EVENTS IN THE COUNTIES BORDERING ON THE BAY OF SAN FRANCISCO

SUE WATER COMPANY FOR UNPAID TAXES

State and Alameda County Combine in Action for $104,000

OAKLAND, March 5.—Action reviving the suit for $104,000 alleged unpaid taxes filed by the county of Alameda against the Contra Costa water company was taken by Deputy District Attorney Burpee in Judge Murasky's court of San Francisco today. Burpee secured the restoration of court records which had been destroyed by fire and filed several motions which will be argued March 12.

The principal motion will be for the dissolution of an injunction restraining the county from selling company property for unpaid taxes. Another motion will be to set the case for trial.

The Contra Costa water company refused to pay the assessment in the fiscal year of 1904 which was levied on the water in Lake Chabot. Since then an offer of $80,000 was made as a compromise, but was rejected by advice of Attorney General Webb, the state having an interest in the amount collected.

HEART AFFECTED BY CRUELTY OF HIS WIFE

Husband's Tale of Woe Wins for Him a Divorce

OAKLAND, March 5.—Mrs. Maud Wilson neglected her household duties to such an extent that J. W. Wilson was frequently compelled to don damp flannels, which adversely affected his heart, already weakened by disease, according to his testimony in a suit for divorce.

Mrs. Wilson was accused of yelling at her husband until his heart became erratic in its action and he had "spells," one of which left him unconscious. Mrs. Wilson wanted to give whisky, but neighbors said that whisky would be bad for him. One of the neighbors procured red lavender, which restored Wilson, but threw Mrs. Wilson into a spasm of rage.

The woman was said to have slapped her husband when he offended her, and every slapping which he underwent set his heart bad again, he said. He complained that she was unpunctual with his meals and abused him roundly when he ventured to inquire about it. She told him that he acted like a maniac. Wilson got a final decree of divorce today.

FAILS TO APPEAR AGAINST HIS BROTHER

Lorenzo Shiman Is Expected Not to Prosecute

OAKLAND, March 5.—Lorenzo Shiman, who was shot through the body by his brother, William Shiman, failed to appear today at William Shiman's preliminary hearing in Justice of the Peace Quinn's court.

Lorenzo was recently discharged from the county hospital, where he was treated for his injuries, and his relatives now profess ignorance of his whereabouts. William Shiman may escape prosecution following the disappearance of his brother.

They quarreled in their saloon at San Lorenzo, and William shot Lorenzo, as he said, in self-defense. There had been feeling between them for many months, and Lorenzo was said to have threatened the life of William on several occasions. Lorenzo was thought to have been fatally shot, and Dr. W. A. Clark counted 20 punctures of the intestines. Another shot pierced his left elbow.

Lorenzo wrote a letter to Attorney P. M. Walsh saying that he bore his brother no malice after the affray. The hearing was continued.

FREMONT HIGH ALUMNI GIVES ITS FIRST BALL

Graduates of Melrose School Gather at Home Club

OAKLAND, March 5.—Alumni of Fremont high school of Melrose gave their first annual grand ball at the Home club tonight. About 300 invitations were out for the affair and the attendance was close to that number. Ideas embodied in the decorations and program gave the affair distinction. Cut flowers were employed in large masses. Alfred Hughes was chairman of the dance committee, assisted by Roy Morse, Gilbert Jones, Herman Dybergh, Norman Werum and D. Batsford.

The reception committee—Miss Florence Bigger, Miss Eva Gunn, Miss Florcent Buckholtz, Miss Dorothy Frederickson, Miss Eloise Freeman and Miss Irene Lloyd.

The decoration committee—Norman Werum, D. Batsford, Alfred Hagman and Alice Hagman.

PALO ALTO MERCHANTS FORM "BOOSTER'S" CLUB

John Dudfield Elected President of Promotion Committee

PALO ALTO, March 5.—At a meeting of a number of prominent business men held last night a promotion committee was organized with John Dudfield, a well known lumber merchant, as president and W. H. Kelly of the Palo Alto Times as secretary. The committee decided to hold a banquet shortly, to which all the merchants and boosters of the city will be invited, at which time efforts will be exerted to decide on a plan for advertising the city and this community.

UNIVERSITY HEATING SYSTEM IS DISARRANGED

Borers Accidentally Sever Pipe Connecting Buildings

BERKELEY, March 5.—Connection between the university heating plant and California hall has been severed by borers employed to reach a foundation for the new Boalt hall of law. The exact nature of the damage has not been ascertained, but it is probable that California hall, where the chief administrative offices are located, will not be supplied with heat for at least two weeks. The entire system of pipes will have to be inspected, as the location of the break has not been discovered.

ALSANDRA AND VELOX SOLD

[Special Dispatch to The Call]

CHICAGO, March 5.—The Chicago trainer, Dick McMahon, has bought the trotter Alsandra, 2:12, and the pacer Velox, 2:09¼, in California. Velox is regarded as pretty close to a two minute pacer.

CYCLONE DEFEATS GANNON

NEW YORK, March 5.—Cyclone Johnny Thompson of Sycamore, Ill., defeated Mickey Gannon of Pittsburg in a 10 round bout at the National athletic club tonight.

McCullough, designer and builder of apartment houses. 2023 Market street, near Dolores.

DIVORCE IS DESIRED BY CHINESE MATRON

Remembrance of Blackened Eye and Blows on Face Causes Change of Attitude

Mrs. Wong Chin Lin kicked over the traces of 10,000 years of Chinese convention yesterday by filing a petition for a divorce at San Rafael. Hers is the second Chinese divorce suit on the records of the California courts.

The oriental heart of Mrs. Wong Chin Lin had been made glad by the possession of two male children, and in the halcyon days of her early married life among the pungent scents of a Chinese flat in Oakland she kowtowed before the lord and master of the household, Wong King, and gave thanks unto him and unto the gods with many punk sticks. But her occidental temperament had been jarred by the possession of a black eye, given by that "spawn of one million worms"—the same Wong King. Also there was the matter of a blow in the face and a threat to eliminate her from the face of the earth.

Whereupon Mrs. Wong Chin Lin debated within herself silently and with Wong King otherwise. Chinese ideas told her to stay at home and accept her black eyes and stripes across the jaw in happy obedience. American thoughts ordered her to voice her sentiments with the suffragette movement by laying out Wong King, cold and oblivious, with a rolling pin.

Mrs. Wong Chin Lin compromised. With her two children, her black eye and injured feelings she departed from the happy Chinese flat and turned her back on China. For the next year she made a living for herself by working as a servant in private families, waiting for Wong King to return with apologies and a $2 kimono as a peace offering. But Wong King failed to appear.

Then Mrs. Wong, figuring out the proposition in her own Chinese way, came to the conclusion that inasmuch as she had gone so far she might as well go the limit. The divorce suit filed yesterday was the result. The charges are cruelty and desertion.

Montgomery Will Be Favorite For Waterhouse Cup

Animus and Montgomery, the two Arcadia candidates for today's Waterhouse cup contest, reached Emeryville yesterday in prime condition. With the former came Trainer John Powers, who will saddle the horse for the race. Jockey Butwell came north last night to ride Animus. The horse breezed very nicely between races yesterday, and the impression prevails among turfmen that he will be a formidable factor in the decision of today's contest.

The race presents a very open aspect and the favorite will be at liberal odds. It is likely that Montgomery will be installed in the post of honor by the layers of odds. The horse defeated several of today's aspirants for cup honors in a similar contest at Arcadia last month and stripped in the pink of condition for the light work that he was given upon arrival yesterday.

The field is of better class than the company in which Big Bow ran successfully in distance events last season, and Firestone, with which the winner of last year's Thornton will be coupled as the Williams entry, has never gone the route. Nadzu, H. G. Bedwell's useful plater, looks to hold Milford safe on their recent meeting and must be given a chance on his showing in the cup race at Arcadia, in which Montgomery just managed to beat him. Animus was a close third in the same race, but has since improved wonderfully and has a string of clever performances in fast time to his credit since his cup effort. Logistilla is in splendid shape and is in very nicely with 100 pounds. Clamor has only an outside chance on his recent showing, and Jack Keene may decide to withdraw him in view of the suspension of his rider, Jockey Scoville. Trainer Hoag also will be put to the necessity of obtaining another rider for Logistilla, on whom Jockey E. Sullivan had been engaged. Sullivan had ridden the mare to advantage in her recent races.

Local Brevities

VICTIM OF BUNKOMEN—William Drum, 1037 Clay street, complained to the police yesterday that he was induced by two strangers to enter a game of pool in a saloon in Third street near Market and that he was swindled out of $105.

STABBED IN THIGH—During a fight at 4823 Mission street on Thursday night, Joe Ferrita, a cook, was stabbed in the right thigh with a knife by Drago Marittino, a fisherman, who was arrested on a charge of assault with a deadly weapon and arraigned in Police Judge Deasy's court yesterday.

UNITED RAILROADS STOCK REDUCED—The United Railroads has filed certificate of the diminution of its common capital stock from 200,000 shares of the par value of $20,000,000 to 188,000 shares of the par value of $18,800,000. The reduction was decided upon at a meeting of the directors December 21, 1908.

HACK BREAKS BOY'S LEG—Nine year old Peebles Ellsworth, 85 Kisling street, was run down by a hack at Twelfth and Mission streets yesterday afternoon and his right leg was broken. William Walsh, the hack driver, was arrested by Policemen Carroll and Knowland and charged with battery.

REFUSES TO PROSECUTE—Oscar Olson, manager of the Sutro heights casino, who was held up early Tuesday morning in Clement street near Thirty-second avenue by three soldiers, Peter Richenberger, George Brewbaker and Michael Brady, refused to prosecute them in Police Judge Weller's court yesterday, and the cases were dismissed.

GROCER INSANE—William Tillster, a grocer, California and Leavenworth streets, was arrested last night by Policeman Casey and incarcerated in the detention ward at the central emergency hospital. Tillster became violently insane yesterday afternoon, and after mistreating his wife and small child, drove them into the street.

CHARGED WITH FORGERY—Jose R. Lago was booked at the city prison yesterday on a charge of forgery on complaint of R. Pineda, 1424 Powell street. He is accused of forging the names of Garcia & Maggini company, Albert Asher, secretary, and Medardo Garcia, president, to a check for $87.50 on the Swiss-American bank on October 31, which he passed on Pineda.

MOTHER IDENTIFIES BODY—The body of a young man who committed suicide Wednesday night near the deer paddock in Golden Gate park, by taking strychnine, was identified last night as the remains of Clarence E. Brown of Los Angeles. The young man's mother, who lives at 133 West Thirty-first street, Los Angeles, called at the morgue last night and identified the body.

CASHIER KITCHIN ARRIVES—Philip Kitchin, cashier of the Southern trust company of Los Angeles, arrived in San Francisco yesterday on a business trip. This is Kitchin's first visit to San Francisco for five years and, as do all visitors from Los Angeles, he expresses considerable surprise at the way San Francisco has grown. Mrs. Kitchin accompanied her husband to this city.

TO SELL BANK PROPERTY—The next move on the part of E. J. Le Breton, receiver of the California safe deposit and trust company, according to a statement made yesterday, will be an effort to sell at a good figure the property of the defunct institution. The good will of the safe deposit section of the bank has already passed into the hands of the Mercantile trust company at what is reported a good figure.

LOOKING FOR BROTHER—The police were notified yesterday that Neil Jensen, recently from Montana, who is staying at the Hotel Ross, Fruitvale, is in need of financial and medical assistance. He came from Montana on the invitation of his brother, James, a carpenter, who, when last heard from, lived in Berlin street, in this city. Neil was sandbagged and robbed, and is mentally affected from injuries to his head.

REPORT TO BE MADE ON CHARGES

Alleged Extravagance on Part of City Government Being Investigated

The committee of the San Francisco labor council that had under consideration the charges made by D. O'Connell in a letter to the council that the mayor and the boards of the city government were extravagantly spending municipal funds announced last night that it will present its report next Friday night and asked that it be made the special order of business at 9:30 o'clock.

S. V. Costello in a letter called the attention of the council to the case of Sullivan against the United Railroads for the purpose of showing that the agitation started in the council for speedy trials in personal injury cases has already produced good results. This is the case of a teamster who lost a leg in a collision. The case was started in July, 1908, and was set for trial for December, but was continued till February of this year at the request of the defense. The defendant had by order of Judge Hunt to make a payment of $100 as a condition for the postponement. The case was not tried for the reason that at the time it was set Judge Hunt was ill. When he recovered he set the case for trial, but before that time the company made a substantial settlement. The writer suggested that the council give Judge Hunt a vote of thanks for his efforts to advance this personal injury case. The matter was referred to the executive committee.

WEBSTER IS QUOTED

Mayor Taylor, in reply to a letter from Secretary Gallagher on the subject of the salaries paid to hostlers of the fire department, says: "Secretary Gallagher of the labor council, refers to Webster's dictionary for the definition of 'hostler' and 'stableman.' I can only say that it is a pity that the board of fire commissioners of 1903, and those who inspired them, did not apparently consider it worth while to refer to Webster's dictionary when they undertook to reclassify hostlers as stablemen for the purpose of raising wages not justified by the charter."

The mayor stated that he had referred the whole matter to the city attorney to ascertain if the men were entitled to the increase asked for on their behalf. The communication was filed.

The council was thanked in a letter from the stablemen's union for the stand it has taken in the matter of pay for hostlers of the fire department.

Delegate Compton complained that a great deal of extraneous matter is brought before the council that ought to be "cut out," so that the council may transact its labor business and close not later than 10:30 p. m. "It is about time," said Delegate Compton, "that this council do not have so much that is in the nature of advertising to take up the time to the exclusion of labor business."

The secretary quietly said that the business could be disposed of by the time suggested by Delegate Compton if some of the delegates did not take up so much time in talking.

FAY ADDRESSES COUNCIL

International Organizer Frederick Fay of the carmen's union addressed the council on the efforts that he is making to organize the platform men on the various streetcar lines. He asked that the council and the unions affiliated with it lend their aid by asking the platform men to join the union and give them assurance that organized labor will stand by them.

The iron trades council requested the appointment of a committee to act with it in the matter of having as much as possible of the work for the municipal salt water system retained in this city. Delegates McLaughlin, Wissler and Tracy were appointed as such committee.

Supervisor McLeran, in a letter to the council, declares "in favor of home industry in the matter of fire alarm boxes and in everything where it is possible and practical." He asserts that the new fire alarm boxes will be finished at less cost than the first lot. The municipal shop, he writes, will be working to its fullest capacity in a few days.

The citizens' health committee called the attention of the council to the dinner that is to be tendered to Dr. Rupert Blue in the Fairmont, March 31, in recognition of his work in putting the city in sanitary condition last year. Secretary Gallagher said that any delegate can attend the banquet on paying $7.50 a plate.

PREVENTION OF DISEASE

The Society for the Prevention of Tuberculosis sent a number of cards to be posted in the labor temple, "to teach those who may read something about the prevention of the disease." A letter from Frank Morrison, secretary of the American federation of labor, in reference to the moving picture operators' union's application for a charter, sets forth that such union, if it does not affiliate with the San Francisco local of theatrical employes, will have to obtain a charter from that body, as the A. F. of L. will not grant it an independent one.

The horse shoers reported that they have trouble with a firm and that if it is not settled by tonight the assistance of the council will be asked.

The executive committee reported that it had investigated the difference between boiler makers and stationary firemen and decided that both organizations should meet in conference to settle their differences.

BARBER INJUNCTION SUITS

The delegates from the barbers' union reported that the union now has six injunction suits on its hands and that Judge Troutt had decided that action can not be maintained against the union, but that proceedings must be instituted against individual pickets, a new action against each picket.

At the request of the typographical union the council instructed the secretary to communicate with the California senators and representatives in relation to retaining the work of the next census in the government printing office at Washington, D. C.

In the matter of the trouble between the two factions of the electrical workers the executive committee reported that it deemed it best at this time for the council not to interfere in the matter, but to request the American federation of labor to continue its efforts to amalgamate the two factions and suggest that in the meantime the whole matter be either referred to the international brotherhood of electrical workers or to a referendum vote of the subordinate locals.

International Vice President McConaughy of the McNulty faction, not a delegate, asked for the privilege of the floor, which was granted on motion of Delegate M. J. Sullivan of the Reed faction. He said that he was astonished that such a report should have been brought in and added: "If the council wants to continue violating the law and it wants to be taught a lesson, I am the gentleman who will teach it."

LAUGHTER GREETS REMARK

This remark was met with loud laughter from different parts of the hall, which was promptly checked by President Kelly, who stated that every speaker is entitled to a respectful hearing.

The report of the committee was concurred in.

A communication from Homer Boushey asked for suggestions from the council for the Portola festival. No action was taken in the matter.

A request from the international union of chain makers for financial aid was referred to the executive committee.

Carpenters' union No. 22 at its meeting last night initiated 40 candidates and admitted 10 members on clearance cards.

CITY TO OWN BIG LAKE AND PARKS

Legislature Sure to Pass Bills Making Grant to Oakland

OAKLAND, March 5.—Through the efforts of Mayor Mott, City Attorney McElroy and other city officials the city of Oakland is to become possessor in title of a large area of Lake Merritt and the park lands south of Twelfth street dam, which have been vested in the state.

On the basis that the city should control this property steps were recently taken as a part of the general improvement plan to acquire for the city these water park lands.

For many years title to a part of them was in the state, as they were outside of the Peralta grant lines. To further the general plan Mayor Mott and City Attorney McElroy went to Sacramento and presented two bills to the legislature covering the lake and park lands and also several hundred acres of water front lands in the East Oakland basin.

Senator John W. Stetson, one of the warmest supporters of the administration, took charge of the bills. That providing for the lake lands has passed the senate by virtually unanimous vote and will undoubtedly become a law, as its provisions have been thoroughly explained before committees by Mayor Mott and City Attorney McElroy.

The second measure is now the subject of a conference between various occupants of the East Oakland basin lands looking toward provision by which they shall recognize the city's rights and providing for long term leases for legitimate use for commercial and industrial enterprises. Word was received this morning of the passage of the bill by the senate.

HUSBAND RESENTS CARE FOR COUSIN

Wife Promised Mother of Young Man to Befriend Him

Mrs. Anna Biggs, accused by her husband, Charles H. Biggs, of undue partiality for Evan McLennan, the cousin of her sister's husband, explained in Judge Mogan's court that several years ago in Scotland she promised McLennan's mother she would care for him. McLennan is 29 years old. Mrs. Biggs is a motherly looking woman of about 30.

Biggs, who is a car dispatcher for the United Railroads, complained that his wife neglected her 4 year old daughter and spent her evenings with McLennan.

Mrs. Galloway, mother of Mrs. Biggs, was asked if her daughter had not knocked her down, but she would not be induced to acknowledge or deny that such a thing had happened. Finally she said:

"I am very small and am easily knocked down."

Judge Mogan refused to make any order for alimony pending the trial of Biggs' divorce suit as his wife has about $200.

Louisa L. Newton, 63 years, told Judge Mogan yesterday of a project for securing money from susceptible soldiers and lawyers suggested to her by Joseph W. Newton, from whom she secured a divorce. With her hand held coyly before her face, and blushing violently, she said her husband had advised her to capture the affections of a rich inmate of the old soldiers' home, secure a divorce from Newton, marry the soldier, get all his money, then divorce him and remarry Newton, dividing the loot with him.

Suit for divorce was filed yesterday by Elizabeth Healy against F. M. Healy for desertion.

BRINGS GOOD NEWS TO CALIFORNIA CLUB

Mrs. Louis Hertz Reports Signing of Bird and Arbor Bill

Mrs. Louis Hertz, chairman of the civic department of the California club, returned in triumph from Sacramento yesterday with the news that Governor Gillett had signed the bird and arbor bill, and so put the stamp of official approval for all time upon this treasured project of the clubwomen. Though Mrs. Hertz returns from her excursion into the Sacramento lobby with high honors, to all the club, she declares, laurels—doubly appropriate in this case—are due. For the California club has fought valiantly to secure the passage of this bill.

The measure is known as senate bill No. 160, and was introduced by Senator Black. It provides that March 7, Luther Burbank's birthday, be set aside as a day devoted to a commemoration of the plant wizard of Santa Rosa, and also as a day of brotherhood with the birds and trees and flowers that Luther Burbank loves and understands so well.

So each March 7—and beginning this year next Monday—exercises will be held, in which Luther Burbank's work will be explained, and the pitiful story of helpless trees and birds be told, as is provided in the bill. Upon the school children the importance of preserving the forests and of protecting the birds will be impressed, and in the heart of each coming citizen will be implanted a regard for the rights of the dumb things and an appreciation of their beauties.

CIVIL SERVICE EXAMINATIONS — The United States civil service commission announces that examinations will be held for the noneducational positions of messenger, watchman and warehouseman, for the department of California, and for the positions of messenger and watchman, department of the Columbia. Applicants should apply at once to the secretary, room 241, postoffice building. Blanks must be filed not later than March 23.

DROP GREEK FROM THE RHODES TEST

Examinations Altered to Fit Special Needs of Candidates

BERKELEY, March 5.—A change in the examinations for Rhodes scholarships was announced by President Wheeler, chairman of the board of trustees of this state, today, in that candidates for the scholarship will be able to qualify after passing in Latin and mathematics, although they have failed to pass in Greek, one of the strictest requirements for entry in English colleges. According to the new change, however, a student must qualify for examination at Oxford before entry there.

The committee has made the following announcement concerning the change: "This concession is made to meet exceptional cases, but the trustees hope that the great majority of candidates will still pass the qualifying examination as heretofore in all three subjects—Greek, Latin and mathematics."

The first examination under the new rule will be held before December in each year to allow the selected scholar nine months in which to study Greek for the entrance tests which are held at Oxford in September of each year.

* * *

The women of the sophomore class of the university will hold a supper and dance for the men of the class following the charter day exercises to observe the founding of the university, March 23. In past years a luncheon has followed the exercises of the class in the morning of charter day on Charter hill. This year, however, there will be an innovation in that the repast will be held in Hearst hall at 6:30 o'clock, followed by a dance.

The committee in charge consists of:

Refreshments—Mabel Sadler, chairman; Florence Alvarez, Ruth Robinson, Alma Myers, Vera Baggett, Emelita Mayhew, Marie Derge, Ethel Burke, Margaret Witter, Bernice Bronson, Georgia McCoy.

Finance—Kathleen Devine, chairman; Emily Drury, Leigh Stafford, Widde Kendricks, Louise Howard.

Arrangements — Helen Dickinson, chairman; Grace Griffiths, Inez Allen, Sadie Watson, Blanche Allen, Anita Ebner.

* * *

Miss Barbara Reid, president of the junior class, has appointed the following committees for the 1910 informal dance which will be held in Hearst hall March 17:

Arrangements—Ethel Jordan, chairman; Hazel Donoho, Belle Clarke, Marguerite Pena, Lella McKibben, L. D. Denton, A. J. Eddy, L. T. Jenkins, C. E. Brooks.

Reception—Belle Gluckman, chairman; Margaret Hizar, Marie Hitchcock, Mildred Cross, Helen Bancroft, William Leslie, Allan Leonard, G. G. Steel, S. W. Cunningham.

A. R. Grinstead will be floor manager.

CONVICT HERO IS HONORED IN DEATH

Brave Man in San Quentin Fire to Get Private Burial

SAN QUENTIN, March 5.—An honorable burial, the reward for an honorable death, will be accorded S. J. Frooman, a convict who died in the prison hospital this afternoon from injuries received while bravely fighting the fire in the penitentiary last Wednesday.

Frooman displayed a reckless gallantry during that exciting period. When the call came for volunteers he was among the first to step out. It was his one opportunity to retrieve his dishonored name, to clear himself of the taint of a criminal being, to take his place as a man among men. It was his chance and he took it. For a few brief moments he lifted himself from out the slough of his debased position—and then died. While yet he lived in honor a merciful Gatling gun fell upon him, crushing him to his death.

He lived in dishonor, but died a man, and for his manner of death will be buried as a man in San Rafael cemetery, not as a criminal in a convict grave. This will be the only satisfaction to his wife and daughter, who are in Europe and unaware of his crimes and his death. He was convicted for forgery and would have been released in 1911. The expenses of his funeral will be paid by the guards of the prison.

Evidence of the fire which occurred in the jute mill of the prison Wednesday has disappeared. The bundles of jute ceased to smolder this afternoon and the convicts have been spreading the water soaked and partially burned material in the prison yard. Warden Hoyle declared tonight that the loss will reach $40,000.

PIA PLEADS NOT GUILTY TO ASSAULT CHARGE

Attorneys Fail to Secure Reduction of Bail

SAN RAFAEL, March 5.—Giusippi Pia was formally charged with assaulting Miss Elizabeth Grapes in the superior court this morning and the accused entered a plea of not guilty. The case was set for trial March 15.

Attorney J. A. Spinnetti has withdrawn from the case and Senator J. C. Sims will act with Leonard Stone in defending Pia. This morning the attorneys for the defendant asked that the bail now set at $20,000 be lowered, but Superior Judge Lennon decided that the bail was low enough considering the evidence that the prosecution has already introduced.

A venire of 150 names was drawn to act on the jury.

MOOSER SUES CITY—William Mooser, secretary of the grand jury, who is an architect by profession, sued the city yesterday for $2,730, representing fees for the preparation of plans and specifications for the South End school.

BRAZIL OPPOSES DUTY ON COFFEE

Southern Republic to Protest Against Plan to Impose Big Import Tax

SAN MATEO, March 5.—Late advices received here from Brazil by John F. Biven, a coffee expert well known to the trade of South America, show that nearly as much opposition is being manifested in the South American republic to the proposed import duty of 5 cents a pound on coffee as is now being shown in the United States. The opposition is especially strong in San Francisco, where the California coffee and tea association has been formed, with E. W. McCarthy of McCarthy Brothers as president, with the purpose in view of fighting the impost.

According to Biven, the coterie of New York financiers who are behind the agitation for a 5 cent import duty, is composed of Sieliken of Crossman & Co., a firm rated as among the heaviest of importers; the Arbuckles, Hard & Rand, and J. Pierpont Morgan, while the coffee dealers of the heavy European trade located at Hamburg and Havre are backed by the Rothschilds.

Late reports from Brazil show that the crop for the coming year will be much larger than expected, 14,000,000 bags from the Santos district and 4,000,000 from Rio being looked for.

"The scheme is entirely speculative," said Biven, "and will certainly work a hardship on every one using coffee in this country except the few men who are behind it, and who stand in line to make an enormous profit. The Brazilian government has recently passed a law declaring an export duty of 20 per cent on coffee which will also send the price skyrocketing. Associations of businessmen in Buenos Aires, Santos and Rio de Janeiro are endeavoring to have this law repealed and are working along the same energetic line as the California tea and coffee association, as they believe that the industry will be paralyzed if the law, which only becomes operative after export reaches 9,000,000 bags out of Santos, remains in effect.

CHAUFFEUR SURRENDERS HIMSELF TO POLICE

Charles Sedgebeer Drove Auto That Killed Harry Schwartz

OAKLAND, March 5.—Charles Sedgebeer, a chauffeur employed by the People's water company, who was driving the automobile which struck and killed Harry Schwartz at the corner of Seventeenth street and Telegraph avenue last night, surrendered himself to the police this morning on a charge of manslaughter.

He was released on his own recognizance pending the outcome of the coroner's inquest into the death of Schwartz. Witnesses of the collision between the automobile and the bicycle ridden by Schwartz declare that it was undeniably an accident.

Schwartz, who was a salesman, was a son of L. Schwartz, a merchant of 956 Washington street. The funeral will be held Sunday morning from the home of an uncle, L. Schwartz, at 491 Twenty-seventh street. Interment will be in Salem cemetery, San Mateo county. An inquest will be held at the morgue Wednesday afternoon at 1 o'clock.

ATTORNEY SUES ROAD FOR $10,000 DAMAGES

E. T. Barrett Says Fall Caused a Permanent Injury

SAN RAFAEL, March 5.—E. T. Barrett, an attorney practicing in San Francisco, has filed a $10,000 damage suit for personal injuries against the Northwestern Pacific railroad. According to the complaint Barrett fell into an excavation near the depot at Ross last March, with the result that he has contracted a chronic case of arthritis of the right knee.

Carl Lindsay and James Ballintini represent Barrett in the action.

STATE IS BLAMED FOR FAULTY PIERS

Harbor Commissioner Stafford Says Lack of Supervision Invites Bad Work

President Stafford of the board of harbor commissioners stated yesterday that the only wharf along the water front with an absolutely certain foundation was pier 40, now in course of construction. He was discussing the crumbling piers discovered under Broadway street wharf No. 1, which Engineer Barker is now investigating. Under the present system of inspection, he said, such a state of affairs would be impossible.

Stafford places the blame for the faulty construction on pier 9, Broadway No. 1, on the state, whose lack of supervision on all work was an invitation, he said, to the contractor with an elastic conscience.

"My own observations for the two years I have been on the commission," he said, "and the opinion of competent engineers justify me in saying that pier 40 is the only dock on the water front that is absolutely right. I do not mean by this to say that the others are unsafe. But I do mean that the supports of pier 40 are permanent supports that will neither sink, slide nor crumble, but will be as good in a hundred years as they are today."

There are four state inspectors, men selected by Engineer Barker, employed on pier 40. When the wooden cylinder has been pumped dry one of the inspectors is lowered to the bottom, and no cement is put in until he is satisfied. He stays down and comes up with the cement, and on the way sees that the contractor's man properly tamps down the mixture.

Engineer Barker also watches his inspectors as closely as they watch the contractor.

The examination of the piers under pier 9 can be conducted only at low tide, so it will be some days before Barker will be able to make a complete report. The original contract for pier 9 was let January 14, 1902, to Hyde, Harjes & Co., the total cost being $92,649.92. Engineer Lott D. Norton superintended the construction, and one Guilfoy was employed on the work as inspector.

SALOON BILLS KILLED—Madison, Wis., March 5.—The bill prohibiting free lunches in saloons was killed in the assembly today, and the bill prohibiting treating in saloons was refused engrossment.

All Who Would Enjoy

good health, with its blessings, must understand, quite clearly, that it involves the question of right living with all the term implies. With proper knowledge of what is best, each hour of recreation, of enjoyment, of contemplation and of effort may be made to contribute to living aright. Then the use of medicines may be dispensed with to advantage, but under ordinary conditions in many instances a simple, wholesome remedy may be invaluable if taken at the proper time and the California Fig Syrup Co. holds that it is alike important to present the subject truthfully and to supply the one perfect laxative to those desiring it.

Consequently, the Company's Syrup of Figs and Elixir of Senna gives general satisfaction. To get its beneficial effects buy the genuine, manufactured by the California Fig Syrup Co. only, and for sale by all leading druggists.

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If your Stomach is lacking in digestive power, why not help the stomach to do its work, not with drastic drugs, but a re-enforcement of digestive agents, such as are naturally at work in the stomach.

People with weak Stomachs should eat Diapepsin after meals, and there will be no more Indigestion, no feeling like a lump of lead in the stomach, no heartburn, Sour risings, Gas on Stomach or Belching of undigested food, Headaches, Dizziness or Vomiting and, besides, what you eat will not ferment and poison your breath with nauseous odors. All these symptoms resulting from a sour stomach and dyspepsia are generally relieved five minutes after eating one Triangule of Diapepsin.

Go to your druggist and get a 50-cent case of Pape's Diapepsin now, and you will always go to the table with a hearty appetite, and what you eat will taste good, because your stomach and intestines will be clean and fresh, and you will know there are not going to be any more bad nights and miserable days for you. They freshen you and make you feel like life is worth living.

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