

Sam Davis to Be Prosecuted for Maintaining Firetrap Theater Irish Citizens Will Have the Law Enforced



After waiting in vain for the Board of Public Works to do its duty under the charter by closing up Sam Davis' tinder-box theater, the committee of public-spirited Irishmen headed by John P. Allen has prepared to resort to the criminal courts to bring the deathtrap's proprietor to book.

Attorney Allen stated yesterday that he was in a position to make good his declaration of March 7 that the firetrap could and would be closed. He will proceed today to make formal complaint against Davis under the fire ordinance, which the boozing Supervisor is violating every night, flagrantly and boastfully.

There will be a large number of complaints. For every night that Davis has inveigled an audience into his inflammable tent a separate action will be presented.

Supervisor Davis, the man who is purchasable for \$11,250 or less, will have to close up his house. He is feeling the sting of public opinion, and he is learning that he cannot forever override law and decency.

Attorney Allen has the matter up with Francis J. Heney, and the latter will be in charge of the prosecution of the case. When Davis is done with the complaint that will be signed by Allen and prosecuted by Heney, he will be placed under arrest again on a complaint signed by T. P. O'Dowd, State secretary of the Hibernia Society.

When Boodler Davis is through with this complaint, he will face still another, to be signed by T. Alford, another member of the committee, and during his trial on this charge he will enjoy the contemplation of other complaints to be filed by J. J. Moriarity, T. Moffitt, B. J. Syler and others.

MUST DISGORGE BOODLE Heney has pointed out that the ready-to-burn showhouse can be closed by any citizen who will file a complaint. The proprietor of the Davis Theater, he said, is guilty of a misdemeanor, punishable by a fine of not more than \$500 or imprisonment for not more than six months, or by both fine and imprisonment, each time he permits a theatrical performance to be given in it.

The committee, composed of delegates from the foremost Irish societies, proposes to force Davis, said Allen yesterday, "by all means possible under the law to disgorge to the city a goodly part of the \$11,250 which he acquired when he put himself on the grafters' bargain counter. For every offense he may be fined \$500, and we hope to secure enough good citizens to sign complaints to compel Davis to pay in fines the amount of boodle that he has gathered in."

The Davis firehole is to be stopped up before an audience is cremated. So far as the Board of Public Works is concerned, any criminal action commenced against Boodler-Manager Davis must be instituted by private citizens. According to President Duffey, the board proposes to ignore the duty that the law lays upon it and temper the administration of the law with discretion.

DUFFEY IS RELUCTANT Davis is not alone in his assumption of superiority to the law. President Duffey of the Board of Public Works assumes that he may disregard manly provisions of the law and exercise his personal discretion and official mercy. With characteristic vagueness the president of the Board of Public Works suggests that if Sam Davis is fined \$1,250, not only will the demands forced from the board, he will be very sorry. For the present Duffey

DOCTORS BATTLE OVER THAW'S MENTAL STATE Testify, Like Handwriting Experts, to Support Their Sides

DELMAS ON STAND Says Client's Written Suggestions Were Sane and Valuable

NEW YORK, April 2.—It was announced tonight after a session which lasted from 10:30 o'clock this morning until 6:30 p. m., that the lunacy commission inquiring into the present mental state of Harry K. Thaw would conclude its labors tomorrow and report its conclusions to Justice Fitzgerald before the hour set for the Thaw jury to report in court Thursday morning.

Only the members of the commission and the official stenographers will be present at Thaw's ordeal, attorneys for the defense and the District Attorney being barred. The announcement that the commission would renew its psychiatric examination of Thaw came at the end of a day of many witnesses, and it was in the nature of a surprise. The decision was probably due to the conflicting character of the testimony heard today.

It was another battle of alienists. Those engaged by the District Attorney declared Thaw absolutely incapable of understanding the nature of the charges against him or of rationally conferring with counsel, while those engaged by the defense declared Thaw throughout the trial had acted in a rational manner. Dr. Hamilton advised his counsel in their hearing and fully understood and appreciated everything connected with the trial.

DELMAS TAKES STAND The experts for the prosecution admitted that they had reached their conclusions as to Thaw's present state of mental unsoundness from distant observations of him in the courtroom and from writings alleged to have emanated from him during the trial. Among the latter were twenty-four pages of newspaper clippings and memoranda written by Thaw as suggestions to his chief attorney, Delmas, for his summing up address to the jury.

The alienists for the defense, in testifying, declared they had the advantage of constant personal examination of the defendant while the prosecution's witnesses had not. The Tombs physicians, two chaplains of the City Prison, several guards and a probation officer took the stand and testified that Thaw in prison acted and spoke like a normal man.

The commission decided today to admit the testimony of Dr. Hamilton, who said he had made four examinations of Harry Thaw, the last in July, 1906. He concluded that Thaw was suffering from chronic delusional insanity or paranoia and still held that belief. On cross-examination Dr. Hamilton admitted he had not examined the defendant recently and that the counsel fought against Dr. Hamilton's testimony to the very last. Failing in the plea of professional privilege as a bar, they argued that his examinations were not of sufficient frequency to be of any value at this time.

Members of the commission cross-examined several of the District Attorney's alienists at length, inquiring as to the consistency of their testimony now that Thaw is sane and has been so for some time and that he had been sane at the time he shot and killed Stanford White, and knew the act was wrong. Dr. Austin Flint declared Thaw was insane from the alienist's point of view when the homicide occurred, but was not insane in the language of the law.

HARRIMAN WILL BUILD MAGNIFICENT MANSION His Residence to Rival Any of the Pretentious Structures on Fifth Avenue NEW YORK, April 2.—E. H. Harriman will make this city his permanent home. He has bought a site in the center of the Vanderbilt colony in the mansion that will rival any of the magnificent structures now on Fifth avenue.

CONCORD, N. H., April 2.—A motion for leave to intervene, involving the substitution of duly appointed trustees as plaintiffs in place of the "next friends," was the answer of Mrs. Mary Baker G. Eddy, founder of the Christian Science religion, made through her counsel in the suit brought to compel an accounting of her property.

REPUBLICAN JUDGE RE-ELECTED MILWAUKEE, April 2.—Justice R. D. Marshall (R.) appears re-elected to the Supreme Court over Henry Scudder of Marquette. The returns are close. Local questions were the issues in most of the city elections.

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TESTIMONY OFFERED IN BEHALF OF HERMANN

Witness Says Defendant Opposed Abuse of Lieu Land Law

WASHINGTON, April 2.—The defense in the Hermann trial called W. A. Richards, former Commissioner of the General Land Office to testify today. Richards said that in January, 1903, he was told by his messenger that the chief messenger and an assistant were tearing up Hermann's letter books in the corridors.

MRS. EDDY FIGHTS HARD TO KEEP OUT OF COURT

Would Substitute Trustees as Plaintiffs in Suit for Accounting

CONCORD, N. H., April 2.—A motion for leave to intervene, involving the substitution of duly appointed trustees as plaintiffs in place of the "next friends," was the answer of Mrs. Mary Baker G. Eddy, founder of the Christian Science religion, made through her counsel in the suit brought to compel an accounting of her property.

MANY COUNTS AGAINST OIL TRUST WILL FALL

Indictments in the Chicago Cases Are Largely Defective

CHICAGO, April 2.—Judge Landis, in the United States District Court, overruled today the motion of the Standard Oil Company that the charge of illegal taking of rebates be dismissed and ordered the trial to proceed.

RIVERS BELOW STOCKTON FALL EIGHTEEN INCHES

Some Large Tracts, Including Union Island, Escape Flood

STOCKTON, April 2.—The flood situation in the island section surrounding Stockton is steadily improving, there having been an 18-inch fall in the rivers.

BENICIA ROUTE TO BE CLOSED THREE WEEKS

Washouts Between Davisville and Sacramento More Serious Than Had Been Thought

SACRAMENTO, April 2.—Despite every effort of the Southern Pacific Railroad Company to hasten the repair of the big washout on its main line between this city and Davisville, it was admitted at local headquarters tonight that it would be at least three weeks before the road would be open.

HUSBAND, WIFE AND CHILD SHOULD HAVE BANK ACCOUNTS

COFFEE Don't be shy; if you don't like Schilling's Best, take back your money.

Every man and woman should have a Checking Account and pay all bills by check. Then the bank is their bookkeeper and every cent is accounted for every month.

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