

The San Francisco Call

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Press the Fight Against United Railroads

ON behalf of his administration Mayor P. H. McCarthy has announced that the United Railroads' attempt to steal lower Market street through a temporary permit to operate trolley cars on the outer tracks will not be considered further by the board of supervisors. According to the mayor the city will become the aggressor and force in the courts a judicial determination of the people's rights.

This is good news for the people of San Francisco. It is a promise that the board of supervisors is again behind the pledges of the platform upon which a majority of its members were elected. It holds out something more than a remote hope that at last the burden of the fight between the people of San Francisco and an insolent, law defying corporation is to be placed where it belongs.

From the mayor's announcement and the action of the board of supervisors on Monday it appears that body has at last got on the right track with relation to the pending controversies concerning street railway matters. The monstrous proposition advanced by the United Railroads and acquiesced in by a majority of the public utilities committee to make unconditional surrender to the corporation by granting a permit or privilege worth \$1,000,000, without consideration received, was seen by the light of public discussion to be untenable.

The supervisors have taken the right course. The people will look to them for vigorous support of the city attorney and the attorney general, to whom they have assigned the prosecution of their new program.

Hitherto the United Railroads has done all the fighting and made all the trouble. The corporation invites war and should be accommodated. The way to make a fight, if we must fight, is to abandon merely defensive tactics and take the aggressive. Carry the war into the enemy's country. The United Railroads has elected to enact the role of a consistent enemy of public interests and can not complain if the challenge is accepted.

It is time for the city to create some "legal entanglements" of its own initiative. The serious question whether a monopoly of the principal thoroughfare can be maintained by the pretense of a dummy corporation keeping up a spurious and wholly inadequate service should be brought to adjudication in the courts. The theory of the United Railroads is that franchise holders have rights without corresponding duties to the people who make the grant. It is an untenable proposition that a franchise of great value can be held by such pretense of service as the spurious Sutter street company gives with a couple of frowsy horse cars in lower Market street. The possession of this franchise carries the obligation to give an adequate modern service.

Further, the United Railroads should be compelled to put in a connecting switch to carry its Sutter street traffic on the inner tracks in Market street. There is plenty of room for the service on the inner tracks, as the investigations of the Merchants' association have clearly demonstrated. There can be no excuse for the refusal to put in this switch and this fact is established by the transparent falsehood of the objection made on behalf of the corporation on the ground of expense. When we see the company put in an equivalent switch at the junction of Post and Market streets, without permit or any apparent use, the objection to making connection at Sutter street appears to be no better than a dishonest excuse advanced in pursuance of the United Railroads' consistent policy to make trouble for the city and the traveling public.

The mayor and his administration will find that the public is as enthusiastically in favor of the announced program as it was bitterly opposed to the public utilities committee's supineness in the face of a proposition for a deliberate steal.

THE current aspects of the fight waged to embarrass United States Attorney Devlin and block his confirmation to the office which he holds carry a bold but somewhat unexpected face.

The Tangled Affairs of Attorney Devlin

People who have watched affairs in San Francisco during the last three or four years find themselves no little surprised at the apparent political and legal conjunction of Mr. Devlin with Francis J. Heney and William J. Burns. It is a topsy turvy collocation of forces that might lend support to the proverb that it is the unexpected that happens. San Francisco had not suspected an alliance of these elements, but Washington is credited with a stronger faith.

The Call does not clearly understand why Kentucky and Tennessee and the Carolinas should be found meddling in California politics and, like Mr. Devlin, this commonwealth does not hold that a public prosecutor is under obligation to consider the social standing of persons accused of crime. If Mr. Devlin's confirmation is opposed because he prosecuted a scion of "the first families," this fact supplies a suggestive commentary on the administration of the department of justice. If there is to be a sacred caste immune from prosecution for public offenses, that fact should be more definitely established. At present this phase of legal practice in the federal courts has not emerged from the class of obscure intimations, but the refusal to confirm Mr. Devlin would supply unfortunate and convincing confirmation.

Mr. Devlin appears to have made an efficient and conscientious official. He is, one understands, charged with undue "zeal" in the prosecution of influential people. Certainly that charge does not lie against him in the cases of Prather and English and the Oakland bank affair, but it is understood that this matter was arranged from Washington and that Mr. Devlin simply obeyed orders.

Altogether the affair in its wide variety of conflicting complications presents the most extraordinary episode of confused and dubious politics that California has witnessed in a long time.

It would be a lamentable thing if the negotiations between this country and Canada should result in a tariff war, but that appears to be the direction in which things are drifting. Canada has little to lose by such a war, and in fact expects to make a positive offset by reason of the transfer of manufacturing industries from the United States. Therefore Canada stands pat. The position is thus stated:

Prospect of a Tariff War With Canada

Fundamental differences in the laws and positions of the two countries have been the stumbling block. In the United States tariff law the best that can be given is the minimum tariff, which the Canadian government regards as the normal American tariff.

The Canadian general rate is regarded as corresponding to the American minimum, while the Canadian intermediate, a portion of which France and some other countries enjoy, is regarded as a provision for special reciprocity arrangements. Holding this view, the Canadian government has felt compelled to insist that the French treaty does not constitute an "undue discrimination" against the United States, but that if the United States wants to obtain the advantages of Canada's reciprocity schedules it must be prepared to give something in return.

Canada has been one of our best customers and the balance of trade has been strongly in our favor. The awkward provisions of the Payne tariff law put this country in a very disadvantageous position for the successful conduct of such negotiations.

The best we can do is to back down completely and shut the administrative eye to the fact that the French-Canadian tariff is undue discrimination against this country, and this without getting any concessions from Canada. The alternative is a tariff war involving another boost for prices.

Back To Civilization



THE news comes from Washington that Sylvester Clark Smith, who represents the southern counties of California in the lower house of congress, is likely to be taken into the cabinet as postmaster general. The appointment would be welcome for many reasons. The Call has taken opposite sides from Mr. Smith in the controversy relating to the disposition of water power rights under reservation in the national domain. Mr. Smith has made himself protagonist for the argument that these rights should at once be turned over unreservedly to the states. This newspaper has held, and still holds, that this transfer should be postponed until the time when the state of California at least shall have provided adequate and effective machinery for the due conservation of these enormously valuable rights because, as the law stands, these properties would at once be seized without protection afforded for public interests. But we have never questioned Mr. Smith's entire good faith and honesty in taking the stand that he does. Mr. Smith fights fair.

Promotion for Representative Smith

Mr. Smith's ability and competence are recognized in California as in Washington. They put him on the monetary commission in testimony to his receptive qualities notwithstanding his ingenious confession that he knew little of the subject. Mr. Smith is not too old to learn, and he has brains enough to profit by the portentous flood of information that threatens in 60 volumes to engulf the reform of the currency. It is perhaps a pity in one sense that Mr. Smith should be untimely snatched from this congenial labor to take up another branch of political education: It is announced now that the postoffice sharks will take charge of Mr. Smith and "break him in" for the work of that department. It is further gratifying testimony to Mr. Smith's accredited power to assimilate useful knowledge.

Anybody would be an improvement on Hitchcock.

THE recent utterances of Jacob Schiff, the New York banker and financier, predicting war with Japan, do not please the newspapers of that country or of England, and the Pall Mall Gazette of London accuses him of talking dangerous nonsense. Quoting:

It is a little hard to excuse entirely the letter or spirit of Mr. Schiff's remarks. We can forgive him for referring to England as "perfidious Albion." It is a venerable joke, but when he goes on to say that the understanding between Russia, Japan and Great Britain is the world's greatest menace he talks violent and dangerous nonsense. For one who knows England and who is amicable toward Japan to associate either power with a design on world peace is a display of patent insincerity which it is to be hoped American public opinion will estimate at its correct value.

Of course the general public does not know the basis of Mr. Schiff's conclusions, but people do know that he is not the sort of man to talk nonsense or speak without warrant. From his position at the head of one of the greatest banking houses in the world, Mr. Schiff has command of sources of information not generally available, and his position compels him to weigh all his public utterances with the utmost care and caution. The words of a man of his standing can not be whistled down the wind by a blast of type whether it comes from London or Tokyo.

The Nippon writes that "the Americans are disgruntled" by reason of their failure to secure participation in Manchurian railway projects, but really this interpretation of Mr. Schiff's words and motives is about as shallow as the other that comes from London.

Banker Schiff's Words On Japan

ANSWERS TO QUERIES
BOOK ACCOUNT—N. W. Boulder Creek. How long does a book account run in California? A book or open and current account when the commander spoke with Washington, D. C. The crew suffered through there have been mutual dealings between the parties, the account is open and current. The code of civil procedure says that such an account will outlast in four years. That is, if there is a claim for goods purchased, for instance, upon an open account, all items dating back more than four years will be outlawed, and in a suit for the amount of the bill the plaintiff can not recover for any item that is more than four years old.

THE OREGON—Subscriber, Oakland, Cal. When did the United States steamship Oregon leave San Francisco on the memorable trip during the Spanish-American war? Tell something about that trip, distance traveled, etc.

Money Due—M. B. City. Loaned a man a small sum of money four years ago and he has not paid me. Can I collect it now by law or by force?

The law of this state is that an obligation or liability not founded on an instrument in writing outlasts in two years. If you attempt to make a collection by force you may find yourself in the hands of the police.

COMMUNITY PROPERTY—Subscriber, City. Is the community property in California liable for the debts of the wife contracted by her before marriage? No.

Letters From the People

KEEPS HISTORY STRAIGHT

Editor Call: In Sunday's issue it is stated: "General Osterhaus is the only living northern soldier who commanded an army corps during the civil war." As a soldier under command of General Osterhaus, and an enthusiastic admirer of him as commander, soldier and man, and in the full belief that he was competent and able to command a corps, it is well to keep history straight. General Daniel E. Sickles commanded the Third corps and General G. M. Dodge commanded the Sixteenth corps, and both are living. There is one other corps commander living whose name I can not recall at this time.

General Osterhaus was dearly beloved by his soldiers and trusted to such a degree that they would undertake any task he assigned to them, with the saying "It is all right, Peter Joseph says so." The relations between him and his men were like those of a father and his sons. A few years ago he came from his home in Germany to attend a reunion of the first division of the Fifteenth corps, the division he commanded during the whole Atlanta campaign when not temporarily assigned to higher commands.

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No better soldier commanded men in Sherman's army than Major General Osterhaus. All honor to him for his service and giving to our country Rear Admiral Osterhaus. Very respectfully, W. V. LUCAS, Santa Cruz, March 14, 1910.

New Gas for Balloons

Hitherto coal gas has been used for filling balloons, in spite of its drawbacks, says the University Correspondent. For converting ordinary coal gas into a much lighter and more suitable gas containing more than 80 per cent of hydrogen, and only half as heavy as ordinary coal gas. The buoyancy, or lifting power, of the new gas is about an ounce avoirdupois per cubic foot, that of coal gas is 0.7 ounce, that of commercial hydrogen 1.1 ounce.

PERSONS IN THE NEWS

- WILLIAM H. AVERY, assistant general manager of the Toyo Kisen Kaisha steamship company, returned from the east yesterday from a business trip and is at the Fairmont with Mrs. Avery.
J. S. TULLY, a real estate man of Stockton; F. D. Curtis, a druggist of San Jose, and H. J. Weber, a businessman of Sapa, make up a group of recent arrivals at the Argonaut.
WALTER EYRES, president of the Eyres transfer company of Seattle, is at the St. Francis with his daughter. They have just returned from a trip to Europe.
DR. AND MRS. ELMER STONE are down from Napa and are guests at the St. Francis. Doctor Stone is the director of the state hospital at Napa.
E. A. COUSINO, general western agent of the West Shore railroad, with headquarters at Chicago, is at the Fairmont with Mrs. Cousino.
J. D. FARRELL, vice president of the Oregon and Washington railroad, is at the Palace. His headquarters is in Portland.
MRS. J. D. PEETERS and Miss Peters, prominent in social circles in Stockton, have taken apartments at the Fairmont.
O. W. LEHMER, general manager of the Yosemite railroad, with headquarters in Merced, is a guest at the Palace.
ARTHUR C. RICE, a mining man with large interests in this state, is at the Fairmont, registered from Boston.
ALBERT MOOS, a merchant of China, is at the Fairmont.

SOCIETY PLANS CHARITY FETES

Entertainment for the Benefit Of Hermitage Orphanage Promises Big Success

CHARITY is the concern of the hour among the socially elect, and one of the particular charities that is absorbing the attention of the maids and matrons alike is the entertainment for the benefit of the Hermitage orphanage. The roles have been practically assigned for the tableaux vivants to be held early in April, and there was an animated discussion yesterday morning in the green room of the St. Francis, when selections were made and types chosen with regard to their fitness for representing the portraits of French and English masters. It was conceded several days ago that Mrs. Henry T. Scott was to be Marie Antoinette, and every one was delighted with the appropriate choice.

Among those who have been working seriously for the success of the affair in connection with the board of directors from the orphanage is Mrs. C. O. Alexander, whose knowledge and appreciation of art has aided materially in the selections of those who are to pose.

Mrs. Peter Martin is to pose as the duchess of Devonshire and the companion picture of the viscountess Duncannon will be posed by Mrs. Walter Martin. The "Three Graces" from the famous painting by Reynolds will be posed by Miss Virginia Newhall, Miss Marian and Miss Elizabeth Newhall. Romney's picture of Lady Hamilton as Bacchante will be posed by Mrs. Truxtun Burt, while Miss Ethel Cooper will essay Lady Hamilton with her dog. The portrait of Sophia Western will have a fair counterpart in Miss Alice Oge and Mrs. Siddons as the tragic muse will be represented by Mrs. Francis Carrol.

Mrs. Scott as Marie Antoinette will have a galaxy of beauties in her court and the roles have been assigned in the following order: La Duchesse de Parme (Labbie Guyard); Mrs. Peter Martin as Marie Antoinette; Henriette de Bourbon (Nattler); Mrs. Ernest McCormick as Marie Antoinette; Miss Christine Keady as Marie Antoinette; Miss Helen Irwin as Marie Antoinette; Mrs. G. H. Umbson as Marie Antoinette; Miss Anita Berthau as Marie Antoinette; Mrs. G. H. Umbson as Marie Antoinette; Miss Anita Berthau as Marie Antoinette.

The chrysanthemum auxiliary of the children's hospital will have a card party Thursday afternoon, March 31, in the colonial ballroom at the St. Francis, and there will be bridge and five hundred tables or those who attend. The proceeds are to be devoted to the hospital fund and as an additional attraction for the occasion will be the Keith painting that has been donated and will be on disposal that day. The president of the auxiliary is Miss Edith Bull, and she will have a corps of assistants in the following members:

- Mrs. J. Stewart Fair; Mrs. Ernest McCormick; Mrs. John Chace; Mrs. G. H. Umbson; Miss Mabel Hogg; Mrs. G. H. Umbson; Miss L. Wenzelberger; Mrs. Anita Berthau.

Mrs. Fletcher Eyer's luncheon was a pretty event of yesterday given at the Fairmont, and the decorations were an effective arrangement of spring flowers and ferns on the table. Among those who enjoyed the hospitality of the hostess were:

- Mrs. Frank Denn; Mrs. Herbert Moffitt; Mrs. James Moffit; Mrs. Clinton Woodie; Mrs. W. F. Porter; Mrs. Kathleen de Young; Mrs. William Ames; Mrs. George Ames; Mrs. Lansing Kellogg; Mrs. Ethel Dean; Mrs. George Doubleday; Mrs. Virginia Joffe; Mrs. Thomas Eastland; Miss Maud O'Connor; Mrs. Edgar Wilson.

George W. Flicher is receiving congratulations upon the announcement of his engagement to Miss Alma Will of Sacramento, and the news that the wedding is to be an event of the season will be more than ordinary interest. The bride elect is the daughter of Mr. and Mrs. W. G. Will and is a favorite with the younger set in her home city. The wedding is to be a quiet affair, to which only relatives and a few friends have been bidden. The young couple will live in this city after a brief wedding journey.

Mrs. William Cluff gave an informal tea yesterday at the Palace for several friends who were assisted in her office as hostess by her daughter, Miss Florence Cluff.

Mrs. M. C. Smith, wife of Captain Smith, who has been at Vancouver, B. C., is expected here shortly for a visit, and her friends are delighted over the prospective arrival of this popular army matron. Mrs. Smith was Miss Yvette Pickering, daughter of Colonel Pickering, who was for many years commandant of the Alcatraz, and few army girls have had a greater popularity in the service set here. Mrs. Smith will be the guest of friends in this city until her departure in April for Manila, where her husband is to be stationed with the Fourteenth cavalry.

Miss Mabel Gray talked yesterday before the Mills club upon her recent travels in Algiers and entertained a large audience with an account of her wanderings in that picturesque country. Miss Gray has traveled extensively and is one of the younger clubwomen who is a social favorite as well, and yesterday after the lecture she held an informal reception with her friends. After the program at the clubrooms in Post street an hour over the teacups was enjoyed.