

The San Francisco Call

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A CONFLICT OF COURTS

"SUPPOSE," said Justice Brewer of the United States supreme court to Governor Folk of Missouri, "suppose through such railroad laws as Missouri has passed the railroads actually lose money in carrying passengers and freight—will the state make the loss good to them?"

That seems a hard question, but Governor Folk answered it by asking another. "Suppose," he asked, "that the federal court, after many years of litigation, finds the rates reasonable and the laws valid—will the railroads make good the loss to the people of Missouri?"

Of course, the lawyer has a pat answer to the governor's question. The railroad companies are required to give a bond for indemnity when they get a temporary order restraining the enforcement of rate laws. But that answer is a mere blind. The bond is usually nominal and it would rarely be worth while to fight a suit for recovery of overcharges. Conceding that right may rest with either side, the question put by Justice Brewer is not at all so unanswerable and conclusive as he appears to have supposed.

This is a question that agitates half a dozen states at the present moment. It has created more heat and friction in Virginia and North Carolina than elsewhere, because of the orders made by Judge Pritchard of the United States circuit court suspending the operation of state statutes. In North Carolina they are talking of calling a special session of the legislature to discipline the railways by further restrictive measures. It is quite evident that if the state authorities are disposed to be ugly they can make the fight very expensive for the railways.

In these controversies a great deal appears to depend on the idiosyncrasy of the judge. In Missouri a federal judge told the railroad people that he would not enjoin the operation of the 2 cent passenger rate law until it had been tried for at least three months. Then, if the figures showed that the railways were losing money by the law, so that it amounted to confiscation of property, he would grant the order. The action of a Minnesota federal court is thus reported in a like case:

The railroads of Minnesota appealed to Judge Lochren to set aside, on the ground that it was confiscatory, the rate law recently passed in that state. The judge declined to entertain the plea for an injunction, on the ground that it could not be proved in advance that the law was confiscatory, asserting that past experience had often shown that reduction of passenger rates which the railroads had assumed would prove confiscatory had resulted in so increasing the volume of travel as soon to increase or at least not to diminish the receipts of the roads from this source. Having refused to entertain the plea for an injunction Judge Lochren advised the railroads to try the newly prescribed rate for six months and to come into court with the figures if it then proved confiscatory.

That appears to be the better practice. Judge Pritchard appears to have been hasty and his action was such as to invite a dangerous conflict between the state and federal authorities. The United States supreme court has always deprecated such conflicts, and Chief Justice Fuller, in delivering the unanimous decision of the court in Walts vs. Sachs, said:

We cannot but express our regret at the unfortunate collision between the two courts and the belief that the considerate observance of the rule of comity is adequate to avert such occurrences.

It is not at all unlikely that Pritchard will get a dignified wigging from his superiors because of his hasty action.

SAFETY APPLIANCES ON COAST SHIPPING

THE recent collision between the Columbia and the San Pedro and the deplorable loss of life ensuing call attention to the inadequate requirements of existing law and regulation for the safety of persons and property on board ship. We have already had occasion to point out the useless character of the bulkheads on the Columbia that did not extend above water level and, of course, permitted the compartments to fill the instant the ship began to sink. Bulkheads of that sort might help a lame and leaky ship to port, but in case of collision or any accident that makes a gaping rent in the hull they are useless.

Another means of precaution not yet introduced on this coast is the under water bell, which has been found to supply the most effective device for locating the whereabouts of ship or lighthouse or pierhead in a fog. It is greatly superior to bells or whistles, because it locates the approaching object either to starboard or port. With the customary foghorn or bell the question of location is mostly guesswork.

On this coast, especially, the greatest danger to shipping is from fog, but the local merchant marine is conspicuously deficient in means of precaution. The ships are out of date and inadequately found. The life boats and rafts go to pieces in the moment of emergency and the best modern safety appliances are lacking.

As proof of the state of expert opinion on the submarine bell as a safety appliance it may be remarked that the navy department has ordered that it be installed on twenty-three vessels, with the purpose of equipping the whole fleet later in the same fashion.

INJURIOUS WASTE OF WATER IN STANISLAUS

THE farmers of Stanislaus county are having trouble with excess of water used for irrigation in the Modesto district. The lowlands are suffering from the seepage and efforts to control the excess have so far failed. Doubtless the farmers in the irrigation districts are using more water than is required by good husbandry. There is injurious waste and the lowlands in the western part of the county are flooded. An expensive plant

Some Pitiful Sights—No. 3



was installed to pump out the overflow, but failed of successful operation, owing to quicksands and a bad foundation. The Modesto News says that an open drainage system, costing \$20,000, must be constructed to control the overflow.

The significance of these facts lies chiefly in their bearing on the claim, made by the Modesto and Turlock irrigation districts, that if the city of San Francisco should be given control of the flood waters of the Tuolumne there would not be enough left for the districts. These flood waters are now suffered to run to waste. The irrigation districts use only the summer flow of the river and they appear to be using more of that than is good for the lands.

Irrigation districts where water is plenty are undoubtedly prone to use more water than is good for them or their neighbors. Hydraulic engineers and experts on irrigation have given frequent warnings against this tendency to excess, which destroys large bodies of land and creates malarious districts. The Modesto farmers will in time learn that a more economical use of water will be better for their own prosperity and less injurious to their neighbors.

All this, of course, is matter for the farmers themselves to consider. It is mentioned here only as a condition affecting the claim that the irrigation districts would be injured by the appropriation of the Tuolumne flood waters for the use of San Francisco. This city would be glad to approach this matter in a friendly spirit with the farmers of Stanislaus, and we are convinced that a settlement can be arrived at on a basis of mutual advantage. There is plenty of water for San Francisco and for the irrigation districts in the Tuolumne. It is simply a question of storage such as this city can supply, so as to conserve the water that now runs to the sea. By that plan the irrigation districts would be furnished with water for irrigation in the fall which they do not now get.

GOOD FAIRBANKS MONEY WASTED

SOMEbody is spending a lot of money on printing and postage to promote the ridiculous Fairbanks boom for president. Mr. Fairbanks is an amiable gentleman, who fills the place of vice president to admiration. He has nothing to do and does it with dignity. But his presidential aspirations betray an absolute misconception of the situation. The men who are spending money like water to promote his boom are wasting their substance. Fairbanks is impossible. His nomination would mean the certain defeat of the republican party.

Every morning the postman dumps a fat package of Fairbanks "literature" in the newspaper offices all over the country. One of the latest examples is a broadside containing copious extracts from the Indiana press. This is, of course, a tainted source, because it is notorious that Mr. Fairbanks owns or controls the most influential organs in that state, and others are subject to influence by the state political machine. These articles are of the customary type of political flub dub. We quote a selection of the headlines, from which the experienced newspaper reader can easily infer the contents:

WE KNOW THE MAN. CALUMNY FELL FLAT. JOHN HAY KNEW FAIRBANKS. A TOWER OF STRENGTH. WILL HAVE ENTHUSIASTIC SUPPORT. VITUPERATIVE FROTHING. VILIFICATION OF FAIRBANKS. A SELF-MADE MAN. IN TOUCH WITH PROGRESS.

The trouble with all this flood of purchased laudation is that no attempt whatever is made to meet the charge that Fairbanks is essentially the Wall street candidate, and that he has been mixed up in a number of queer railroad reorganizations. It was stated not long ago that Fairbanks is Harriman's candidate, and such an affiliation would be quite natural. The charge that Mr. Fairbanks is a reactionary has not been met and cannot be met successfully. Moreover, he is the candidate of the reactionaries.

Railroad Gossip

CHARLES WILLIAMS of Los Angeles is troubled with the mania of writing letters to important people and making discoveries which he desires to be kept secret. Since the wreck at Honda he has favored General Manager E. E. Calvin of the Southern Pacific with daily communications marked "personal and private." The first letter carried to the general manager the awful secret that James J. Hill was no other than Jesse James, and that under the guise of a railroad magnate he had concealed his identity very carefully. This is not the limit of his disclosures. Williams wrote a letter which was received yesterday by Calvin, in which he said that Count Leo Tolstol was in Los Angeles and had taken up his residence in a tent near a Southern Pacific bridge, which he was preparing to blow up when the whim seized him. In the same letter the railroad official was invited to Los Angeles where he, the writer, would guide him to the home of Rembrandt, who was living quietly to avoid the reporters of the Los Angeles papers. Williams inclosed a picture of a Berkeley girl clipped from a San Francisco paper and declared it was the outlawed daughter of Count Leo Tolstol.

Dr. Edmundo de Fonseca has been paying a round of visits to the officials of the Southern Pacific with a view of getting their ideas as to Japanese immigration for Brazil. Dr. de Fonseca was assured by the officials that the Japanese would make admirable colonists—for Brazil.

E. E. Calvin, general manager of the Southern Pacific, will leave for Los Angeles today.

Personal Mention

A. N. Dallmann of Napa is at the Hamlin.
Judge J. R. Webb of Fresno is at the Baltimore.
A. W. Mason of Goldfield is at the Dorchester.
Captain J. L. Topham Jr., U. S. A., is at the Savoy.
Dr. Thomas J. Orblson of Los Angeles is at the Fairmont.
F. C. Dusenberry and wife of Stamford, Conn., are at the Hamlin.
Patrick H. Langham of Washington, D. C., is at the St. Francis.
F. H. Leale and A. J. Brenneau of Salt Lake are at the St. James.
Walter R. Crosby, with mining interests at Reno, is at the St. Francis.
James H. Owens, a real estate man of Los Angeles, is at the St. James.
J. Witters, a manufacturer of machinery in Chicago, is at the Hamlin.
J. A. Cummins, a capitalist of Cleveland, and his family are at the St. James.
Edward B. Thomas and wife of New York, who are touring the coast, are at the Majestic.
William B. King, prominent in insurance and club circles in Portland, is at the St. Francis.
M. Blum and family, who have been touring Europe, have returned and are at the Dorchester.
Los Angeles arrivals at the St. Francis were W. P. McComas, Bradner W. Lee and D. E. McDonald.
Dr. and Mrs. E. E. Perry and Miss Gertrude B. Perry of Ross Valley are at the Fairmont, where Miss Perry celebrated her birthday by giving a luncheon to her young friends in the gray room.

The Insider

Narrates details of joke played upon Artist Mathews and tells of Engineer Woodward's discovery when he visited Telegraph hill

Deaf and Dumb Man Utilized in Prank

FORMER students in the Mark Hopkins Institute tell with reminiscent enjoyment a prank they played on Arthur Mathews, who was as noted for his quick temper as for his genius as a teacher. Nothing made Mathews so angry as to have strangers come into the life class. Knowing this some of the students invented an innocent victim into the class when Mathews was there, saying that the artist was always delighted to welcome visitors. Mathews showed no signs of delight, but looked with a firm gaze at the visitor and then said with more or less politeness that the outside was the right side of the door for intruders. The man smiled kindly and remained. "Will you please leave the room?" said Mathews. Another smile was the only answer from the visitor. "There is the door," said Mathews. No response. Then the irate artist bore down upon the visitor with such unmistakable gestures that he fled. The man was deaf and dumb.

Alice Edith Blythe Dickason Forgotten

There was not much said of poor Alice Edith Blythe Dickason, who died in poverty recently in a refugee camp here, considering how prominent a place she held for several moons in the daily papers. She was one of Thomas Blythe's contract wives—one of three, I believe—but could produce no evidence of her contract. She said it was verbal and in spite of the lack of written testimony she made out an excellent case, such as it was. It was generally thought among those who had known her when she "kept house" for old Blythe that she was entitled to what he left. The only semblance of a home the millionaire had was the one over which she presided. Mrs. Moore of Oakland, Florence Blythe Hincley that was, should have been very grateful to poor Alice Edith, for the latter backed the little girl's claim and asserted before the courts that Blythe always acknowledged Florence to be his daughter and often spoke of her and his intention to bring her to this country. If Alice Edith had not given her testimony for the little girl there would not have been much of a chance for Florence to establish her claim. There was a claim put forth that the millionaire had written a formal acknowledgment and adoption of Florence, but the document was not produced. It was this in particular that Alice Edith swore was a true claim, and that was the reason that she was given a share of the fortune.

Large Family Lives Free on City Lot

While planning to have the city acquire Telegraph hill the park extension committee has been moved to look into the status of the lots which the city does actually own on the hill. City Engineer Woodward came upon what he thought was one of the lots in question one day and found an aged Italian living comfortably in a little house upon it. The lot belonged to him, he said. "I thought this was the lot belonging to the city," said the representative of the administration snavely. The man scratched his head, and after thinking it over for a while admitted that there might be something in that, but that he had lived there a very long time. "What about the other people living on the remainder of the lot?" said Woodward. "Do you pay rent or do they pay rent to you?" "No," replied the old man. They were his 14 sons and daughters, who had married and lived in patriarchal style clustered around the parental abode.

Passing of One of Rincon Set

Mrs. Caroline Pettinos Hall, who died last week, was one of the old time southern set which had its residence on Rincon Hill. Not very long ago I told how the Pettinos home was spoiled by the Second street cut. George Pettinos was a pianist here in early days. Mrs. Hall belonged to the literary cult of three decades ago and even within a few years before her death she still contributed an occasional bit of verse to the weeklies. Her daughter married S. Harrison Smith, who was city surveyor at one time. They were great friends of the Shorbs.

Society in Days of the Fifties

Another old resident who recently passed away was Henry G. Hanks, the assayer, generally called "Professor" Hanks. My old timer friend tells me that in the later fifties and early sixties Hanks was quite a prominent figure socially. He it was who formed the Young Bachelors' club, of which several eligibles of those days, mostly erstwhile Bostonians, were members. The young men had been attendants at the dancing academy of Miss Congdon, situated in Pacific street near Stockton. Julius Goldsmith played the violin for the dancers, among whom were the Brooks brothers, E. T. Stede of the firm of George Gordon; Miss Emma Gummer, who married Adam Grant, and her sister, Mrs. Coghill; Miss Lottie Smith, who married Otis V. Sawyer; Miss Georgia Penniman, Miss Nutting, Miss Emma Wood, Miss Hussey, and others who would have been in the Blue Book then had there been one.

Miss Congdon had a history of some romantic qualities. Ferdinand Ewer, who learned to waltz under her supervision, fell in love with the fair instructor and they were married. They were both from Nantucket, whence many of our present aristocracy hailed. Ewer was the editor of the Pioneer Magazine, in which appeared an article from his pen called "The Eventful Nights." It was a spiritualistic article and created considerable discussion. Judge Nelson of Philadelphia read it and was interested to the extent that he wrote to the author that he could vouch for the truth of some of the eventful nights, as they happened to himself. But Ewer replied that he had made the article up out of whole cloth, and so far as he knew they were but tales of the imagination. People east and west were interested in the letters, which were made public. Ewer was later ordained by Bishop Kip and became one of the most prominent ritualists in New York. Some of his wife's relatives still, I believe, reside in this state.

Answers to Queries

DIMES—A. S. City. Whoever informed you that there were only three dimes of 1842 in the United States gave you the wrong tip. There are many such.
JUDGE DUNNE—O. S. City. Judge Dunne is a brother of the Dunne Brothers who before the big conflagration were in business at Stockton and Ellis streets.
PRIMA DONNA—Subscriber, City. Prima donna, the name given to the principal female singer in an opera company, is not Spanish; it is Italian, and means prima, first, and donna, lady.
DE BUZIM—H. W. E., City. Baron Jellachich de Buzim was an Austrian general and at one time Ban of Croatia. He was born in 1801 and died in 1889. His father, descendant of an old Croatian family, was a general in the Austrian army and attained celebrity in the Turkish wars and those of the French revolution. The baron was early employed in military service on the Turkish frontier and distinguished himself by his courage and skill. He succeeded in winning in a high degree the confidence of the Croats, so that in 1848 the court of Vienna was glad to appoint him Ban of Croatia, in order to secure the support of the Magyar Croats against the Magyars of Hungary. He was very active in the suppression of the Hungarian rebellion. He had a taste and some gift for poetry. A collection of his poems was published in Vienna in 1850.

Conditions in California

The California Promotion committee wired the following to its eastern bureau in New York on Saturday:
California temperatures for the past 24 hours:
Eureka.....Minimum 54.....Maximum 60
San Francisco.....Minimum 54.....Maximum 64
San Diego.....Minimum 54.....Maximum 73
San Francisco building permits for the week ending Saturday noon, August 3:
Permanent.....\$2,375,038
Alterations.....\$4,000,000
Total.....\$6,375,038
The barley crop in Yolo county is turning out the largest yield in many years. From 25 to 35 cents per acre is being produced. Also the prices are higher than for some years past. Many combined harvesters are running, some of them being drawn by traction engines.
Work is being rushed on the Palace hotel, in San Francisco. The piling for the foundation will be finished by the end of August. A contract has just been made for 6,000,000 brick at a figure less than \$10 a thousand, delivered.