

SPRING VALLEY ON RATE-MAKING RAID

Asks Injunction With Power to Tax Consumers as Much as It Pleases

SPRING VALLEY INCOME

Under rates fixed by supervisors, approximately \$2,000,000.

As desired by company:

Operating expenses	\$600,000.00
Taxes	375,000.00
Depreciation	200,000.00
Earthquake damage	57,171.13
7 per cent estimated value	3,675,000.00
Total	\$5,481,751.13

Excess desired by company, \$3,281,751.13

Rate desired by company on City Engineer Marsden's valuation \$200,000.00, 21.3 per cent.

Rate desired by company on its own figures of \$2,000,000, at which it offered to sell to city 17 per cent.

The joker in the latest Spring Valley injunction suit has come to light. The company wants to fix its own rates. It has asked the United States circuit court to prevent the enforcement of the schedule adopted for the next fiscal year and to leave the corporation free to charge what it pleases. City Attorney Percy V. Long began preparations yesterday to combat the suit and state that under no circumstances could the water company take unto itself the powers vested in the board of supervisors.

The issue will be fought out before Judge E. S. Farrington of Nevada, who is sitting in the local circuit court in place of Judge Morrow. Judge Farrington has already issued a temporary restraining order, which will continue in operation until Saturday morning at 6 o'clock, the hour set for the appearance of the city authorities to show cause why the injunction should not be granted.

NEW WRINKLE IN SUITS

The suit at issue differs from all previous ones brought by the Spring Valley. In former cases, when the temporary injunction was granted, the old rates continued in effect. In the present instance, however, it is the contention of the Spring Valley attorneys that should the temporary injunction be granted the company would be forced to make its own rates. In view of this claim, which is disputed by the city attorney, the preliminary hearing assumes great importance. It has been the practice in past water cases to grant the temporary injunction and leave the adjudication of the vital issue to the hearing on the petition for a permanent injunction.

At first glance it would appear that the Spring Valley water company would gain in for charity. The 1908-1909 rates are higher than those now in force. Under ordinary circumstances an injunction would continue the present rates over another year. Under such circumstances Spring Valley would lose something like \$100,000. An inquiry at the office of Heller, Powers & Ehrman, attorneys for the corporation, developed the fact that no such philanthropy was intended.

WOULD FIX OWN RATE

"It is our understanding," said E. S. Heller, "that if this injunction be granted it will nullify the rates fixed by the supervisors for the next fiscal year and leave the company to make its own rates. The court has no power to establish rates. It can prohibit the enforcement of unjust rates, but it cannot establish them."

"If left free, Spring Valley would not impose any rate that the traffic would bear, but would seek to fix a fair and reasonable schedule. We have only asked for what we think is just. If we are to be limited in income by the city, then the city must keep our plant in good repair. It must pay for depreciation, and—yes, for earthquake damage. This but follows the ruling of the interstate commerce commission on these matters."

According to the company's figures, the earthquake damage amounted to \$1,111,111, and this it calmly asks the city to make good.

Events moved rapidly yesterday in the case. The corporation was called upon to file a bond in the sum of \$100,000 and then notice of the order to show cause was served on Mayor Taylor and the members of the board of supervisors. City Engineer Marsden Manson was in consultation yesterday with Supervisor Johnston, chairman of the special water committee of the board, but no definite plan of action was formulated.

City Attorney Long held a conference with his assistants, T. E. Haven (who still assumes charge of the case) and Jesse H. Steinhart, J. H. Dockweiler, an engineer attached to the city attorney's office, also was present at the conference. Long announced that the city would prepare to meet the issue at once.

"As far as the effects of a temporary injunction in this case are concerned," said Long, "it will lie with the judge to define them in his decision. Whether the existing rates would be continued pending the hearing on this. This office will certainly oppose any such proposition that the company be allowed to fix its own rates. That would entail a transfer of authority from the board of supervisors to the directors of the Spring Valley water company."

It was stated that the city would claim that in the past the Spring Valley has opposed all rates. The city is declaring that the schedule of that year was just and reasonable. As the rates for the next fiscal year will be higher than those of 1907 it will be argued that the company is getting even more than it has sought in the past. Long will use as a basis of valuation the city engineer's estimate of \$25,000,000 as the value of the Spring Valley plant.

PAYSON SAYS LITTLE

Captain Payson, president of the Spring Valley company, stated last evening that the issues involved were now in the hands of the law department of the company and involved matters with which he was not familiar.

"I do not know what the effect of a temporary injunction would be," he said. "These are matters for the attorneys and lie in a field which I would not attempt to invade."

In some quarters the belief was expressed that the Spring Valley company intended by the opposition of the Hetch Hetchy project. The plan, it was stated, was to have a court valuation placed upon the plant and then attempt to use this against the Sierra project. The engineers of the company are now engaged in preparing figures with which they will endeavor to demonstrate that the Hetch Hetchy will prove an undertaking far more costly than has been supposed.

The Spring Valley influences were exerted at Washington for many years in a manner that blocked the efforts of the city to get the desired rights in the Sierras. Since these have been granted to the municipality the city of San Francisco has taken a new form, but has been no less persistent. The company has had a corps of surveyors in the mountains mapping out the city's holdings and has endeavored to block its acquisition of needed lands. In this, however, it has not been successful.

Officers of the Catholic ladies' aid society in annual grand council. From left to right: Mrs. D. F. Ragan, grand president; Mrs. K. Byrne, grand director; Mrs. M. J. Smith, grand secretary, and Mrs. S. M. McFadden, grand senior vice president.



MORRELL FORCED TO FLY, SAYS OTS

Airship Man Knew Machine Was Not Fit to Sail, Superintendent Avers

It developed yesterday through the filing of a suit by Alexander Ots, superintendent of the National airship company, that J. A. Morrell never intended to make the disastrous ascension with his airship at Berkeley May 23, in which a large number of people were injured, but that he actually was forced to go forward with his announced plans, according to Ots. If Ots' allegations may be credited Morrell designed the affair as a bluff to deceive the stock holders, knowing that the ship could not sail in the air. R. J. White, attorney for Ots, supplemented this charge last night by the following statement:

"Morrell was forced against his will and by the use of threats of violence to enter his airship. The airship was never intended to fly and Morrell knew it, but those who had been associated with him made him go forward with the program."

OTS ASKS RECEIVER

Ots' suit against Morrell is to have a receiver appointed and also asks that Morrell be restrained from removing the funds of the concern from the Wells-Fargo bank. Ots accuses Morrell of the misappropriation to his own use of money realized from the sale of shares.

The charges against Morrell as to his concealed intentions relative to the airship ascension are definite and unqualified. Ots asserts that many occupants of the airship were injured and the lives of thousands of onlookers endangered "by reason of willful, deliberate and premeditated designs upon the part of Morrell to prevent the ascension, despite his apparent efforts to the contrary. He knew the airship as constructed could not be successfully operated and made the attempted ascension for the sole purpose of keeping alive the hopes of stock holders in the National airship company and to further his own ends."

18,000 IN SHARES SOLD

Ots asserts that of the 10,000,000 \$1 shares in the company 581,000 have been issued, although the amount paid for them totaled only \$18,000. For his services as superintendent of construction Ots received 22,100 shares, but no other compensation. To induce Ots to sell shares to his friends Morrell is alleged to have falsely represented that he had a national reputation as an inventor and was a highly skilled mechanic and aeronautical engineer, whereas, as a matter of fact, he is stated to be grossly ignorant of mechanics and is not an aeronaut. Morrell also said that he owned many valuable patents and concessions, such as a formula for making gas, 80 acres of gas yielding land in Kansas and a device for the automatic control of the altitude of airships, but he had none of these things, Ots charges.

Besides Morrell the following directors named as defendants in the suit, which is brought on behalf of all the 500 stock holders: J. W. Goodner, M. Spurling, S. Le Master, J. W. Jones and W. O. Burkovitch.

In a judge's court yesterday Morrell pleaded not guilty to the charge of publishing a false prospectus.

PRINTER SEEKS DEATH

BENEATH CAR WHEELS

Throws Himself in Front of Rapidly Approaching Trolley and Is Killed

Deliberately throwing himself on the track in front of a swiftly approaching car at Forty-eighth avenue and Ocean terrace, Ray Buzby, a printer, was instantly killed yesterday morning by the heavy vehicle. Motorist Ernest Richards used the emergency brakes, but he was unable to stop. Buzby's body was almost cut in half.

Witnesses told the police that Buzby, who was 35 years old and lived at 1244 Sixth avenue, had been drinking heavily. He waited until the car was close to him and then hurled himself across the rails. Firemen of chemical 4 were called out to assist in raising the car so that his body could be removed. It was a full hour before they were successful, so tightly was Buzby jammed under the trucks.

FINANCIAL NEWS

During these times, when money is so scarce, the Baldwin Jewelry Company have made arrangements to negotiate loans or diamonds and jewels at current rates. 1261 Van Ness avenue at Sutter street.

OPERATE "BLIND PIGS"

Five grocers were convicted by Police Judge Cabanis yesterday of selling liquor without a license. John Heger, Harry Elizabeth street, was fined \$50; John Miller, Church street, \$50; Mrs. Mary Miller, Sanchez street, \$20; Henry Heger, 1244 Sixth street, \$20; and Fred F. Speckman, Church street, had sentence postponed till today. Mrs. Mary Ragny, Hoffman avenue, and Louis Lacombe, Dolores street, had their cases continued.

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Dr. Singer's Angostura Bitters tones the system, creates beautiful appetite. Refuse substitutes.

LANGDON BURSTS RUEF BAIL BUBBLE

Shows That Graffer's List of Alleged Sureties Is Full of Discrepancies

District Attorney Langdon was prepared for the Ruef when the graffer appeared before Judge Dunne yesterday morning in an effort to secure his liberty on bail. Langdon declared in court that the schedule of the property holdings of the persons submitted by Ruef was so far at variance with the records of the assessor's office that it would be a waste of time to consider the securities.

Judge Dunne ordered that Ruef prepare a new list and submit it to the court before appearing again to make a motion for release on bail. At that Attorney Frank Murphy grew insolent to the court and the effort of Ruef terminated with the one time boss proudly assuming the attitude of a martyr.

Murphy wore the cloak of martyrdom during the afternoon when he went before Presiding Judge Trout to see if he could interest that jurist in the sorry affairs of the defendant. But Judge Trout would not consider the matter and Murphy and Ruef were thrown back on their own resources and their ability to submit a list that will abide with the official records of the city.

When court was called Murphy started at once to make an evidentiary showing of the property of the bondsmen.

Langdon interrupted him. "I have had four men from my office examine the assessment rolls," the district attorney said, "and the reports I have received are so far at variance with the defendant's report that it would be a waste of time to consider the securities offered. In the case of Dr. W. L. Williamson, who is said to qualify for \$10,000 bonds, and who is said to be worth \$20,000, his name is not on the assessment roll and the City controller's office is said to be interested. It is not on the rolls. The defendant offered 20 names. That does not cover the amount of bail demanded."

Murphy replied that he wished to make an evidentiary showing and to qualify for bonds to the greatest possible extent.

Langdon offered to give his report to Murphy, who might verify it, but the latter would not consider the proffered memorandum.

Judge Dunne then asked that Murphy present a full list of securities to the court, but Murphy declined, insisting on the constitutional right of the defendant to bail. He declared insistently that he did not propose to give the list to the court that "The Call and the Bulletin might publish them for the purpose of intimidating" the prospective sureties. "I'll put the sureties on the stand," Murphy closed in an impertinent tone, "and that's all I'll do with due deference to your honor."

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EXAMINATIONS FOR FIRE CHIEFS ARE POSTPONED

Long Says Commissioners Have Encroached Upon Powers of Civil Service Board

The civil service examination for battalion chiefs in the fire department, which was to have begun yesterday, was indefinitely postponed to avoid the possibility of a legal controversy. When the examination was ordered the fire commissioners decided to act as ex-officio members of the civil service board. City Attorney Long informed the commissioners a few days ago that the selection of the examiners rested entirely with the civil service board, that the self-appointments made by the fire authorities might invalidate the nominations. Such self-made appointments, which would usurp the powers of the civil service commissioners. Upon the filing of Long's opinion both commissions agreed that it would be advisable to postpone the examinations.

FESTAL BOARD ROBBED BY HUNGRY JANITOR

Employee in Notorious Resort Takes Turkey and Champagne and Is Jailed

Robert Park, janitor in a notorious house conducted by Tessie Wall at the corner of Ellis and Larkin streets, was arrested yesterday afternoon for rifling the larder of the establishment.

Park first secured the keys to the various rooms of the house, and finding a banquet spread in the dining room he proceeded to make away with a roast turkey and a case of champagne prepared for the occasion. In such a place the removal of the champagne from the festal board might have passed unnoticed by the inmates, but the disappearance of the royal bird caused the police to be summoned.

DELEGATES PRESENT

The delegates in attendance, consisting of the grand officers, the past grand officers, the past presidents of the branches and two members elected from each branch were the following:

Past Grand Presidents A. T. McDonough, Margaret Deane and M. A. Carr; Grand President D. F. Ragan, Grand Senior Vice President S. McFadden, Grand First Junior Vice President Henry, Grand Second Junior Vice President L. Vollmer, Grand Secretary and Treasurer M. J. Smith, Grand Marshal E. E. McGowan, Grand Guard T. Peckham, Grand Deputy Guard A. Hogan, Grand Directresses C. Miller, J. D. Sullivan, W. M. Toner, F. Molet, M. Donohue, M. Lyness, O. S. Cowill, R. Byrne, G. W. King, J. Mitchell and A. J. Hanlon.

Past presidents—M. Burke, A. Dooling, Mary Hinder, P. J. White, M. Bolger, A. Murphy, N. T. Morton, Jennie Jordan, M. Gorman, Mrs. A. Bride, Constance Schmitt, Kate Jollymore, Evelyn Casey, Nellie Fitzgerald, M. Madis, Minnie Sadie A. Garvin, P. H. Dunigan, Mrs. M. McCarthy, Mrs. Pendergast, E. J. Thomas, Mollie O'Connor, M. Deery, Miss Matthews, Annie McSweeney, Emily Mengels, J. Burke, L. Vollmer, J. Hanlon, M. H. McManus, Nora Lynch, Mrs. J. McDonnell, Mrs. Nelligan, Kate Grace, Mrs. Kennedy, Mrs. Dooley, Mrs. Hayden, E. J. Thomas, M. Jones, Mrs. Cunningham, Mrs. Sarman, R. M. McCarthy, M. G. Dwyer, R. E. Twomey, C. Talbot, A. Manning.

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The First Sale We Ever Held

Intelligent dressers have taken advantage of it. A sale like this is so unusual where the values are bona-fide and surprising and such a class of high-grade clothes that's being offered.

But Every Garment Must Go

We've come to this conclusion, and if this great rush keeps up our conclusions will be ratified.

The Choice of Our Stock

Positively no reservation. Every garment is in sight.

At \$20.00 Any Suit or Overcoat that we regularly sold up to \$37.50

At \$30.00 Any Suit or Overcoat that we regularly sold from \$40 to \$70

Incomparable "Paragon" Trousers

(Ever try a pair? You ought.)

At \$5.00 Trousers that we regularly sold up to \$9.00

At \$6.00 Trousers that we regularly sold from \$10 to \$14.

King Solomon's Hall, Fillmore St. near Sutter

SORROW FOLLOWS BRAVE FIREMAN ON ENGINE 13

Series of Unfortunate Events Reach Climax When Wife Drinks Acid and Dies

Continued bad luck has been the lot of Fireman James Walsh, a fire fighter with many meritorious actions to his credit, since he has been assigned to duty with engine 13, and yesterday, the 23rd day of the month, it seemed to him that the imp of the fateful number had pressed the grim game to the end when he learned that his wife had committed suicide by drinking acid in Golden Gate park.

Sunday night, while she was evidently partly demented from the effect of a long spell of sickness which came upon her after her husband joined engine company 13, Mrs. Walsh wandered from her home at 1523 Valencia street. The efforts of Walsh and those of the police failed to find her. Yesterday morning workmen in the park heard a woman's agonized screams, and in the shrubbery near the Waller street entrance they found Mrs. Walsh dying with an empty carbolic acid bottle by her side.

Though she was rushed to the emergency hospital she died in a few minutes. The body lay at the morgue until late in the afternoon when Fireman William Terry, operator for Battalion Chief Dolan, identified it as that of Mrs. Walsh and his own sister.

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