

THE BAY OF SAN FRANCISCO

Love for Fickle Widow Leads to Thief's Arrest

Judge Waste Holds Farmers of Pleasanton Valley Have Action for Damages

Spring Valley Said to Have Carried Off Supply Used for Irrigation

OAKLAND, Jan. 8.—Ranchers near Pleasanton, whose lands, it has been alleged, have been made arid by the draining of underground water supplies by the Spring Valley water company, have a cause of action for damages which can properly be submitted to a jury, according to an opinion given today by Superior Judge William H. Waste.

Suits were filed in March, 1906, by E. R. Lillenthal for \$75,000 damages; by the Pleasanton hop company for \$160,000, and by George Davis for \$25,000, against the Spring Valley water company. An injunction was also demanded.

The complaints alleged that the conformation of gravel and heavy clay strata in Pleasanton valley had resulted in the formation of a great underground reservoir at a point where the valley narrowed sharply into a canyon. The reservoir was under considerable pressure, so that flowing wells were possible far up on the slopes of the surrounding hills. Water from these flowing wells and from other wells where the water rose nearly to the surface and could be readily pumped was used for the irrigation of ranch lands.

The Spring Valley water company was said to have driven a long tunnel in the bottom of the valley and from the floor of this tunnel to have sunk numerous deep wells through the clay stratum to the gravel water bearing formation beneath. The water was then carried from the tunnel in pipe lines to San Francisco, where it was retailed.

The wells on which the ranchers had depended failed rapidly, it was claimed. Flowing wells ceased to flow and the water in the other wells sank so far from the surface that it became impracticable to pump it up for irrigation.

Judge Waste remarked that the law points involved were those of the reasonable and corrective rights which adjoining land owners had to a common benefit. In his opinion it is illegal to unreasonably damage one's neighbors by excessive use of common privileges, a fundamental principle in the old common law. As the complaints charged that this had been done he held that a cause of action had been stated.

Special demurrers to the technical form of the complaint were sustained as a matter of precaution in view of the extensive interests involved in the suit. The plaintiffs were given 30 days to amend their complaint and incorporate various suggestions in the interests of greater precision.

Since the filing of the suits, which were drawn by District Attorney Donahue prior to his accession to office, and Attorney J. S. Partridge of San Francisco, George Davis has died. His rights in the litigation have passed to Lillenthal and to the Alameda sugar company.

The outcome of the suit is awaited with great interest throughout the Livermore and Pleasanton valleys and in Niles canyon, where similar complaints have been made against the water company.

OFFER MADE FOR MARKET STREET BANK

Receiver Mooser Expects to Pay Fifty Cents on the Dollar

Merely the signing of papers and the settlement of a small sum in dispute remain before the tangled affairs of the Market street bank will be wound up and all depositors paid in cash at the rate of 50 cents on the dollar.

Speeding westward on a transcontinental limited due to arrive Monday is the manager of the Asset Realization company of Chicago, and on his arrival the receivership, which has lasted more than six months, will be dissolved. The question yet to be arbitrated is a difference of \$200,000 between the receiver and the company.

The Asset Realization company has been dickering secretly with Receiver Louis Mooser for two months. A representative of the company has been in the city conducting the negotiations. His principals proposed to take over the assets of the Market street bank, assuming the cost of the receivership and the expense of liquidation of the securities for a net cash sum. The first offer was a small one. It was declined by Mooser, who finally declared that he would not close the deal for less than 50 cents net on the dollar for the depositors.

The company's representative then telegraphed to Chicago and the manager of the concern has started for San Francisco to conclude the bargain.

Settlement on these terms means that \$500,000 will be added to the funds of the bank. With \$255,000 now in the bank's vaults this would result in the immediate disbursement to the depositors of more than \$750,000.

Receiver Mooser said yesterday that he thought the plan was an excellent one for the depositors.

What effect this settlement of the Market street bank affairs will have upon the other receiverships of the city is not definitely known, but it is certain the promoters of the "rehabilitation" scheme will lose heavily. It is said that Police Commissioner A. D. Mooser was one of the most deeply interested.

Mooser yesterday related a conversation he had had with Cutler shortly after the police commissioner was made president of the bank to succeed A. P. Martel, under indictment.

Mooser said that Cutler appeared in his office with E. C. Dudley, former vice president of the bank, and demanded the stockholders' list and minute book of the bank. When Mooser intimated that he thought Cutler was behind the Market street securities scheme and that it was a shady deal, Cutler said: "It's none of your business. My Receiver, what my scheme is. There's a barrel of money in it for me—I know what I'm doing. Your business is not to look out for the interest of the depositors, but simply keep in your custody the funds of the bank."

Police Commissioner Cutler shunned newspapermen yesterday after this statement had become public.

Popular Policeman Killed by a Soldier

Chief of Police Cook to Meet Out Quick Punishment to Murderer

Late Sergeant Nolting Will Be Buried With Full Military Honors

The cowardly murder of Police Sergeant Antonio J. F. Nolting of Company A, at 2 o'clock yesterday morning in Montgomery street near Clay...

The death march commenced promptly at 10 o'clock with Father Walsh in the lead. As Fallon staggered up the 13 steps of the gallows he was praying audibly. He stepped upon the trap and deliberately faced the hangman. With utmost calmness he raised his head and looked at the noose. An instant later the rope was around his neck and the black capped figure shot through the aperture.

Until last evening Fallon held to the hope that the governor would commute his sentence to life imprisonment. That hope was lost last night, however, when Warden Hoyle received a communication from the governor giving his reasons for not interceding with the court judgment. In the letter the governor said that according to the testimony Fallon knew what he was about, and his intentions were deliberate when he killed his wife in San Francisco in 1904.

MURDERER SENTENCED TO FIFTEEN YEARS IN JAIL

Dominguez Vierra Will Be Sent to Folsom Prison

[Special Dispatch to The Call]

SAN JOSE, Jan. 8.—Denying a motion for a new trial Judge Welch this morning sentenced Dominguez Vierra, convicted by a jury on November 21 of the murder of Frank Medina on July 24, 1908, to serve 15 years in the county jail.

The jury chosen by Coroner T. B. W. Leland consists of Charles Wetmore, 515 Third avenue; W. W. Snow, 1449 Forty-seventh avenue; V. O'Neill, 311 Thirtieth street; H. Stillman, 355 Grand avenue; G. M. Sullivan, 1387 O'Farrell street; Henry Bernard, 309 Clay street; H. Williams, 649 Vicksburg street; A. H. Simpson, 693 Mission street; C. E. Corey, 515 Ashbury street; R. S. Fitzhugh, 418 Crocker building.

Chief of Police Cook issued a card of thanks yesterday to the men who assisted in the capture of the three soldiers who are charged with being participants in the killing of Sergeant Antonio Nolting late Thursday night.

The following policemen are commended by the chief for their services: G. J. Collins, C. J. Sheble, M. Brady, W. J. Cavanaugh, N. Behan, J. B. Mills, S. Stutenberg, H. Barnell, and Corporal McGowan. The following citizens are also praised by the chief for their assistance to the police force: Charles Miller, 625 Clay street; Richard Kennan, 800 Kearny street; and J. P. Cook of the International hotel.

SOLDIERS HOLD UP BUTCHER

L. H. Blucher, a butcher at Fillmore and Greenwich streets, while driving along Bay street about 5 o'clock yesterday morning in a westerly direction from the fish market was ordered to stop at Montgomery avenue by two soldiers who stepped out from the sidewalk to the middle of the road. Blucher whipped up his horse and one of the soldiers fired a shot after him, the bullet whistling past his head.

During the roundup of soldiers early yesterday morning Sergeant M. Henson found Richard O'Connor, a soldier, in Washington street near Kearny. When searched O'Connor had a blackjack in his pocket.

BREAKS JAIL; RECAPTURED

SANTA ROSA, Jan. 8.—Ray Glatfelter, who pleaded guilty Monday to a charge of burglary and was sentenced to the Preston reform school, made his escape from the detention ward of the county jail here last night during a heavy storm, but was recaptured tonight.

MADDERN GETS DECISION

NEW YORK, Jan. 8.—Before the biggest crowd that has attended a boxing match since the resumption of the sport here Tommy Murphy outpointed Frank C. Madden, both of New York, in a 10 round bout at the National sporting club of America tonight. The men met at 133 pounds.

STOLEN FOR WOMAN WHO DESERTS HIM

Muttering Prayers for Widower Renton Inspired by Love

Murderer of Wife Makes Fervent Appeal for His Soul From Gallows

OAKLAND, Jan. 8.—That the criminal career of Hamilton Renton, son of a respected Oakland family, was inspired by his love for a woman is the assertion of the police. Renton's arrest was brought about through his overzealous efforts to locate the faithless object of his adoration, Mrs. Lizzie McAllister, a pretty widow, who jilted him when the news of his misdeeds became noised about among her acquaintances.

Until a month ago Renton and Mrs. McAllister occupied apartments together at 412 Hayes street, San Francisco, where Mrs. McAllister was known as Mrs. Renton. Renton was in the habit of presenting his consort with clothing and finery, which he told her he had stolen, and she shared his confidence with a number of her intimate friends. Thanksgiving day the couple quarreled and Mrs. McAllister left Renton and went to Marysville without telling him of her destination.

In attempting to find out where she had gone Renton telephoned to her friend, Mrs. Alice Granjean, of 469 Thirty-sixth street, in this city, and his language was so abusive that Mrs. Granjean caused his arrest on a charge of disturbing the peace. While he was awaiting trial on this charge detectives connected him with the burglary of the millinery store of H. Leighton, 107 San Pablo avenue.

Renton confessed his guilt and told the police that he had stolen \$500 worth of plumes, silks and ribbons. Part of the booty he presented to Mrs. McAllister and part to his landlady, Mrs. Richardson, in liquidation of his room rent.

Renton will be arraigned in the police court tomorrow. He is the son of H. T. Renton. The young man has been in trouble with the police on several occasions. An alleged accomplice, Edward Harrison, also is under arrest in this city, and the police suspect that he and Renton robbed stores on both sides of the bay.

ALIENIST ASSERTS HAINS IS DEMENTED

Witnesses Testify Hains Was Insane in August

FLUSHING, N. Y., Jan. 8.—The defense in the trial of Thornton J. Hains as a principal with his brother, Captain Peter C. Hains, for the killing of William E. Annis, came to a close this evening and before court adjourned Justice Crane told the jurors that they would be able to conclude their labors about the middle of next week.

A blow from an unexpected quarter when Dr. L. Samuel Manson, an alienist, under cross examination by Prosecutor Barrin declared that Captain Hains suffered from maniacal depression insanity last August, an ailment that would have prevented him from recognizing the face or name of his enemy.

The alienist said that in a patient suffering from such a malady all power was practically lost. Prosecutor Barrin, taking advantage of the admission of the defense's alienist, asked him if his opinion of Captain Hains' mental condition would be changed if he knew that the army officer had conversed intelligently before and after the shooting of William E. Annis and that he recognized his victim as his boat near the float. The medical expert said his opinion remained unshaken.

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TEN REASONS WHY WOMEN SHOULD VOTE

Suffragettes Tell Why Equal Rights Amendment Should Be Passed by Legislature

Ten reasons why the legislature of California should adopt the equal suffrage amendment to the constitution and submit it to the voters of the state at the next general election were promulgated by the state central committee of the suffragettes meeting at Sacramento yesterday morning.

The arguments followed: 1.—The active support of an amendment to the constitution of the state at the next general election were promulgated by the state central committee of the suffragettes meeting at Sacramento yesterday morning.

2.—The population of California has largely increased by many young men reaching majority, and by new residents from other states and countries, and there is no parity that the laws regarding suffrage represent the sentiment of the people.

3.—Several enlightened nations have granted suffrage to women, and in other countries there is a ceaseless and popular agitation.

4.—In those states where women vote it is a success.

5.—California should be the next state to submit a suffrage amendment, owing to her extent of influence in the nation, and that she may remain a leader in progress and justice.

6.—The submission of the suffrage amendment has been endorsed by the leading labor organizations of the state.

7.—The spirit of the constitution of California guarantees the right to demand the submission of an amendment.

8.—Many state and local organizations not suffrage societies have endorsed the submission of an amendment.

9.—Public opinion demands the submission of an amendment, as shown by the active support of newspapers in the state of California.

10.—For the long work day. For the taxes we pay. For the laws we obey. We demand something to say.

At a meeting of the Equal Suffrage club of Mill Valley yesterday morning Mrs. J. W. Amrath and Mrs. Sydney Coulson were appointed a committee to join the delegation of lobbyists now at Sacramento, consisting of Mrs. Coffin, Mrs. Mary Sperry, Mrs. Lucia Neelands, Mrs. Joseph Monahan, Eliza Campbell and Mrs. Agnes Ray.

There were present at the Mill Valley meeting Mrs. H. C. Bunker, Mrs. E. Phillips, Madame Traboni, Mrs. A. Mercer, Mrs. Amrath, Mrs. Coulson, Miss Charlotte Davis and Mrs. Mary Cullin.

TO REPORT ON ROOSEVELT ATTITUDE IN MERGER

Senate Adopts Resolution on Absorption of Coal Company

WASHINGTON, Jan. 8.—By a viva voce vote the senate today adopted Senator Culberson's resolution instructing the committee on judiciary to report to the senate whether the president was authorized to permit the absorption of the Tennessee coal and iron company by the United States steel corporation.

The senate acting on Senator Hopkins' renewing his objection to the resolution on the ground that the president did not approve the act of the steel corporation in absorbing the Tennessee coal and iron company, moved to lay the resolution on the table as soon as it was called up by the Texas senator today.

On that motion the vote was 14 yeas and 47 nays, the yeas vote being as follows: Burke, Carter, Cummings, Curtis, Dixon, Dupont, Hepburn, Hopkins, Keim, McCheser, Platt, Penrose, Richardson and Warner.

BODY OF AERONAUT FOUND

HAMBURG, Jan. 8.—The body of Lieutenant Foertsch, the German aeronaut who lost his life at sea last October, was picked up in the North sea two days ago by the fishing steamer Orion. Lieutenant Foertsch started in the international balloon contest in October. He went along in the German balloon Hergeselle. The balloon was picked up October 17, 140 miles northwest of Helgoland. All the other aeronauts have been accounted for except Lieutenant Foertsch's companion.

SEND CRAZY WOMAN TO SAN JOSE

HALO, Jan. 8.—Himane society officers here called on the railroad depot with her three children this morning and sent her to San Jose. Headed by "Uncle John," a hackman, the drivers took up a collection for the mother.

OBJECT TO CLOSING CITY MACHINE SHOP

Labor Council Committee Will Make Protest to the Supervisors

Superior Judges Will Be Asked to Make Change in Manner of Drawing Jurors

At the meeting of the San Francisco labor council last night a committee composed of President Sweeney, Secretary Gallagher, Misser, Nolan, Sandeman, J. Kelly, M. Kelly, Bolan, Rosenthal, Reardon, Post, Roche, Parker, Licht and Decker will visit the board of supervisors next Monday for the purpose of protesting against the closing of the municipal machine shop and to prevent the joint board of fire commissioners and department of electricity from having the fire alarm boxes manufactured in the east.

Steve Costello, by letter, called the attention of the council to the manner of drawing trial jurors, and asked it to appoint a committee to wait upon the superior judges and urge upon them to select jurors other than from the well to do and professional class. Delegates Roscoe, Rosenthal and President Sweeney will serve on a committee that was instructed to give this matter immediate attention.

An invitation to have the San Francisco labor council send a representative to act as a vice president at a mass meeting of socialists to be held in Dreamland pavilion next Sunday to protest against the sentence pronounced by Governor Stanford on Judge Wright of Washington. D. C. led to a protracted discussion. The objection raised was that the socialists are a political party and in the absence of any information as to what is to be done at the meeting the council should not give its sanction to the proposal.

Andrew Furuseth declared that the socialists do not know anything about injunctions. He expressed his belief that from what he gleaned in his talks with socialists in Europe and the east he believed that they are in favor of injunctions. He said that he did not object to any member of the council going to the meeting as an individual, but not as a representative of the council.

Walter MacArthur, H. Elbing, E. H. Misner and others also spoke on the matter. The motion to send a representative was lost by a large majority.

The council decided to celebrate the one hundredth anniversary of the birth of Abraham Lincoln by a mass meeting and to invite good speakers to make addresses. The executive committee was authorized to make the arrangements for the celebration.

Delegate Nolan, legislative agent, announced that a bill has been introduced in the legislature to make the celebration a legal holiday. The law and legislative committee was directed to prepare a memorial to the legislature urging the passage of the bill.

The council endorsed a bill offered by Delegate Rosenthal of the upholsterers' union to have the names of members of the council marked or stamped. A similar bill was passed in 1903, but was vetoed by Governor Stanford.

Credentials were received from the machinists, laundry workers, railway employes, electricians, photo engravers, metal polishers, cigar makers and cooks union and the delegates were seated.

The council for a long time discussed a motion by Delegate Haggerty that the council urge the Red Cross society to forward the names of the sufferers in Italy the surplus of the money contributed for the sufferers by the disaster in Italy to the Red Cross society. The motion was not adopted.

There was no need to send the money there at this time, and if there was any need the National Red Cross society will send it without being asked or told to do so.

The motion was deferred for a week.

J. J. Freel of New York city, international president of the steamfitters and electrotypers' union of North America, is in this city on official business relative to a wage scale for the members of the local union. He has the intention of the president to visit all the unions on the coast before he returns to his home.

The Sacramento building trades council is confronted with a peculiar case. A Japanese contractor, who has been strictly enforced rule of the council requires that every part of a building in course of construction must be under the hands of an affiliated union. That is to say, a carpenter must not work on a building in which plasterers, electricians, painters, etc., have been or is being done by any one not a member of a union.

The man lost his foothold and fell under the cars. As he rolled under his body was struck by a brake bar and tossed into the middle of the track.

Sullivan, who was looking out of the baggage car door, saw Woodward fall and he instantly pulled the emergency air brake and shouted to Engineer J. Alberton stop. In a second the heavy train was stopped. When Sullivan and Alberton reached Woodward they found him unconscious, lying across the track. He sustained serious internal injuries.

The following have been elected as the officers of the bakers' and confectioners' union for the ensuing term: E. Shearer, president; E. Winter, vice president; Oscar Hebling, secretary and corresponding secretary; E. Elsdor, treasurer; Paul Griderer, M. Willie, R. Winter, Oscar Hebling, Ernest Schuman, E. Kahn, Richard Schwarting, W. Wright and Anton Wahl, executive board; Marcel White, business agent.

The following officers of the retail clerks' union were installed Wednesday in Clerks' building in Van Ness avenue: Robert Kahn, president; Max Mendelsohn and S. A. Fawcett, vice presidents; A. L. Post, financial secretary and business agent; S. Mackay, treasurer; A. Leavitt, guardian; J. J. Loryea, sentinel; Bert Kahn, A. Nellen, A. E. Post, delegates to the labor council; George Millen, G. Bonn, S. Mackay, S. A. Fawcett, A. L. Post and E. Sullivan, delegates to the council of laborers. The installation was followed by a short business meeting and a social hour.

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