

REFUSES TO CREATE A STATE DEBT

SPEAKER WOULD FREE STUFFERS

Atkinson Circulates Petition on Behalf of Convicts.

Special Dispatch to The Call. SACRAMENTO, June 4.—Thomas A. Atkinson, Speaker of the Assembly, has launched a campaign to free ballot-box stuffers Rebstock, Wyman and Steffens from prison. Up to today the political interests these three convicts represented did not have the courage to seek to free them from the penitentiary, but now that men's minds are occupied with other things the opportunity has been seized and the campaign for freedom is on. Furthermore, Atkinson, from whose district the precious trio broke into jail, now yields by virtue of his office greater influence than he has heretofore enjoyed and he is taking full advantage of the fact. So Atkinson made the rounds of the Assembly this morning, armed with the following petition, signed by the following gentlemen, George C. Pardee, Governor of California:

Sir—The undersigned members of the Assembly of the State of California respectfully request your Excellency to pardon Joseph Rebstock, Charles Wyman and Adolph Steffens, each of whom has been convicted of the crime of ballot-box stuffing in the city and county of San Francisco at the primary election held in the city and county of San Francisco in the month of August, 1905. We think there were many mitigating circumstances in connection with the offenses of each of said persons and that they have, and each of them has been sufficiently punished.

Atkinson's name leads the list of signers, which includes a majority of the members of the lower House of the Legislature. Many signed the petition because the Speaker asked them to; it is dangerous for a Speaker to incur the displeasure of a Speaker. Several, including Perkins, signed the document without understanding its contents. As soon as he discovered the nature of the document Perkins ordered that his name be stricken off.

The address usually made by Atkinson when presenting the document for the signature of a conferee was touching. "These unfortunate men have been punished enough," said Atkinson, "and they should be freed. The recent calamity has thrown new burdens upon their relatives and they should be freed that they may care for those that suffered loss in the disaster. Justice has been done and we are going to ask the Governor to free these men; for they should be freed. They have suffered enough."

This speech usually brought the signature. It is quite possible that an effort will be made to secure the aid of the Senate tomorrow, but Atkinson's courage may not hold out that long.

WANT SECOND SESSION.

Los Angeles Solons to Ask Consideration of Consolidation Scheme. SACRAMENTO, June 4.—In all probability a second extraordinary session of the Legislature will be called by Governor Pardee to consider the question of consolidation for which Los Angeles is battling. Several days before the call was issued for the session now in progress politicians representing Los Angeles sought to have included in the call provision for a constitutional amendment that would permit Los Angeles to take in surrounding territory and towns that will be benefited by, but will not have to pay, their portion of the expense of the Owens' river water project for Los Angeles.

But opposing interest set influence to work and, while the Governor included in his call provision that would give Los Angeles a measure of relief, he did not go so far as was wished by the political leaders of Los Angeles. Dissatisfaction was immediately voiced. The members of the Los Angeles legislative delegation got together and decided that something must be done. They have now decided to ask Governor Pardee to issue a call for a second extra session to convene immediately upon the adjournment of the present session for the purpose of taking up the Owens' river project and the Los Angeles consolidation scheme.

TO REDEEM LOST DOCUMENTS.

Bills Will Be Introduced on Behalf of Bondholders and Others. At a meeting of attorneys and persons who have lost bonds, certificates of stock and other valuable instruments, held last night at Temple Beth Israel, Edward Mills Adams was authorized to introduce a bill at the next session of the State Legislature at Sacramento today a bill providing legal process by which persons who have lost any such papers, including policies of insurance, notes, bonds, certificates of stock or deposit may bring suit to compel any corporation to issue new instruments, if sufficient proof of ownership and a bond are given. The bill was drawn by George C. Sargent, Walter W. Kauf, who acted as presiding officer and E. Tausky as secretary.

Honor for California Student.

CAMBRIDGE, Mass., June 4.—A California man has just been awarded a graduate prize at Harvard University. He is William James Musgrave of San Francisco. Musgrave is an A. B. of the University of California and is a scholar of the Harvard club of San Francisco.

Ends Life After Losing Fortune.

NEW YORK, June 4.—Henry H. Powers, once a successful member of the New York Stock Exchange, but who, during the last few years had lost most of his fortune, committed suicide at his home in Brooklyn today by shooting.

Pence Restored in the House.

WASHINGTON, June 4.—Peace spread its pinions over the House of Representatives today, the leader of the minority, John Sharp Williams of Mississippi, being willing to call off the forces of opposition now that the report of the conferees had been made on the statehood bill. This being suspension day a number of bills of both local and national interest were passed with little or no debate.

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DEB TO RAISE FUNDS APPROVED

Legislator's Report Will Show Faith in San Francisco.

Special Dispatch to The Call. SACRAMENTO, June 4.—The committee on revenue and taxation, which met today but which will not file its report with the Assembly until tomorrow, will report unfavorably on the proposed proposition to create a State indebtedness with which to supply revenue and funds for the reconstruction and maintenance of the State institutions wrecked by the recent disaster. The committee will report that it considers that the appropriation of sufficient funds at this session will tide over the institutions until the next session of the Legislature to be sufficient and that the increased assessment values of property in various parts of the State will be great enough to meet the heavy demands brought about by the loss of \$200,000,000 in San Francisco without increasing the State rate of taxation materially.

The report will place the members of the committee on a very firm footing in the future of San Francisco. It says that in their opinion there will be but little falling off in the value of San Francisco real estate and that the Assessor of the city agrees with San Francisco in their opinion that they will carry through the present and the next fiscal years.

The members of the committee from Southern California assured the committee that the real estate values at Los Angeles and other cities of the State would increase from thirty to forty millions of dollars within the next fiscal year and that other portions of the State would increase in value proportionately. From these statements the committee assumed that the deficit would be reduced to less than \$100,000,000 and that a slight increase in the State tax, raising it to about 85 cents, would meet the emergency. The Legislature can convene in regular session to make appropriations for the repair of old State buildings and the construction of new ones.

It was estimated that the bond issue that was proposed would amount to between ten and twelve millions of dollars, and in the opinion of the committee this would blanket the State with an unnecessary debt. The matter was therefore reported upon unfavorably by the committee and will come up before the Assembly for final disposal tomorrow. The committee will report favorably on three other proposed acts of legislation. The bill extending the time of the State Board of Equalization to forty days will be presented to the Assembly, as will also the bill to repeal the tax on mortgage to facilitate the borrowing of money and the bill raising the license tax on corporations. These bills will be indorsed for action by the Assembly.

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FIGHTS BURNT RECORDS ACT

Lawyer Says Measure as it Now Stands Will Hurt Cases.

Special Dispatch to The Call. SACRAMENTO, June 4.—The thirty lawyers comprising the judiciary committee of the Assembly are in a quandary over the disposal of the proposed "burnt records act" providing for the disposition of actions and proceedings in which the court reporters' records of the proceedings of the trials have been lost. Theodore Roche, a representative of the law firm of Sullivan & Sullivan of San Francisco, appeared before the committee today to protest on behalf of the firm of which he is a member against the adoption of any act that will, as he claims, injure at least 500 law cases in San Francisco alone.

The proposed act provides that whenever the reporters' notes of the proceedings of any action are lost or destroyed without fault to the parties concerned and no transcript or bill of exceptions or statement of the case containing such proceedings exists, no such action or proceeding is under submission or partially tried or subject to review by motion for new trial the court may set aside the submission of such action or proceeding and grant a new trial of such action. The court is by the proposed act also empowered to set aside trials or vacate proceedings where it is deemed impossible or impracticable to restore such proceedings so that the court may decide an action or review a judgment and may grant a new trial if at the time of the loss or destruction a motion for a new trial be pending and may reverse a judgment and grant a new trial.

The new act further provides that in order to grant a new trial it shall be unnecessary to have any bill of exceptions or statement of the case that has been settled or any transcript on appeal printed, but upon the facts of destruction being satisfactorily shown to the court by affidavit or otherwise the court shall have power in its discretion to grant a new trial or to reverse or affirm the judgment.

Roche claims that this bill will injuriously affect the status of 500 trials in San Francisco alone, among them such important cases as the Monnier case, the Davis will case, the case of Joseph P. Hales estate decisions, all of which have been adjudicated. He claims that to absolutely ignore the judgments formerly given in these and like cases will work absolute hardship on the successful litigants. In the Monnier case, in which George Monnier sued his mother for a portion of his father's estate, Sullivan & Sullivan representing the contestant, secured a favorable judgment from Judge Graham. Under the new act this judgment could be set aside and a trial on appeal granted, placing the contestant in an unfavorable position owing to the destruction of his evidence.

In this case Sullivan & Sullivan would be seriously affected in again attempting the defense of a case that has been won. Again by the act Sullivan & Sullivan would be gainers in the Joseph P. Hales estate, litigation over which ran for many years in the San Francisco courts and resulted in a decision adverse to the party represented by the law firm. In this case under the proposed act the adverse judgment could be set aside and a retrial of the case be made.

The judiciary committee devoted most of its morning session to a consideration of the proposed measure. In this new light by Roche, but reached no decision. It is the opinion of the majority of the members that the act should stand with the important amendment of making it obligatory on the judge to set aside trials and grant retrials where the court records are destroyed. This would make the act more ironclad, but it appeared to meet with the favor of the great part of the committee, despite the objections of Roche.

The matter was set for hearing at the afternoon meeting of the judiciary committee, but action was postponed owing to the adjournment of the proposed constitutional amendments.

MONEY FOR GUARDSMEN.

Bill Providing \$500,000 for Militia Offered in Lower House. SACRAMENTO, June 4.—In order to allow time for committee consideration of bills already introduced, the Assembly declared a recess after being in session but a few minutes. McCartney resigned as a member of the ways and means committee and Perkins was appointed to fill the vacancy. The following bills were introduced: Appropriating \$500,000 for the National Guard.

By Slavin—Relating to the substitution for school records destroyed and providing for statements by school authorities. The Assembly declared a recess until 2 o'clock this afternoon.

MEASURES TO REMAIN.

Assembly Refuses to Take Bills From University Committee. SACRAMENTO, June 4.—The Assembly refused to take down for consideration bills from the university committee and give them over to the ways and means committee.

The judiciary committee recommended the passage of two amended Assembly bills relating to proof of lost or destroyed documents and the House proceeded with their consideration. Assemblyman Johns has introduced a concurrent resolution providing for sine die adjournment of the Legislature at noon on Friday, June 8.

WILL GRANT MORE TIME.

Bill for Extension in Furnishing Statements of Loss. SACRAMENTO, June 4.—In the Senate Finance committee today Senator Wolfe's proposal that a special file be made of appropriation measures to follow the remedial file was not supported. The Assembly insurance committee will recommend the passage of the bill extending from May 1 to July 31 the time in which statements must be furnished the Insurance Commissioners.

Robbed of Relief Donation.

E. Kurtovich, an officer of the local Serbian Benevolent Association, reported to the police last night that while riding on a Fillmore-street car his pocket was picked of a purse containing \$10 in cash and a check for \$22.40 which he had just received from the Servians of Bisbee, Ariz., for aiding needy countrymen in this city.

CITY CANNOT PURCHASE LAND

Proposed Constitutional Amendment Meets With Defeat.

Special Dispatch to The Call. SACRAMENTO, June 4.—The proposed constitutional amendment permitting San Francisco, through its Board of Supervisors, to purchase real estate for the purpose of widening streets and exchanging real estate for procuring new thoroughfares was defeated tonight in the Assembly by vote of 38 yeas to 23 noes. A three-fifths vote was necessary for the passage of the measure.

The San Francisco and bay county delegations voted in favor of the amendment. Previous to the final roll call many of the Assemblymen signed their intention of casting their votes adverse to the measure unless the matter was postponed to allow time for consideration and discussion of the bill. Many of the members were absent at the time of roll call, and it is believed that the measure will pass tomorrow. Assemblyman McGowan, of San Francisco requested that his vote be changed from yeas to noes, so that he could propose reconsideration of the measure, but he was forestalled by Stanton of Los Angeles, who signified his intention of moving for reconsideration tomorrow.

COMMITTEE IS CAUTIOUS.

Assemblymen Fight Shy of Bill Giving City Power to Change Charter.

SACRAMENTO, June 4.—After a deliberation that lasted late into the evening the judiciary committee of the Assembly decided to report three proposed constitutional amendments favorably to the Assembly. These three amendments include two proposed originally by A. Ruef to the joint committee on the charter of the city of San Francisco. The first of these two amendments was decided upon without much debate and is intended to empower the Board of Supervisors of San Francisco to purchase real estate with which to secure certain desired thoroughfares by exchange of land or sale.

The other amendments proposing to grant to San Francisco the privilege of amending her charter within a period of two years without the ratification of the Legislature was cautiously received and the judiciary committee finally washed its hands of the whole proposition by passing the resolution, each member reserving the right to oppose the measure on the floor of the Assembly if he sees fit.

After several minor changes were made in the wording of the amendment proposing the granting of charter privileges so that it would not conflict with an act passed at the last session of the Legislature Assemblyman George A. McGowan moved the approval of the favorable judgment rendered by the committee. A painful silence ensued until Assemblyman E. F. Treadwell seconded the motion.

Chairman Duryea put the question, and on calling for the votes of those favoring the indorsement of the measure answered by McGowan's lone affirmative. As there was no opposition the indorsement of the committee stands attached to the measure and its merits will be fought on the floor of the Assembly.

SIXTY MORE BILLS.

All Points in Message Believed to Have Been Covered.

SACRAMENTO, June 4.—Exclusive of the seven measures already signed by the Governor, the Assembly has now to deal with fifty-six bills and the Senate with sixty-two. Many of these are identical, having been introduced simultaneously, and the committees will endeavor, by tonight, to arrange their classification in order of importance and urgency.

Speaker Atkinson of the Assembly this morning expressed his belief that subjects provided for in the Governor's proclamation had been practically covered, and that few additional bills were to be introduced. After tomorrow, the fourth day of the session, all additions to this legislation now on hand must be with permission of committees.

Preparing for Adjournment.

SACRAMENTO, June 4.—Assemblyman Stanton has already prepared for the introduction of a concurrent resolution providing for sine die adjournment of the Legislature next Saturday. The resolution will go to the ways and means committee.

Will Provide Funds for Wolf.

SACRAMENTO, June 4.—The Senate Finance committee has decided to recommend for immediate passage the Assembly measure appropriating \$3000 for the contingent expenses of Insurance Commissioner Wolf.

Repairs for San Jose Hotel.

HONOLULU, June 4.—The trustees of the estate of James Campbell, owner of the St. James Hotel at San Jose, Cal., have petitioned the Circuit Court for permission to spend \$35,000 for repairs and damage done to the hotel by earthquake. They say that unless the repairs are made that the building will be condemned as unsafe.

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FLINT'S CHOICE GAINS FAVOR

Charles Elliott May Be Made United States Marshal.

Special Dispatch to The Call. CALL BUREAU, POST BUILDING, WASHINGTON, June 4.—Charles T. Elliott of Stanislaus probably will be appointed United States Marshal at San Francisco. Senator Flint has strongly recommended the appointment of Elliott to President Roosevelt. Senator Perkins, however, has urged State Senator Coggins for the place, but the selection of Elliott is confidently expected.

The bill providing for the erection of a monument at Monterey in memory of Commodore Sloat probably will not become a law at this session of Congress. Several bills making appropriations for monuments of similar character passed the House today, but the Sloat monument bill, which is understood not to meet the approbation of Speaker Cannon, was not included among them.

The California "5 per cent bill," giving the State 5 per cent of the sales of its public lands, also failed of consideration by the House today. The Speaker has decided that no more bills shall be passed under suspension of the rules during this session and it is therefore certain that the 5 per cent bill will not now be taken up. The California delegation is much disappointed by the failure of this bill.

It is said that the Speaker's lack of interest in this bill, as well as in the Sloat monument measure, is due to the attitude of the California delegation on the statehood bill. The members of the delegation have taken a stand on this question in direct opposition to the Speaker's views and Cannon, it is understood, expressed displeasure accordingly.

An effort will be made by Representative Hayes and other California members to get the provisions of the Hayes bill increasing the limit of cost of the Angel Island immigrant station to \$266,000 attached to the sundry bill appropriation bill, which will come up tomorrow. Otherwise there is little likelihood of action on the proposition this session.

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