

HORSE CAR WAR IS INTENDED TO END MONOPOLY

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 pleaded for the right to operate its Sutter street cars to the ferry. It will seek 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 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 nonuse. 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."

Dissenting feature of the case, Justice Temple said further:

"The circumstances show conclusively that the franchise was held not to convenience 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 cars have been maintaining part of the line 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 UPHELD

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 point of argument.

The suit against the Geary street road will be begun in a few days by Attorney W. L. 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.

FIGHT RAGES OVER GRASS ON GRAVES

San Rafael Divided Over Proposal to Exclude Flowers From Cemetery

Will the plots in the Mount Tamalpais cemetery in San Rafael be laid out in methodical order and planted in lawn so as to give a symmetrical effect to the scenic setting of the whole, or will the graves continue to be arranged with flowers or foliage or monuments and lawn to suit the fancy of the individual owners?

These questions are among those that are rendering asunder the ties that bind those of the social elect who make San Rafael their home. The Du Bois family and their friends head the one faction, while the Boyds, Fosters, Pages, Tollivers and others lead the opposition forces.

TIME INTENSIVES FIGHT

The fight began some months ago and instead of cooling with the lapse of time has increased in fury until now the whole of San Rafael seems likely to become involved. The cemetery was the property of the late Dr. Henry Du Bois. Since his death it has been under the control of his son, Ernest of San Francisco in the operation of any street railway or railways.

This permit and privilege is granted and received on the express condition that any and all tracks 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 lessor or agent of said city and county of San Francisco in the operation of any street railway or railways.

Young Du Bois has an artist's eye and the lack of symmetry in the cemetery has offended his taste. He argues that flowers of every hue and the irregularity of their arrangement spoils the landscape and desecrates the burying ground.

These opinions he expressed some time ago to the owners of the different plots, with the suggestion that they should permit the restoration of the cemetery identified with the early history of San Rafael and many well known names are on the tombstones.

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 non-use. 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 named in this regard are Market and Hayes.

Enough 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 crosstown franchise which was applied for in the name of W. B. Willcutt. 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 Perkins providing appropriation to subtreasury here in 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 forceful 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 away 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 in the footsteps 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 letters in the bible. A person 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 3,771,848. But the number of letters in the bible is said to be 3,566,446, so the acres beat the letters with something to spare.

CASTORIA
For Infants and Children.
The Kind You Have Always Bought

Bears the Signature of *Chas H. Fletcher*.

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 drone No. 1 on top of a new hotel.

Air travelers will be cared for just as automobile drivers are. Droning, the hotel owners believe, is the sport of the present with the man up to the minute.

And drone No. 1 will provide all the comforts of air and earth up with the birds, 20 stories above Michigan avenue, says the Chicago Inter Ocean.

When the dromes come in from a transcontinental flight at the rate of a couple of hundred miles an hour and pick out a good place to land, they will see "drone 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 funky, who will direct the drome to the proper landing stage, where the machine may dismount, have his machine run into a compartment of the lounge, recharged with gasoline, bashed and the motor power replenished while the drone clerk takes charge of the guest and does the same honors at the upper end of the hotel as the chief clerk puts off down at the earth end of the structure.

There will be provision for 50 persons in this sky parlor, and if the air business should be good it will be enlarged to care for several hundred.

It is built on the roof of the present, but with a view of caring for the droving guests of the near future. The air sport will be as popular, although perhaps more exclusive, than automobile racing.

There probably will be drone parties and dromers calling on guests and parades droming over to dine in the sky cafe and droming home again.

Of course there will be anchorage points for the dirigibles and swinging platforms for the use of 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 drone 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 old age was ill and was evidently seeking revenge.

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