

RECENT SKETCH OF HIMSELF BY DANIK'S COUNSEL

Rudolph Spreckels Loses Temper in Court and Takes Case From Attorney's Hands

Angered by Picture of Hypothetical Loan in Which His Own Name Is Used

Rudolph Spreckels, flushing angrily when he was casually mentioned yesterday morning during argument in Judge Murasky's court, forgot his self-restraint, took the conduct of affairs suddenly out of the hands of his attorney and retorted bitterly to the opposing lawyer who had made use of his name in pointing an argument.

The matters under discussion were the demurrer and motion to strike out portions of the complaint in the suit brought by Rudolph and Gus Spreckels in an attempt to have the Union trust company removed as trustee of the record and the Union Pacific of the Oceanic steamship company.

Rudolph Spreckels, seated close beside his attorney, Matt I. Sullivan, listened serenely and approvingly to the latter's attacks upon his brother, John D. Spreckels, who was accused of serving two masters and being a party to a conspiracy to defraud, but his attitude changed instantly when his own name was mentioned.

Sullivan had just made the charge that John D. Spreckels was serving adverse interests because of his official connection with the J. D. Spreckels & Bros. Co., the Oceanic steamship company, and the Union Pacific of the Oceanic steamship company.

"One can not faithfully serve two masters whose interests are adverse," declared Sullivan, "and here are three masters. The president of a company has no right to use the liabilities of that company to his own profit, and here we find notes executed by John D. Spreckels, as president of the Oceanic steamship company, to the J. D. Spreckels & Bros. Co. Such notes are void."

AN UNWELCOME SKETCH Sidney M. Ehrman, representing the Union trust company, was quick to challenge Sullivan's logic. He started to sketch a case in which Rudolph Spreckels, as president of the First national bank or the First federal trust company, might make a loan to another company in which he was interested.

The directness of the shot was instantly apparent. Sullivan mildly objected that Ehrman was "going out of the record," but Rudolph Spreckels was not content to leave the rejoinder to him. He whirled toward Ehrman and interrupted the latter.

"You are making statements of fact which are not the truth," he asserted with a show of anger. "I'm merely pointing an argument," answered Ehrman, smiling at the interjection, and then he turned to the court and continued: "But suppose there is another man, Mr. Brobeck, who objects to his. Suppose we say Mr. Hellman."

"I'm willing to assume that Mr. Hellman would do this, but not Mr. Rudolph Spreckels," responded Sullivan, while his client subsided.

The arguments on the demurrer and motion to strike out parts of the complaint were concluded and submitted for decision. Sullivan, arguing for the plaintiffs, occupied the floor during most of the morning, but the discussion of points at issue was general rather than formal, and both Ehrman and I. Brobeck, attorney for the Oceanic steamship company, took active parts in the argument.

Sullivan struggled to show that the complaint contained allegations sufficient to establish a cause of action, but he was met at every turn by the demands of the attorneys for the various defendants that he point out a single allegation of any act performed by the trustee or any other defendant which were not in strict conformity with the powers legally conferred by the trust deed.

CHALLENGES SHOWING Ehrman declared that there was not an allegation of any act performed by the plaintiff and asked Sullivan to show the single specification of acts performed that would even tend to substantiate the allegations of conspiracy. Moreover, he affirmed that while the charges were insufficient even in themselves, they fell absolutely before the provision of the trust deed which the plaintiffs were attempting to smother in order to prevent the court from actually knowing what rights, powers and duties were vested in the trustee.

The essence of Sullivan's argument was based on the contention that John D. Spreckels, as president of the J. D. Spreckels & Bros. company, was antagonistic to the interests of the Oceanic steamship company, of which he is also president and director, and that further complications resulted from the fact that he is also a director of the Union trust company.

Sullivan could not deny the right existing under the trust agreement for the majority of bond holders to waive the payment of interest by the Oceanic steamship company on its bonds, but insisted that if such waivers continued the value of the bonds would be forced down far below their actual worth, so that no one would invest in them. That he declared, was the purpose of the alleged conspiracy, amounting to a specific charge of fraud, the intention of the defendants being to depreciate the value of the bonds and then acquire them at nominal prices.

"The bonds held by the minority are now worth about \$100,000, but if these waivers continue for two or three years they won't be worth \$100,000," declared Sullivan.

"And yet you allege in your com-

Handsome Gowns at Ball Make Beautiful Picture



Two of the society girls who graced last night's La Amistad cotillon.

plaint that the security back of these bonds, consisting of the steamers Sonoma, Sierra and Ventura, is worth \$277,000," suggested Ehrman.

"That's the milk in the coconut," returned Sullivan. "If they can buy all these bonds for one-tenth their value they can get these ships for almost nothing."

"Can anybody compel you to sell your bonds?" challenged Ehrman. "Or can anybody restrain the majority of bond holders from waiving the interest default, regardless of who the trustee may be?" demanded Brobeck.

The express provisions of the trust agreement to the contrary, Sullivan argued that, in the event of the removal of the Union trust company as trustee, the Oceanic steamship company should be allowed no voice in the selection of the new trustee. Brobeck responded by pointing out that any trustee was bound to execute a valid and authorized act of a majority of the bond holders, that it could not do otherwise and that all the bond holders had obligated themselves to this in their purchase of the bonds.

Ehrman called attention to another absurdity in the contention of the plaintiffs after showing that the waivers complained of did not constitute loss of interest or of interest bearing coupons, but merely an extension of time for the interest payments. The only thing left as the basis of a charge, he said, was the possible depreciation of the market value of the bonds.

"The question of market value," he added, "is a far cry from the subject matter and a strange thing to ask the court to look into. Is the court to go into Wall street or Montgomery street and study the stock markets to determine this? Suppose the majority of bond holders should go down this afternoon and dump their bonds on the market at any price obtainable. It would break the bottom out of the market. Or suppose Rudolph Spreckels should throw his bonds on the market today, would the price keep up? Of course not. So what has the court to do with the question of market value anyway? Nothing at all."

Family Allowance Granted An order was made by Judge Coffey yesterday granting Mrs. Anna C. Spreckels, widow of Claus Spreckels, a family allowance of \$5,000 a month pending distribution of the estate. Testimony was given by Rudolph Spreckels, one of the executors of the will, and by Frank Harold, secretary of the estate, that the income of the estate was \$100,000 a year.

SEKS DATA ON WORKING OF THE DEMURRAGE LAW William R. Wheeler Asks Views of Local Businessmen. In an effort to compile data which will furnish a basis for intelligent study of the practical workings of the demurrage law passed by the last legislature, Manager William R. Wheeler of the traffic bureau of the Merchants' exchange has issued a circular letter soliciting the views of all members of the bureau on the results obtained.

Several complaints have been received by the traffic bureau to the effect that suits have been necessary in order to collect the demurrage assessed by the law against the railroad companies failing to furnish cars within a certain time when ordered by shippers. The bill became effective June 18 and provides for a penalty of \$2 a day per car from the railroad companies for failure to furnish cars within the specified time and for a penalty of \$6 a day per car from the consignee or consignee for every day beyond the free time limit that a car is detained.

The purpose of the present call for an expression of opinion is to test the practical workings of the law and to discover if its operation is actually a benefit or a hardship to shippers. The letter asks for an expression of views based upon actual experience and a summary of all such experiences.

BREWERS ORGANIZE STATE ASSOCIATION Ninety Per Cent of Trade Combines for Mutual Aid. At a meeting held Thursday the California State Brewers' association was formed, about 90 per cent of the brewing interests of the state being represented.

The objects of the organization are declared to be: To foster and encourage the brewing industry in the state, and protect its interests, more especially to guard against hostile federal and state legislation; to protect the members against oppressive and unjust administration of the internal revenue laws; to refute the aspersions of so-called temperance societies; to prove that by the popular use of fermented beverages the cause of rational temperance is advanced, and to secure co-operation and further the general interests of the brewing and malting trade.

The officers elected were: President, Thomas Alton, San Francisco; vice president, Colonel H. I. Seymour, Sacramento, and J. H. Zitt, San Diego; treasurer, Henning Thode, San Francisco; and secretary, William Schudt, San Francisco.

The visiting brewers were the guests of the Brewers' Protective association of San Francisco, which organization gave them a banquet at the Deutscher club, Thursday evening.

Extra Ferry From Point Richmond Account of Street Fair now being held at Richmond. A special ferry will run special train connecting with ferry boat which will leave Richmond 11:30 p. m., November 18, 19 and 20, to accommodate visitors from San Francisco. Information at 673 Market St. and Santa Fe Ticket Office, Ferry Building.

Diamonds, Jewelry on Credit Charge accts. Weekly or monthly installments. Brilliant's, 704 Mkt. r. 611-12.

SHIPPERS WONDER WHETHER THE WESTERN PACIFIC WILL ABIDE BY TARIFF AGREEMENT

Shippers Wonder Whether the Western Pacific Will Abide by Tariff Agreement May Announce Schedule of Its Own, but Officials Are Silent on Subject

Shippers are speculating on the question as to whether or no the Western Pacific will participate in the present transcontinental tariffs. While the tariffs issued October 15, to become effective December 6, do not show the Western Pacific as a party thereto, it is generally believed that a supplement will be issued at an early date in advance of the beginning of operations by the new road to enable it to carry such business as is offered.

At the same time, the action of the Chicago, Milwaukee and Puget Sound company in publishing individual tariffs leaves some room for conjecture as to the possibility of the Western Pacific taking similar action.

It has been generally supposed that on account of the action of the late E. H. Harriman in helping out the Goulds when their financial difficulty arose with the Wabash Pittsburg Terminal railroad, the Harriman interest in the construction of the tariffs for the new line, but now that Charles M. Levey comes direct from the Northern Pacific, it is thought that he will have no objections to the new line, the wisecracks are all at sea.

"I can not tell. It is not for me to say," replied Vice President C. H. Schlacks of the Western Pacific, "but the organization of the Western Pacific will be completed in about another week. As soon as the rolling stock now en route west is delivered the company will practically be ready to begin operations."

Hayley to Combine Roads ST. LOUIS, Nov. 19.—Well informed St. Louis financiers today were discussing a widely circulated report that Edward Hayley was organizing a \$500,000,000 corporation, to include the St. Louis and San Francisco, Chicago and Alton, Missouri, Kansas and Texas; Chesapeake and Ohio; Toledo, St. Louis and Western; Iowa Central; Louisville and Nashville; Minneapolis and St. Louis, and Chicago, Rock Island and Pacific companies.

These roads have a total mileage of more than 25,000 miles, reaching from Minneapolis to Kansas City, Chicago, Newport News and Galveston. That a transcontinental system also will be formed by a traffic arrangement with the James J. Hill railroad interests is considered a strong probability.

Vanderbilt Joins Gould NEW YORK, Nov. 19.—Cornelius Vanderbilt was today invited by George J. Gould to become a member of the board of directors of the Missouri Pacific railway company. Vanderbilt has accepted. This is taken to mean in Wall street that the Goulds and Vanderbilts have entered in a close working agreement and that interesting developments in the railroad world may result.

STATE NEED NOT PAY FOR ELECTION CONTESTS Supreme Court Overrules Action of the Assembly That the state of California is not liable for expenses incurred in contesting election cases has been decided in the supreme court for a writ of John Wessling against A. B. Nye, controller of the state of California.

Wessling was elected a member of the state assembly November 6, 1906, and November 23 received his certificate of election from the registrar of voters. December 25 a contest was instituted by Henry Peaffie, testimony was taken and the matter was presented to the assembly, which on March 1, 1907, dismissed the contest on the ground that it had not been instituted within the time required by law.

CHOIR BOY RETURNS TO LIVE WITH AUNT George Roberts Found Running Messages for Money. George Roberts, the choir boy of St. John's Episcopal church who disappeared November 7, was found yesterday in the Grace building, 87 Third street. The elevator man telephoned to police headquarters that the boy was there and Detective Mackey was sent for him.

The boy, who is 13 years of age, said he never had any intention of making his way to London, Eng., to his parents. He said he wanted to make a living for himself and had done odd jobs running messages.

He lived for a few nights in a room in a house in Devisadero street, and changed from there to a room in Howard street near Third. For a week he had been running messages for the occupants of the Grace building and had made \$4.50. He promised that he would stop with his aunt and learn a trade.

Try a little ad in our Employment Wanted columns if you are out of work. A position will soon be offered you. 10c a day is all it costs. Do it now—don't put it off.

FIREBIG SUSPECT PROFFERS DENIAL

Man Under Suspicion of Having Applied Torch to Hospital Asserts His Innocence Charges of Arson Will Probably Be Placed Against Him Today by Marshal

Thomas Elliott Saunders, suspected of setting fire to the Mills wing of St. Luke's hospital early Thursday morning, has not yet been charged with arson, but Fire Marshal Towse said yesterday that he would certainly be charged today. Detectives Furman and McGray are still working on the case.

"Saunders made a statement to me yesterday," said the fire marshal, "and it was proved to be a tissue of falsehoods. He endeavored to establish an alibi, but it has turned out a failure. One thing must be remembered, and that is there is a motive in Saunders' discharge from the hospital and it seems clearly to me that he intended to set fire when he made the threatening remark to Superintendent Shields Wednesday afternoon."

Saunders gave an emphatic denial to the allegation that he was a firebug and said he was not getting a square deal. He wanted to consult his attorney, E. E. Parlin, but had not been permitted to do so.

"I was aroused from the car barns at Twenty-eighth and Valencia streets," he said, "until between midnight and 1 o'clock that morning and then went to a restaurant opposite to get a cup of coffee. I had no money and got a watch as security for the 10 cents. Then I started to walk to East and Clay streets to a saloon where I have a friend, a bar tender. When I got there the saloon was closed. I went into a saloon adjoining and got a drink from the bar tender and later got a cup of coffee in a restaurant near by."

"When my friend's saloon opened shortly before 6 o'clock I got two good drinks from him and left there about 7 o'clock. I had absolutely nothing to do with the fire."

Saunders came here from Colorado City, Colo., last July where he had been employed as book keeper in the city market. He had done odd jobs here till he got the place as porter in the hospital. He denied that he had been discharged, but had given up his position.

FILLMORE STREET PLANS NEW YEAR'S FESTIVAL Band Concerts Will Be Given in Hamilton Square. Fillmore street will celebrate the advent of 1910 from the moment the sun sets on the last day of the old year until it brightens again in the morning. During the night lights will flood Fillmore street from Fulton to Sacramento streets with brilliancy, and there will be music, merriment and revelry on the part of the business thoroughfare to the other.

Cafes, shops and theaters will supply the light, color and decorations for the celebration and several bands will lead in the parade. Beginning Saturday night, November 27, a military band of 30 pieces, under the direction of Charles Cassassa, will give concerts every Saturday evening in the Hamilton square in Hamilton square. A large bandstand is now being constructed in the park by the Fillmore street improvement association.

ARTISTS TO EXHIBIT AT CALIFORNIA CLUB Second Annual Affair Will Open November 30. The second annual exhibition of paintings under the direction of the art committee of the California club, will be held in the room of the club in Clay street from November 30 to December 5.

This will be an interesting display because nearly all representative San Francisco artists will show one or more of their canvases, while the northern California colony of artists in general, from St. Helena to Carmel, will also contribute to the success of the exhibition.

The picture that appeals most to the taste of the club members will be decided by vote before the close of the exhibition and will be brought in by the members for the adornment of their clubhouse.

The affair will conclude with a reception to the exhibiting artists. It will be open to the public every day from 9:30 to 5:30 p. m., excepting Saturday afternoon and Sunday morning.

INDUSTRIAL PEACE TO BE MINISTER'S THEME Representatives of All Denominations to Join Discussion. Prominent representatives of all creeds and denominations will unite in presenting the cause of the National Industrial Peace association at a joint meeting of the ministerial unions of this section of the state Monday morning, November 29, at 11 o'clock.

The meeting will be held by the Presbyterian ministers' union at the Presbyterian mission house, 920 Sacramento street between Powell and Stockton.

Rev. H. K. Sanborn of the Brooklyn Presbyterian church, Berkeley, president of the Presbyterian ministers' union, will preside at the gathering, and Bishop D. J. O'Connell, Bishop William Ford Nichols and other well known churchmen will make addresses. All clergymen, irrespective of denomination, are invited to attend the joint session.

JURIST DECIDES LUNDY'S DONKEY WAS NOT STOLEN Grand Larceny Charge Against Neighbor Is Dismissed. The case of James R. Dickson, charged with grand larceny for stealing a donkey belonging to a son of T. Lundy, 947 Stanyan street, was dismissed by Police Judge Weller yesterday, as there was in the opinion of the judge no evidence to show that Dickson had stolen the donkey, as alleged by Lundy.

Dickson testified that the donkey had broken away from Lundy's son and had run into his vegetable garden and was chewing the grass when he would have taken it to the pound. He telephoned to the pound keeper, who took possession of the animal.

Oakland Store Hale's GOOD GOODS Oakland Store Eleventh and Washington Streets For Novel Gift Ideas Consult The Ladies' Home Journal Patterns

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Embroideries Can Be Employed in Gift Making 48c yd A most beautiful line of wide embroideries, including values as high as 75c a yard. A diversity of widths and patterns suitable for making holiday gifts, such as infants' and children's fancy dresses, corset covers, etc. Every yard to be sold at a saving to you.

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