

RUEF'S HEALTH
FOLLOWS THEME
OF ARGUMENT

Legal Right of Court to Send
Grafter Back to Jail Is
Also Denied

Judge Lawlor Enlivens Session
by Questioning Attorney
of Fallen Boss

His effort to keep out of
jail reached the argumentative stage
before Judge Lawlor yesterday and will
probably be in its evidentiary period
this afternoon, when witnesses will be
on hand to testify what effect further
imprisonment of the convicted grafter
might have.

Ruef was without the battalion of
legal talent which surrounded him in
the days of his trial, but he was well
represented. Attorney Thomas B.
Dozier made the argument for him.
With Ruef was also Attorney George
Keane, Mayor Wheeler and Ruef's
faithful followers, was in court during
the morning, and Colonel C. A. Garter
was also present, as was Ruef's loyal
office boy, Charles Haggerty.

Assistant District Attorney Berry,
who will answer Dozier's argument,
offered no interruption during the pro-
ceedings, but Judge Lawlor, from the
bench, questioned and asked Dozier on
points as they would arise, contribut-
ing what enlightenment there was to
the proceedings.

AUTHORITIES CITED

The question at issue is purely
statutory as to whether or not the
superior court has the right to re-
commit Ruef after he has once been
released on \$250,000 bail and his case is
pending on appeal before the state dis-
trict court of appeal. Dozier cited
many authorities to support his conten-
tion that the court had no such
power.

One point raised by Judge Lawlor
in his order to show cause why Ruef
should not be committed was that the
health of the defendant was normal,
while one reason for his release was
that his health was being impaired
by incarceration.

Dozier, in his illustration of his point,
cited the hypothetical case of a pris-
oner whose eyes might become im-
paired by confinement, and asked that
if a man liberated pending appeal to
save his eyes should be recommitted
but put under the same disadvantage-
ous conditions when his eyes were nor-
mal again, only to have his sight once
more put in jeopardy.

Dozier opened his argument by read-
ing Ruef's former answer to the order
to show cause. There were four main
points to Dozier's contention. The first
was that the superior court had no
authority to commit the case of Ruef,
as the judgment of the superior court
was at present under the consideration
of the district court of appeal. Second,
that the court, under section 1210 of
the penal code, had no authority to
recommit a man to jail for reasons
which were not introduced in the
present order. Third, that Ruef was lib-
erated on \$250,000 bail under an order
of the superior court dated December 2, 1909,
and that that order was still in effect
and could not be revoked by the same
court. Fourth, that the order to show
cause issued by Judge Lawlor did not
make sufficient showing.

SIGNED BY LAWYERS
The answer was signed by Dozier
and George B. Keane, attorneys for
Ruef.

In his opening argument Dozier said
that the court had authority in De-
cember last to make the order admit-
ting Ruef to bail.

Judge Lawlor raised the point that
if the court had no authority now what
authority did it have in December last?
To the general question of authority
at that time Dozier replied during his
argument that if the ruling of Judge
Cabanis had been illegal or improper
District Attorney Langdon, then in ef-
fect had the right to go to a higher
court over the jurisdiction of the
superior court.

Dozier went into the question of ad-
mission of defendant to bail. He said
that before conviction all defendants
save in capital cases, were constitu-
tionally entitled to their liberty. After
conviction, he argued, they were ad-
mitted to bail as a matter of right
when they were appealing from a
judgment that involved a fine only,
when they were appealing from a mis-
demeanor conviction or when, in cer-
tain felony cases, to the court exer-
cised its discretion in the matter.

Dozier insisted that in this case the
court exercised its discretion.
Lawlor asked the superior court
was powerless to recommit a matter
under what condition of health or cir-
cumstances the defendant might be in.
Ruef's attorney replied that it was,
save in certain instances which did not
arise in this case.

"Suppose," said Lawlor, "the court
had evidence that the defendant might
suffer from its jurisdiction?"
"The court could not assume that the
defendant would be," replied Dozier.

"But the court has the inherent
power to protect its own processes,"
answered Lawlor.

"The court has not the right to take
judicial notice of the defendant's
health," said Dozier. But in conclu-
ing his argument he insisted that re-
incarceration would do Ruef an injury
which the people had no right to in-
flict.

TRUSTEE'S AWARD
INCREASED \$5,393

Bid for Harmon Lumber Com-
pany Plant Totals \$15,393

The plant of the S. H. Harmon lum-
ber company, Fifth and Brannan
streets, was bid in at \$15,393 in the
bankruptcy proceedings in Referee
Green's court yesterday, which is an
increase of \$5,393 over the award made
by E. U. Mendis, the trustee, to his
brother in law's firm, Ganahl & Co.
The successful bidder was Charles Groos,
a bank examiner in Alden Anderson's of-
fice.

The Harmon company's liabilities, as
stated in its schedules, came to \$234,-
946, while the assets were estimated at
\$62,530. The machinery, for which
\$15,393 is considered a fair price, was
put down at \$25,699 in the list of as-
sets.

It remains for the district court to
confirm Judge Green's order setting
aside the trustee's award before the
larger bid can be approved.

BRAZIL ORDERS BIG
SUPER-DREADNOUGHT

LONDON, July 6.—Brazil has official-
ly ordered of the Armstrong com-
pany a super-dreadnaught of 22,000
tons. The armament will consist of
two 14 inch guns and twenty-eight
6 and 4 inch guns.

Gray hair restored to natural color by
Afreedum's Egyptian Henna. A harmless,
safe—convenient, quick, sure. All druggists.

In the Sacramento and San Joaquin Valleys

STOCKTON TRADERS
PLAN HARBOR WORK

Committee Is Named to Urge
Dredging of Mormon Chan-
nel by Government

[Special Dispatch to The Call]

STOCKTON, July 7.—Businessmen
held a meeting last night at the cham-
ber of commerce rooms and discussed
plans for improving the local harbor.
Maps of the war department proposed
harbor lines were examined. The three
special matters considered were:

First—Plans to cut the extreme end
of Weber point and to extend the pro-
posed harbor line on Stockton channel
opposite the warehouses.

Second—To dredge Mormon channel
from its mouth to Center street, mak-
ing it navigable to that point.

Third—To make effective the plan for
a cutoff across Rough and Ready
island.

The work is to be done by the gov-
ernment, congress having appropriated
\$225,000 for the dredging and widening
of the San Joaquin river and \$30,000 for
dredging Stockton channel. The \$225,-
000 appropriation was contingent upon
the city guaranteeing the right of way
for the cutoffs. This was secured some
time ago.

J. M. Perry, former president of the
chamber, explained the plan for dredg-
ing Mormon channel. He said that it
would open up another industrial cen-
ter, give the city greater wharf space
and cause many outside firms to locate
here.

M. P. Stein suggested that a series
of weirs be built above Center
street and estimated the cost at \$40,000.
It was deemed best to adopt the
plans providing for the straight cutoff
through Rough and Ready island.

A committee was appointed to urge
upon the government to dredge Mor-
mon channel to Center street. The
members are John M. Perry, Joseph
Fyfe, L. H. Frankheimer, A. C. Oul-
land and J. M. Eddy.

WIFE IN PHOTO WORE
SMILE—THAT'S ALL

Husband Objects to Lack of At-
titude and Secures Divorce

[Special Dispatch to The Call]

STOCKTON, July 6.—The discovery
of postcards containing pictures of
his wife undraped broke up the home
of Sidney Allyn and caused him to se-
cure a divorce today from Mary Allyn
at the hands of Judge Post. His wife
had a mania for being photographed,
according to testimony, but the climax
was reached when the husband dis-
covered a snapshot of her on postal
cards. She was wearing only a smile, he
said.

NEWSPRINT PAPER
TOPIC OF DEBATE

New York Newspapermen Dis-
cuss Increased Price and
Diminished Supply

SARATOGA, N. Y., July 6.—The in-
creased price and diminished supply of
newsprint paper was the principal
subject of discussion before the repre-
sentatives of the Associated Dailies of
New York state, who met here today
in connection with the annual meet-
ing of the New York state press associa-
tion, which opens its convention to-
morrow. John Norris of New York
city, of the American Newspaper Pub-
lishers' association, said in paper
presented to the court for reasons
covering an annual outlay of \$50,000,000
is influenced by a gentlemen's agree-
ment, which is trying to force an
agreed price.

"For 20 months there has been an
obvious effort to restrict the output.
Within three years we have had three
print paper famines. In 20 months the
print paper makers of the country have
kept the stock of paper on hand for
all the newspapers of the country to
an average supply of less than eight
days. The penalty that publishers are
temporarily paying for restriction of
output and artificial stimulation of
prices may be stated approximately at
\$5 per ton, but the print paper makers
are inviting disaster by the inducement
they are making for new production."

RAILROAD WARDS
OFF DAMAGE SUIT

Interstate Commerce Commis-
sion Refuses Coal Shippers'
Claim for \$65,000

WASHINGTON, July 6.—Damages in
the sum of nearly \$65,000 were today
denied Homer P. Fisk & Sons, a coal
shipping concern that filed a complaint
with the Interstate commerce com-
mission against the Boston and Maine
railroad.

The damages were alleged to have
accrued in connection with shipments
of anthracite coal from Pennsylvania
to Holyoke, Mass. The grounds of the
damages were delayed shipments, un-
just discrimination in that other ship-
pers were accorded lower rates, loss in
transport of certain cars of coal, and re-
paration for alleged unjust charges, de-
murrage and for violation of the
long and short haul provision of the
law.

The commission, in a decision handed
down today, allows reparation for un-
just charges of \$46,571; but declines to
allow other damages.

DRANK 17 JIGGERS
AND PASSED AWAY

NEW YORK, July 6.—Peter Smith, a
husky young tannery worker in
Newark, N. J., drank 17 jiggers of
whisky in succession today, thereby
winning a bet of \$1. As he pocketed
the money he fell to the floor uncon-
scious and died soon after in a hos-
pital.

ATTACKS PLANNED
ON GOOD DREDGERS

Federal Engineers, City Officials
and Health Board Complain
of Pollution

[Special Dispatch to The Call]

SACRAMENTO, July 6.—The gold
dredgers of the American river which
have been held responsible for the dirty
condition of the Sacramento drinking
water of late may be proceeded against
from three sides.

The United States government en-
gineers attribute the shallowness of
the Sacramento at the mouth of the
American to the dredging operations and
are preparing to move against the
dredgers.

Sacramento city officials and the city
board of health are also taking steps
to prevent the pollution.

BRIDE OF BIGAMIST
BEGINS SUIT TO ANNUL

False Husband Flees to Parts
Unknown

[Special Dispatch to The Call]

FRESNO, July 6.—Mrs. Emily Davis,
a Dos Palos young woman, who re-
cently married O. V. Davis, a Merced
businessman in this city, only to dis-
cover three days later that the man al-
ready had a wife, this morning filed
suit through her attorney in the local
superior court to have the marriage
annulled. Davis shortly after his dis-
covery was discovered left for the east
and has not been heard from.

FER-DON'S ASSOCIATE
SENT TO PENITENTIARY

H. Thayer Hornberg Given Two
Years in Prison

SACRAMENTO, July 6.—H. Thayer
Hornberg, an associate of Fer-Don, a
traveling medical practitioner, was
sentenced to two years in San Quentin
by Judge Hughes today on the charge
of obtaining money under false pre-
tenses in the treatment of patients.

RIGHT OF WAY SOUGHT
BY SAN DIEGO RAILWAY

\$33,000 Structure to Cross Stan-
islaus River Near Escalon

[Special Dispatch to The Call]

STOCKTON, July 6.—The San
Diego and Arizona railway company
filed yesterday an application for a
right of way across school lands in San
Diego county. This road will connect
San Diego with Yuma, Ariz. The ap-
plication has been approved by State
Surveyor General W. S. Kingsbury. It
provides for right of way through sec-
tions 18 and 26 in township 17 south,
range 5 east.

TWO COUNTIES UNITE
TO BUILD BRIDGE

Cause of Horrifying Suicide Is
Unknown

[Special Dispatch to The Call]

STOCKTON, July 6.—The super-
visors of San Joaquin and Stanislaus counties
held a joint session in this city today
and decided to construct a bridge across
the Stanislaus river near Escalon, the
estimated cost of the structure being
\$33,000.

According to the agreement between
the two boards each county will pay
one-half of the cost. The cost will be
about the same as Stanislaus county
having to pay \$19,000 more than San
Joaquin.

The bridge will be a concrete and
steel with wooden trestles. Stanis-
laus county will call for bids and let
the contract.

PHYSICIAN LOSES
FIGHT AGAINST TAX

Appellate Court Justices Fail to
Concur

[Special Dispatch to The Call]

SACRAMENTO, July 6.—Dr. Daniel
E. Delaney of St. Helena was denied
a writ of habeas corpus today by the
appellate court, which was asked to test
the validity of a city ordinance impos-
ing a tax on physicians.

The appeal had been taken from the
superior court of Napa county, where
the ordinance was upheld.
The appellate court justices failed
to concur, which made it necessary to
deny the writ.

RED BLUFF SETS DATE
FOR BOND ELECTION

Voters Asked to Spend \$175,000
for Bridges and Roads

[Special Dispatch to The Call]

RED BLUFF, July 6.—The super-
visors today fixed August 16 as the
date for a special bond election to vote
\$175,000 for a new bridge and for road
improvements. Of the sum asked \$100,-
000 is for the proposed Tehama bridge
and \$25,000 improvements of roads.
Nothing is said regarding the proposed
bond issue for a new courthouse.

STOCKTON UNION BAND
GOES TO THE YOSEMITE

[Special Dispatch to The Call]

STOCKTON, July 6.—Members of the
Stockton Union band and their friends
will leave Thursday for the Yosemite
valley, where the band will play a
series of concerts.

Those comprising the party are:
R. Fisher, Miss Gertrude Hansel
Walter Williams, George Ditz
Russell Adams, Miss Sarah Fisher
Geo. Pacheco of San Francisco, E. H. Fitzgerald
Herbert French, E. H. Stitt and wife
W. A. Wallace and wife, Howard Condy
Walter Yost, Frank Cary and wife
H. W. Mosher, George Metzger and wife
Frank Adams, Charles Clements
E. H. Fitzgibbon, B. Condy and
Miss Blanche Morrill.

RED NOSES CLEARED

Effect of Poslam, the New Skin Remedy,
Is Immediately Perceptible.

"I have been troubled with red nose
and eczema for nearly eight years until
I discovered Poslam, the new magic
cure. My face was aching, and I was
ashamed to be seen on the street. I
was surprised to see the improvement
after a month's treatment and I have a
nice, clear complexion from which the
pimples and my red nose disappeared
like magic," says Charles F. Slutter,
Wilkes-Barre, Pa. "My nose would be
like a boll," says Carl D. Steinhoff, Co-
lumbus, Ohio, "not only painful but
embarrassing. I have given Poslam a
thorough trial. My face became smooth
and fair. My nose is a natural color
and does not get sore."

Poslam is the new skin remedy, nat-
urally fresh-colored, which cleans and
hides all skin imperfections. Although
primarily intended for eczema—stop-
ping the itching with first application
and rapidly restoring the health of the
skin—Poslam shows immediate and
surprising results when used for cer-
tain skin affections, such as pimples,
rash, blotches, inflammation, etc.

Poslam is on sale in 50-cent boxes
and jars at all druggists, particu-
larly The Owl Drug Co.'s stores. A free
sample may be obtained by mail in
plain wrapper by writing to the
Emergency Laboratories, 32 West 25th
street, New York City.

SACRAMENTO MAY
ENLARGE CIRCUSES

Prohibitive Ordinance Designed
to Prevent Competition With
State Fair Exhibits

[Special Dispatch to The Call]

SACRAMENTO, July 6.—In order to
prevent circuses from coming to this
city during the week of the state fair
and competing with the attractions
provided by the state agricultural so-
ciety an ordinance has been submitted
to the city trustees raising the license
fee of circuses to prohibitive figures.
The city board of supervisors will be
asked to pass a similar ordinance
and the Yolo county board will also
be asked to raise the circus license
to prevent big three ring shows from
pitching their tents across the river
in Washington.

HIGHWAY COMMISSION
REJECTS MANY BIDS

Stockton Officials Consider Esti-
mates Submitted Too High

[Special Dispatch to The Call]

STOCKTON, July 6.—The highway
commission met today and made recom-
mendations relative to the letting of
contracts for road work. The board
of supervisors acted favorably upon
the recommendations, the principal
one being that of awarding F. H. Mar-
tin the contract for building a trestle
on the West Side road at a cost of
\$21,500. The other bidders were M. B.
White, \$21,817, and Cotton Brothers,
\$25,000.

Another recommendation was that
all the bids submitted for the con-
struction of 17 culverts along county
roads be rejected, except that of M. B.
White for \$2,436 and that it be taken
under consideration.

The third recommendation was that
all the bids for improving with asphalt
macadam the Linden, French Camp
and Waterloo roads and Cherokee lane
be rejected except that of Clark &
Henry construction company and that
it be taken under consideration. This
bid is as follows:

Cherokee lane, \$90,915.28; Waterloo,
\$26,351.77; Linden, \$31,369.44; French
Camp, \$37,239.25.

SAND BARS MAKE NAVIGATION
IN SACRAMENTO DIFFICULT

[Special Dispatch to The Call]

SACRAMENTO, July 6.—The predic-
tion that all traffic on the Sacramento
river above this city will be cut off by
sandbars in two or three weeks if the
government does not take steps to re-
move the sand was made yesterday by
officials of local transportation com-
panies.

Never before has the river been so
low, as far as records in the local
weather bureau show.
All the upper stream points are suf-
fering from low water. Kennett is
practically shut off from river steam-
ers, as are Red Bluff and Knights
landing.

MINE OWNER EXPLODES
DYNAMITE IN MOUTH

Cause of Horrifying Suicide Is
Unknown

[Special Dispatch to The Call]

NEVADA CITY, July 6.—Alfred Mar-
cotte, owner of the Marcotte mine in
Washington district, placed a stick of
dynamite in his mouth today and then
set fire to the fuse. Very little of his
body is left to bury. No reason is
known for the deed. He was of a
cheerful disposition.

CHICO WIRES MUST
GO UNDER GROUND

City Fathers Adopt Resolution
Sounding Knell of All
Overheads

[Special Dispatch to The Call]

CHICO, July 6.—All telephone, tele-
graph and electric light wires in the
downtown section of Chico must go
under ground. The city trustees last
night, by resolution, instructed City
Attorney Guy Kennedy to draw up an
ordinance providing for placing all
wires under ground, and the ordinance
will be passed at the next meeting.
All the downtown streets are to be
paved and the wires must all go under
ground first.

GILLETT REAPPOINTS
CHARLES F. CROTHERS

Directors of Woman's Relief
Corps Home Also Named

[Special Dispatch to The Call]

SACRAMENTO, July 6.—Governor
Gillett today reappointed Charles F.
Crothers of San Jose as a member of
the board of trustees of the San Jose
state normal school. His term had ex-
pired.

Gillett also appointed five directors
for the Woman's Relief Corps home as-
sociation at Oakland. With the excep-
tion of Annie H. Leavitt of San Fran-
cisco, who was named to succeed Car-
rie W. Dibble, the following will suc-
ceed themselves, their terms having ex-
pired:

Elizabeth d'Arcy Kimmie, San Fran-
cisco; Sarah J. Farwell, Oakland; Ger-
aldine E. Frisbie, San Mateo; H. Augus-
ta Tozer, San Francisco.

STEAMERS UNABLE TO
REACH RED BLUFF

Sand Bars Make Navigation in
Sacramento Difficult

[Special Dispatch to The Call]

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tion that all traffic on the Sacramento
river above this city will be cut off by
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fering from low water. Kennett is
practically shut off from river steam-
ers, as are Red Bluff and Knights
landing.

GIRL FATALLY SHOT
FOR BREAKING "DATE"

Piqued Admirer Fires Four Bul-
lets into Her Body

[Special Dispatch to The Call]

KANSAS CITY, July 6.—Miss Ruby
Hirsch, aged 22 years, was shot and
fatally injured by Edward Baker, a
contractor, 47 years of age, at her
home here last night because she had
failed to keep a luncheon engagement
with him. After shooting the girl four
times Baker fled, but was arrested to-
day.

FUGITIVE SHOOTS
HIMSELF IN CELL

Walter F. Briscoe, Wanted for
Fraud in Los Angeles, Uses
Concealed Weapon

Police Fail to Find Revolver in
Cloth Pinned Inside His
Clothing

[Special Dispatch to The Call]

ROCHESTER, N. Y., July 6.—Walter
F. Briscoe, arrested here and wanted in
Los Angeles, Cal., for obtaining money
under false pretenses, shot himself
while in a cell at police headquarters.
Briscoe had a magazine revolver in a
cloth pinned inside his clothing. Pol-
ice men who searched him failed to
discover it. Deputy Sheriff Walter Lips
of Los Angeles was to have started
for the coast today with the prisoner.
The bullet passed through Briscoe's
brain and physicians at the city hospital
say that he will die.

ARREST CAUSED BY DOG

Los Angeles, July 6.—Walter F.
Briscoe, who shot himself in Rochester,
N. Y., today, is charged with having
obtained large sums from a number of
businessmen here by representing him-
self as the owner of a large tract of
land.

The allegations of fraud are made by
Walter Taylor, vice president of a
large iron works corporation.
Immediately after obtaining the
money, according to the complainant,
Briscoe disappeared. It was found that
his wife and her pet dog had also
vanished. The woman and the dog
made it easy to trace Briscoe to Roch-
ester, where he was taken into custody.

WEALTHY YOUTH CLAIMS
NURSE AS HIS BRIDE

Romance of Hospital Culminates
in Elopement

[Special Dispatch to The Call]

SAN DIEGO, July 6.—George A.
Doyle, aged 19 years, nephew of Jarvis
Doyle, a wealthy San Diego business-
man and reported to be worth \$500,000
in his own right, is in Los Angeles
enjoying a honeymoon with his bride,
who was Miss Ethel F. Bisset, daugh-
ter of well known San Diegans and
until recently a student nurse at a
sanatorium.

Doyle and his bride met at the san-
atorium, where Doyle was confined
with sickness. Yesterday morning
they went quietly to the train, gave
their ages in Los Angeles as 22 years
and 18 years, respectively, and were
married by a magistrate.
The relatives of the young man and
the parents of the girl were notified
after the ceremony. All information
concerning the marriage was refused
reporters by Doyle.

WANT TO LOAN MONEY?
USE CALL WANT ADS

A FEELING OF SECURITY

You naturally feel secure when you
know that the medicine you are about
to take is absolutely pure and contains
no harmful or habit producing drugs.
Such a medicine is Dr. Kilmer's
Swamp-Root, the great Kidney, Liver
and Bladder Remedy.

The same standard of purity, strength
and excellence is maintained in every
bottle of Swamp-Root.

Swamp-Root is scientifically com-
pounded from vegetable herbs.
It is not a stimulant and is taken in
teaspoonful doses.

It is not recommended for every-
thing.

It is nature's great helper in relieving
and overcoming kidney, liver and
bladder troubles.

A sworn statement of purity is with
every bottle of Dr. Kilmer's Swamp-
Root.

If you need a medicine, you should
have the best.