

HORSE CAR WAR IS INTENDED TO ENLARGE TRAMPLY

Legal Proceedings to Forfeit Charter Proposed by Public Ownership Association

Service Like That From Sutter Street to Ferry Already Condemned by Court

The attempt of the United Railroads to prevent the construction of the Geary street road is to be met today by a counter effort to drive the company's horse car from lower Market street.

The challenge to war from the traction monopoly has been accepted with an alacrity that has amazed the corporation officials. They counted upon a passive community, silently observing their efforts to strangle the Geary line in its cradle. Instead they have but pulled the triggers of the enemy's rifles.

Before the public utilities committee today the United Railroads will plead for the right to operate its Sutter street cars to the ferry. It will ask this privilege at the same time that its attorneys are preparing the legal papers intended to keep the city from building the Geary street line.

WANT FRANCHISE FORFEITED

Representatives of the Public Ownership association will be in attendance at the meeting and they will request that instead of allowing the Sutter street cars to run to the ferry, the supervisors institute proceedings for the forfeiture of the horse car franchise in lower Market street.

The request to the supervisors will be based on the case of the old Bush street line which maintained a single car for the purpose of holding a franchise. The case was taken to the supreme court and in an opinion written by Justice Temple it was held that the franchise was forfeit for nonuser. The court ruled that a single car did not constitute a service as intended in the terms of the permit.

COURT AGAINST A SHAM

The language used in that decision follows: "The circumstances show conclusively that the franchise was held not to convenience the public and to facilitate travel, but to prevent the facilities for travel, and thus force patronage upon the Sutter street line."

Discussing this feature of the case, Justice Temple said further: "The board of supervisors has the power to grant such franchises in the interest of the public and to facilitate travel. The pretense of running was clearly a sham. It was not intended thereby to accommodate the public, and it would have no effect in that direction."

It is contended that the Sutter franchise in Market street presents an exact parallel. Only two horse cars have been maintained; part of the time but one. It is argued that the object is not to give service, but to force passengers to transfer to the electric cars in Market street.

CITY'S RIGHTS UPHOLD

In the Bush street case the court laid down the principle that a municipality cannot waive its right to bring proceedings to quash a franchise. Nothing the United Railroads might attempt at this time, therefore, would affect the city's right to attack the franchise.

With the Sutter street permit completely eliminated the way would be cleared for the Geary road beyond the possibility of argument.

The suit against the Geary street road will be begun in a few days by Attorney W. J. Brobeck. He stated yesterday that there was already suf-

Dancing Clubs Celebrate Victory in Baseball Game



Two girls who were guests at the banquet given to the Seminole cotillon club.

cient basis for the commencement of the action.

"A basis has already been laid," said Brobeck, "for the filing of a suit. The supervisors have taken the preliminary steps looking to the sale of the bonds, and that is all that is necessary for the purposes of a suit. I have not had sufficient time to draw up the papers, but I will get at it as soon as possible."

TEST FOR MUNICIPAL LINE

"The test will be chiefly along the lines previously indicated. It will involve the right of a municipality to enter into the street car business and will bring into consideration other franchises in Geary street. We will bring the action on the broader issues and will not rely on petty technicalities."

The meeting of the public utilities committee this afternoon will be fraught with special significance. The issue will be the lower Market street and the Geary street road will be the subject of chief consideration. When the terms of the lower Market street franchise come up for discussion the Public ownership association will offer special clauses designed to protect the rights of the Geary street road.

LIMITATIONS FOR PERMIT

Here are two of the sections that the association will ask to have inserted in any grant that may be made for lower Market street:

1. The granting of this permit and privilege is on the express condition that neither said permit and privilege, nor the franchise granted by said Sutter street railway company or any lessee or agent or successor of said Sutter street railway company shall in any way interfere with the use of said Market street and any and all railway tracks in said Market street or in any part of said city and county by the city and county of San Francisco, or by any lessee or agent of said city and county of San Francisco, or by any street railway or railroads.

2. This permit and privilege is granted and received on the express condition that any and all tracks of said Sutter street railway company in said Market street may be used at any and all times by said city and county or any lessee or agent of said city and county of San Francisco in the operation of any street railway or railroads.

OTHER FRANCHISES ATTACKED

The attack will not be confined to the Sutter street extension, but will include also other franchises which are declared to have been forfeited by nonuser. A petition presented to the board of supervisors by the Public ownership association requests that the attorney general be called upon to institute the necessary proceedings. The streets specifically named in this regard are Market and Hayes.

The Gough street franchise has also developed an acute issue through the failure of the United Railroads to bid for it in its own name. It has sought the permit in the name of A. J. Pon. The former board of supervisors declined to grant the cross-town franchise which was applied for in the name of W. R. Willett. It is stated that many members of the present board are averse to granting franchises to any but the actual users.

WILL URGE CONGRESS TO BUILD SUBTREASURY

Commercial Organizations of City Prepare Memorial

To urge upon congress the necessity of passing the bills introduced by Congressman Julius Kahn and Senator Dorr, and appropriating \$10,000,000 to build a subtreasury here, six of San Francisco's most prominent organizations have prepared a memorial that will be sent to every representative and senator. It presents the need of a subtreasury here in forcible manner.

The chamber of commerce, Merchants' association, Merchants' exchange, North Central Improvement association and San Francisco board of trade join in presenting the memorial. One of the arguments advanced by the associations is that in November and December of 1908 the government paid \$272,500 for shipping a way coin for which room could not be found in the present inadequate subtreasury shack.

MARQUIS FOLLOWS THE EXAMPLE OF HIS FATHER

Parent Toured Palestine and Had Heart Sent There

The marquis of Bute, who is about to travel with the marchioness through Italy and the holy land, is thereby following the example of his late father, who, soon after his majority and subsequent reception into the Roman Catholic church, proceeded to Rome and thence to Palestine, says the Westminster Gazette. By his special wish his heart was inclosed in a casket and conveyed to the holy land, after his death, by the dowager marchioness. The late peer likewise purchased extensive estates in Palestine, in the development of which an active interest is manifested by his heirs.

MORE ACRES IN YORKSHIRE THAN LETTERS IN BIBLE

It has sometimes been stated that there are more acres in Yorkshire than there are letters in the bible. A first time hearing the statement for the first time is inclined to doubt it, but, as various correspondents of Notes and Queries show, it is true all the same. Authorities differ as to the exact acreage of the county, one giving it as 3,882,848 and another as 3,771,842. But the number of letters in the bible is said to be 3,556,480, so the acres beat the letters with something to spare.

BANQUET GIVEN TO SEMINOLE COTILLON

L'Allegro Dancing Club Entertains Victors in Annual Football Game

Rival Organizations Share Repast With Equal Number of Girl Friends

In celebration of their victory in the annual baseball game, the members of the Seminole cotillon club were entertained at dinner last evening by the losing rival L'Allegro dancing club, at the St. Francis. The victors had the privilege of inviting an equal number of young women, which privilege was also shared by the losers. The banquet, in the red room, presented a scene of color and animation in consequence. After the elaborate menu was served a number responded to toasts.

AVIATION HOTEL IS LATEST CHICAGO WRINKLE

Chicago will have the first hotel aviation station in the world. It will be drome No. 1 on top of a new hotel. Air travelers will be cared for just as automobilists are. Droming, the hotel owners believe, is the sport of the present with the man up to the minute. And drome No. 1 will provide all the comforts of air and earth up with the birds. 29 stories above Michigan avenue, says the Chicago Inter Ocean.

When dromers come in from a transcontinental trip at the rate of a couple of hundred miles an hour and pick out a good place to land, they will see "drome No. 1" glare at them from the top of the hotel, and naturally that is where they will go.

When their dromes glide up to the top of the hotel they will be met by a driver who will take the dromer to the proper landing stage, where the traveler may dismount, have his machine run into a compartment of the storage room, where it will be furnished with the motor power, replenished while the drome clerk takes charge of the guest and does the same honors at the upper end of the hostelry as the chief clerk pulls off down at the earth end of the structure.

There will be provision for 50 persons in this sky port, and if the air business should be good it will be enlarged to care for several hundred. Of course there will be anchorage, but with a view of caring for the droming guests of the near future. The air sport will be as popular, although perhaps more exclusive, than automobilism.

There probably will be drome parties and dromers calling on guests and parties droming over to dine in the sky cafe and droming home again. It is not likely that there will be anchorage for the dirigibles and swinging bridges and ladders to take off the passengers. There will be gas machines to blow them up and a windlass to pull them down. As business grows and the air traffic gets heavy drome No. 1 will be developed and new fixtures and appliances will be installed to keep pace with the times.

PAY WHEN YOU HAVE TO VS. PAY AS YOU ENTER

One of the old fashioned pay when you have to cars was creeping up Third avenue in the Bronx the other day when a stout, prosperous looking old man, whose coat had been ripped up the back in his attempts to transfer from the subway to the Third avenue elevated at One Hundred and Forty-ninth street got into the car and sat down. He was a genial looking old man, but in his eyes there was a glint of revenge, says the New York World.

The conductor came along and collected a 5 cent fare. Pretty soon a crowd of people got in and the conductor collected from them and then went to the old man again and held out his hand.

"I paid my fare," said the old man. "No, you didn't. I know your kind. That sort of thing doesn't go on this car. You pay your fare or get out."

The old man argued that he had held his temper and nursed the discussion along to a point when the conductor stopped the car and said, "Pay or get off," and looked at the motorman for help.

The car was quiet, and every one was listening to the dispute. Suddenly the old man drew out a nickel, pulled out a quarter and handed it to the conductor, who offered 20 cents change.

"No, no, you keep that. It will make it unnecessary for you to come around four times more," said the motorman, senger good naturedly. The conductor turned red, insisted that the old man take the money, but the passenger hid his head in a newspaper and paid no more attention to him. The conductor retired to the back platform looking very uncomfortable.

"I wish they'd get one of them pay as you enter cars on this line," muttered the old man.

SPOT WHERE KIT CARSON DIED TO BE PRESERVED

Colorado D. A. R. Secure Site for Museum

Work of restoring the ancient, tumbledown building at old Fort Lyons, now the United States naval sanatorium, where Kit Carson, greatest of western scouts, died, has been commenced, and within the next two or three months it will be turned over to the Daughters of the American Revolution of Colorado for a museum, says the Denver News.

The restoration will bring it back to its original condition in practically every detail and give to the state one of the most historic landmarks which it possesses. It is an old stone house, warped and weather beaten, but in such condition that it can easily be restored. It stands almost in the center of the big group of buildings at the naval sanatorium, and the men in charge of that institution are taking deep interest in the work.

It is quite likely that when the restoration is completed it will be dedicated with appropriate ceremony by the Daughters. Already an effort is on foot to collect relics of Carson's day, particularly articles belonging to him personally, and a pistol and inkstand have been secured as a nucleus.

Originally the little old stone building was the medical headquarters of the fort, and Carson had been taken there from his home at Boggsville, some miles from Lyons, a very sick man. The only persons with him when he died were Doctor Tilton, medical officer of the post; First Sergeant Luke Cahill and a hospital steward whose name is now forgotten, and of this trio the only one living is Luke Cahill, a resident of Los Animas.

Handsome Baths in the World

The Lurline Baths, Bush and Larkin streets, in the heart of the city, cost nearly \$200,000. Ocean salt water filtered in sanitary filtration plant, in tub baths and swimming pools. Open evenings. Visitors are welcome.

SARDINES ARE SEIZED

Boston, Feb. 22.—A consignment of 250,000 boxes of sardines has been seized by the United States bureau of the United States department of agriculture here. It is alleged that the boxes are labeled as containing sardines put up in olive oil, but contain no olive oil.

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Gossip of Railwaymen

THE Mill Valley and Mount Tamalpais railroad is not in the market for an aeroplane. Such is the ultimatum of C. F. Runyon, president of the road, who recently offered a prize of \$1,000 to the French aviators if they would fly from San Francisco and land on the summit of the mountain.

Runyon received a proposal from a would-be aviator in Napa asking that the railroad purchase a machine and offering to make all the flights in the interest of the road. His proposal included a trip to Paris to purchase a machine and a \$15,000 life insurance policy, of which the company was to be the beneficiary.

Although Runyon's offer was bona fide, he declares that he is not in the market for a machine. He says that he is running a railroad and that the thought of competition from flying machines has never entered his mind.

Jay W. Adams, Pacific coast passenger agent of the Nickel Plate, is in the southern part of the state.

Unquestionably the automobile industry has given to railroads in the traffic created a big and profitable business. Concerning this some statements made by J. S. Marvin, general traffic manager of the three manufacturing organizations, presents some facts quite as interesting to those engaged in handling the transportation end as to the general public, particularly those who enjoy the pleasure of automobilism.

The carriers have profited largely by the development of the automobile. Marvin says that the success and extensive shipment of any industry, producing an equal number of horse drawn vehicles. It is expected that something like 100,000 carloads will leave the factories this season.

These shipments, of course, originate from a scattered territory and move all parts of the country, but if New York to Chicago could be considered the average distance hauled it would indicate that the carriers would earn about \$8,000,000 on them. Taking Detroit to Chicago as the average distance, the carriers would earn about \$6,000,000. The factories that produce in large quantities give the carriers each day for a considerable part of the year enough loaded cars to make up a good sized freight train.

In addition to the machines shipped direct from the factories the railroads carry thousands of shipments to and from races and exhibitions, second hand machines

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Management of the St. Paul

The management of the St. Paul has decided to enter still more largely into the business of building its cars and locomotives. The experiment which the company has made in this line has interested both the railway and the financial worlds. Last year the company built 2,883 cars in its Milwaukee shops and 90 locomotives. On an average, 5,612 persons were engaged in the shops and the annual payroll reached over \$3,200,000.

The Great Northern railway will spend \$2,500,000 this year in improving its system in the state of Washington, and especially the line through the Cascade mountains. The most important piece of work will be clearing the land for a distance of 500 feet on either side of the right of way between Scenic Hot Springs and the Cascade tunnel.

A great deal of difficulty has been caused by obstructions rolling on the track from the mountain sides, and the road intends to do away with this danger by clearing everything off the land adjoining the road in the dangerous places. A large amount also will be spent in building new sidings, additional double tracks and new passenger stations.

C. W. Colby, general agent of the Erie, returned yesterday from the north, where he has been for the last week.

Lee Eicholtz, city passenger agent of the Illinois Central, who has been ill at his home with scarlet fever, is reported to have passed the critical stage, although it will be several weeks before he will be able to return to his duties.

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Of all the newspapers in San Francisco whose circulations were examined by the auditor of the Association of American Advertisers in May, 1909, The San Francisco Call is the only one that has published the findings.

The auditor, after examining the San Francisco circulations, made this statement: "The Call has the cleanest circulation of any San Francisco newspaper."

OUT OF A TOTAL CIRCULATION OF 62,612 FULLY 85 PER CENT IS INSIDE THE RETAIL TRADING LIMITS OF SAN FRANCISCO AND ITS SUBURBS. THAT'S WHY IT PAYS THE RETAILER SO WELL.

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