

RAILROAD LINES
TO BE CLOSED
FOR PAYERS

Interstate Commerce Commission Says Claims for Overcharge Must Be Settled

Decision Due to Failure to Return Twenty Cents to Freight Shipper

WASHINGTON, Dec. 29.—In a decision by the interstate commerce commission handed down today, involving a claim of 20 cents in an overcharge on freight made against the Aberdeen and Ashboro railway company and other lines, railroads generally are severely reprimanded for their delay in adjusting claims where there has been a palpable overcharge.

The railway had admitted the overcharge, but did not settle with the shipper until the latter had exhausted ordinary methods of collection and finally had filed a formal complaint with the commission.

From shippers in all parts of the country and from local traffic associations, which are making earnest efforts to secure reasonable rates to secure a reform in the practices of carriers in this regard, many complaints have been received in the last year of the inattention of carriers to plain overcharge claims and of their delay in adjusting them. And a survey of these complaints has led to the conclusion that this practice, or rather lack of practice, among carriers is open to severe criticism.

A substantial portion of the time and labor of this commission is given to the effort to secure, through informal correspondence, settlement of claims of this character, and it is a burden from which we ought to be relieved by carriers. On the other hand, from the shipper's point of view, nothing in connection with transportation is more vexing and irritating than the delay in settling claims incident to the following up of an overcharge claim and securing its repayment.

The commission expresses the opinion that all ordinary claims of this character should be adjusted and paid by the carriers within 20 days and in special cases that no more than 60 days should be required for settlement, and adds that it will expect the cordial co-operation of this commission in our request that the claims department be so organized as to give more prompt results.

In another case decided today, originating in Chicago, the complainant had died before his claim had been adjusted, and the commission ordered the Chicago Great Western railroad to pay the amount of the claim to his estate.

When bids for parts of the work were opened it was found that the bids were higher than the estimate of the city engineer, and recourse was had to the employment of day labor, with the result that the saving brought the cost below the engineer's estimate.

The supreme court holds that day labor may be employed by the city whenever it is deemed advisable, even when bids for the work have been called for.

DIES OF STARVATION ON STEPS OF HOSPITAL

Aged Man Succumbs When Near Food and Shelter

BAKERSFIELD, Dec. 29.—An unidentified man of middle age died of starvation and pneumonia at the entrance to the county hospital here last night after arriving from Mojave, where a subscription had been raised to send him to this city.

The man was first seen in Mojave about a week ago. He looked ill and haggard, but, as he spoke to no one, no attention was paid to him until yesterday, when he faintly in the street was discovered to be suffering from starvation.

He was hurried to this city to obtain medical attention, but died on the steps of the hospital in the arms of his volunteer attendant.

FULLERTON CASE MAY NOT BE PROSECUTED

Evidence Insufficient for District Attorney

VALLEJO, Dec. 29.—D. P. Fullerton, superintendent for the Pacific States telephone company of San Francisco, who struck and ran over Charles H. Dulap with his automobile last week, inflicting such injuries as to cause Dulap's death a few hours later, and who was exonerated by a coroner's jury, but detained by District Attorney Raines, will quite likely be released.

No date for a hearing has been named and Raines has been quoted as saying that if he is not able to produce better testimony than was introduced at the inquest he will not proceed with the case.

HOMER DAVENPORT IN SERIOUS CONDITION

New Symptoms Puzzle Physician Attending Cartoonist

SAN DIEGO, Dec. 29.—Homer Davenport, seriously ill at the home of A. C. Spalding, Point Loma, is today fighting to recover from a nervous breakdown precipitated by the news of the death of his old friend, Frederic Remington, the noted artist. Davenport slept well last night, but today a new complication is threatened.

A sharp pain has developed in the back of his head, and while there is no fever, the attending physician has not yet decided the nature of this latest development. In Davenport's condition it will be several days before Davenport can possibly be considered convalescent.

SCOTCH CLUB PLANS NEW YEAR'S BANQUET

Thistles Will Give Royal Welcome to 1910

A Scottish welcome of the old fashioned kind will be given the new year on the evening of December 31 when the Scotch Thistle club will hold its twenty-eighth annual hogmanay banquet and ball at Golden Gate commandery hall.

There will be Scotch music, Scotch dancing, a toast to 1910 in hot Scotch, and on the menu there will be such Scottish dainties as haggis, haddies, haggis and Scotch short bread.

Chief David Girwood will deliver the address of welcome and speeches will be made by James C. Fye, P. H. McCarthy and George A. Van Smith. Those who will take part in the musical program will include William H. Grandeman, Mrs. Byron McDonald, Oliver T. Smyth, Robert A. Donaldson, Mrs. Bert Godard Adams, "Billy" Hynes, Malcolm S. Morrison, William E. Whigham and the club piper, James Lemon.

When you want sandwich bread get it from the California Baking Co., at Eddy and Fillmore sts.

CONBOY CASE SET OVER UNTIL FRIDAY

Making Hard Fight to Avert Trial

Every technicality known to the administration of the criminal law in this city is being raised in behalf of Michael Joseph Conboy, the "former captain of police" charged with the murder of Bernard Lagan.

Conboy was present in Judge Dunne's court yesterday, his case being on the calendar for the defendant to plead. Instead, he thanked the board through his attorney, J. J. Dunne, he interposed a motion to set aside the information. The motion was based on two technical grounds—first that Conboy had not been legally committed by a magistrate; and second, that the information was not signed by the district attorney as required by the statutes.

As the attorney for Conboy wished an opportunity to argue the point, a continuance was granted to Friday. If the motion is overruled, and if some new technicality is not made use of, Conboy will on that occasion plead to the charge.

Gray hair restored to natural color by Alfredum's Egyptian Henna. A harmless dye—convenient, quick, sure. All drug stores.

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Voices Plighted at A Pretty Ceremony



Mrs. Antoine Borel Jr., who was Miss Maide McMahon.

WEDDING BELL OF SAN FRANCISCO IS CLEANSED OF GRAFT

Ferns and Lilies Marriage of Antoine Borel Jr. and Miss Maide McMahon at Home of Bride

Mayor Taylor Says This City Need Not Fear Comparison With Any Municipality

The wedding of Miss Maide McMahon and Antoine Borel Jr., yesterday was one of the prettiest of the home ceremonies of the season in its setting of ferns and lilies of the valley. The color scheme was green and white. During the reading of the marriage service the couple stood under a bell of ferns lined with the lilies and in the drawing room—the same effective floral scheme was continued.

The entire decoration of the pretty home in Pine street was ferns and lilies, with the exception of autumn leaves and fruits in the dining room. The ceremony was performed by Rev. Father O'Malley and none but relatives was present.

The bride wore a gown of white satin made with a court train and embellished with pearls. The bodice was trimmed with pearls and rare lace, while the costume was finished with a tulle veil and wreath of orange blossoms. The bride's bouquet was orchids and lilies of the valley and her only ornament was a necklace of pearls, the gift of the bridegroom.

The maid of honor was Miss Lupeta Borel, who wore a gown of white chiffon spangled in silver, with an embroidered tunic effect, and carried bridesmaid roses. Louis Bovet acted as best man.

Mrs. James McMahon, mother of the bride, wore a creation of terra cotta chiffon over cloth of gold. Mrs. Antoine Borel Sr. was gowned in white moire with an overdress of Chantilly lace. Mrs. Aylett Cotton, a sister of the bridegroom, wore a handsome gown of white chiffon broadcloth embroidered in pink roses. Mrs. John Meilgren Lewis, another sister, wore blue broadcloth, while Mrs. Louis Bovet's gown was white and gold.

Mrs. N. F. Hildebrand, a sister of Mrs. McMahon, who came from Washington to be present at the wedding, wore a gown of mauve chiffon over white satin.

After an informal reception Mr. and Mrs. Borel left for the east and will sail shortly for Europe, where they will pass two years in travel. The bride is one of the prettiest girls of the younger set and had recently graduated from Notre Dame convent when her engagement was announced.

SEATTLE, Dec. 29.—The federal census of next year will decide a much discussed question as to the Japanese population of Seattle.

The Japanese consulate, which is supposed to have a record of every Japanese in this state, gives the number of its people in this city as 4,000. Other estimates range from 6,000, with official foundation. Any patriotic demonstration brings out more than 5,000 Japanese.

The Japanese enumeration must be made by American citizens, who will employ interpreters. The census of Seattle's 800 Chinese probably will be taken by Chinese born in this country and hence citizens.

PHYSICIANS ACCUSED OF PROLONGING ILLNESS

Philadelphia Health Officer Scores Graft Methods

PHILADELPHIA, Dec. 29.—Charges that some physicians in this city deliberately prolong the period of illness of patients in order to increase their income are made by Dr. Joseph S. Neff, director of the department of health and charities, who offers this reason for the increase in diphtheria for the present year, while all other preventable diseases show a decrease.

Dr. Neff said he had the proof that anti-toxine is not administered in either curative or preventive doses by these physicians, because its use reduces the number of visits the physician is required to make.

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NOTE ECONOMIST SUPPORTS PINCHOT

Sir Horace Plunkett of Dublin Thinks Chief Forester Remarkable Public Servant

Warns Country That Urgent Action Is Necessary in Agricultural Matters

NEW YORK, Dec. 29.—Gifford Pinchot today found support in his controversy with Secretary Ballinger from an unexpected quarter. Speaking before the Economic and Historical association, Sir Horace Plunkett of Dublin, who has brought about almost a rural revolution in Ireland and is said to know more about the resources of the United States than 90 per cent of her own citizens, said: "I greatly regret that I have just received a telephone message from Mr. Pinchot that pressing business keeps him away. I must decline to enter into any controversy, but I should like to say that I regard Mr. Pinchot as a remarkable public servant."

"There has got to be a change, I believe there will come in this country co-operation between farmers—the plan long ago forced upon the farmers of older countries by the competition of the great countries of America. In Ireland farmers are getting together for their own food and for the good of the country, and they are making a new industrial Ireland."

Wants Conservative Action

WASHINGTON, Dec. 29.—"Acts rather than declarations," President Taft is reported in this issue to have described recently to callers his program for the conservation of natural resources. The president, it is said, has declared that, when the present session of congress ends, he will be able to point to the first practical conservation statute ever placed upon the law books of the nation as his answer to the criticism that has been directed toward the White House.

The president is represented as holding that there is nothing in the Ballinger-Pinchot dispute that has a bearing on his own legislative program, and he will proceed regardless of it.

In the preparation of his special message the president will have the co-operation of Secretary Ballinger and of Senator Nelson of Minnesota, chairman of the senate committee on public lands.

The proposed new laws are ready to be submitted to the committees of the senate and house with the special message, preparation of which the president will begin as soon as he gets the message on the interstate and anti-trust out of the way.

Senator Nelson has assured the president there will be no difficulty in putting the conservation laws through the senate. In the house there is likely to be some opposition, but the president feels sure it can be overcome.

Balling-Pinchot Case

WASHINGTON, Dec. 29.—Senator Jones and Representative Humphrey, both of Washington, who will introduce in the senate and house, respectively, the resolutions calling for a joint congressional committee to investigate matters involved in the Ballinger-Pinchot controversy, met with President Taft today. The resolutions will be put in next Wednesday, January 5. It is believed they will be immediately passed.

DR. WU TING FANG TO RETURN IN 50 YEARS

Retiring Chinese Minister Sails for Europe

NEW YORK, Dec. 29.—"I'll be back here in 50 years from now, just as sure as I sit in this chair today," declared Dr. Wu Ting Fang, retiring Chinese minister to the United States, as he bade goodby to his friends on the afternoon of the Lusitania, sailing for Europe today.

Doctor Wu smiled as he made this assertion, but he declared that he was not joking. He expressed his grief, however, at the improbability of meeting in person his auditors on the auspicious day of his return.

"I hope I'll find you all here, but I fear I won't," he declared. "The trouble will be with you, not with me. And your trouble is that you are Americans—is to eat and drink and to little attention to the proper mode of living in many other things."

One of the party asked the diplomat how old he was, but Doctor Wu evaded the question.

"The completion of the two fireboats and the installation of the fire cisterns have made any conflagration absolutely impossible."

Dr. Rupert Blue returned to the city's custody yesterday the automobile which the board of supervisors provided for the work of federal inspection in connection with the sanitary campaign conducted under his direction.

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NUMBER OF JAPANESE RESIDENTS DISPUTED

Consul's Statement Conflicts With Popular Estimate

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George W. McNear Who Passed Away



AGED GRAIN KING CALLED BY DEATH

George W. McNear Dies at Age of 72 Years After a Long Illness

OAKLAND, Dec. 29.—George W. McNear, the California grain king, died at his home, 957 Linden street, in this city this afternoon, after an illness which had lasted for more than a year. He was 72 years old.

For nearly half a century McNear was one of the foremost figures in the commercial life of California. He was the leading grain producer and shipper in the state during the period when California was recognized as one of the world's greatest wheat sources, and at one time he owned more than 1,000 acres of grain lands in various parts of the state. His great warehouses at Port Costa had a capacity of 60,000 tons, and during the early part of his commercial career he shipped wheat in his own vessels to all parts of the world.

During the high tide of his sea-going career McNear exchanged the sea for the land, and in recent years, owing to the decline of the wheat industry on the coast, he devoted a large part of his time to advancing the civic welfare of San Francisco, and it was largely due to his personal efforts that the present building occupied by the Merchants' exchange of that city was built. McNear was president of the organization at the time the building was erected, and had occupied the office for a number of years previously. He was a member of the Pacific Union club of San Francisco and the Masonic order.

McNear's early life was spent aboard ship. Born in the town of Washington, near Wiscasset, Me., in 1837, he went to sea at the age of 15, after having received a rudimentary education in the schools near his home. When but 18 years old he became master of a sailing vessel and six years later commanded ships plying on the eastern coast. In 1860 he made his first voyage to California, landing in San Francisco August 2 and determining immediately to make his home in this state.

STARTED IN PETALUMA

Shortly after his arrival he went to Petaluma and started in business with his brother. Soon, however, he went into the grain business for himself, and from the very beginning he achieved success. Within a short time he became the owner of a number of coast and sea going vessels upon which he exported his grain, and in 1864 he built a steam vessel which he named the "George McNear" in honor of his wife. He earned the sobriquet of "California grain king."

A widow and six children survive the dead financier. The children are Mrs. P. E. Bowles of Oakland, John McNear of San Francisco, George W. McNear Jr. of this city, Fred W. McNear, Miss Elizabeth McNear and Edward E. McNear, all of Oakland and San Francisco. All of the members of his family were at his bedside when the end came.

CELEBRATED GOLDEN WEDDING

November 2 last McNear and his wife celebrated the golden anniversary of their wedding, the affair being extremely informal owing to the invalidism of the husband. The couple were married at Bangor, Maine, in 1859, one year before they came to California.

Mrs. McNear, prior to her wedding, was Miss Amanda M. Church. In 1874 the McNears moved to Oakland and five years later built the handsome residence in which they have dwelt ever since.

A little more than a year ago Mr. and Mrs. McNear celebrated with their daughter, Mrs. Bowles, the silver anniversary of her wedding with Philip E. Bowles, president of the First National bank of this city and the American National bank of San Francisco, succeeding his father in law as the head of the former institution.

The funeral will be held from the home at 3 o'clock Friday afternoon, Rev. Charles R. Brown officiating. The interment will be held privately in Cypress Lawn cemetery, San Francisco.

LINCOLN'S OFFICE AND WAR MUSEUM BURNS

DANVILLE, Ill., Dec. 29.—The old war museum here President Lincoln had his office when he was riding the circuit as an attorney burned today. The museum contained many valuable relics, among them a number of shells, which exploded during the fire. The property had been used as a saloon until recently.

LITTLE HOPE FOR FORMER PRISON KING

Slender Legal Technicality Only Chance for Charles W. Morse Escaping Long Prison Term

Motion for New Trial on Ground of Juror's Misconduct Denied Bank Wrecker

NEW YORK, Dec. 29.—Only a technical legal shadow now stands between Charles W. Morse, banker and one time ice king, and a 15 year sentence in the federal prison at Atlanta. Judge Hough in the United States circuit court today denied his motion for a new trial, but Martin W. Littleton, his counsel, announced that one more stand would be taken. Tomorrow he will move in the circuit court for a writ of error. If this is denied Morse will begin the new year serving his sentence for violation of the national banking laws, the supreme court of the United States having previously refused to interfere in the case.

CHARGE AGAINST JURORS

Littleton's recent application for a new trial for Morse was made on the ground that the jury was improperly selected and that some of the jurors drank to excess in the trial.

With respect to this charge the court holds that the fact that the jurymen were in the custody of secret service marshals was well known to both counsel and jurors when the trial began. The court also notes that more than a year has elapsed since Morse was convicted and sentenced.

As to the drinking charges Judge Hough says: "Legislation must advance a good deal before a prisoner may claim to be entitled to a jury of teetotalers in New York, at all events."

Though points out that it was by direction of the court that the jurors be permitted to lead their "usual lives" and that the affidavits submitted by Morse's counsel showed merely that in the entire trial only 20 bottles of liquor in the name of individual drinks had been consumed by the jury. NO ONE INTOXICATED

"And it is not pretended that any one was at all intoxicated," adds the court. All parties agreed, the memorandum continues, that no liquor was served to the jury after the case had been given to them.

"The same juror who has deposed for the defendant as to the drinking habits of the jury," says the court, "is by the defendant alleged to have been himself so sodden with drink as to be incapable of clear, cool and undisturbed judgment."

As to the charges that the jurors were "hostile" to read newspapers with "pernicious" accounts of the trial Judge Hough says: "This case was dull; it took a long time to exhibit necessary preliminary facts; newspaper accounts of the proceedings were scarce; there is no evidence that they were so hostile or biased as even probably to affect the minds of the jury in any way. Their incompleteness and inaccuracies. Unless all reading of daily journals by jurors is unlawful, this point requires no further consideration."

JAILED FOR CONTEMPT—William Cohen, tabernacle, Globe hotel, Poison street, had Besse Sutton arrested on a charge of grand larceny for stealing \$7,000 from his pockets. When he appeared in Police Judge Cohen's court yesterday he said he had found the coin in his pocket, and the judge was so incensed that he ordered him into custody for contempt of court.

Urban Realty Improvement Co. Fills a Long Felt Want for San Francisco

This company has been organized on a strong and sound basis, taking advantage of years of valuable experience as a safety guide, and is able to accomplish with its large combination of capital and facilities for carrying loans, a great saving for its patrons while making satisfactory profits for its stockholders.

It is too well known that large combinations of capital often create monopolies which reap very large profits, but such a thing as a monopoly in the real estate and building business is hardly possible; however, with large capital to control tracts of land, so as to dictate, under capable and experienced management, the manner of development and improvement, to purchase with material at wholesale prices, and do all branches of the business, including the buying and selling of property, architecture, building, fire insurance, and finally, the carrying of loans, this company can practically defy competition and insure large legitimate returns for its investors.

The company is now prepared to construct any class of building, from a modest suburban cottage home or bungalow, to a class "A" business building, and do the financing on a liberal basis. It will supply the land, or build for parties owning their own land, do the architecture under the supervision of the most experienced architects, who are experts each in his own particular branch of the business, buy all material at wholesale prices, obtain all the cash discounts possible, and finally, drawing the full rate of interest on the money loaned, to purchase with interest at bank rates of interest, and at the same time will save a satisfactory profit.

One of the attractive features of the company is its arrangement to issue, through a trust company, first mortgage securities, so as to give an investor any size first mortgage that he desires, drawing the full rate of interest on the money loaned, to purchase with interest at bank rates of interest, and at the same time will save a satisfactory profit.

These unquestionable securities (than which nothing can be safer) will be issued periodically, but may be subscribed for and advanced together with the trust company, ahead of time, and will draw an agreed rate of interest from time of deposit. The oversubscription for any particular issue, if left on deposit with the trust company, will take preference for the next issue.

This company will take over the business of the Leonard-Frost company, builders; Leonard & Russell, architects, and that of Joseph A. Leonard, real estate broker. Wellington, owned by Brownell and Joseph A. Murdock, Trustee and Depository, Central trust company.

"I bespeak for the new company the patronage and support of you, my friends, and the general public, and can unreservedly promise the excellent high grade of work and fair dealing heretofore accorded all my patrons."

JOSEPH A. LEONARD, General Manager.

What to Do for a Cough

Here is a home made remedy that overcomes an obstinate cough quicker than any costly medicine you could buy. Any woman can easily make it in five minutes. Granulated Sugar Syrup... 13 1/2 ozs. Pinex... 2 1/2 ozs. Put the Pinex in five minute bottles and fill up with the syrup, made as follows: Take a pint of Granulated Sugar, add 1/2 pint of warm water and stir for about 2 minutes. Take a teaspoonful every one, two or three hours. It tastes pleasant—children like it. This simple medicine is also splendid for colds, whooping cough, bronchitis, incipient consumption, chest pains, etc. Pinex, as you probably know, is the most potent form of Norway White Pine Compound. It is rich in all the well known pine elements. None of the weaker pine preparations compare with the real Pinex itself. Your druggist has it or will gladly get it for you. This effective cough syrup can be made for 54 cents. It keeps perfectly and lasts a whole family a long time. Strained honey can be used instead of the syrup, and makes a very fine honey and pine tar cough syrup.

AFTER the dentist has repaired the damage your teeth have suffered through neglect, the daily use of

Dr. Lyon's PERFECT Tooth Powder

will cleanse, preserve and beautify them, without injury, and impart purity and fragrance to the breath.

Not in Milk Trust The Original and Genuine

HORLICK'S MALTED MILK

The Food-drink for All Ages. More healthful than Tea or Coffee. Agrees with the weakest digestion. Delicious, invigorating and nutritious. Rich milk, malted grain, powder form. A quick lunch prepared in a minute. Take no substitute. Ask for HORLICK'S. Others are imitations.

DR. WONG HIM—Dear Sir: For several years, while suffering agonies of pain, I tried, in vain, to find relief from my rheumatism. My sufferings were of various schools of medicine, when, as a last resource, in my life being in greatest and imminent danger, I applied to you. You cured me with your Chinese Herb Treatment and saved my life, for which I tender you my most sincere thanks, and remain, most gratefully yours. MRS. PAULINE KARL FORMES, 739 26th St., Oakland, Cal.

DR. WONG HIM

1268 O'Farrell Street Between Gough and Octavia SAN FRANCISCO

Eye comfort is often the result of coming here to get your glasses.

HIRSCH & KAISER 218 Post St. Opticians

The California Promotion Committee

The California Promotion Committee (An Association for the Commercial and Industrial Development of California.) "PROMOTION": The act of promotion, advancement, encouragement.—Century Dictionary. The committee has for its object the PROMOTION of California's interests. It has nothing to sell. It fosters all things tending to the ADVANCEMENT of California. It is an industry in all matters relating to California. IT COURAGES the establishment of new industries and fosters those already established. It invites desirable immigration. It presents the opportunities and needs of all fields of business and professional activity. It is supported by popular subscription and makes no charge for any service rendered. It is affiliated with its 250 commercial organizations of the state, with a combined membership of more than 50,000. Meetings of representatives of these organizations are held semi-annually in different parts of the state, where matters of California's interest are discussed. Headquarters of the committee are maintained in Merchants' Exchange building, San Francisco. CORRESPONDENCE INVITED.

Freight Forwarding

MOVING EAST AND WEST Freight rates can be greatly reduced on your household goods by shipping through

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RESORTS

WHERE TO GO! THE SOUTH SEA ISLANDS } \$375 AND NEW ZEALAND }

For rest, recreation and pleasure, nothing compares with a tour