progress of San Francisco during the last two years with other cities of the Pacific Coast and deplored the action of the various departments in obeying Ruef's orders instead of protecting the interests of the people. In closing he referred to the rowdyism at the recent conventions and at the fusion meeting at Garibaldi Hall Thursday night.

When John S. Partridge entered the hall he was warmly greeted and spoke in part as follows:

You have doubtless all read in the papers the account of Dr. Dillon's speech in Pioneer Hall. How he told that when he was Health Officer under the present administration he saw a quantity of beef infected with the dread disease consumption. How he tried to stop the sale of this meat, and was not permitted to do so by the employes of the administration. I want to call your attention to the fact that when the present Board of Health took office in January, 1903, they abolished the department of food inspection because the employes of that department were under civil service.

Now I want to repeat to you what I said last night, that the health and lives of the people must not be trifled with any longer. We must have an absolutely fair and unbiased Board of Health, a board which will be absolutely above suspicion, that will be free from any political affiliations whatsoever, that will make appointments only in accordance with the civil service provisions of the charter, and will see to it that these employes do their duty fairly and honestly.

The spoils system is evil anywhere, but in the Board of Health it does the devil's work.

This department of the government can only be made what it should be by physicians of the very highest type. I repeat again, that if I am elected I shall invite into consultation the leading physicians of San Francisco and make the appointments absolutely under their advice.

It is an evil thing indeed that the Board of Health should be the most active and persistent in its assaults upon the civil service. We thought, when the new charter was adopted, that we had done away with the spoils system forever. But it was a vain hope. Without an efficient civil service how can we ever hope to make a success of municipal ownership? When the civil service employes of the Board of Health were discharged they were told "it's a turn of the political wheel."

Supposing the Geary-street road is actually built and conductors and motormen employed. Are they to be told, whenever the administration changes, "It's a turn of the political wheel"? I tell you no public utility can be carried on with any hope of success unless the employes are sure of their positions during good behavior. The present administration has bent every energy to destroying civil service. If I am elected, I promise you, I shall be just as active in unholding it.

The other speakers of the evening were Ed H. Rock, Oscar Hocks, Peter J. Curtis and Henry U. Brandenstein.

KILLS WOMAN, THEN DIES BY OWN HAND

Shortly before midnight a double tragedy occurred in the rear apartment of a house at 336 Eddy street in which Mrs. Lillian Nessler, otherwise known as Lillian Daly, was shot and killed by George Lee, a laborer, who afterward took his own life. One woman witnessed the murder and suicide, but she disappeared a moment after the shots were fired and the police have thus far been unable to ascertain what caused the trouble.

Mrs. Nessler had been living at the Eddy street address for the past month. When she first came to the premises she gave the name of Daly and was accompanied by Miss Daisy Newhard, who now resides at 239 Page street. The two women frequented several resorts about town and it was due to this fact that she was identified. Mrs. Nessler hesitated about becoming acquainted with the other occupants of the house, and beyond the fact that she often entertained strangers nothing was known of her. Last night Lee entered unseen by the other roomers.

Just what trouble occurred cannot be told, but it was nearly midnight when three shots were heard and a woman, known as Mrs. Price, who had been caring for her during a recent illness, rushed from the rear of the house exclaiming: "My God! My girl is shot." When Policemen Flynn and Thompson and Detective Ray Silva entered the place Mrs. Nessler was found dead on a lounge with two bullet holes in her head, and Lee lay on the floor, the revolver still in his grasp and blood gushing from a wound in the head. Lee had been living with the woman for about one week.

Mrs. Nessler evidently feared the man who shot her. Several days ago she left a note pinned to the door requesting Miss Newhard to knock three times when she should call, that she might know who desired to see her.

Mrs. Nessler was separated from her husband, Fred Nessler, some time ago. The latter was badly injured in an elevator accident at 520 Stockton street on December 13 of last year. Recently the woman worked in the labeling department of Langley & Co., wholesale druggists.

INHUMAN CAPTAIN LOSES HIS GOVERNMENT LICENSE

Would Not Stop Boat to Rescue Drowning Sailor, Who Dies.

CHICAGO, Oct. 20.—Because he did not stop his boat to rescue a sailor who had fallen into the lake, the Government license of Captain Frank W. Swails of the steamer Iroquois was suspended yesterday for six months by Government steamboat inspectors.

The testimony showed that October 6 John McHughes, a sailor, fell from the ship as it was leaving Chicago and that, although the captain knew the man was overboard, he did not stop. Captain Swails said that he had seen the lifesaving boat start for the man and that he supposed it would pick him up. McHughes, however, drowned before the lifesavers could reach him.

ELECTION COMMISSION OPENLY VIOLATES LAW

Becomes Reckless in Effort to Secure Pro-Administration Officers.

IGNORES PROVISION OF PENAL CODE

While endeavoring to stuff the booths at the coming election with pro-Schmitz officers, the administration's Board of Election Commissioners has laid itself open to prosecution on a charge of felony. This fact came to light during the progress of the hearing before Judge Sloss of the application of Perry H. Newberry, representing the Republican League, for a writ of mandate to compel the Election Commission to submit for his inspection the list of applicants for positions as election officers.

When the case was up for argument last Monday, Judge Sloss, turning to Commissioner Devoto, said: "Mr. Devoto, the State law requires that the election officers must be appointed and the lists thereof completed within twenty-five days prior to the election. There is no discretion allowed, the law strictly stating that the list must be completed within twenty-five days. Has this statute been observed?"

"Well," answered Devoto, "nine hundred of the twelve hundred officers have been appointed and citations have been issued for 300 more. The plaintiff in this action can have the list of those appointed if he wishes to."

"That is all we ask," said Attorney Dam, representing the plaintiff, "and if Mr. Devoto will promise us that we can have the list of 900 and the others as they are appointed the purpose of our suit has been accomplished." Devoto made solemn promise that the list would be given the plaintiff on application, and the suit was then dismissed.

ADMISSIONS OF DEVOTO.

Now the point involved is this: Devoto positively stated to the court that of the twelve hundred officers required only 900 had been appointed within twenty-five days before the election as required by law, but the list had not been completed and announced as required, and in fact the list is not completed yet.

This fact, it is announced by Mr. Newberry, exists notwithstanding the fact that the Election Commission had in its possession a list of several hundred applicants for positions, every one of them legally qualified to serve as election officers. The commission has refused to appoint them and thus complete the list as required by law owing to the fact that they refused to announce absolute allegiance to the Ruef-Schmitz ticket.

Every man that went on the list as an election officer was believed to be a Ruef adherent and, notwithstanding the fact that hundreds stood ready to perform the functions of the office in legal manner, the administration refused to accept their applications for appointment and thus willfully delayed the completion of the list beyond the time prescribed by the State law. Now comes the Penal Code and says:

"Every person charged with the performance of any duty under any provision of any law of this State relating to elections who willfully neglects or refuses to perform it or who, in his official capacity, knowingly and fraudulently acts in contravention of any of the provisions of such laws is * * * punishable by fine not exceeding one thousand dollars or by imprisonment in the State Prison not exceeding five years, or by both."

ARE TECHNICALLY GUILTY.

Thus, said Mr. Newberry yesterday, the Board of Election Commissioners stands technically guilty of a felony. Whether or not the board will be called to defend itself in the criminal court in the face of such positive demonstration of its culpability is a question that the decent element of the city must determine.

Attorney Dam and Commissioner Devoto were summoned before Judge Sloss yesterday, who informed them that he would set aside the order heretofore made submitting for decision the case instituted by Newberry against the Election Commission to compel the board to strike from the Great Register hundreds of names that had been legally entered and place in upon the calendar for reargument Tuesday morning.

Judge Sloss informed counsel that his action was due to the fact that certain questions involved were not clear in his mind. He asked for additional investigation on the part of counsel as to section 1109 of the Political Code, which provides as follows:

"Any person may proceed by action in the Superior Court to compel the clerk to cancel any entry made on the Great Register illegally, or that ought to be canceled by reasons of facts that have occurred subsequent to the time of such entry."

The court said there was a question as to whether or not the court had any power to compel the clerk to cancel any name which the clerk could not himself have canceled in the preformance of his ministerial duty, and whether the court had the power to institute an original inquiry to ascertain whether or not the person registered was illegally registered or had lost his right to have his name remain on the register, unless the clerk himself had the right to institute such an investigation, which was questionable, as each elector was only registered after making proper affidavit, which affidavit the clerk must assume recites the truth.

DEVOTO BREAKS WORD.

Judge Sloss having stated his attitude, Attorney Dam informed him that Commissioner Devoto, in keeping with the general conduct of the administration, had broken his positively expressed word that Mr. Newberry could have the list of election officers appointed.

"They have permitted Mr. Newberry to glance at the list," said Attorney Dam, "but positively refuse to permit him to copy it. They informed him last Tuesday that they would have a copy of the list made for him, but up to date have not given it to him and now inform him that they cannot have it until next week."

"We cannot delay the work of our office to permit you to copy this list," said Devoto, his face reddening.

"Well, I think that if the commission would try it could so arrange its work as to enable the plaintiff here to copy that list," said Judge Sloss. "The plaintiff is entitled to more than a mere inspection of the list."

"I will try to fix it; we will do the best we can," said Devoto, and then turning to counsel announced that he would immediately go to the office and see that the question of the list was settled. When he reached the corridor, however, he informed Attorney Dam and Mr. Newberry that he had other court business to attend to and hurried away, again breaking his word.

MOTION HIDES SCHEME.

The purpose of the motion made by Devoto when the case was last called, demanding that all of the persons whose names it was sought to have stricken from the roll be made defendants, has become apparent. Should all of these persons be made defendants they cannot be proceeded against until such time as they have been personally served with summons. As it is well known that not more than 5 per cent of the alleged stuffers can be found, Devoto's motion, should it prevail, will have the effect of absolutely killing the suit until after election.

It will make little difference whether it prevails or not, for the Republican League has determined to place a watcher at every booth and every one of these men will be promptly arrested if he tries to vote. All will then be given the opportunity to determine before the criminal court the contention of the administration Board of Election Commissioners that they are legally registered.

SCHMITZ SPEAKS DURING NOONDAY

Urges Printers and Railway Men to Vote Union Labor Ticket Straight.

Mayor Schmitz addressed two noonday meetings yesterday and was twice greeted by cheering crowds. The first gathering was at the juncture of Commercial and Leidesdorff streets. Here he spoke to the members of Printers' Union No. 21. James H. Roxburgh introduced the Mayor and the other candidates of the Union Labor party. The second gathering of workmen was at Fourth and Townsend streets, where the railway men gathered for twenty minutes to listen to a discussion of the issues of the campaign and to meet the candidates. Mayor Schmitz spoke for a few minutes only at each place and spent most of his time urging the laboring men to vote his ticket straight. Indeed, the "straight-vote cry seems now to be the watchword of the Schmitz camp.

A well-filled hall greeted the Mayor at Turk-street Temple, the meeting place of the Union Labor party convention, and last night the meeting place of the cooks of this city. Schmitz spoke at some length, urging the men to stand together. He spoke as follows in part:

This is a ticket of which you may be very proud. If I thought that there was a dishonest man on it I would refuse to run with him. I predict that we will win this fight by 15,000 or 20,000 majority. If every one of you will get together and work for other votes there will be a landslide in our favor. We are running ahead of our opponents—so far ahead that they will never be able to catch up with us. We are your representatives and we will uphold the public trust.

Chris N. Boree, president of the Cooks' Union, presided over this meeting.

The other gathering was in Marion Hall, Eighth and Folsom streets, where C. J. Harrigan presided. A large crowd was in attendance. Besides Mayor Schmitz and the candidates of the Union Labor party Major Kyle, George B. Benham and George J. Berger spoke for a few minutes each. The Mayor visited a few of the various church fairs during the evening.

NEGOTIATIONS FOR RELEASE OF ARMY MEN SUCCESSFUL

British Ship Sails for Ceuta With Brigand Chief to Effect Exchange of Prisoners.

TANGIER, Oct. 20.—Negotiations for the liberation of the British officers, Captain Crowther and Lieutenant Hatton, who were captured by Moroccan tribesmen, have been successful. The British scout ship Pathfinder sailed to-night for Ceuta with Valient, the brigand chief on board, to effect an exchange of prisoners.

The richest, the most populous and the most prosperous part of India is to be found in the basins of the Indus, the Ganges and the Lower Brahmaputra.

EMPEROR OF GERMANY IN AN AUTO ACCIDENT

Experiences an Unpleasant Shaking Up, but Is Not Hurt—Automobile Cab Disabled.

BERLIN, Oct. 20.—Emperor William received only an unpleasant shaking up in the automobile accident yesterday and went fox hunting to-day. An automobile cab collided with the Emperor's automobile car in front of the Berlin Castle. The cab was disabled, but no one was hurt.

"Cool" Burgess Dies.

TORONTO, Ontario, Oct. 20.—"Cool" Burgess, the well-known minstrel, died in the General Hospital to-day of a complications of diseases.

VILE LANGUAGE OF GRAFTERS

Insult Hurled at Partridge by Rowdy Gangsters Will Not Help Schmitz's Cause

RIGHT OF FREE SPEECH

Former Decision of Supreme Court Is Against Present Contention of Ruefters

The candidacy of John S. Partridge for Mayor is steadily growing in public favor. Voters who were inclining to Ruef and Schmitz at the beginning of the municipal campaign are now in the Partridge column vigorously supporting the cause of common honesty.

Every shameful insult hurled at the Fusion nominees by the rowdy element of Ruef's camp reacts against the candidacy of Schmitz. At the sessions of the Republican convention in the Alhambra Theater it was noted that the ruffians in the gallery took orders from the boss of the Schmitz administration.

The inference is drawn that the foul mouthed grafters in the gallery of Garibaldi Hall last Thursday night got the tip from their leaders to interrupt Mr. Partridge, and apply unspeakable epithets to the standard bearer of the Fusion forces.

To the credit of the citizenship of San Francisco it can be said that good and true men of the Union Labor party in the audience indignantly cast away their Schmitz buttons when they saw with their own eyes the exhibition of vile tactics on the part of the grafters in the gallery. Mr. Partridge's candidacy cannot be weakened by the insults of his adversaries.

Citizens of Republican and Democratic faith who have joined hands in a commendable contest to redeem San Francisco from the curse of graft and the blight of corruption, have chosen Mr. Partridge as their nominee for Mayor and they insist under the law that their leader shall have the right to speak his sentiments freely in every Assembly district of the city. Ruffians, aided by a subservient police force, may attempt to abridge the right of free speech, but acts of lawlessness will surely react against the grafters' candidate for Mayor.

Partridge is endowed with the courage of his convictions and will denounce the grafters at every speaking point of the campaign. Another meeting will be held at Garibaldi Hall.

Abraham Ruef, manager and partner in the political fortunes of E. E. Schmitz, has contributed to the legal lore of this State, as evidenced by the records in the office of the County Clerk, some evidence that in past years, when it was to his advantage, he could give expression to an honest view of the election law as he found it. And, strangely enough, his expression of thought at that time uttered will soon confound him in the effort of his Board of Election Commissioners to violate the law and every iota of ethics that remains in the game of politics since he became prominently identified therewith.

Ruef is now endeavoring to secure from the courts a decision permitting him to do that which he knows is unlawful and politically dishonest—to place on the ballot under Republican and Democratic headings the names of the men that were nominated by the Union Labor convention and subsequently indorsed by the disorganized herd that withdrew at the conclusion of the regular conventions of the two parties named, and sought to dignify their conventions by announcing that in view of the fact that fusion had been accomplished they alone were entitled to the use of the regular party names.

How his views have been changed as to the rights of parties and of all the people is well shown by the record in the case of the so-called regular local Republican organization against the Board of Election Commissioners that was tried in the Superior Court in 1903. In that case the so-called regular Republican organization sought to compel the Election Commission to give its candidates a place on the ballot under a Republican heading. By consent of both sides a writ was issued, pro forma, directing that the commission respond to the demand. Upon this pro forma writ an appeal was taken to the Supreme Court. Then, in the transcript on appeal, Ruef voiced his honest belief as to the motive that prompted the demand of the so-called organization, but which he knew, as he knows now in the case of his own sideshow conventions, was not nor never was the regular organization. Then he said:

"The effort of the so-called regular local Republican organization to have the names of its candidates placed under a Republican designation has but one object in view and that object is to deceive the Republican voters. It is not demanded with the view that it will promote the interest of the Republican electors or the regular Republican candidates. Its purpose alone is to deceive."

This view was taken by the Supreme Court and it ruled that the candidates could go on the ballot only as "independents" and in no other way.

In view of this expression the fact that Ruef in the present litigation is seeking to win a point that will enable him to deceive the voters, the boss is placed in the true light. His method is to operate in the shadows, but the records have dragged him forth. Now only one thing remains to be said, and that is this:

His action in the case of two years ago should not be commended too highly as evidence of the fact that he was once honest in his political views. It only happened then that he had occasion to use an honest medium to attain an end.

Jerry Simpson Is Near Death.

WICHITA, Kans., Oct. 20.—Ex-Congressman Jerry Simpson is lingering between life and death in the St. Francis Hospital in this city. Although he is conscious, the attending physicians state that while he may live for several days, there is absolutely no hope for permanent recovery.

NEW YORK, Oct. 20.—Erie officials were made directors of the Cincinnati, Hamilton and Dayton Railroad to-day.