

PLANS FOR SPRING VALLEY PURCHASE MAY OR URGES ACTION BY THE SUPERVISORS

Garfield Permit for the Use of Hetch Hetchy and Lake Eleanor Water Pronounced Not Worth Paper Written Upon

were indeed very much surprised. In common with all the people of this city I had, from the information given, felt satisfied that San Francisco was possessed of all the right and title necessary for the damming of Hetch Hetchy valley for the purpose of impounding the flood waters of that great watershed. It is true that I had some doubts, based upon the manner in which, as well as the channel through which, those who were promoting this great project were conducting themselves regarding this great project, and these doubts, during the special election called for the voting of bonds for the project, were made clear to the people of this city.

Fear Concerning Title

However, assurances were given that the people were perfectly safe in proceeding with the work necessary to secure the water from Hetch Hetchy valley, which called for the issue of bonds to the extent of \$45,000,000, the meeting of your representative with the president of the United States, however, put to rest for all time any such belief tending to convey the idea that San Francisco's title to Hetch Hetchy valley was secure.

On the contrary, President Taft showed your representatives quite clearly that the permit issued by Secretary Garfield was not worth the paper on which it was written, providing his successor in office, whether immediate or remote, desired to revoke the same before you vested a right. In other words, what the secretary was granted in that regard which to his immediate successor was revoked, and that absolutely within the law.

This placed your representatives in a remarkably peculiar position. What was to be done? The question was immediately presented itself to me, believe, each and every one, and after considerable skirmishing the president, largely through the able assistance rendered by United States Senator Flint, suggested that a commission of army engineers be appointed to make a thorough and impartial investigation of the entire situation, giving them one year within which to investigate both the claims of San Francisco and those opposed to San Francisco's securing a water supply from the Hetch Hetchy valley.

DEPLORED BY PRESIDENT

This, indeed, seemed to be a splendidly particular position. The question was to be on the very threshold of expulsion from Hetch Hetchy and that, as we were given to understand by the president, within the law. The president, deeply deplored in the manner in which the people of San Francisco were led to believe that they had the right under the Garfield act to proceed with the building of a water works, necessitating the damming of the Hetch Hetchy valley for other purposes, but he was no more surprised than was the undersigned, because I, in common with all others interested in this project, have been made to believe that we had all the right and title to proceed within the law and complete the Hetch Hetchy system without delay.

So confident was I that this was the position the city occupied that during the campaign for the bonds I stated on more than one occasion that we would have water from the Hetch Hetchy in San Francisco within a period of five years. Indeed, I felt confident that the promoters of this scheme were absolutely on the square with the people of this city and county, recalling as I have many times the fact that my predecessor in office, who was a lawyer and as such presumed to know the law, on February 23, 1909, expressed himself as follows:

"The city can go right ahead, and I am sure that is the disposition. The action at Washington postponing until the next session of congress the authorization to exchange lands need not delay the Hetch Hetchy project in the least. We have a permanent easement, which is as good for practical purposes as a fee simple title, to all of the land. In any case the exchange of the city's purchases outside of the valley for the federal land in the valley would not have given us title to the inclosing walls. The city is in good condition to go right ahead."

NOT LIKE LOS ANGELES

It has been argued that San Francisco had the same right and title to Hetch Hetchy as Los Angeles had to the water supply she is now engaged in constructing. Nothing in the world could be further from the truth. Los Angeles has a right through act of congress and not through a permit given to her by the secretary of the interior, and in this regard I wish to call to the attention of your honorable board that President Taft stated to your representatives while in the White House that San Francisco could show that she must acquire the Hetch Hetchy valley rights in order to secure a water supply sufficient to meet all her needs, then he would support such a bill and he would not put through congress, securing to San Francisco all the title needed in regard to the water supply from Hetch Hetchy valley.

His suggestion was adopted by the secretary of the interior and a commission made up of three army en-

gineers was appointed by the secretary. This commission is empowered to investigate any and all water supplies which may be used by San Francisco and report their findings to the secretary of the interior.

AGREEMENT WITH GOVERNMENT

The city and county of San Francisco has the right to call upon the government for any maps, papers or other information from any and all sources dealing with a water supply for San Francisco and is in turn compelled by the ruling of the secretary of the interior to give to the commission at any time said commission may make a demand all information the city authorities may have regarding this question, it being understood that the city acquires no further rights in the district until the commission reports.

In view of the foregoing, I would recommend that every effort be put forth to demonstrate to the members of this commission that the future of this great city demands an abundance of pure water and that Hetch Hetchy is the best, the only and the most desirable source of water supply for the people of this city from which to secure such a water supply. Now is the time to insure the future of this great city of ours against that which is taking place in many other cities in this and other countries, that is, scarcity and absolute inability of the water supply to meet with the needs of the people; and in this connection and in line with the platform on which the members of my party were elected at the last election, I beg leave to submit and recommend for the consideration of your honorable board the following:

A vast majority of our people believe, and have expressed that belief at the polls, that while Hetch Hetchy is an ideal source of supply and one that our city must possess for future needs, the municipal ownership and control of the property of the Spring Valley water company is also a necessity for the present and future welfare of the citizens of the city and county of San Francisco.

SPRING VALLEY PROPERTIES

In consequence with this thought the people of the city and county of San Francisco elected us to office upon our platform, which, among other things, contains the following provision:

"We strongly advocate and pledge our names to the purchase, acquisition and development of the Hetch Hetchy water supply, and we further believe that the ever increasing needs of the greater San Francisco, destined to become the lower and bay cities, demand not only the operation of this great source of pure water, but the purchase upon a reasonable basis of the Spring Valley water system, including the damming of the Hetch Hetchy valley for other purposes, but he was no more surprised than was the undersigned, because I, in common with all others interested in this project, have been made to believe that we had all the right and title to proceed within the law and complete the Hetch Hetchy system without delay.

In order to place the matter before your honorable body and the people of our city, it becomes necessary to go back some years and to consider the capitalization of the Spring Valley water company, for the purpose of arriving at an intelligent idea of the cost and value of said properties to the stock and bond holders of the Spring Valley water company.

WATER COMPANY'S FINANCES

In the year 1902 I am informed that the Spring Valley water works, in order to increase its bonded indebtedness under the laws of our state, increased its capitalization from \$14,000,000 to \$28,000,000 in the following manner: The original incorporation consisted of 140,000 shares of the par value of \$100 each, or \$14,000,000. To circumvent a statute which prohibited a bonded indebtedness greater than the capital stock of the company, the stock issue of the company was increased from 140,000 shares to 280,000 shares of the par value of \$100 each. The Spring Valley water company carries a bonded indebtedness of about \$19,000,000. This, added to the par value of the stock heretofore mentioned at \$14,000,000, aggregates the sum of \$33,000,000, the total corporate liability of the company for stocks and bonds—and represents its investment.

THE PROPOSED PURCHASE

When the question was presented to the directors of the city and county of San Francisco for the purchase of the Spring Valley in the sum of \$35,000,000, I proposed the purchase upon several different grounds, among which was that the purchase of Spring Valley in conjunction with Hetch Hetchy would involve a bond issue of \$55,000,000, exceeded the limitation fixed by section 9 of article XII of the charter, which in the opinion of some of our leading attorneys would have defeated the bond issue for Hetch Hetchy, and through the courts given us Spring Valley, that being then an existing public utility and in the coming within the bond limit of the charter at the time of the real and personal property of this city, as set forth in the charter.

In other respects the position taken by me at that time has since been abandoned. For instance, the settlement of lawsuits existing affecting the titles of the Spring Valley water company's properties in Alameda county, which were in litigation at that time, it will be remembered that the proposition made by the company was (first) the retention by the company of all money impounded under injunction, (second) the dismissal of all pending litigation over rates in favor of the company, (third) the assumption by the city of all litigation against the company affecting land titles, and (fourth) the payment to the company of the sum of \$5,000,000.

TITLES HAVE BEEN SETTLED

Had the city in January accepted this proposition the pending litigation against the company in relation to land titles would unquestionably have involved the city in millions of dollars' expenditure. For instance, the settlement of lawsuits existing affecting the titles of the Spring Valley water company's properties in Alameda county, which were in litigation at that time, it will be remembered that the proposition made by the company was (first) the retention by the company of all money impounded under injunction, (second) the dismissal of all pending litigation over rates in favor of the company, (third) the assumption by the city of all litigation against the company affecting land titles, and (fourth) the payment to the company of the sum of \$5,000,000.

PURCHASE TERMS SUGGESTED

In view of this situation I would recommend to your honorable body that

negotiations be opened with the Spring Valley water company for the purpose of acquiring the properties of that company, and to that end an offer be made to the Spring Valley water company to pay to the Spring Valley water company for its entire plant, as it now stands, that is, including all property now used by the company for whatever purpose, a sum of money which would equal the par value of its stock and bonds, payable in the following manner: The city to pay to the stock holders of the company in the sum of \$13,000,000 in bonds of the city bearing 4 1/2 per cent interest; after the purchase of the stock of the company, the city, if permitted by law, to carry the present bonded indebtedness of the Spring Valley water company in the sum of \$22,000,000 of 4 per cent bonds. If this is found to be illegal or impracticable, then I would advise that the \$13,000,000 bond issue of the company be taken up by the city and that the city issue in payment of said bonds \$19,000,000 of 4 per cent municipal bonds and exchange the same with the bond holders of the company, bond for bond.

SECOND PROPOSITION

Or, second, that the city pay to the Spring Valley water company for its plant as it now stands, including all property now used by them for whatever purpose, the par value of their outstanding stocks and bonds, which is a sum between \$33,000,000 and \$35,000,000, the company to settle with its stock and bond holders. I am of the opinion that this amount of money could be made available from the present bond issue authorized for Hetch Hetchy, and that the matter to the people and approving the same by a two-thirds vote; or, in other words, modifying the present authorized bond issue so that Spring Valley might be purchased by the city on a bond figure and the balance of the bonds authorized to be issued for water purposes to be used in the improvement of Lake Eleanor, the Tuolumne river and its tributaries, and when the same becomes necessary.

With the present authorized bond issue of \$45,000,000 for water purposes, with the purchase of the Spring Valley at the above mentioned price, there is sufficient money to increase the supply of Spring Valley and to improve and expand its distributive system within the city in many places where the supply is absolutely inadequate, and to the relief of our people demand immediate relief.

BELIEVES THE PLAN FAIR

After a careful study of the situation I am of the opinion that this is a proposition which would be fair to the Spring Valley bond holders, fair to the Spring Valley stock holders, and fair to the city and the taxpayers, for the reason that the bond holders will receive a greater value for their bonds than they have at any time been quoted in the market. The stock holders would receive near on the basis of \$50 per share for stock which has been purchased by them from the sum of about \$18 per share upward, as the following table of quotations will show:

| Year | High | Low |
|---------------|--------|--------|
| 1905 | 42 | 36 1/2 |
| 1906 | 40 1/2 | 29 1/2 |
| 1907 | 25 1/2 | 18 1/2 |
| 1908 | 31 | 20 1/2 |
| 1909 | 24 | 30 1/2 |
| 1910 | 50 1/2 | 47 1/2 |
| 1910 (August) | 50 | 47 1/2 |

We were called to the public service upon a platform which contained the following provision:

"The union labor party believes in the policy of reforming public service corporations to accord fair treatment to the city and its people in all sections and localities, and in return for this believes that the city itself should be fair in its dealings with such corporations." In line with that thought expressed in that platform, in presenting the facts herein, I have endeavored to be fair and to accord fair treatment to all. I believe that the city should acquire the Spring Valley water company's properties now that it is free from litigation at the earliest possible moment, and that Hetch Hetchy and other systems become the permanent water supply of San Francisco, to be owned and controlled by the municipality. I believe the time is now ripe to act in this matter. I believe the Spring Valley water company's position now is such that the city can with safety buy it, and that your honorable body should begin negotiations for the purchase of the Spring Valley water company's properties, as herein provided. Respectfully submitted, P. M. MCCARTHY, Mayor of the City and County of San Francisco.

ASIATIC CHOLERA HAS APPEARED IN PRUSSIA

Public Warned Against Recourse to Nostrums BERLIN, Aug. 29.—It was officially gazetted today that two of the cases of Asiatic cholera had developed at Spandau, and that the authorities had issued public warning notices to the public were issued. The public is warned that the use of so called cholera drops and tonics is futile and urged immediately to summon a physician if the digestive organs are disturbed. The co-operation of the people with the health officers is asked. Precautions Taken SPANDAU, Prussia, Aug. 29.—The death of a woman and the illness of her husband and of a male attendant at the hospital, all suspected cholera cases, have caused the health administration of Prussia to take comprehensive precautions against a spread of the infection. A fourth suspected case of cholera here developed today, the victim being a police sergeant.

WIFE RELATES TALE OF HER DOMESTIC WOE

[Special Correspondence of The Call] HONOLULU, Aug. 21.—Victor A. Norgaard, territorial veterinarian and federal livestock inspector, is the defendant in one of the most sensational divorce cases ever filed in the Hawaiian courts. The complaint filed by his wife charges him with having beaten his infant son so severely that the boy is crippled for life. She alleges that he denied her clothes to wear and notified the local stores to refuse her credit. She says that he has beaten her repeatedly and is an habitual drunkard. Norgaard came here from Washington some years ago, having been recommended by the department of agriculture as one of the leaders of his profession in the world. He has filed a cross complaint charging his wife with drunkenness.

A Ripe Old Age

If you are anxious to live to a ripe old age, drink with your meals each day a bottle of healthful red or white tonic, produced by the Italian-Swiss Colony.

CITY WAS GRANTED VALIDEASEMENT, SAYS TAYLOR

Former Mayor Edward Robeson Taylor, dean of Hastings college of law, takes issue with Mayor P. H. McCarthy in the latter's intimation that the Hetch Hetchy Garfield grant to the city is "not worth the paper it was written upon."

Last night Doctor Taylor said: "The city would have good fighting ground to stand upon should the secretary of the interior seek to revoke the Garfield grant. Secretary Garfield granted the city an easement under which San Francisco has the right to use the walls of the valley to impound the waters to be stored. The secretary could not grant the city absolute title, but he did give it what he was authorized to grant under the law. No lawyer would ever imagine the Garfield grant to be anything but an easement. Under its terms and according to its conditions the city has proceeded to expend large sums of money. This was on the faith of the grant made. I can not concur in the opinion expressed in Mayor McCarthy's letter that the Garfield grant is not worth the paper it is written on." Upon the basis of that grant, having complied with the conditions imposed and expending money to meet these conditions, the city is placed so that a court would be loath indeed to deprive it of the rights obtained. The city has good fighting ground to resist any such attempt."

ENGINEER MANSON REGRETS POSITION OF THE MAYOR

City Engineer Marsden Manson said last night: "I do not care to discuss the letter of the mayor in regard to the water matter until I have read it more critically. The communication may be referred to my office by the board of works. In general I would only say that I regret that the mayor takes this position in regard to the validity and worth of the Hetch Hetchy grant. It is the position which all along has been taken by some of the project's bitterest opponents."

U. S. EMPLOYEES TO DISCUSS PENSIONS

Protests Against Gillett Bill Will Be Signed by the Local Body An important meeting of the San Francisco branch, United States civil service retirement association, will be held next Thursday evening at Santa Clara hall, 172 Golden Gate avenue, to sign the petitions of protest against the contributory plan of retirement for subannuated civil service employees. It is known as the Gillett bill, and a request for congress to favor a straight pension as outlined in the Golden Bill. The Gillett bill provides annuities on the plan of withholding a portion of the employee's salary, variously estimated at from \$5 to \$10 per month on \$100 salary, while the Golden bill provides for a straight annuity from the government, the same as the army, navy and revenue cutter officers now enjoy.

SEMOFFICIAL COMMENT ON KAISER'S SPEECH

Berlin, Aug. 29.—The semiofficial Nord Deutsche Allgemeine Zeitung today explains the government's view of the emperor's Goebenburg speech, which has been construed by a part of the press as a declaration of absolutism and underestimation of the people and the people's representatives. The speech in which Emperor William intimated his belief that he ruled by divine right was not, it is set forth, an act of the government, but the expression of the personal convictions of the monarch, and as such was not the breath and spirit of his sense of duty resting on the religious grounds which his majesty had repeatedly proclaimed and had made actual in his conduct as ruler. The basis of criticism of the emperor was his affirmation that he went his way without considering the opinions of the day, says the paper, which adds: He would be a bad king who took the current views as the chalk line for his conduct. The imperial belief is declared to have been drawn up in opposition to the constitution. This conclusion can be drawn only by those who hold to the fiction that an independent parliamentary system is dependent on fluctuating opinion or the absolutism of the masses, whereas the constitution knows nothing.

THE WAY OUT

What to Do When Food Don't Agree. When food don't agree sensible folks make a change. Where all others fail Grape-Nuts, being partially predigested and nearly all nourishment, succeeds usually from the first trial. A lady in Washington says: "My baby 19 months old has never seen a well day in his life. She had suffered from indigestion from the time of her birth, and it seemed impossible to find any food to agree with her. She could keep almost nothing on her stomach and she was in such a constipated condition she suffered a great deal. It was then that I tried Grape-Nuts for her, steeping it thoroughly and straining it, putting a small portion in each feeding, and it worked like a charm. She began to improve immediately and gained half a pound the first week. "Baby got her indigestion from me, for my digestive organs have always been weak. I rely on Grape-Nuts for most of my food, for there are times when I can eat nothing else. I am steadily improving and know Grape-Nuts will make me entirely well in time. "There's a Reason." Look in pkgs. for the famous little book, "The Road to Wellville." Ever read the above letter? A new one appears from time to time. They are genuine, true, and full of human interest.

CZAR AND CZARINE ON VISIT TO GERMANY

Careful Measures to Protect the Imperial Train EYDKUHNEN, Prussia, Aug. 29.—Emperor Nicholas and Empress Alexandra of Russia entered Germany today, proceeding to Friedberg, in Hesse, where her majesty will take the curative waters. The usual careful measures have been taken to prevent a mishap to the imperial train. German soldiers have been picketed at intervals along the railroad line and the tracks are being carefully examined as the train approaches.

BANK BURGLARS FRUSTRATED

Wash., Aug. 29.—The Farmers' and Merchants' bank, Wash., was visited by burglars last night. The burglar was frustrated, but the robbers were unable to open the safe inside the vault, and secured no plunder.

STAGE BURGLARS ON STEEP GRADE

Motorcyclists Frighten Horses and Coach Is Hurled Into Deep Canyon

Passengers Have Truly Miraculous Escape From Death in the Wreckage

Continued From Page 1. ern society of engineers, chairman of the engineering section of the Chicago association of commerce and a member of the engineering staff of the University of Illinois. Only a week ago he married Miss Eva Henderson of Berkeley and the trip to Willow Camp and Bolinas was just the beginning of a honeymoon that was to have ended with a trip to Chicago, where the couple will make their home. Bement was able to tell a graphic story of the accident. "My wife and I came over from Berkeley a week ago," he said, "and took this cottage for a few days. Saturday we went to Bolinas, remaining over night. Shortly after 2 o'clock the next afternoon, Sunday, we took the launch from Bolinas to Willow Camp and boarded the stage with several others. Mrs. Bement and I sat in the middle seat, while Mrs. Gardner and her daughter sat in front of us with the driver. Three men whose names I do not know sat in the rear seat. We had traveled about half the distance to West Point when we approached Steep Ravine. "I was looking ahead and was surprised to see three men come coasting toward us on motorcycles. One of the drivers shouted and then had an accident. The horses seemed to be terror stricken at the sight. They reared and plunged beyond all control. My wife cried out something about the driver's shout and then I had an attempt to jump with her. At any rate it was of no use, as the horses in the lead turned sharply, dragging the others after them. We all went over the bank, except the men in the rear. I think they must have jumped, for we were not hurt. I thought my end had come as the coach pitched down the canyon. "We were all mixed up with the forward horses. They kicked and struggled as we rolled down the ravine. One of them struck me on the side of the head with his hoof, cutting my ear. I could hear Mrs. Gardner crying for help with the horses lying across her. Her moans were pitiful. Rescued Mrs. Gardner "I managed to free myself with the aid of the other men and we then drew Mrs. Gardner from under the horse. I did not notice my sprained ankle particularly at the time. My wife was fearfully cut up. We carried her to the road. Meanwhile the coach and rear of the traces had become tangled up with a bunch of trees. One tree was broken short off by the rolling coach. We walked by the roadside until the fourth motorcyclist brought help. Bement and his wife, who was suffering fearfully from her broken nose and the cuts on her face, left the train near their home and were assisted to the bungalow, where Dr. Elmsasser came and dressed their injuries. Mrs. Daniel Henderson of 2315 Ashby avenue, Berkeley, mother of Mrs. Bement, was notified last night of the accident and came to Mill Valley this morning to nurse her daughter and son in law. Nuns, the injured driver, managed to reach Willow Camp after the accident and summoned assistance to rescue his horses from the canyon. All were out and screeched, but will live. The coach was hauled from the ravine this afternoon.

CITY ATTACKS SUIT OF PAT CALHOUN

Car Company Forfeited Any Rights It Had in Geary Street, Contents Long

Mayor McCarthy, in Affidavit, Denies United Railroads' Claim to Throughfare

The city filed its first shot yesterday in the final battle with the United Railroads, which is trying to prevent the sale of the bonds and the building of the Geary street municipal road. City Attorney Long filed a general demurrer to the complaint of the railroad company and asked that the suit be dismissed for want of a cause of action. In addition, the city's legal representative filed affidavits made by Mayor P. H. McCarthy and W. R. Haggerty, clerk of the board of supervisors, showing that the United Railroads had forfeited its rights, if it ever had any, to run a road in Geary street. In the mayor's affidavit it is set forth that it is not the city's intention at this time to build a municipal road in Market street from the junction of Geary to the ferry. "Taking up each claim of the railroad company to a franchise in Geary street, McCarthy's statement makes a specific denial. He says that it is not true that the Central railroad company or its assigns have operated or maintained a cable road in Geary street between Stockton and Taylor. Similarly, it is refuted that the North Beach and Mission railroad company has continued to operate a railroad under its franchise in Geary street between Stockton and Kearny, but it is stated that over the course which was originally assigned to these two companies the present line is operated by the Geary street, Park and Ocean railroad company. The attempt of the United Railroads to claim the right to run a streetcar line over the disputed part, under the permit given it shortly after the earthquake and fire of April, 1906, to operate with electricity all of its lines—those in operation and those for which it had new franchises—is assailed by McCarthy, who claims that all right under the permit to run a line in Geary street was forfeited by failure to construct an electric line within a reasonable time. The affidavit of the mayor goes on to state that neither the United Railroads nor their predecessors have operated a railroad in Geary street for 18 years. Replying to the assertion that the city would seize the property in San Francisco for its municipal line, it is set forth that the city would pay for all property that it would be necessary to seize.

YOUNG ROOSEVELT CAUGHT BY CAMERA

Call Photographer Gets First Photo of Teddy Jr. Taken in City

Fashionably Dressed Woman Coldly Repulsed by Son of Theodore the Great

Continued From Page 1. purred up to the curb in Mission street, and a fashionably attired woman stepped out and entered the portals of the carpet house. She wanted to see Mr. Roosevelt. Her business with the scion of Oyster Bay was asked. The woman was reticent, but she wanted to see Mr. Roosevelt. "Tell her that if she wants to buy any carpets I'll go and wait on her, otherwise, I'm busy," said young Roosevelt. The woman drove off in her purring automobile. When young Roosevelt found out yesterday that he had been snapped he graciously accepted the situation. "My father will be out in March," he said. That carried the inference that in seven months California will have at least one Roosevelt who hasn't the slightest objection to having his photograph taken. SOLANO DEMOCRATS ELECT DELEGATION Republicans Also Name Representatives in State Convention [Special Dispatch to The Call] VALLEJO, Aug. 29.—The democratic party of Solano county has elected the following delegates to the state convention at Stockton on September 5: At large—F. R. Starke of Vallejo, chairman; W. H. Goodman, Suisun; J. C. Wolfkill, Suisun; P. B. Lynch, Vallejo; J. P. Martin, Dixon. Supervisor districts—First—Cam. Whitborne, Vallejo; second—James A. Keyes, Suisun; third—Frank W. Quinn, Benicia; fourth—T. L. Gates, Vacaville; fifth, C. J. Flak, Rio Vista. The new county central committee organized by electing the following officers: Chairman, F. R. Starke; secretary, S. H. Lashelle of Suisun; treasurer, Wilbur U. Goodman of Suisun. The republicans have elected the following delegates to the state convention in San Francisco September 6: Attorney Frank R. Devlin, Supervisor Henry Widenmann, Charles Barnes, L. P. Hall and D. W. Fraser.

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