

CITY WINS 5 BLOCKS ON BEACH

Property Between Forty-ninth Avenue and Ocean Held to Be Part of Great Highway

Sutro and Hotaling Estates Lose Nearly Half Million by Supreme Court Decision

Suit Brought by Sutro Estate Against Barta Et Al. Finally Decided Against Both

City Will Institute Ejectment Proceedings to Gain Possession of Valuable Lots

FIVE broad blocks of land facing the ocean beach south of the Cliff house site, three north and two south of the western end of Golden Gate park, and valued at a half million dollars, will eventually revert in title to the city to become part of the great highway under a opinion of the supreme court under an opinion of the supreme court and concurred in by his associates on the bench.

The far reaching decision was handed down in the suit brought by Emma L. Merritt et al., as executrix for the estate of Adolph Sutro, deceased, against C. J. Barta and others, to secure title to a piece of land in the triangular block bounded by I and J streets and Forty-ninth avenue and the Ocean boulevard. The Sutro title to the land was based on a deed secured from Paul Rousset, which, in turn, was backed by a city deed issued by the board of supervisors in accordance with the William P. Humphreys map of the city approved October 25, 1870.

Both Litigants Lose

Both plaintiff and defendant in the suit lost before the highest state court, and the city, which did not originally appear in the suit, won out on a brief later prepared by City Attorney Percy V. Long and Assistant City Attorney Adolph E. Graupner. While the ruling of the court necessarily applies only to the parcel of land in direct controversy, the effect of the suit will be to nullify the titles of claimants to all the five blocks. The three blocks north of the park are owned by the A. P. Hotaling estate company, and the two to the south are held by the Sutro interests.

The lines of the Humphreys map affecting the boundaries of Forty-ninth avenue and the Ocean boulevard are abrogated by the decision and the map of outside lands, adopted by the board of supervisors subsequent to the report of the outside lands commission, in July, 1868, and confirmed by the legislature, is established as the authority for street lines. Under this earlier map the great highway shall extend in width from the easterly line of Forty-ninth avenue to the Pacific ocean, giving the city a magnificent park site facing the Pacific.

May Now Remove Resorts

Thus does the supreme court lay the foundation for sweeping away the resorts, saloons, dance halls and smaller concessions from the beach line and clearing the broad expanse, to be converted into a splendid esplanade, free from the litter of unsightly frames and tawdry pavilions. Assistant City Attorney Graupner said that the city attorney's office would immediately begin ejectment proceedings to secure possession of the land in question.

Best known among the resorts that line the beach from the bluff of Sutro's heights southward are the Seal Rock house, conducted by Mrs. Louise Muirhead; the Ocean Beach pavilion, numerous candy and fruit stands in B street abutting on the terminal of the H street and Forty-ninth avenue carline; Ivy Inn, between B and C street on the Ocean boulevard; the Olympic salt water pumping plant and Sheehan's ropshouse at the corner of the boulevard and Fulton streets. All that property is owned by the Hotaling estate and brings a brisk income into the strong chests of Richard M. Hotaling, actor and dramatic critic.

Carville Is Involved

The United States life saving station is on government land, especially dedicated for that purpose and set apart from Golden Gate park. Below H street, the southern limit of the park, the Sutro property is leased to various tenants, including Mrs. Gunn, who conducts a unique restaurant on the beach, and several people leasing cars connected into dwellings.

There is a frontage of 3,000 feet on two streets, the boulevard and Forty-ninth avenue, or 6,000 feet front in all, involved in the entire property. The blocks with the exception of the

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HEMPL CHANGES THE HISTORY OF ANCIENT ITALY

Stanford Professor Solves the Mysterious Symbols of the Etruscans

Inscriptions That Puzzled the Scientists for Centuries Read at Last

Discoveries That Mean Enormous Changes in Views on Rome and Greece

[Special Dispatch to The Call] STANFORD UNIVERSITY, Dec. 26.—The manners and customs of the ancient Etruscans, their history and their relation to the Romans, so long mysterious to historians, have at last been solved by Dr. George Hempl, who holds the chair of Germanic philology at Stanford university. For centuries scientists have worked to read the Etruscan inscriptions and failed, and because they have failed little is known today of the people who lived in upper Italy ages ago. In a single night Dr. Hempl succeeded in finding the key to the mysterious symbols, and to a small gathering of the Stanford philological association this noted scholar today outlined his discovery and told what effect it would have upon the scientific world.

Sprang from Trojans The educators who attended the meeting and heard the lecture are generally of the opinion that Dr. Hempl's discovery is of great importance and far reaching in its results. It will make necessary a complete change in the present historical view of ancient Italy and will elucidate many disputed facts of Latin grammar and etymology. Probably its greatest effect will be in overturning the generally accepted idea that the Etruscans and Romans were different peoples. Dr. Hempl, by means of charts, today proved conclusively that the Roman and the Etruscan languages were similar in all their important features, drawing the conclusion that the people sprang from the same race, that of the Trojans.

The work so brilliantly begun by the Stanford professor will be long and tedious. Out of 8,000 inscriptions only 50 have been deciphered. Dr. Hempl intends to complete his task, however, and when it is done the world will know much that is now a sealed book. Dr. Hempl finds Clew

In his lecture this afternoon Dr. Hempl gave these facts: "Ancient Italy was occupied by various peoples speaking various languages. There were Greeks in the south, Celts in the north and Italic tribes in all parts of the peninsula. The latter fall into two groups—the Latin-Paliscan, spoken in and near Latium, and the Ocean-Umbrian, spoken in a large part of Italy. Aside from these are the Etruscans, just north of the Romans; the Veneti in the neighborhood of Venice; the people in eastern Italy, who spoke what is called Old Sabellian, and minor tribes. But the inscriptions left by all these last named peoples have always baffled the ingenuity of scholars.

For many years Dr. Hempl has been engaged in deciphering the ancient Germanic inscriptions written in letters called runes. Not long ago he was able to prove that one group of these inscriptions were Burgundian and thus to furnish information as to a great Germanic language of which we hitherto knew nothing.

Closely Akin to Latin "Professor Hempl long ago observed that the oldest runes were similar to the letters used in the unread Venetic and Sabellian inscriptions found in Italy. This led him last fall to examine those inscriptions more carefully. The result was that he succeeded in reading them and thus brought to light two hitherto unknown Italic languages similar to Umbrian and Oscan. When he reported this matter at the meeting of the Philological Association of the Pacific Coast at its meeting in San Francisco at Thanksgiving time, he was urged to try his hand at solving the Etruscan question. This he did December 4 and found the language closely akin to Latin.

"This discovery, though in its nature not different from the solving of the Venetic and Sabellian inscriptions, is a matter of far greater importance. The Etruscans were, from 700 to 500 B. C., the most powerful and civilized people in Italy. They introduced the arts and sciences, as well as the religion of Greece, and were the means of spreading civilization all over the northern and western world. They left behind them countless works of art and engineering and more than 8,000 inscriptions.

Remained a Sealed Book "These have hitherto remained a sealed book and the world has thus continued in ignorance of the language, the race and the origin of this remarkable people. The Etruscan question has thus been the standing riddle of

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ANNIS' SLAYER MAY GO FREE; BROTHER HANG

Justice Holds That Alleged Insanity of Captain Hains Won't Help Thornton

Counsel for Defense Jubilant Over Liberty to Introduce Scandal in Trial

Prisoner's Lawyer Says Evidence for State Bears Semblance to Falsehood

[Special Dispatch to The Call] NEW YORK, Dec. 26.—By his interpretation of the law covering the facts of the killing of Annis by Captain Peter Hains, while his brother, Thornton, stood by, Justice Crane today placed the jury in a position where its members must weigh a story of an intrigue against the cold logic of the law. On the one hand they may be swayed by the wretched details of how Annis, in the absence of Captain Hains in the Philippines on duty, won away Hains' wife. On the other hand will be the clear cut outline of the law. Many lawyers, as they heard Justice Crane give that outline today, shook their heads and said the outlook for Thornton was grave. The court pointed out that Captain Hains, if insane, was not guilty of the crime, but at the same time Thornton might be the real criminal.

Principal May Be Freed Justice Crane made it clear also that if Thornton, knowing the intention of his brother to kill Annis, did not interfere when he could have prevented the deed, he was guilty of the crime charged against him. While Thornton's counsel is jubilant over the opportunity to bring scandal into the trial, District Attorney Darrin has presented in evidence a letter written by Thornton telling of the alleged relationship between Mrs. Hains and Annis, and he points to that as the motive on Thornton's part in planning the killing of Annis.

In such circumstances, the story of infidelity on Mrs. Hains' part may tend, with other things, to prove the captain legally innocent of the crime yet at the same time establish clearly that Thornton, sane and scheming, was the real originator of the plan to slay Annis. In other words, the district attorney thinks Captain Hains may be acquitted and Thornton convicted of the murder, which would be an extraordinary situation.

Mother's Testimony Wanted Mrs. Catherine Hains, the mother of the man now on trial for his life, is ill in New York. Counsel desires to call the mother to the witness stand to testify that after Captain Hains' trouble with his wife she told Thornton to keep a careful watch on his brother. The health of Mrs. Hains, it is said, will hardly permit her to come to court.

When court opened District Attorney Darrin called Policeman George Bolton to the stand to tell of the efforts he had made to serve a subpoena upon John Tanning, the missing witness. He was excused, and Louis Haraway, who was with Annis on the boat, was recalled. He gave the dimensions of Annis' boat. The state then rested its case.

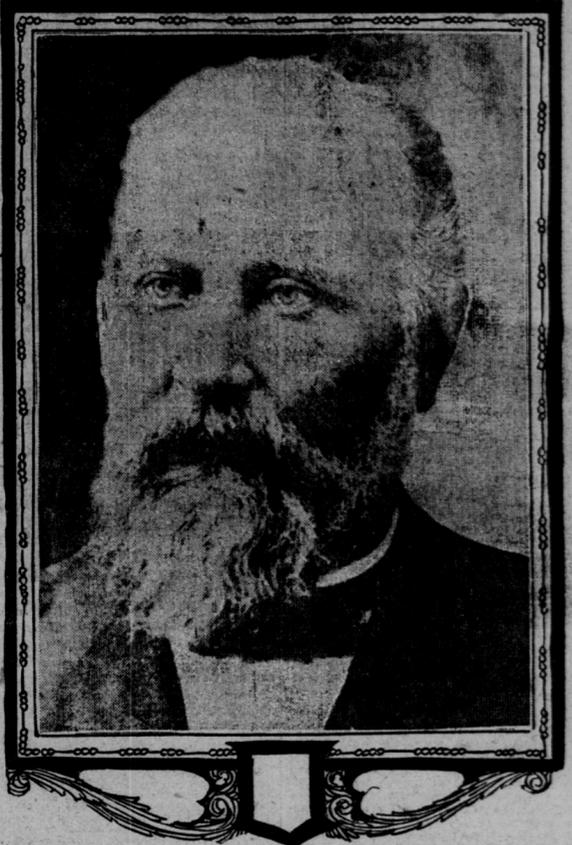
Joseph Shay, associate counsel for Thornton Hains, in opening the case for the defense, charged that the evidence of the state bore semblance of falsehood, invention and manufacture. He said that the defense would show that Thornton Hains had nothing to do with the death of Annis, that Thornton Hains had no thought of the death of Annis when he went to Bayside; he had no idea that Annis was there; that Thornton Hains did not know his brother had a revolver, and that Thornton would have prevented the meeting between his brother and Annis if he could.

Shay said that on the day of the killing of Annis, the two brothers left Brooklyn, intending to go by motor boat to Fort Hancock, N. Y. Thornton Hains carried his revolver to be fired as a signal of distress in case the motor boat ran short of gasoline or for self protection in case of attack by thieves or river marauders when landing after dark.

Insanity and Cause Involved "That the captain had a revolver with him on these occasions and on this day was beyond Thornton's wildest imagination," said Mr. Shay, "for on account of the condition of the captain, as we will show you, the utmost care was exerted to keep from him any weapon that might be dangerous to his own life."

"We propose to show you that the brother, Captain Peter C. Hains, was mentally unbalanced and to show you the causes which created that condition of mind," said Shay. Thornton Hains did not come up with Captain Hains until after the shooting, and when Tanning had the captain in his grasp and was about to strike him, it was then, said the attorney, that Thornton cried out, "Don't hurt him; he's my brother."

Claus Spreckels Succumbs to an Attack of Pneumonia



1828 CLAUS SPRECKELS 1908

BURGLAR CAPTURED BY PLUCKY RECTOR

Rev. Charles N. Lathrop Victorious in Battle in Church of the Advent

A battle with a burglar in the semi-darkness—a struggle for the possession of altar ornaments and the placing of the desperate man behind prison bars, was the experience of Rev. Charles N. Lathrop, rector of the Church of the Advent, Eleventh street near Market, shortly before 8 o'clock last night.

The story told by the rector was much more modest than that related by the police at the Mission station, where the prisoner was booked on a charge of burglary. Rev. Mr. Lathrop had gone to the church, as is his usual custom, to receive the confessions of members of his congregation. As he entered the front door of the house of worship and turned on the switch that partly illuminated the church he was surprised to see that one of the windows on the side of the building had been broken. Cautiously he moved toward the rear of the church, and as he was entering the sacristy at one door the burglar attempted to make his escape from the other. The plucky rector rushed at the man, calling upon him to halt.

The burglar showed fight, but he was quickly subdued and marched across the street and placed in charge of Policeman E. J. Egan. At the police station he gave the name of Albert J. White and his residence as Milwaukee. He was charged with burglary and placed in a cell to await a preliminary hearing.

Rev. Mr. Lathrop was exceedingly modest in his explanation of the capture. He did not realize that he had captured a desperate man, and felt sorry that he did not let him go free.

The prisoner had a jimmy in his possession when searched at the prison, two new pair of gloves and a large pair of scissors. Rev. Mr. Lathrop carries a burglary insurance policy, and has already collected \$10 as a loss this month.

AUTO PLUNGES OVER EMBANKMENT, 4 HURT

Relatives of Pittsburg Millionaire Injured in Accident at Riverside

[Special Dispatch to The Call] RIVERSIDE, Dec. 26.—While driving his automobile up a steep driveway this afternoon C. E. Rumsey lost control of the car, which was precipitated over a 25 foot embankment. Of five persons in the car only one escaped uninjured. The injured: C. E. Rumsey, rib and collarbone broken; Miss Ximena Funderberg, aged 17, left arm broken at wrist; George Funderberg, cut and bruised about head and shoulders.

BOYS WITH RIFLE ROB LADS OF GIFTS

Two Juvenile Bandits Hold Up Three Youths and Take Their Presents

BERKELEY, Dec. 26.—Two boys, just in their teens, held up three North Berkeley youths near Berryman station at twilight last night and secured a watch, a stickpin and other valuables. While one with cocked rifle at their heads commanded silence, his companion rifled their clothing. A curt command to "get out" was emphasized with a slip over the heads of the boys, who scurried for home.

The boys immediately applied to J. P. Hull, a fireman of the North Berkeley fire company, who gave chase and captured the young bandits. After recovering a stickpin he turned the highwaymen free, believing the affair to be a good practical joke.

The police, however, started an investigation. It was learned that the two boys stationed themselves near the Southern Pacific siding above Berryman station at Vine street and decoyed their victims into the railroad yards and relieved them of their Christmas presents. Herbert Howard, the 12 year old son of Mr. and Mrs. H. S. Howard of Oxford and Cedar streets, was the first victim. He was admiring a watch which his father had given him when the boys called to him. No sooner had he reached the lot than the rifle in the hands of a boy about 14 years of age, having a paralyzed arm, was cocked and placed to his head.

Commanding silence under penalty of death the bandit ordered his younger companion to search young Howard. The work had not been completed before Archie Meadows of 1521 Henry street and another boy recognized young Howard and innocently wanted to join in the holdup game.

They came face to face with a resolute boy, who peremptorily ordered silence and "hands up." They obeyed with alacrity, while the younger robber went through their clothing. "Get out of here quick and don't you peep," was the parting admonition as the boys ran out of the lot. A bullet from a 22 rifle whistled over their heads.

LAST OF SONOMA VALLEY ARGONAUTS PASSES AWAY

Edward Gillan, Who Came to State Around Cape Horn in 1848, Dies

[Special Dispatch to The Call] SONOMA, Dec. 26.—The last of the Sonoma valley argonauts is dead. Edward Gillan, who came to California around the Horn in 1848, passed away Christmas day at his home at the age of 79 years. The dead pioneer located in this city with his wife 61 years ago and has lived here continuously ever since. Mrs. Gillan died in 1869. In the early fifties Gillan took a leading part in public affairs in this section of the county. Gillan retired from active life a few years ago. The funeral will take place Sunday.

GRIEF FOR DEMISE OF SUGAR KING

Gloom Cast Over City and Flags on Offices, Banks, Stores and Factories at Halfmast

Cold Contracted on Journey From Washington Leads to Short, Fatal Illness

Attendance at Capital Due to Call for Testimony at Hearing on Tariff

Rudolph Spreckels Appointed Temporary Administrator, Pending Probate of Will

CLAUS SPRECKELS, last of the sturdy pioneers under whose hands the foundations of an empire of the west were built, passed to his final rest at 4:30 o'clock yesterday morning, a few hours after news of his critical illness became publicly known in San Francisco.

In the temporary home at 2027 Howard street, where Claus Spreckels has resided since his magnificent mansion in Van Ness avenue was sacrificed to stay the advance of the flames at the time of the catastrophe in 1906, there were gathered at the time of his death all the members of his family who are now in the city. So unexpected was the end that there was not sufficient time to summon all his children, and only two of the sons, John D. Spreckels and Rudolph Spreckels, were present.

Gloom Is Cast Over City News of the death of the multimillionaire, whose name for many decades has been linked with nearly every great event in the progress of California's industrial development, cast a gloom of sorrow over the entire city. From every side messages of sympathy and condolence poured in upon the family yesterday, and many of the largest office, bank, store and factory buildings in the city displayed flags at half mast in token of sorrow at the passing of the sugar king.

So brief was the last illness of Claus Spreckels that many of his most intimate friends and business associates were unaware of his sickness until news of his critical condition was read in the morning papers yesterday, after his death had occurred.

Cold Contracted on Trip Three weeks ago Spreckels appeared in Washington before the ways and means committee of the house of representatives and testified at length at the tariff hearing then in progress, paying particular attention to the subject of the tariff relating to sugar. On the return trip he contracted a severe cold, which culminated last Tuesday night in an attack of pneumonia.

Before the fire in 1906, Spreckels was in poor health, and it was not believed at that time he could recover. His magnificent constitution carried him through the crisis, however, and during the last two years he was able to give active attention to his business despite his 80 years. The former illness left its mark, though, and when attacked by pneumonia five days ago Spreckels failed rapidly. Dr. Herbert C. Moffitt and Dr. C. M. Richter were in almost constant attendance from Tuesday until the time of his death, but their efforts to save the life of their aged patient were without avail.

Two Sons Watch at Deathbed John D. Spreckels was in San Francisco at the time his father's illness began and Rudolph Spreckels arrived Friday afternoon from Honolulu and reached the home several hours before the end. Both were present with their families when death came, as was also Mrs. Spreckels, the widow, Adolph B. Spreckels, C. Augustus Spreckels and Mrs. Emma Ferris, the other children, are all either in the east or traveling abroad, but they have been sent for and are expected to reach San Francisco within a few days.

Detailed arrangements for the funeral have not been completed, but probably it will occur Monday from the home in Howard street, and will be strictly private. The interment will be in the family lot in Cypress Lawn cemetery.

Claus Spreckels has for years been a towering figure, not only in his relation to the commerce and industry of the west, but throughout the nation.

Self-Made Giant Among Men He was a self-made giant among men themselves strong and powerful in industrial control, and his personal fortune ranked easily first of any private fortune that has ever been amassed.

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