Supreme Court in Decision Construes McEnerney Act

Actual Possession Required in Title Suits

Opinion of Justice Lorigan

"TO constitute actual possession there must be an appropriation of the land by the claimant such as will convey to the community where it is situated visible notice that the land is in his exclusive use and enjoyment; an appropriation manifested by either inclosing it, or cultivating it, or improving it, or adapting it to such uses as it is capable of. This rule, announced in the authorities cited, which is the general rule in respect to what constitutes actual possession, is embodied in our code as the one which shall prevail, when accompanied by payment of taxes, in order to sustain title by adverse possession when such title is founded upon a written instrument, and we see no reason why it should not be applicable as defining the actual possession required to be had in order to invoke the benefit of the McEnerney act. * * *

"Before he (the petitioner) is entitled to avail himself of the benefit of the McEnerney act he must be in actual possession of the property as the term is defined by the authorities cited, and the fact that he is in actual possession must be stated or shown in his affidavit. And upon the hearing before the court for the purpose of obtaining the decree authorized under the act he must prove actual possession of the property at the time of filing his complaint and making his affidavit, as defined by these authorities."

The supreme court, in a decision which requires actual possession, as distinguished from constructive possession, to be shown in all suits to establish title to land under the McEnerney act, has disposed of the last and most important question before it touching the construction of the noted emergency law. The effect of the decision is widespread in its bearing on local property rights and is calculated to upset in many respects all legal procedure under the McEnerney act and to have an important financial bearing on loans on unimproved property.

Actual possession, says the supreme court, must be shown before the court can have jurisdiction over an action to establish title, and actual possession is described, not as a mere right of undisputed ownership, but as a possession which includes material inclosure of the land, cultivation, improvement or tenancy by the owner or his lessee. An allegation of such possession must be contained in the affidavit accompanying the filing of every suit under the McEnerney act, and upon the hearing before the court actual possession at the time of the filing of the complaint must be proved.

While the ruling of the supreme court will place a check upon the broad jurisdiction which has been exercised in some cases by the superior courts and will at the same time tend to prevent the bringing of fraudulent suits, it also prevents the owners of outside lands which are unfenced or unimproved, or even the owners of unimproved lands in the burned district, from taking advantage of the McEnerney act, and nullifies all judgments given in cases where actual possession has not been proved.

ACTUAL POSSESSION REQUIRED

The supreme court's decision, which was written by Justice W. G. Lorigan and concurred in by all the other justices of the court, accompanied the denial of the petition of John N. Lofstad for a writ of mandate requiring Judge Frank J. Murasky of the superior court to sign an order for publication of summons, which the court had refused on the ground that Lofstad's affidavit did not show that he was in actual physical possession of the property under the clause of the McEnerney act reading, "who by himself or his tenant, or any other person holding under him, is in the actual and peaceable possession thereof."

Garret W. McEnerney, the author of the McEnerney act, stated yesterday that the decision bears out the intention of the legislature that advanage of the extraordinary rights granted by the act should only be accorded to those having actual material possession of the property claimed. The intention of this provision is to make fraudulent suits impossible, as such actual possession as is demanded could scarcely be accomplished in any case by any one other than the true owner.

While the decision does not affect improved lands, its bearing on the rights of owners of unimproved lands to take advantage of the act is decided. Many suits have already been filed by the owners of outside lands in which from 20 to 100 parcels of land are included, many of these often consisting of unfenced lots in the sand tracts of the western suburbs. Such suits, according to this decision, cannot be carried into the courts, for without occupancy, cultivation or fencing, there can be no actual possession of the property, although the plaintiff in the suit may be the undisputed and bona fide owner.

LARGE ESTATES AFFECTED

Large estates, such as the Sutro and Oelrichs estates, in which a large portion of the land held is unimproved, unfenced, and in some instances consisting of tide lands over which it is physically impossible to exercse "actual" possession, are directly affected. Where the actual possession cannot be proved, the title cannot be established.

The decision bears, also, on the financial value of such holdings. Without title fully established, it is likely to prove impossible for land owners to secure loans from banks or other institutions on their holdings, and in cases where loans have been made on lands to which the title was established without the required showing the judgment of the court becomes valueless and the loans are jeopardized. This means that before a land owner can establish title to his land or secure loans upon it he must make some improvement on the property, at least to the extent of fencing it or adopting other means to furnish visible notice to the community in which it is situated that the land is in his exclusive use. This applies to lots in the burned district, as well as outside lands, in cases where the lots have been allowed to lie as they were left by the conflagration. The lots must be fenced or improved to some extent before the owner can secure legal title to them.

MAIN PARTS OF DECISION

The portions of the supreme court's decision having the most direct and important bearing on the act in its relation to San Francisco property are contained in the following excerpts from the opinion:

This act, which creates a system of judicial procedure for the establishing of title to real property where the public records which would otherwise establish it have been destroyed, provides that an action may be brought under it by any person who claims an estate in real property and "who by himself or his tenant, or any other person holding under him, is in the actual and peaceable possession thereof," and requires that the complaint filed shall be accompanied by an affidavit which shall show the character of the estate which the plaintiff claims in, and the possession he has of, the real property described in the complaints. * * *

The position of the petitioner seems to be as stated in his affidavit, that because it appears therefrom that he has the legal title to the property, and hence in contemplation of law is a constructive possession of it, and as there is no adverse claim to the property or any adverse occupancy thereof, he is, therefore, to be deemed in the actual possession of it within the intent and meaning of the McEnerney act. This process of reasoning, while possibly warranted by the exigency of the situation confronting petitioner when endeavoring to avail himself of the benefit of the act, is obnoxious to the objection that it obliterates the well recognized distinction between actual and constructive possession, while at the same time it attempts to force upon a phrase well recognized in law a meaning entirely different from what it usually possesses, and the ordinary meaning of which the legislature is supposed to have understood when it employed it in the act. * * *

The mere fact that there is no adverse possession of the premises to which one holds the legal title does not make the possession of such holder anything more than a constructive one. It only tends to show that there is no actual possession of it by any one and hence his constructive possession is undisputed. For the purpose of this proceeding it does not have the effect of changing petitioner's constructive possession into actual possession within the intent of the act under any possible theory. All the possession he has, even if there be no adverse possession, is constructive possession, the possession which in contemplation of law followed his legal title to the property, while what the act required him to have, in order to avail himself of its provisions, is actual possession—possession in fact. * * *

WHAT CONSTITUTES POSSESSION

* * * It must, in other words, be an open, unequivocal, actual possession—notorious, apparent, uninterrupted and exclusive—carrying with it marks and evidences of ownership which apply in ordinary cases to the possession of real property.

We do not think it necessary to further refer to the authorities defining actual possession. They are agreed that in order to constitute such possession there must be an appropriation of the land by the claimant such as will convey to the community where it is situated visible notice that the land is in his exclusive use and enjoyment; an appropriation manifested by either inclosing it, or cultivating it, or improving it, or adapting it to such uses as it is capable of. This rule announced in the authorities cited, which is the general rule in respect to what constitutes actual possession, is embodied in our code (Code Civ. Proc., sec. 322, 323) as the one which shall prevail when accompanied by payment of taxes (Code Civ. Proc., sec 325), in order to sustain title by adverse possession when such title is founded upon a written instrument, and we see no reason why it should not be applicable as defining the actual possession required to be had in order to invoke the benefit of the McEnerney act. * * *

All petitioner shows in his affidavit is that he had constructive possession of the property. Before he is entitled to avail himself of the benefit of the McEnerney act he must be in the actual possession of the property as that term is defined by the authorities cited, and the fact that he is in actual possession must be stated or shown in his affidavit. And upon the hearing before the court for the purpose of obtaining the decree authorized under the act he must prove actual possession of the property at the time of filing his complaint and making his affidavit as it is defined by these authorities.

CITES NEW INSURANCE LAW

McEnerney Answers Argument Advanced by Welching Companies

Garret W. McEnerney made an argument in the United States circuit court yesterday against answers filed by the Alliance assurance company, the Williamsburg City fire insurance company, the Palatine insurance company, the Commercial union and others in suits brought against them to recover losses by the conflagration of 1906. McEnerney contended that under the provisions of a statute passed by the last legislature the defendants are required in their answers to plead, if they know, the particular place or places or location affected when the earthquake started the fire which eventually destroyed the building insured.

Among the plaintiffs are James L. Flood, Cora Jane Flood, J. Ben Ali Haggin and W. R. Hearst.

Judge Van Fleet took the matter under advisement.

GOES INSANE OVER CRIME RECITAL MADE BY ORCHARD

Police of Marysville Inclined to Believe Maniac Who Admits Asylum Record

MARYSVILLE, Sept. 23.—John Jessen, held here on the charge of insanity, claims that he escaped from the Warm Springs, Mont., asylum. He also asserts that he murdered an ex-governor in Utah and killed, all told, 16 people in different parts of the country. Officers are inclined to believe part of his story and will investigate.

WIFE FEARS FOUL PLAY.

SAN JOSE, Sept. 24.—Mrs. C. Bacci, who resides at 33 St. Mary's street, in this city, reported to the police today that her husband, who started home from San Pablo, Contra Costa county, on September 6, with $400 in his possession, has not been heard from since, and she fears foul play.

BODY FOUND IN TRUNK IDENTIFIED; SEEK HUSBAND

Excerpts of Letter Lead Police to Search for Frank Covington

STRANGLED TO DEATH

Former San Franciscan Is Charged With Slaying Wife

SEATTLE, Sept. 23.—The police positively have identified the body of the dead woman found stuffed in a trunk cast upon the beach at South Alki yesterday morning as that of Mrs. Agnes Trueman McCombs Covington, 17 years old. The woman had been strangled to death.

She was the wife of Frank Covington, for several months employed as a salesman by the Kilsheimer liquor company, 1115 First avenue, Seattle. Covington is missing and the police are looking for him. Acquaintances say they have not seen him for a week. The body had been in the trunk at least a week.

Mrs. Covington was the daughter of Truman McCombs, who lives near Vernon, B. C. Her grandmother, Mrs. Elizabeth Robinson; her aunt, Miss Jennie Robinson, and her uncle, George Robinson, all live at 721 Yesler way, Seattle, where the dead woman's mother runs a lodging house. Covington is about 23 years old. He is said to have come to Seattle two years ago from Louisville, Ky.

A letter from St. Paul under date of April 11, 1906, apparently written by Covington's sister, Edith Covington, was found in the trunk with the body. The letter was addressed to Frank Covington and the publication of excerpts from the letter in the morning papers led to the positive identification today by her uncle, George Robinson. An aunt, Miss Jennie Robinson, was not so certain of the identification. The police are working on the theory that Covington is the murderer.

Mrs. M. Pulmer of 510 Fifth avenue, who conducts a lodging house at 916 Fifth avenue, said today that Covington and his wife lived there several months. During the time they fought and quarreled almost every day. Their disturbances became so annoying that Mrs. Pulmer a month ago was compelled to order them from the house. From that point they went to a rooming house at Ninth avenue and Pearl street. They left there about 10 days ago. After leaving the house in Ninth avenue, it is reported, the Covingtons went to South Alki and lived in a tent.

If it be found that they did live at South Alki, the police are confident that the murder was committed at the tent and to cover up the crime the body was stuffed in the trunk and deposited in the bay. The trunk is an old fashioned round top receptacle. The Covingtons had that particular kind of a trunk when they lived at Fifth and Madison streets.

ST. PAUL, Minn., Sept. 23.—J. B. Covington of this city, whose firm's letter paper was found in the trunk containing the body of a young girl at Elliott bay, near Seattle, gave the Associated Press the following explanation:

Edith Covington, aged 25, and her brother, Frank Covington, aged 22, were reared by their grandparents in Cattlettsburg, Ky. After they had grown up they paid me a visit and the boy left here for San Francisco. While he was there his sister, who is still here, received a letter saying he was going to the Klondike. That was the last we heard from the young man. Later Edith married and is now living in Rutherglen, Va.

A few days ago a letter came to her here from Seattle and we forwarded it to her. I presume that while Edith was here she wrote to her brother on the firm's letter paper and that may explain how the letter got into the trunk. Our theory is that Frank left his trunk behind him when he went to the Klondike and it may have fallen into other hands.

TWO GIRLS EXECUTED BY RUSSIAN OFFICIALS

LODZ, Russia, Sept. 23.—Seven workmen and two girls were executed here today by shooting, without trial, for participating in the murder of Marius Silberstein, owner of a large local cotton mill, who was killed by his employes September 13 because he refused to pay them for the time they were out on strike.

Police and troops on September 20 made a sudden descent on the mill and arrested 800 of the employes.

TEACHES MME. CALVE HOW TO DANCE THE TWO STEP

Son of Chicago Professor Acts as Master of Terpsichore While on Board Steamship

Special by Leased Wire to The Call

CHICAGO, Sept. 23.—Harry Cox, son of Professor H. J. Cox, in charge of the weather bureau in Chicago, claims the honor of having taught Mme. Emma Calve, the operatic star, how to dance the two step.

Mrs. Cox and her three sons, Harry, Arthur and Paul, occupied apartments adjoining Mme. Calve on the Cunard liner Pannonia on the trip from Trieste to New York.

Mme. Calve, according to Professor Cox, who returned from New York with his family after a long tour in Europe, enjoyed the company of young men and asked Harry to teach her the American two step, "such a lovely dance," she is quoted as saying. He did so and the two participated in the ship's charitable benefit during the voyage in a two step exhibition.

RUSSIA AND BRITAIN AGREE

ST. PETERSBURG, Sept. 23.—Ratifications of the Anglo-Russian convention took place at the foreign office here this afternoon. The Anglo-Russian convention regulates the respective interests of Great Britain and Russia in Tibet, Afghanistan and Persia. Imperial Russia maintains her position in the north of Persia and Great Britain in the south. Each of the contracting powers agrees not to endeavor to obtain any advantages in Tibet and Afghanistan which might be to the disadvantage of the other.

BRAKEMAN IS INJURED

SANTA ROSA, Sept. 23.—Edward Clark, freight brakeman on the Northwestern Pacific, fell on the track while switching at Healdsburg this afternoon and was run over. He suffered a compound fracture of the left leg and of the left arm and his skull was fractured. Unconscious, he was taken to the railroad hospital in San Francisco.

$1.50—Second Special Excursion—$1.50 over the scenic North Shore railroad to the Russian river and great redwood forests on Sunday, September 29. Boat leaves San Francisco at 7:45 a. m. via Sausalito ferry for Camp Meeker, Monte Rio, Mesa Grande and Cazadero, the great summer home resorts of Pacific coast. Each ticket insures a seat; get them in advance and don't be disappointed on the morning of the excursion as the number will be limited. Ticket office, Sausalito ferry, foot of Market street, San Francisco.

Heney Outlines the Evidence Against Tirey L. Ford

Traces the Payment of Money for Franchise

Sketches of the defendant, his legal counsel and the first witness in the trial of Ford, which was commenced yesterday by the opening statement of Assistant District Attorney Francis J. Heney. Upper to lower—Attorney A. A. Moore, Tirey L. Ford, Attorney Earl Rogers and John E. Behan, clerk of the supervisors.

The trial of Tirey L. Ford on the indictment charging the payment of a bribe of $4,000 to former Supervisor Thomas Lonergan to secure his vote for the overhead trolley permit for the United Railroads was begun in earnest yesterday afternoon before Judge Lawlor. An unusually large crowd pressed at the doors of Temple Israel long before the time set for the trial. Nearly 1,000 persons heard Assistant District Attorney Heney outline the evidence against Ford and cite in detail a damaging array of facts, dates and figures. The groundwork for the evidence was laid through the testimony of John E. Behan, clerk of the board of supervisors, who traced the overhead trolley franchise through its various phases. At the conclusion of Behan's testimony court adjourned.

Lonergan will be the first witness when court convenes at 9:30 o'clock this morning. He will be followed by the old members of the board of supervisors. Lonergan will tell how he received $4,000 from former Supervisor Wilson, and Wilson in turn will explain that he received the money from Gallagher. "Big Jim" will testify that he received it from Ruef, and then the former boss will be placed upon the stand and, according to the prosecution, will tell how he received the money from Ford. In this way the prosecution expects to trace the boodle money step by step to its source. The defense has allowed the report to go out that it will set up the plea of extortion, but Earl Rogers, who is conducting the case for Ford, declined to say yesterday whether or not he had anything more substantial to offer than the claim that Calhoun, who entertained Ruef during the negotiations, was held up and forced to deliver $200,000.

INDICTED PERSONS PRESENT

The usual assemblage of indicted notables gave added interest to the hearing. Eugene E. Schmitz was there from the county jail and Abe Ruef from his more commodious quarters in Fillmore street. Patrick Calhoun occupied a front seat, and behind him were Thornwell Mullally and William Abbott. The cases of these defendants went over for two weeks.

Ford was well protected by a half dozen attorneys. At the outset A. A. Moore of counsel for the defense protested against the arrangement of the courtroom. The tables and benches are so arranged that the members of the prosecution face the jury, while the attorneys for the defense are forced to look over their left shoulders to watch the jurors. Although the defense is obviously at some disadvantage because of the arrangement, Judge Lawlor said that he had tried every means to rearrange matters, but it could not be done without tearing out some of the pews of the synagogue.

In the back of the courtroom sat the members of the old board of supervisors, dressed in their best, prepared to tell once more the story of their sins. The jury was brought from the Fairmont by Bailiff Montgomery, and appeared to have thrived on the diet of the California street hotel.

HENEY OUTLINES EVIDENCE

Immediately after Judge Lawlor called the case, Heney arose, and in a conversational voice, outlined the evidence to be presented against Ford. He spoke rapidly with occasional reference to memoranda, and as he reached the vital points his voice gave emphasis to the facts. He spoke for 20 minutes and traced the negotiations step by step. In explaining the transaction, Heney said that Supervisor Rea had received no bribe from the company, that Supervisor Gallagher had received $15,000, Supervisor Wilson $10,000, the other supervisors $4,000 each, Schmitz $50,000 and Ruef $65,000. Heney said in part:

"I will state to you at this time what the prosecution intends to prove. We are trying only Tirey L. Ford and no one except Ford. He is charged with paying and offering to pay Lonergan (a supervisor) $4,000 to influence his vote and action in matters then pending and to come before the board. We do not expect to prove to you that Ford personally made this offer, but we do offer to prove that this offer was made by Supervisor Wilson, authorized by Gallagher, that Gallagher was authorized to make the offer by Ruef, and that Ruef was authorized to make the offer by Tirey L. Ford.

"We expect to prove to you that Ruef took the matter up with Ford in February or March, 1906, a considerable time before the earthquake. At that time the question was discussed between Gallagher and Ruef about putting the franchise through the board of supervisors. Ruef told Gallagher to see what could be done, and Gallagher reported back that the supervisors wanted $10,000 apiece. Ruef told Gallagher that that was ridiculous and that the supervisors could only get about half that much.

"The matter was taken up again after the fire. Ruef told Gallagher that public sentiment was such that they could put the franchise through and that there would be $4,000 in it for each supervisor with something extra for Wilson and Gallagher, or a total of $85,000. Gallagher told the members of the board that there was $4,000 in it apiece for them.

ORDINANCE IS INTRODUCED.

"Supervisor Wilson introduced the ordinance which was signed by Calhoun, who arrived in San Francisco on April 28. The ordinance was introduced on May 14 and came up for final passage on May 21, when it was passed unanimously.

"Ruef met Ford, Calhoun and Mullally a number of times after the fire at the carbarns, at Calhoun's house, where Mullally lived, during the time the ordinance was up. We will show that Ruef and Schmitz were entertained at dinner a number of times by Calhoun and that Ford and Mullally were present.

"On May 14 the banks were not doing business. On April 29 the United Railroads deposited to the credit of Mullally for its own account $175,000 in the subtreasury at New York. We will show that that money was transferred to San Francisco by wire and that all of it was withdrawn by Treasurer Starr of the United Railroads, with the exception of $5,000 which was withdrawn on April 30 by Mullally, who went to the subtreasury with Ruef. We will show that Mullally wanted currency with which to pay $2,000 to Ruef. We expect to prove that all of this $175,000 was used legitimately for the purposes of the United Railroads, that it was withdrawn by Treasurer Starr and that it can be traced on the books of the company.

PAID FOR TROLLEY FRANCHISE

"The only other money that came to the mint was $200,000 to the credit of Patrick Calhoun which was transferred to the mint on May 22, the day after the trolley ordinance was passed. We expect to prove that this sum was paid for the trolley franchise. Of this money $85,000 went to the supervisors, $50,000 to Schmitz and the rest ($65,000) to Ruef.

"We will prove that Calhoun went to Mr. Leach, superintendent of the mint, and told him that he would like the money withdrawn by Tirey L. Ford. We will show you that all the money was withdrawn by Ford—$50,000 on May 25, $50,000 on July 31 and $100,000 on August 23. We will show you that while the $175,000, which was used legitimately, was withdrawn by the treasurer of the United Railroads in coin and went through the regular channels as shown by the books of the company, this $200,000 was obtained in currency by Ford and not a trace of a single dollar of it is to be seen on the books of the United Railroads. It was never known by a single director outside of Ford, Abbott, Calhoun and Mullally for what this money was to be used.

"Ford got $50,000 on the oral order of Calhoun to Leach. He got it in currency. He asked for currency. He went first to Cashier Cole of the mint, who did not have it, and then to Mr. Hawkins of the relief corporation and asked for $50,000 in currency. Hawkins said it would take some time to count it out and asked Ford to call next day.

"The next day, May 24, Ford and Abbott went in an automobile to the mint and saw Hawkins and Selig (Hawkins' assistant) and got a package of currency. It was a very large package, as most of the bills were of the one and two dollar denominations.

DIVIDED INTO TWO PACKAGES

"Ford and Abbott suggested that it was too big to carry and, under their direction, it was divided into two packages and they carried the two packages away. This was on May 25.

"No payments were made to the board of supervisors until August 1, two months later. We will show that on July 31 Mr. Ford and Mr. Abbott went to the mint and Ford asked Leach if he had a telegram from Calhoun, who was then in Cleveland, authorizing Leach to pay Ford $50,000. Leach said he had, and we expect to show you the telegram.

"Ford arranged with Mr. Burns of the subtreasury and got currency. This was in large bills, and Ford and Abbott carried this away. On the following day Gallagher gave to each supervisor, except Wilson and Rea, $2,000 in currency. Gallagher received that currency from Ruef.

"Ruef did not pay over the first money he received from Ford to the supervisors until he received the second payment from Ford. He wanted to make sure of his own money. Ruef had explained the delay by saying that Ford had trouble in getting currency.

"The remaining $100,000 remained in the mint until August 21, when Leach wrote to Calhoun in San Francisco insisting that the money be withdrawn. Two days later Leach received a telegram from Calhoun from Cleveland to pay $100,000 to Ford. The next day Ford called and got $100,000.

"Ford again arranged to receive currency. Mr. Burns of the United States subtreasury again furnished currency in large sized bills. Ruef carried that away. A day or two after this $100,000 was paid to Ford. Ruef gave Gallagher the rest of the money for the supervisors, which amounted to $40,000. Gallagher then gave $2,000 each to the supervisors, excepting Rea, who did not get any, and Wilson, who received something extra. Upon that evidence we will ask for the conviction of the defendant at your hands."

TELLS OF THE ORDINANCE

Behan was then placed upon the stand and the necessary documentary evidence was adduced to show that the United Railroads, through its president, Patrick Calhoun, had applied for the trolley permit and that the supervisors had granted it on May 21. The supervisors repassed the ordinance on June 11, fearing that the action taken in May might not be legal because the governor had declared a series of holidays throughout the entire month.

Attorney Earl Rogers adopted filibustering tactics from the start, at the same time announcing that he was doing all in his power to hasten the proceedings. Rogers was not disposed to admit even that the United Railroads had an overhead trolley permit.

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NOT CONNECTED WITH THE GOEBEL MURDER

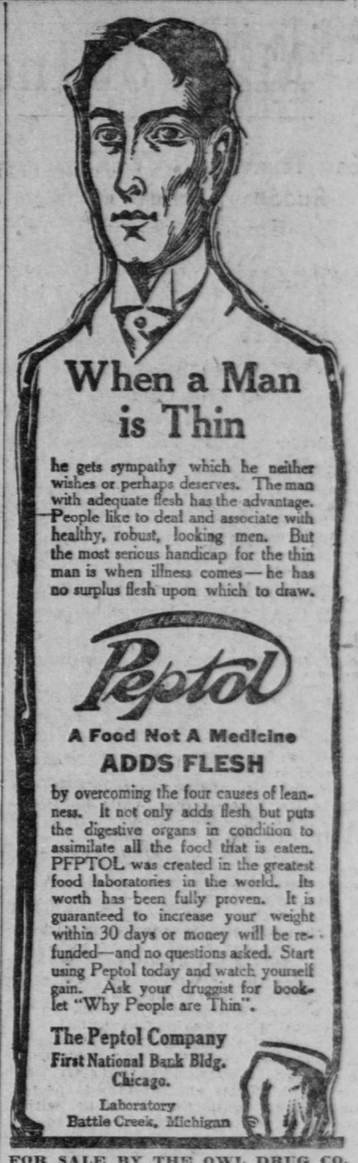
Captain Sanford Denies the Statement Made by Mrs. Clark

NEW YORK, Sept. 23.—Captain Cassius Marshall Sanford, only son of the late John Sanford of Covington, Ky., who was referred to in the affidavit of Mrs. Lulu Williams Clark in Sunday newspapers as "John Sanford," and as having been present when Governor Goebel of Kentucky was killed, has issued a positive denial of all her statements. He said: "Every one of the statements of Mrs. Clark is absolutely false. I never knew her (Mrs. Clark) or Gertrude King, to whom it is said I paid attention, or Turner Igo, or any one else mentioned in the affidavit. At the time of the killing of Governor Goebel February 8, 1900, I was in the Philippines on business. Subsequently I entered the Philippine constabulary, rising to the rank of captain. I resigned my commission last March and have since been in business here. I have never been connected with the Goebel murder, and know nothing about it.

CALIFORNIANS IN NEW YORK

NEW YORK, Sept. 23.—San Francisco—W. L. Craig, Breslin; C. Henry, Astor house; E. L. Lowe, Marlborough; T. Rolph, Breslin; L. E. Spear and wife, Woodward; H. Suzzallo, Cadillac; H. E. Taylor and wife, Navarre; Miss E. Wood, Marie Antoinette. Oakland—M. Schneider, St. Andre. Pasadena—H. R. Hertell, Hoffman.

PARIS, Sept. 23.—Registered at the Call-Herald bureau today: San Francisco—Hiram C. Smith, Mrs. David Hunter.



When a Man is Thin

he gets sympathy which he neither wishes or perhaps deserves. The man with adequate flesh has the advantage. People like to deal and associate with healthy, robust, looking men. But the most serious handicap for the thin man is when illness comes—he has no surplus flesh upon which to draw.

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Typewriter Ribbons; regularly $1.00; reduced to.. **50c**

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Parent's telephone ring!
He'll send it along
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ATTENTION, VOTERS

REGISTER! REGISTER! REGISTER!

REGISTRATION FOR THE MUNICIPAL ELECTION CLOSES SEPTEMBER 30, 1907

All Voters who failed to register during the years 1906 and 1907 must register on or before September 30, 1907, in order to be able to vote.

All Registered Voters who have changed their residence or who intend to on or before October 5, 1907, may transfer their registration up to and including October 10, 1907.

Registration Office open daily from 8:30 a. m. to 5 p. m., commencing Monday, September 16, 1907. Office open **Evenings** from 7:30 to 10 o'clock.

Commencing September 25, office open daily from 8:30 a. m. to 12 p. m.

City Hall, McAllister st., opp. Hyde.

By order
BOARD OF ELECTION COMMISSIONERS.

THE WEEKLY CALL, $1 PER YEAR