

TEST CASE TO FIX TUNNEL'S LEGAL STATUS

Courts May Be Called On to Decide if Assessment Plan Will Stand City Attorney Long Suggests Three Ways in Which the Work May Be Done

North Beach Looks for Great Boom When Stockton Street Bore Is Completed

All legal questions will be cleared away with dispatch so that work may begin at the earliest possible moment on the Stockton street tunnel.

City Attorney Percy V. Long has suggested that such suit be filed. The proposal has been seized upon by Attorney T. J. Savage, who has fathered the legal features of the project.

"We must get to work as soon as we can," said Savage yesterday. "Let the dirt fly. That is the important thing. If there is a legal question involved, why, the way to do is to settle it at once. Get to the court with it. The pick and shovel and not the injunction will bore the bill."

The review of the legal aspects by City Attorney Long advise one of three courses: "1. That the proposed work may be done by the city and paid for either by the issuance of bonds or by general taxation, compensation being made to property owners damaged.

"2. That it may be done by the property owners by voluntary assessment and compensation to property owners damaged, under such regulations as the board of supervisors may prescribe. "3. That if it is desired to perform the work by the assessment district plan the matter should be submitted upon an agreement to the court for a final determination."

Franchise Recalled In a separate opinion Long confirmed the alidity and sufficiency of the recession to the city of the privileges granted Attorney Stringham and others in the so called Stockton street railway franchise. Long held that this deed would bar any future claim under the terms of that grant.

On the question of creating an assessment district to build the tunnel Long said in part: "The proceedings proposed here are for the improvement of Stockton street under the 'change of grade' provisions of chapter 6 of article 6 of the charter. The portion of Stockton street affected is, I understand, an accepted street. Such being the case, under the provisions of section 23 of chapter 2 of article 6 of the charter the city and not the property owners is liable for all costs of repair and improvement of the street. This is an express liability imposed upon the city by the positive terms of the charter, and it must be assumed to have been acted upon by the property owners throughout the city.

Giant Redwood Will Keep Green Memory Of Mark Twain

[Special Dispatch to The Call] YOSEMITE, June 11.—Three of the heretofore unnamed giants included in Mariposa grove of big trees have been given the following names: In the literary group—Mark Twain, in honor of the author. In the statesmen group—Grover Cleveland, for former President Cleveland. In the hero group—Captain A. E. Wood of the Fourth United States cavalry, who was for many years connected with Yosemite national park.

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WOMAN KILLED IN BATTLE OF RIVAL LOVERS

Discarded Object of Her Love Is Dying and New Favorite Is in Prison Bloody Tragedy Played in Tent on Camp Near Sunnyvale Cannery

[Special Dispatch to The Call] SAN JOSE, June 11.—Mrs. Mary Leigh of Santa Clara is dead, James Parks of the same place is dying at the Connor hospital and Joseph Rasposo is detained at the county jail in this city as the result of a shooting affray today which created a panic in the summer camp adjoining the Sunnyvale cannery. Rivalry for the favor of the woman precipitated the double tragedy. Parks is a blacksmith and Rasposo is a cannery hand. WOMAN DIES INSTANTLY

Mrs. Leigh was killed instantly by the passage of a .38-caliber revolver bullet through her brain. Parks was shot through the back and cut across the throat. The shooting occurred in a tent occupied by the woman, who was employed by the cannery at Sunnyvale, and the only witnesses were Parks as to what actually happened is Rasposo. The Portuguese admits shooting Parks, but says that the latter first killed Mrs. Leigh and then turned the weapon on him. He asserts that Parks then cut his own throat with a penknife. In answer to a question by the attending physician just after the shooting Parks denied that he wielded the knife, shaking his head in the negative. Parks was well known in Santa Clara. About a year ago when he went to Sunnyvale he was followed by Mrs. Leigh, who had been deserted a short time before by her husband, a recent arrival from the east. She kept house for Parks when he opened a blacksmith shop there. They lived together for a little more than six months, then Parks returned to Santa Clara. Mrs. Leigh secured employment at the cannery, refusing to follow him.

EJECTED FROM TENT Parks, evidently under the influence of liquor, appeared at the cannery today. He had a talk with Rasposo and, according to the statement of the latter, attempted to effect a reconciliation with Mrs. Leigh. Rasposo, in the meantime, had won the affections of Mrs. Leigh and the consultation ended with the ejection of Parks by Rasposo from Mrs. Leigh's tent. About 2:30 o'clock Parks returned. He asked to be allowed to have a private conversation with the woman, and Rasposo accordingly stepped outside of the tent, leaving the couple alone. A moment later a shot rang out. Rasposo ran into the tent in time to see Mrs. Leigh stagger and fall on a cot. The murderer, he says, turned upon him, and a furious struggle for the pistol ensued. The weapon was again discharged and Parks fell, shot in the back. Rasposo then left the tent, he says, and immediately jumped into his rig to secure Dr. Starbird. He drove the physician back to the camp. Upon entering the tent they found Parks lying on his back, bleeding from several slashes across his throat. In his hand was a small penknife. The physician asked the dying man if he had cut his throat. He shook his head in the negative. Rasposo says that Parks must have cut his own throat during the short space of time he was alone following the shooting. Rasposo surrendered to Constable McGinnis and was brought to San Jose. No hope is extended for Parks' recovery.

CONTRACTS LET FOR OIL FOR FUEL

PORTLAND, June 11.—The Spokane, Portland and Seattle railroad has closed a three year contract with the Associated oil company of California and will use oil fuel in all its locomotives. The burners are now being converted. The entire North Bank system will be using oil fuel by September. This is the largest oil contract placed in the northwest in recent years and will call for several million barrels. To handle this enormous quantity will require several large tank steamers, and one of these, the J. A. Chandler, delivered its first cargo at the associated tanks at Linnton last night. Two more big tankers are to be built by the company for the Portland run.

REAL ESTATE MAN TO BUY NEWSPAPER

DENVER, June 11.—Final arrangements for the sale of the Denver Times to Jared N. Husted, a real estate man, were concluded late yesterday and the transfer will be made July 1. "I find the burden of looking after two newspapers too great for me, and when my price was offered me for the Times I decided to sell. I will retain the News," said Senator Patterson when asked regarding the sale. Although Patterson declined to state the consideration, it is understood that the price paid was \$250,000.

RAILROAD TRACK UNSAFE BECAUSE OF A STRIKE

EL PASO, Tex., June 11.—Alpine followed the example set by the citizens of Sanderson yesterday in appealing to the state railroad commission to require the Galveston, Harrisburg and San Antonio railroad to put men to work on the track immediately, declaring it to be an unsafe condition by reason of the strike.

TEDDY JUNIOR WILL SET NEW NUPTIAL STYLE

Cutaway Coat of the Approved London Design Will Supercede Frock Busy Youngster Races Around Town on Shopping Trips With Fiancee

[Special Dispatch to The Call] NEW YORK, June 11.—Theodore Roosevelt Jr. inherits his father's strenuous temperament. Since his bachelor dinner at Delmonico's last Saturday night, the young man has been racing around town, frequenting the shops, sometimes alone and at other times with Miss Alexander, his fiancée. The pair often go afoot instead of by automobile, and every day for the last week, despite rain, they have been seen in Broadway and Fifth avenue. More or less attention has been paid to his future bride's elaborate wardrobe.

He Changes the Style Theodore Jr. will be economical in his outlay, and, judging from the preliminary fitting at the tailor's, he will settle all sartorial questions for members of the younger set who are contemplating matrimony by appearing at the church on June 29 in the up to date cutaway instead of more conventional frock coat. It will not be of a modest, retiring pattern, but will have the wide braiding, flaring tails and fashionable trimmings that London demands. A new white waistcoat, of course, accompanies it, and probably the "steel gray trousers" as the fashion plates demand. Custom says that the derby is as proper as the silk hat to top off a suit and it is left to the wearer's discretion. But on one's wedding day one's instinct would prompt one to get out his "plug" and instinctively run the chamois cloth over it. In this immediate case, recent photographs of Theodore Jr. show him with a silk hat on, so it may be expected he will appear in one on the great occasion.

Dad Will Be There Captain Seth Bullock, advance guard of the president's most intimate friends who have been in Europe with him, arrived with his wife and daughter on the Campania today. He says the former president and family are completely tired out and glad of the opportunity to rest up on shipboard to be fresh for the big reception in New York as well as for the wedding of Teddy Jr., which all of the family are now eagerly anticipating.

Theodore Jr. met Miss Alexander and her mother today at Grand Central station. His fiancée had returned from a two days' visit to her family in New Hampshire. PUPIL OF DE RESZKE WILL SING IN LONDON New Prima Donna's Husband Said to Live in San Francisco LONDON, June 11.—Mrs. Van Dyke, a charming young American, who has been studying for the last three years under Jean de Reszke, has just been engaged, our Paris correspondent says, to sing at Covent garden. The new prima donna had an "audition" before Higgins, chairman of the Covent garden syndicate, on the stage of the Paris grand opera recently, and succeeded in so impressing the London manager that he engaged her for the remainder of the season. She is to make her debut in "Eugene Onegin" and is now in London for that purpose. Of extremely attractive appearance, Mrs. Van Dyke is possessed of a particularly pleasing voice of dramatic quality. She is as accomplished an actress as she is a singer. Mrs. Van Dyke is married to an American who lives in San Francisco, and has consented to allow his wife to pursue her musical education in Europe.

JURY IN INSURANCE CASES IS LOCKED UP

Agreement Not Reached After Many Hours' Deliberation The jury in the eviching insurance cases in the United States circuit court, failing to agree after being out for one and a half days, was locked up for the night at 9 o'clock last night by order of District Judge William C. Van Fleet, before whom the cases have been tried. There are 30 cases in all, involving \$268,446.68, which includes interest. Of this number 25 of the suits were instituted by the California wine association, one by Marie Tucker Macdonald, one by the Mount Shasta mineral spring company and three by Baker & Hamilton. The companies in the cases are the Commercial Union association, the Pacific insurance company and the Commercial Union of New York.

AUTO HIT'S TELEGRAPH POLE; TWO INJURED

Member of Party Hurdled 20 Feet, but Is Unhurt SAN DIEGO, June 11.—An automobile driven by Fred Remondino, son of Dr. P. C. Remondino of this city, dashed into a telegraph pole on the Dike road between San Diego and Imperial beach early this morning and was wrecked. Archie Bowers, one of the party, was so badly injured that he was taken to a hospital. Young Remondino was cut and bruised, but not dangerously. His brother, Dr. Charles Remondino, was thrown 20 feet, but was uninjured.

Wedding Approaches Theodore Shopping



Miss Eleanor Alexander, who will become the wife of Theodore Roosevelt Jr. on Monday of next week.

WATER RATE DRIVES TRADE FROM PORT

Shipping Interests Turn From Spring Valley Company to Supervisors for Relief The shipping interests have now turned from Spring Valley company to the supervisors in their quest for relief from the extortionate charges for water at the wharves. The company has refused to amend its schedule. The supervisors have the power of regulation, however, and it is to this agency that the ship owners look for assistance. The special water rates committee of the board will not file its report until tomorrow, but there have been intimations that it would stand by the company against the shippers. In the full board, Supervisor Nelson, chairman of the water rates committee, has thus far given the shipping men no encouragement. The figures have been presented to him, showing that the Spring Valley imposes an overcharge of more than \$100,000 annually upon this port, or in other words upon the commerce of San Francisco. The effect naturally is to drive trade away.

"With all these facts before the board," said Captain I. N. Hebbard yesterday, "it seems to me that we are unquestionably entitled to the reduction. We are willing to pay more than we believe is just or reasonable. The rate should be the same as the minimum land figure—16 cents a thousand gallons. But we are willing to pay double that. "We will be satisfied for the present with a rate of 32 cents a thousand gallons. That will be far higher than the rate at Vallejo, Eureka or Puget sound, but we will accept it nevertheless. There is absolutely no justice in the present schedule of \$150 a thousand gallons. "When the water rates were last under consideration Nelson said that he would report in favor of the re-enactment of the old schedule. This is not acceptable to the shipping men. They have been paying \$150 a thousand gallons, while other ports have offered water from 8 to 20 cents a thousand. "The \$150 tariff was put into effect some 35 years ago and has remained for this great length of time an excess tax upon the port. Shipping men have come to the conclusion that this must change if they are to do business in competition with ports that exact less than one-sixth this sum.

Organizer Stuart Reid of Los Angeles was before the machinists' lodge at the last meeting and was rewarded with a donation of \$1,000 for the strikers in Los Angeles. Six candidates were obligated and 12 applications received.

ALIVE WHEN THRUST IN TRUNK

Autopsy Shows That Mrs. Porter Charlton Slowly Smothered to Death

YOUNG HUSBAND WAS SEEN AFTER MURDER

Physicians Refuse to Disclose Nature of Abnormal Conditions of Body

POLICE MAKE SLOW WORK SOLVING MYSTERY

[Special Cable to The Call] MILAN, Italy, June 11.—Convinced that at least two men know something about the murder of Mrs. Porter Charlton, formerly Mrs. Mary Scott Castle of San Francisco, Cal., the police are bending their energies to trace one of the men who is believed to have fled to Switzerland directly after the crime was committed.

Today's developments prove conclusively that the body found forced into a trunk, which was discovered by fishermen partly submerged in Lake Como, is that of Mrs. Charlton. She had been spending her honeymoon at the Villa Legnazzi with her young husband. The autopsy showed that she had been brutally ill-treated. Seven distinct wounds were visible on the face. Died From Suffocation At the post mortem examination made today it was revealed that the unfortunate woman died from suffocation. She had been thrust into the trunk while still alive and had slowly smothered to death. The wounds on the head were sufficient to have rendered her unconscious, but none of them was sufficient to have caused death.

Around the body was wound a strip of cloth and into the trunk along with it had been thrown a number of letters and some of her personal effects. It was these that led to the identification. Aside from the wounds the body presented certain abnormal conditions. What these are the surgeons refuse to disclose. The Russian Suspect Held in custody by the police is Constantine Ispoloff, a Russian who had been seen frequently with the couple. He had asked the depth of the lake from some fishermen only the day before the murder, the authorities declare. What information, if any, they have obtained from him is not disclosed.

Porter Charlton, the young husband, is still missing. At first the police were inclined to the theory that he also had been murdered, but that theory has been practically abandoned. There are reports that he was seen about Como after the body was found. A search of the effects of the Charltons at the Villa Legnazzi gave up interesting results today. Documents found showed that Michael Scott, father of the dead woman's first husband, was enrolled as No. 144 on the register of the American theater company of San Francisco. Others showed that Mrs. Charlton, who once was an actress, was co-founder and prima donna of the Robert Ferguson and Scott dramatic company.

SEARCH MADE FOR A MISSING PASTOR

Rev. Emmett McBride of Morgan Hill Disappears on Way to San Jose [Special Dispatch to The Call] SAN JOSE, June 11.—Circulars are being issued by Sheriff Langford in an effort to interest all peace officers of the state in the search being made for Rev. Emmett McBride, pastor of the Cumberland Presbyterian church of Morgan Hill, who packed a small suitcase May 12, and started off San Jose to seek medical aid. He has not been seen since, and although a vigorous search has been instituted, no trace of him has been discovered. The missing man is 20 years of age, 5 feet 8 or 10 inches tall, weighs about 150 pounds, of erect carriage, good looking, smooth shaven, heavy black hair, student cut, blue eyes. He has eczema on his right hand and one side. At times his mind seemed to become blank and it is believed that he is in that condition now. He was highly esteemed and there is no other known cause for his absence and silent.

SAN JOSE MAN SHOT BY HEALDSBURG WOMAN

Unwelcome Visitor Has Shoulder Bone Shattered HEALDSBURG, June 11.—C. C. Burnham of San Jose was shot and seriously wounded today by Mrs. B. Byrum, an elderly woman, in her home in this city. According to the story told by the woman Burnham had made repeated attempts to enter her house after she had warned him that he was not wanted on the premises. When he forced a window this afternoon and was about to climb into the kitchen she grabbed a shotgun and fired at him. The charge of shot lodged in Burnham's shoulder, shattering two inches of the bone. After an investigation by the authorities Mrs. Byrum was released from custody. Burnham is being held.

WOMAN SUSPECT IS RELEASED FROM CUSTODY

Mrs. M. Wendling Cleared in Alma Kellner Case LOUISVILLE, Ky., June 11.—Mrs. Madeline Wendling, who has been under arrest for several days charged with being accessory to the fact in the murder of Alma Kellner, was dismissed from custody today. Organized Stuart Reid of Los Angeles was before the machinists' lodge at the last meeting and was rewarded with a donation of \$1,000 for the strikers in Los Angeles. Six candidates were obligated and 12 applications received.