

END ARGUMENT  
SPECKELS  
CONTEST

Counsel for John D. and Adolph  
Insist That Trust Clause  
Is Unlawful

Attorney Peter F. Dunne Closes  
Case and Judge Coffey Re-  
serves His Decision

The Claus Spreckels will case, one of the most notable probate contests that has ever been waged in the local courts, was submitted yesterday to Superior Judge Coffey for final decision.

Technically the battle, which has been fought for nearly four weeks with every legal weapon in the possession of the most skillful lawyers, has not been a practical contest of the will, but to all practical intents it has been the real struggle to determine the validity or invalidity of the will by which the sugar king attempted to provide for the disposition of his millions.

ATTACK ON TRUST CLAUSE

The attack on the will originated in a demurrer filed by the contestants in connection with a petition for a partial distribution of the estate filed by Rudolph and Claus Augustus, the executors named in the will. The contest thus far has been confined to an attack upon the validity of the trust clause of the will. Should the trust clause be held invalid, the contestants will fall and nothing remains to the legatees named therein but an appeal to the supreme court for a reversal of the superior court decision.

The attack of the contestants has been the most thorough exposition of the law relative to trusts under a will that has been made before a California court since the James Fair will was in litigation. The Fair will decision, incidentally, has had an important bearing on the present case and the arguments before Judge Coffey have attracted the close attention of many students of the law.

Four points of attack. In brief the case of the contestants as presented by Dunne and A. F. Morrison, who made the opening argument in the case, has been summed up under four general divisions. Between these two attorneys have thrashed out the law applicable to the subject to the very last detail.

The four points upon which the contestants rely are substantially these: The trust clause of the will is unlawful and invalid because it attempts to establish a trust to convey realty, which is not allowable under California statutes; the realty clause is not enforceable for the reason that the personality and realty of the estate are so inseparably intermingled that the fall of the one must drag the other with it; the provisions of the will do not come within the law respecting perpetuities in that they fail to eliminate the possibility of the estate vesting in the beneficiaries during the lives of persons in being at the death of the testator.

NEW YORK CASE QUOTED

Dunne occupied the two sessions of court yesterday with a discussion of the two latter general subdivisions of his argument, elaborating upon his former contentions regarding the subject of contingent limitations. He dwelt at length upon the decision of the court in the Manice case in New York, upon which considerable reliance was placed by the proposer, and showed the distinction between that and the case under consideration. This distinction, he argued, was that between an estate in trust and the mere exercise of power in trust.

Dunne pointed out that no such enabling legislation existed in California, and that under the statutes of this state no power in trust could be read into a will. He closed his address with a word of thanks to the court and opposing attorneys for the manner in which the Spreckels case has been conducted.

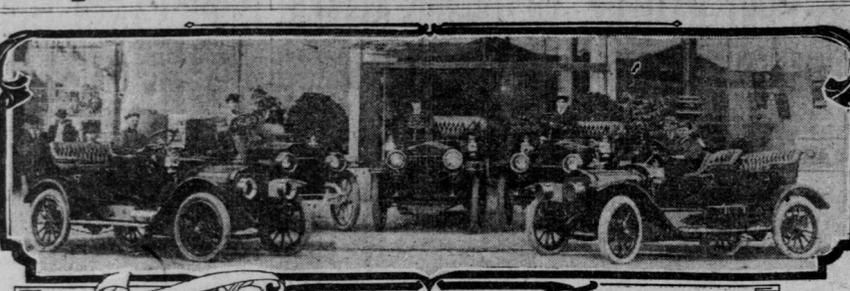
TRIBUTE PAID TO COURT

"As the longest night must at last break into dawn," he said, "so must the longest speech come to an end some time. During all this lengthy argument, which has extended over many days, it has been a compensation to me and to my colleagues to be confronted by such able, courteous and indefatigable opponents as those whom we have met here. And it has been a compensation to us to be able to reply to their arguments in and before a court like this, the patience, courtesy and consideration of which I have never seen outdone or surpassed by any court in the land."

Judge Coffey, in taking the case under consideration, granted to the attorneys of each side five days in which to prepare and file a list of authorities which have been cited in argument.

Mexico City and Return, \$80.00. Enjoy the beautiful scenery and delightful climate. Train leaves Southern Pacific Third and Townsend Streets Depot at 1:30 p. m., October 26th, via Southern Pacific and Mexican Central Lines; returns via Santa Fe, or Southern Pacific direct if preferred; stopover at Williams for side trip to Grand Canyon, \$6.50 additional. Personally conducted luxurious train; Grand Observation Sleepers; dining (meals a la carte). Tickets good for two months trip; space limited; make early application for reservation and details. Ticket offices: Flood Building, Market Street Ferry Depot, Third and Townsend Streets, 672 Market Street, and Third and Franklin Streets, Oakland.

Elaborate Program Arranged For  
Opening of Automobile Exhibition



Some of the machines which will occupy the White company's exhibit at the automobile show. Reading from left to right they are: Five passenger White gasoline touring car; 40 horsepower M-M White steam roadster; 40 horsepower M-M seven passenger touring car; 40 horsepower M-X model, with baby tonneau, and 20 horsepower White gasoline car with toy tonneau body.

IMPERIAL COUNTY  
SHOWS PROGRESS

Statement Furnished President  
Taft Proves Large Increase  
in Improvements

Accompanying the petition presented by a committee from the Imperial Valley chamber of commerce to President Taft to controvert statements from Washington relative to danger of water famine through possible change in the course of the Colorado river was a statement of Imperial county's recent growth which is in itself the strongest possible evidence of the confidence possessed by people in a position to know in the stability of the section and its resources.

This statement shows an increase in the land under cultivation, and in investment in stock and improvements that is little short of marvelous, and it would be absurd to assume that the individuals interested have not fully informed themselves as to the permanency of water supply and kindred matters.

From the people resident in the Imperial valley it is learned that the canals and water supply generally are in better condition than ever before and plans have been completed for the treatment of hundreds of thousands of dollars in the replacing of all temporary structures with permanent concrete.

STATEMENT GIVEN TAFT

Number of tracts of desert land converted into farms increased by 1,537 or 65 per cent; the number of acres assessed by 159,808, or 28 per cent; the value of country real estate, the partly converted property right late fall title, by \$3,122,554, or 287 per cent; personal property assessment was reduced half by reason of the same change, possessory rights being assessed as personal property. The acreage of alfalfa increased by 1,250 acres, or 11 per cent; decreased by 9,941, the decrease being due to plowing under alfalfa for the planting of other crops. The area of land under irrigation was increased by 6,202 acres. Nearly 3,000 fruit trees came into bearing during the year and 14,000 orange trees were planted. Bearing grape vines increased from 881 to 108,000. Stock cattle increased by 21 per cent; hogs by 1,112 hives. The production of butter increased by 556,230 pounds, or 27 per cent.
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AREA AND VALUES

Area, 4,000 square miles or acres.....	2,960,000
Number of farms.....	31,947
Value of farms.....	731,550
Improvements.....	44,208,536
Personal property.....	225,230
Total.....	1,115,129
Personal property.....	425,155
Total.....	1,161,382
Alfalfa.....	3,457,579
Expanded on bridges.....	15,773
Miles of public roads.....	40
Levy per \$100.....	\$25.00
Value of county buildings.....	3,500,000
Cost of canals.....	28,475
Telegraph lines, 75 miles.....	32,511
Acres irrigated.....	181,546

CEREALS AND HAY

Wheat, 1,275 acres, 1,915 tons.....	\$7,690
Barley, 8,705 acres, 103,195 tons.....	1,021,950
Oats, 860 acres, 295 tons.....	21,180
Alfalfa, 46,851 acres, 98,150 tons.....	987,500

Total, 119,690 acres, 206,170 tons..... \$2,006,000

WASHINGTON, Oct. 14.—Record target practice scores of the vessels of the American navy for 1909 made public at the navy department today show that the Washington is a winner in the battleship class, the Charleston a trophy winner in the cruiser class, the Wilmington a trophy winner in the gunboat class, the Tingey the trophy winner in vessels competing for the torpedo trophy. The Pacific fleet, under Admiral Swinburne, leads the fleet in target practice with a record of 42.

SPIRITS CONVERSE  
WITH WU TING FANG

Chinese Minister Attends a  
Seance and Probes Mys-  
teries of Occult World

WASHINGTON, Oct. 14.—Dr. Wu Ting Fang, the learned and popular Chinese minister of China to the United States, pursued still further last night his personal investigation into the esoteric mysteries of spiritualism as demonstrated by Washington spiritualists.

His first experience occurred last Sunday night at a public meeting, where anonymous Chinese spirits were described to Doctor Wu by a "trance medium" as hovering in the distinguished diplomat's immediate vicinity.

Last night he went again, this time to a smaller seance at a private house. Wu refused to discuss his experience or impressions and even showed solicitude lest his presence at the seance should be the subject of newspaper mention.

The woman medium who officiated—a different one this time—brought to him messages purporting to come from the late President McKinley, who was an intimate friend of Wu, and also from the minister's own mother. The latter was the more startling because, apparently, delivered in the Chinese language.

These messages are claimed by the spiritualists to be brought to the medium in trance by the spirit of a 16 year old American Indian girl, under whose "control" she speaks but broken English; yet the conversation between Wu and the medium while ostensibly under this "control" was somewhat extensive, lasting fully five minutes, and seemed to the Chinese vernacular, question and answer unintelligible to the auditors passing back and forth with considerable freedom.

There was every evidence that the diplomat perfectly understood the communication, which appeared to come from the spirit of Doctor Wu's own mother. It was asserted that the medium and her "control" are both absolutely ignorant of the Chinese language.

PORTEMS TROUBLE

Before the conversation between Wu and the medium, purporting to convey messages from the martyred president, the woman in her "trance" had told Wu that her "control" foresaw terrible trouble for the Chinese empire, in which the distinguished diplomat would acquire a place of great importance and influence and it was in connection with this prediction that the Chinese language was claimed to be a communication from the former president, expressing the earnest desire for peace.

EASTERN MAN JAILED  
ON REACHING NEVADA

Prisoner Complains of Assault and Theft on Train

RENO, Nev., Oct. 14.—Orville Chenault, who came to this city a few days ago, was arrested here yesterday and is being held for instructions from the authorities at Bedford, Ind., who ordered his arrest.

PATRICK MCCAREN NOW  
BATTLES FOR LIFE

Grim Political Warrior Has a Bare Chance of Recovery

NEW YORK, Oct. 14.—State Senator Patrick H. McCaren, democratic leader of Brooklyn, who underwent an operation for appendicitis last night, is fighting for recovery with the same grim that has won many of his political battles.

Late tonight he appeared to have the upper hand, but his condition is still serious. Although conferences were held today to choose one to fill the senator's place no selection was announced.

RAILROADS RUSH  
TO DEFEND RATES

Officials at Portland Testify Be-  
fore Interstate Commerce  
Commission

PORTLAND, Oct. 14.—So slow is the progress of the hearings in the Portland rate cases before the interstate commerce commission that the commission ordered this morning that testimony in the individual rate cases be taken before a commissioner. When the session opened, the Oregon railroad and navigation company resists introduction of testimony in defense of existing freight rates eastward from Portland.

The first witness, E. M. Cousins, a tariff expert, submitted comparative tables which he declared showed that rates charged by the Oregon railroad and navigation company are not unfavored in comparison to those charged in other parts of the country where the density of traffic is equal.

Asked by counsel for Portland as to his acquaintance with the subject of rate making, the witness declared that except in this territory his knowledge was of only a general character. He was asked whether, generally speaking, density of traffic regulated rates, and replied that it did not do so wholly. On redirect examination he was asked a hypothetical question as to whether the rate on open shipments would be the same whether 20 cars or 120 cars were shipped into a territory daily, and testified that he thought it would make a difference in the rate.

Ralph Blaisdell, auditor of several roads in Oregon, consumed the rest of the morning session with his testimony. He submitted a vast number of tabulated statements going into the earnings and expenses of the Oregon railroad and navigation company.

He was shown a table prepared by the Union Pacific which showed a discrepancy of \$2,000,000 against the figures prepared by him as to the operating expenses of the Oregon railroad and navigation company, which is owned by the former company, but maintained that his own figures were correct.

Commissioner Clements interrupted the line of counsel's questions to ask if this had been done to the detriment of the right of way. He explained that the commission was interested in knowing upon the safety of the traveling public.

Counsel for the Oregon railroad and navigation company interposed with the explanation that the amount appropriated usually exceeded largely the actual cost of maintenance of way.

BIG AUTOMOBILE  
SHOW NOW READY

Great Display of Motor Cars to  
Be Opened for Inspection  
Tomorrow

Dealers Go to Big Expense to  
Have Latest Productions of  
Factories Shown

By R. R. L'HOMMEDIEU

The finishing touches are being put on at the automobile show this afternoon and evening. A number of the dealers arranged their exhibits yesterday and the remainder of the machines will be brought into the basement of the Emporium today.

At 2 o'clock tomorrow afternoon the orchestra will render its first selection and the automobile show, which promises to be the greatest of its kind ever held this side of Chicago, will be in full swing.

The official opening is scheduled for 8 p. m. Saturday when the president of the Automobile Club of California will deliver the opening address.

The show will be open every day from 10 a. m. In the afternoon and evening the guests of the automobile fraternity will be entertained by selections from the orchestra. A number of informative speeches will be made on the various nights of the event.

Frank G. Lowry, on the staff of an eastern paper, arrived yesterday to attend the automobile show. Lowry visited the basement of the Emporium last night and stated that with the superb decorating effects and number of different makes of cars exhibited the show will compare most favorably with any of the national automobile shows.

ARRANGEMENTS WIN FAIR

There has never been a show held on the coast in which the management and arrangement have met with such unanimous approval. Several of the dealers visited the scene of the show for the first time yesterday and were amazed at the splendid manner in which their interests in the matter of decorating the spaces, the telephone service, etc., have been looked after.

The White company will have eight machines occupying their floor space of 1,200 square feet. Two of these will be the new model White gasoline car. The Pierce Arrow sales company will show two of their luxurious machines, a 36 horsepower and a 6 cylinder five passenger touring car.

The Locomobile Company of America is showing four cars, two type L standard touring cars, 30 horsepower, one type L chassis and one type L limousine.

The space of S. G. Chapman will be occupied by a model of the Oakland car, the only one he could get here for the event.

The Winton motor carriage company is showing three of their 1910 models, a touring car, toy tonneau and a chassis.

The Reliance automobile company will have on exhibition two Knox gasoline cars and one Detroit electric.

MANY CARS EXHIBITED

The Thomas B. Jeffery company is exhibiting five Rambler cars, one limousine, one seven passenger touring car, one No. 4 close coupled touring car, one 5 passenger touring car and one Rambler chassis.

The only baking powder from Royal Grape Cream of Tartar—made from Grapes—  
Makes Finest, Purest Food  
**Royal Baking Powder**  
Absolutely Pure

ceremonies on the opening night of the show.

The capitalization of the Olds motor works of Lansing, Mich., has been raised from \$2,000,000 to \$4,000,000. Inquiry at the Olds motor works as to a bill which brought no information as to the meaning of the increase, it being stated that officials of the General Motors company would have to be interviewed regarding the matter. In listing the properties under its control, the General Motors company now will be able to enter the Olds motor works as a \$4,000,000 concern instead of a \$2,000,000 corporation.

CREDITORS TO FILE PETITION—Creditors of L. E. Boyle, a local merchant, filed an involuntary petition in bankruptcy against him yesterday in the United States district court. According to the petition and schedule he owes \$321.20. Among the creditors whose names appear on the petition are Gilman's company, A. B. Smith company, John J. Mitchell company, and others.

TOOL THIEF SENTENCED—Jacob L. Frost pleaded guilty in Police Judge Deasy's court yesterday to stealing tools belonging to Frank Klink and F. Muller and received a sentence of six months in the county jail.

COMPANION OF FLOOD  
AND FAIR IS DEAD

George H. Hunt, Pioneer Insurance Broker, Succumbs

George H. Hunt, one of the oldest and best known of San Francisco's insurance men, and the father of Mrs. Herman Whitaker of Oakland, wife of the author, died of heart failure Wednesday evening at Mt. Zion hospital. With his death the state loses one of the men that developed the west, a companion of Mackay, Flood and Fair.

Every boy should take a deep interest in this offer. It will help to make him a better boy and a bigger man.

Do You Know This Boy?

He is known to 150,000 Boys Throughout the United States and His Name is the "American Boy"

Every Boy Should Read the "American Boy" Magazine and We Are Going to Give

Free Subscriptions To Our Boy Patrons

Every boy who buys a "CARROLL & TILTON" \$5.00 Challenge Suit or any other merchandise to this amount will become a subscriber at our expense.

Our new Boys' Department is a larger and more important factor in our business now than ever, and we challenge anybody to produce a suit at \$5.00 as good as our "CHALLENGE SUIT." It is a Norfolk Suit with knickerbocker pants, for boys aged 8 to 16. This suit sets the standard. All our other boys' apparel is proportionately good.

Bring This Ad With You When You Come to Buy Your Suit

Carroll & Tilton Co.

733 to 737 Market Street Opposite Grant Avenue  
OPEN SATURDAY EVENINGS

**AUTOMOBILES**  
Ready Reference for Buyers

BUICK	HOWARD AUTOMOBILE CO., 833 Golden Gate av. Tel. Market 1538	THOMAS PIONEER AUTOMOBILE CO., 901 G. av. Tel. Park 501
CHALMERS-DETROIT	PIONEER AUTO CO., 801 G. av. Park 591	WHITE MOTOR CARS
ELMORE	A. J. Smith, P. C. Sales Agent, 342 Van Ness. Agents Wanted.	WINTON 500 Van Ness av. Telephone Market 1979
FORD	STANDARD MOTOR CAR CO., 582 Golden Gate av. Tel. Market 3210	AUTOMOBILE TIRES
HUDSON	PIONEER AUTOMOBILE CO., 901 G. av. Tel. Park 591	G and J G AND J TIRE CO., 414-16 Van Ness av. T. Market 1008
INTER-STATE	Burkhard & Crippen, 359 G. av. Tel. Market 1736	OILS
KNOX	RELIANCE AUTOMOBILE CO., 342 1/2 Van Ness av. Tel. Park 323	PANHARD L. H. & B. I. BILL, 182 Valencia st. Tel. Mkt 3531
MITCHELL	OSBEN & HUNTER AUTO CO., 621 G. av. Tel. Market 2723	SUPPLIES
OLDSMOBILE	HOWARD AUTO CO., 523 G. av. T. Mkt. 1538	E. J. DAY & CO. Catalogue Free. OAKLAND, CAL.
PULLMAN	FACTORY REPRESENTATIVE 513 G. av. Tel. Market 4233	
REGAL-RAMBLER	D. E. WHITMAN, 311 G. G. T. Mkt. 762	

BELMONT

ARA-NOTCH

THE "ARA-NOTCH" takes the place of the buttonhole and makes the Collar sit in a way a buttonhole never could. Ask for the "BELMONT"—an

**ARROW COLLAR**

15 cents each—2 for 25 cents

Cleutt, Peabody & Co., Makers

ARROW CUFFS, 25 cents a pair

\$6.00

20¢

7-Quart Mixing Bowl Special Saturday

And Saturday evening till 10 o'clock; measures a foot across; the bottom is made of heavy glazed and decorated with white and brown stripes.

While they last, 20¢ each.

EVER HEAR OF SUCH A PRICE? Certainly not for a Bed of this Character.

**BEST BRASS.** Protected with two coats of the best English lacquer. Two inch continuous posts from floor to floor. Double size. Bright or satin finish.

Every Brass Bed Reduced

Country orders receive prompt and careful attention

**EASTERN OUTFITTING CO.**

1017 MARKET ST. JUST ABOVE SIXTH

A GOOD PLACE TO TRADE WE TRUST YOU

**REALLY DEVELOPS THE 'BUST, ARMS AND NECK'**

An increase of six inches is not unusual after a month's treatment.

To any druggist and get separately two ounces of glycerine, three ounces of rosewater, one ounce tincture cadomene compound (not camdome) and five cents' worth of borax. Mix the glycerine and tincture cadomene. Then add rosewater and a teaspoonful of borax. Apply morning and night, rubbing until absorbed; then wash with hot water and soap; dry thoroughly. Continue a few weeks and beautiful development rewards the effort.