

WIPES LABOR TICKET Judge Murasky's Oral Decision Is Against Plural Nominations Ruling Also Takes Other Names Off Ballots of More Than One Party

fact that it is new legislation and rather revolutionary in its nature. But these credits are not. For example, there is a provision for the payment of fees and expenses of a candidate for election who has filed his nomination papers. There is no such provision for one who is voted for by having his name written in. There is an enumeration of expenses and character of expenses, which enumeration does not apply to any but a candidate whose name is printed on the ballot. It may be that the petitioner here would have no standing, because under section 29 it is only a candidate who has a right to institute a proceeding. There is no provision for writing in the name of an elector, the only language upon that subject, which is placed at the head of the ballot. There is no procedure provided for a recount, and while it may be true that a court jurisdiction is provided by the method of remedy, the procedure should be provided for in the statute.

RECOUNTS FUTURE It would also seem that recounts might be held because of the independence of time. Complaints, assuming that there were several, and the taking of an appeal from any judgment that might be arrived at in any recount. The court has the right to order a recount, and it is not necessary to appeal to the supreme court from any judgment rendered therein, and I take it that the determination of any such matter could be made by the court. The court has the right to order a recount, and it is not necessary to appeal to the supreme court from any judgment rendered therein, and I take it that the determination of any such matter could be made by the court.

DOODLE DEES UNDONE By deciding that the supreme court by construing the intent of the legislature to confine the independence to their own parties in the primaries, Judge Murasky not only wiped out Fickert's union labor nomination but also wiped out the independence league ticket, which was composed with a single exception, of members of other parties. In addition to that cruel blow the district court, in the case of John McDougald, denied the right of nomination for treasurer and Thomas F. Boyle's right to the union labor nomination for auditor. McDougald had the right to the nomination and Boyle was forced of the union labor primary ballot by the supreme court decision in the test case. His name was written in according to the McCord program and the auditor space had been left blank on the ticket. Matt Sullivan contended that the decision did not affect Heney's right to the democratic nomination, because Heney is not a candidate for the nomination of his own or for any other party at the primary election. The insistence of those who contended that Heney is not a candidate for the nomination of his own or for any other party at the primary election, Sullivan to the juvenile court with question for Judge Murasky. He returned with the following statement, which he said had been agreed to by Judge Murasky:

THE QUESTION NOT RAISED "The question propounded to Judge Murasky (Heney's eligibility to democratic nomination) was not before the court and not in its mind at the time of rendering its decision. The question was not raised or discussed. The court was not asked to decide that an elector could not write in the name of one who was not the candidate of any party and who happened to be a member of a party other than his own."

QUESTION OF VACANCIES Judge Murasky's decision raises another question, which the election commission is anxious to have decided and which in the absence of a supreme court decision might result in absurdity. The direct primary law provides that vacancies may be filled by the party county committees. What would be the position of the election commission if, after accepting the decision of Judge Murasky as depriving Fickert and Heney of places on the union labor and democratic ballots respectively, the county committees of these parties should name Fickert and Heney as the candidates chosen to fill vacancies? It would of course be an absurdity and an obvious attempt to accomplish by indirection what the law says shall not be done directly, but the election commission has no judicial functions. It could not decide the question.

MAY DROP THEM ALL The election commission will probably decide this morning to refuse to print the names of Fickert on the union ballot, Heney on the democratic and independence league ballot, and so on down the list of candidates affected. Fickert's attorneys will institute mandamus proceedings in the supreme court and that tribunal will have an opportunity to sustain or reverse itself at once. That the legislature intended to prevent the nomination of electors of one party by electors of another, none familiar with the debates incident to the passing of the primary law can doubt. The supreme court recognized that intent and emphasized it in the majority opinion, sustaining the law as a whole. Judge Murasky in the decision rendered yesterday gave further emphasis to the construction placed upon the law by the supreme court.

WETS' WIN IN NASHVILLE Nashville, Tenn., Sept. 24.—Returns from the democratic primary here today indicate an overwhelming victory for the anti-prohibition element.

Some of the Duties of a Citizen. Illustration of a man at a registration booth with a sign 'I SEEN MY DUTY AND I'DONE IT' and a 'PORTOLA FUND' box.

CAR JUMPS TRACK; RIPPED, 80 HURT Motorman Loses Control on Seattle Electric Near Main Gate of Exposition

SEATTLE, Sept. 24.—Of the 80 passengers on a big Wallingford avenue car that was wrecked at a curve near the main gate of the Alaska-Yukon-Pacific exposition shortly before noon today not one escaped being cut or bruised or sharply shaken, but it is believed that none of the injured will die.

Frank Hull of Tacoma, aged 46, an Odd Fellow attending the festivities accompanying the sovereign grand lodge meeting, died an hour after being taken from the wreck.

DEAD FRANK HULL, Tacoma, aged 46. INJURED Mrs. C. J. Scholl, Oakland, Cal.; both legs sprained. W. J. Honer, Berkeley, Cal.; slight scalp wound.

Mr. and Mrs. T. M. Hornaday, Los Angeles; both severely shaken up. Miss Helen Caldwell, Portland, Ore.; one rib broken, head strained, bruised from head to foot. Charles A. Johnson, Portland, Ore.; condition serious. E. M. Henkle, Orland, O.; back and shoulder strained. P. J. Cardwell, Youngtown, O.; severely bruised. B. C. Rainey, Youngtown, O.; severely bruised. Mr. Durnbach, Portland, Ore.; bruised. E. Donnelly, Dayton, Wash.; arm fractured. Charles Kaitie, Napavine, Wash.; arm fractured. Michael Mayer, Uniontown, Wash.; head and arm injured. Henry Mayer, Uniontown, Wash.; head injured. Mrs. A. P. Scofield, Council Bluffs, Ia.; head injured. Donna Hausman, aged 11, Shelton, Wash.; head injured. E. M. Hausman, Shelton, Wash.; head and arm injured. E. J. Heinrich, Leavenworth, Wash.; severe scalp wound. Mrs. Thornhill Walker, Dighton, Kans.; head bruised. Mrs. Theodore Scholer, Medical Lake, Wash.; bruised internally; condition serious. F. G. Jolly, Joliet, Ill.; a lecture on "The Sign of Life," head and hands cut. Edward Winslow, Seattle; badly bruised. Mr. and Mrs. E. B. McClung, O'Keene, Okla.; both cut by glass on forehead and hand. J. W. McClung, O'Keene, Okla.; father of P. B. McClung; head, Frank Earnhardt, Denver, Ia.; both cut by glass on head and hand. L. J. Galt, Auburn, Wash.; cut by glass. Anna M. Brown, Kelso, Wash.; cut by glass.

MANY FAIL TO REPORT Many of the passengers made no report of their injuries; others, however, home after the accident, there are 27 patients in four Seattle hospitals.

Mrs. Charles E. Hornaday of Los Angeles, who was at first thought to be fatally injured, is at a minor hospital, suffering from wounds in the head and will recover.

The dead man, Frank Hull of Tacoma, was a member of Tacoma lodge No. 88, L. O. O. F., and was yesterday initiated into the Patriarch's Militant. He was married.

CAR BEYOND CONTROL Of the 80 passengers 55 were seated and the others clinging to seats and straps, when the car got beyond the control of the motor and attained a speed of 20 miles an hour and at the corner of Fourteenth avenue, north-east, and East Fortieth street careened, left the track and crashed into a one story building at the southeast corner.

The motorist, E. W. Melendy, a gray haired veteran with a reputation for carefulness, opened the door behind him as soon as he found the car had got out of control and shouted to the passengers: "Brace yourselves; I can't help you."

CAFE OWNER INJURED A few seconds later the runaway car plunged into the St. Louis cafe, a little restaurant built for the world's fair trade. Edward Winslow, proprietor of the restaurant, was struck down and bruised. He is in no danger. Arthur Fry, who was also in the restaurant, was cut above the eye.

ACCUSED OF VIOLATING FEDERAL PURE FOOD LAW Well Known Firms Indicted by United States Grand Jury The federal grand jury returned eight indictments yesterday. Bertin & Lepori, a local firm, was indicted for adulterating olive oil with cotton seed oil in violation of the pure food act. F. Chevalier company of this city was indicted for putting on the market an artificial mixture for apricot brandy. It contained no brandy. This was in violation of the pure food act.

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Portola Festival Plans Include Unique Features

Aeronautics—The Pacific aerod club is arranging a display at which many California inventors will give exhibitions of airships. Some famous aviators are expected to give exhibition flights.

Amateur Sports—A water carnival will be a feature of one of the festival days. There will be swimming races and contests between the boat crews of the American and foreign vessels.

Athletics—A big track meet in which world's champions will compete, golf and tennis tournaments, an association football game for the championship of America, boxing and wrestling bouts, will make the athletic program one of the most elaborate ever presented.

Automobile Races—A 300 mile automobile road race over the outskirts of Alameda county will be held Saturday, October 23, under the auspices of the Automobile club of California. More than \$20,000 has been offered in prizes. The course will be guarded by militia, and arrangements will be made for an all night ferry service preceding the start of the race.

Carnival—The festival will conclude with a grand carnival and the revels of masquerade. There will be dancing in the streets to the music of scores of bands and confetti battles galore. A big mask ball in the open air, to be held Saturday evening, October 23, will wind up the carnival.

Children—An open air concert by 5,000 school children will be one of the interesting events of the festival. The concert will be held in Union square Wednesday afternoon.

Decorations—The decorations of the streets, public and private buildings, will excel in beauty anything ever attempted before. There will be immense courts of honor at the Ferry building and Third and Townsend streets. Flag arches will span the thoroughfares for miles.

Floata—There will be not only more floats in the Portola pageants than at any other previous celebration, but many of them will be the largest ever built. For the first time cascades of real water, flowing at the rate of 1,500 gallons a minute, will be seen on floats.

Fireworks—There will be gorgeous pyrotechnic displays each night in Union square. The fireworks will be seen on floats.

Receptions and Balls—For the entertainment of the diplomats, army and navy officers and the visitors of note there will be a brilliant reception at one of the big hotels and a public ball. These will be the most brilliant social events in the history of San Francisco.

PORTOLA BENEFIT AT THE GARRICK

A general desire to procure the first ticket for the Portola theatrical benefit is causing many inquiries as to when the sale of seats is to begin. The person lucky enough to obtain the first ticket probably will hold it as a souvenir of the Portola days, and the committee expects a crowd before the box office when the sale opens.

The Garrick will be gayly decorated for the occasion, which is the biggest pre-Portolan event of the month. Each of the local theaters will be represented by its strongest attraction. From the Valencia will come a sparkling scene from that fascinating musical comedy, "Mademoiselle Mischief."

The Van Ness will have a representative in little Billie Burke, who will appear in a scene from her favorite play, "Love Watches." The Princess will send the clever comedians Kolb and Dill, and the Orpheum will bill a number of the most amusing features on its program. Another scene will be taken from George M. Cohan's great success, "Fifty Miles From Boston."

The sale of seats will be announced later, but the prices which have already been fixed are \$2.50 for box seats, \$2 in the orchestra and \$1.50 in the balcony.

FINANCIAL OUTLOOK GOOD The financial outlook for the Portola festival becomes brighter daily and it now seems certain that the sum necessary to carry out the elaborate program which was planned in the beginning will be raised.

The official post cards of the Portola festival afford the general public an opportunity of helping the Portola fund in a small way without the expenditure of large sums. The decoration of the city has commenced in earnest and before many days the work of installing more than 1,000,000 incandescent lamps will be under way.

DECORATIONS ARE COMMENCED The decoration of the city has commenced in earnest and before many days the work of installing more than 1,000,000 incandescent lamps will be under way. The following donations of \$100 and over were yesterday added to the list already published:

W. R. Grace & Co. \$100. Marks Brothers \$100. O'Connor & Moffat \$100. The Brothers (second subscription) \$100. Dr. Hartland Law (second subscription) \$100. The Chinese consul general, Shu Ping-Chen, was the guest of Wong You, the chairman of the Chinese Portola committee and the Portola parade committee, at which the plans for the oriental section of the great pageant on the night of October 23 were discussed enthusiastically at the St. Francis yesterday.

DISCONTINUED BY SECRETARIES FORESTER

Meeting of Taft and Pinchot in Presence of Ballinger an Interesting Incident

Secretary of Interior and Chief of Bureau Fail to Speak to Each Other

Continued from Page 5

of fact and see exactly what it is that we are doing in order to measure what we have accomplished in the way of government by the people. Take \$9,000,000 or \$9,000,000 of people—if I were speaking in the conservative east I should say \$9, but speaking in the imaginative west, those things are elevated by the imagination around and the clear air, I will say \$9. Now, in some way or other we have to interpret into controlling force the resultant united opinion of those 90,000,000 or 90,000,000 people and put it into government legislation. Hence it is that we have to make a continuous compromise and each section has got to give up something in order that other sections, themselves giving up something, shall agree with them to give up something in legislation and the resultant administration.

Talks of Beet Sugar "Now, just for instance, because I always want to deal with delicate subjects, take the matter of beet sugar. I am very much interested to help along some people for whom I was a long time the only representative in the Washington, by letting some of their sugar—I was in favor of letting all their sugar—into this market, because I did not think it would hurt you out here a bit. You are going to get it out here and he is not thinking of the tariff he will tell me tales of the manufacture of sugar that will just make me think I want to invest all my money in it. But what did we do? We compromised, and we said to the people of the Philippine islands, 'We will let you into our market to the extent of 200,000 tons, and no more, and then the home industry will go on; will not be injured certainly by that importation.' And we made the compromise.

Naval Pageant—The warships of many nations will be gathered in San Francisco bay during Portola week. There will be cruisers from England, Italy, Holland, Germany and Japan. The United States will be represented by cruisers and a torpedo boat flotilla.

Pageants—The history, civic and industrial life of the west will be depicted in a grand pageant. More than 1,000 persons in costume will take part in the tableaux. A dragon, breathing fire, 200 feet long, will be carried through the streets by 600 Chinese.

Public Health and Safety—The comfort and convenience of the vast crowds of visitors will be carefully looked after. Information bureaus have already been established at the Ferry building and Third and Townsend streets.

Receptions and Balls—For the entertainment of the diplomats, army and navy officers and the visitors of note there will be a brilliant reception at one of the big hotels and a public ball. These will be the most brilliant social events in the history of San Francisco.

Must Uphold the Law "I can not speak too emphatically on this subject because at times there is a temptation to go on and on with the theory that we reach some greater object; but on the whole it will be found that the best way to do it if the laws are not right is to obey them and get the government to change the law up as something to be respected until by the popular voice you shall change it, because if you destroy the effect of the law then you might as well give up government, and if we are not to have government and are to have anarchy and socialism, to be governed by a committee that is going to appropriate what belongs to each man and not allow the ordinary laws of supply and demand and of reward for industry, and a lack of reward for negligence, apply—then all I have got to say is that I want to see a committee that makes the appointment."

"Now, my friends, I have talked a great deal longer than I intended to, but when you have got an audience that responds as well as the regulars, it is a temptation to go on and on and to talk. I can only add a renewed expression of my gratitude for your cordial reception, and as you have said, 'God bless the people of Portola.' At the dinner tonight at Fort Douglas President Taft spoke briefly in compliment of the service rendered to the country by the regulars. Among the guests at the dinner was Chief Forester Gifford Pinchot. Secretary Ballinger also was invited, but he did not come. Friends of Pinchot scouted the idea today that the chief forester had at any time entertained the thought of resigning from the service.

Pinchot contemplates returning east tomorrow. He had no engagement to meet President Taft when he came to the city today. Friends of Pinchot scouted the idea today that the chief forester had at any time entertained the thought of resigning from the service.

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Colonel D.C. Collier, Managing Director



Backed by a million dollar corporation, with another million assured through private subscription and a unanimous civic sentiment favoring a third donation of \$750,000, two commissioners representing the Panama-California exposition, to be held in San Diego in 1915, arrived in this city yesterday.

Colonel Collier, who is managing director of the enterprise, is enthusiastic in his belief that the opening of the Panama canal will make of San Diego one of the great seaports of the Pacific. The 21 businessmen of San Diego who compose the directors have considered every possibility that tends toward development of the extreme southwest, he says, and with the prevailing increase in the rate of population he predicts that the San Diego fair will stand for many years as a record in rapid progress.

"Picture 1,400 acres of the city park, banked and terraced by expert landscape artists, overlooking the white sands of the harbor and the blue water of the bay," said Colonel Collier. "We have ceased to worry about the financial part of our undertaking; we are individually satisfied of a growth in population that will make it practicable and we want no better advertisement than the prediction that the San Diego fair will stand for many years as a record in rapid progress."

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RAILROADS CALL TREATMENT UNFAIR Julius Kruttschnitt Testifies Before Interstate Commerce Commission at Salt Lake

SALT LAKE CITY, Sept. 24.—Julius Kruttschnitt, vice president of the Harriman lines and director of maintenance and operation of the Union Pacific and Southern Pacific railroads, has thus far borne all the burden of disproving, if possible, the contention that Salt Lake City and Utah shippers were being unfairly treated by the railroads serving this territory, as alleged by the traffic bureau of the Commercial club of Salt Lake City. Kruttschnitt occupied the witness box during the morning session of the interstate commerce commission.

"Rates can not be reduced because of many reasons," he said. "Taxes have increased enormously—from 50 to 75 per cent. On some lines and in many states the statutes prohibit running trains of greater weight than 100,000 cars without additional crews. In other states men must not work more than a given number of hours a day. Many other government and state rulings must be observed. These add to the cost of operation."

"Operating expenses are going steadily upward. They must continue to increase under present conditions." The earnings per train per mile, he said, had increased 60 per cent, while the expense per train per mile increased 68 per cent per train mile. The density of traffic increased 114 per cent. Commissioner Prouty asked Kruttschnitt to file a supplemental statement covering a classification of main lines and branch lines of the Union Pacific system to explain the statements filed by the various lines.

He was also asked to file a statement showing the source of money expended in improvement on the Union Pacific Oregon Short Line and Oregon Railway and Navigation, showing what proportion came from the sale of stock, the sale of bonds and from operating profits.

The commission also requested a table showing the plan of reorganization. H. M. Stephens, representing the Spokane petitioners, took over the cross examination of Kruttschnitt.

FESTIVAL FUNDS TO RESTORE OLD PLAZA Santa Clara Woman's Club Holds Portola Fete [Special Dispatch to The Call]

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Having taken charge of this park, the clubwomen are making strenuous efforts to replace the old landmarks and to erect a fountain. Like many other spots in the Santa Clara valley, the plaza is romantically entwined with early Spanish history. Early inhabitants said that it was the meeting place of the different Indian chiefs. The grounds were artistically decorated with pennants and Chinese lanterns.

Mrs. R. L. Higgins and Mrs. A. E. Osborne, chairman and president, respectively, of the Woman's club, were assisted by a bevy of fair maidens, who presided at the various booths. Speeches were made, extolling the work that was being carried on for the preservation of the old Spanish landmarks. A full band of 30 pieces from the local S. A. sodality furnished music.

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