

McCAR THY STOP BUCKET SHOPS ON STOCKS

Supervisors Receive Text of Proposed Ordinance Against Gambling Operations Measure Directed Against Evil Taft in Message

The end is in sight for the bucket shops in San Francisco. Their malignant influence has inspired the city administration to move for their suppression. Mayor McCarthy has addressed a communication to the board of supervisors yesterday urging that these institutions be exterminated by legislation. He placed before the board an ordinance to accomplish this purpose. The proposed measure is comprehensive in its terms. It outlaws the bucket shop and closes the usual avenues of escape. It makes it a misdemeanor to operate or enter a bucket shop, or to lease premises to be used as such. Penalties are provided in the form of fines up to \$500 or imprisonment up to six months.

The supervisors referred the mayor's message and the draft of the bill to the judiciary committee without discussion. MAYOR SUBMITS MESSAGE In his letter to the board the mayor said: "I am convinced, after a careful investigation, that an immeasurable injury is being done to the city by the bucket shop. It is an establishment where chances are offered by which persons may 'play the market' on the reported rise and fall of stocks, securities, commodities, etc. These 'bucket shops' flourish for the most part upon the patronage of men and women of small means who, imbued with the get rich quick idea, venture or risk that which they can ill afford to lose and which, once being deprived of, entails hardship and privation upon themselves and their families. The presence of the bucket shop in our midst means the encouragement of crime, because it provides the opportunity for persons to risk money which in many instances is not their own and which frequently leads to disgrace and ruin. The theory of the bucket shop is objectionable in the extreme, because of the unfair and unjust methods employed in its operation. In view of the fact that the bucket shop is a gambling establishment, it is evident to all right thinking persons that the elimination of the bucket shop means the betterment of our city. I have caused to be prepared after a most careful study and analysis of the ordinance attached hereto. I would, therefore, recommend the passage of the ordinance attached hereto.

FEDERAL LAW FOLLOWED The ordinance is fashioned after the federal statute, which has been accepted as a model for the municipal regulations in the large cities of the United States. It is so worded as to leave legitimate business unrestricted. The bucket shop operations embrace merely a system of betting upon the market fluctuations with no exchange of purchase or sale of shares of stock. For the most part they are crooked and it frequently happens that quotations are twisted or inflated, and the bucket broker, he adjusts his figures to make his profits.

LAW TO PREVENT FRAUDS The government has availed itself of the assistance of municipalities wherever they showed a willingness to cooperate. With an ordinance upon the statute books of the city, federal and local officials will be able to act effectively. Without the aid of a city statute convictions were regarded as extremely uncertain. The state constitution contains a definite provision calling for the elimination of the bucket shops. The constitutionality of the measure proposed by Mayor McCarthy is thus assured.

IN FRAMING THE ORDINANCE AGAINST bucket shops it has been found advisable to include what may be regarded as a publicity clause. This section requires that every operator must display to a customer upon request the details of the intended sale or purchase of stock. In nine cases out of ten the bucket shop is able to show merely a card which on its face demonstrates that no bona fide transaction was contemplated. This evidence in itself will insure conviction. Mayor McCarthy has included such a clause in his draft.

BUCKET SHOPS DESCRIBED These terms are thus described in the proposed ordinance: "Bucketing or bucket shopping shall mean (a) the making of or offering to make any contract respecting the purchase or sale of any securities or commodities wherein both parties thereto intend, or such keeper intends, that such contract shall be, or may be, closed or settled according to or upon the basis of the public market quotations of prices made on any board of trade or exchange upon which said securities or commodities are dealt in and without a bona fide purchase or sale of the same; or (b) the making of or offering to make any contract respecting the purchase or sale of any securities or commodities wherein both parties thereto do not intend, or such keeper does not intend, the actual or bona fide receipt or delivery of such securities or commodities, but do intend, or such keeper does intend, a settlement of such contract based upon the difference in such public market quotations of prices at which said securities or commodities are asserted to be bought and sold."

PROVISION FOUND ADEQUATE This provision was found to be entirely adequate for the purposes of the government in the District of Columbia. It was likewise adopted by New York and has been adopted by the city of Los Angeles. The bucket shop is intended specially to ensnare the man or woman of small means. The favorite play is \$10. The

WAR ON BUCKET SHOPS BEGUN BY MAYOR PROPOSED LAW PROVIDES HEAVY PENALTY

ORDINANCE NO. (New Series). AN ORDINANCE TO PROHIBIT BUCKETING AND BUCKET SHOPPING AND TO ABOLISH BUCKET SHOPS.

Be it ordained by the people of the city and county of San Francisco as follows: Section 1. The following words and phrases used in this ordinance shall, unless a different meaning is plainly required by the context, have the following meanings:

"Person" shall mean an individual, corporation, partnership or association, whether acting in his, its or their own right or as the officer, agent, servant, employe, correspondent or representative of another. "Contract" shall mean an agreement, trade, contract or transaction. "Securities" shall mean all evidences of debt or property and options for the purchase or sale thereof, shares in any corporation or associations, bonds, coupons, scrip, rights, choses in action, and other evidences of debt or property and options for the purchase or sale thereof. "Commodities" shall mean anything movable that is bought and sold. "Bucket shop" shall mean any room, office, store, building or other place where any contract prohibited by this ordinance is made or offered to be made.

"Keeper" shall mean any person owning, keeping, managing, operating or promoting a bucket shop, or assisting to keep, manage, operate or promote a bucket shop. "Bucketing" or "bucket shopping" shall mean: (a) The making of or offering to make any contract respecting the purchase or sale of any securities or commodities, wherein both parties thereto intend, or such keeper intends, that such contract shall be, or may be, terminated, closed or settled according to or upon the basis of the public market quotations of prices made on any board of trade or exchange upon which said securities or commodities are dealt in and without a bona fide purchase or sale of the same; or (b) the making of or offering to make any contract respecting the purchase or sale of any securities or commodities, wherein both parties thereto do not intend, or such keeper does not intend, the actual or bona fide receipt or delivery of such securities or commodities, but do intend, or such keeper does intend, a

settlement of such contract based upon the difference in such public market quotations of prices at which said securities or commodities are or are asserted to be bought and sold.

Section 2. Any person who shall, within the city and county of San Francisco, make or offer to make any contract defined in the preceding section, or who shall be the keeper of any bucket shop, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than \$100 nor more than \$500, or by imprisonment in the county jail for not less than 30 days nor more than six months.

Section 3. Any person who shall, within the city and county of San Francisco, communicate, receive, exhibit or display in any manner any statement of quotations of prices of any securities or commodities with an intent to make, or offer to make, or to aid in making, or offering to make any contract prohibited by this ordinance, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be subjected to the penalties provided in section 2 of this ordinance.

Section 4. Any person who shall, within the city and county of San Francisco, enter or visit or be or remain in any room or premises or place used, in whole or in part, as a place for conducting or carrying on a bucket shop, or bucketing or bucket shopping, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be subjected to the penalties provided in section 2 of this ordinance.

Section 5. Any person who shall, within the city and county of San Francisco, knowingly permit any house, room, apartment, premises or place owned by him or under his charge or control to be used, in whole or in part, as a place for conducting or carrying on a bucket shop, or bucketing or bucket shopping, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be subjected to the penalties provided in section 2 of this ordinance.

Section 6. Every person shall furnish, upon demand, to any customer or principal, for whom such person has executed any order for the actual purchase or sale of any securities or commodities, either for immediate or future delivery, a written statement containing the name or names of the person or persons from whom such property was bought, or to whom it has been sold, as the fact may be, the time when, place where, and the price at which the same was either bought or sold; and if such person shall refuse or neglect to furnish such statement within 24 hours after such demand, such refusal or neglect shall be prima facie evidence that such purchase or sale was bucketing or bucket shopping within the terms of this ordinance.

Section 7. This ordinance shall take effect and be in force immediately.

MAYOR WILL GO TO WASHINGTON

McCarthy Authorized by Supervisors to Enter Fight for Big Exposition

Mayor McCarthy will go to Washington with other members of the Panama-Pacific exposition committee to aid in the fight to bring the fair to the coast. He was empowered and instructed by the board of supervisors yesterday to go to the national capital for this purpose. This action was taken at the mayor's own suggestion and in accordance with the recently enacted charter amendment permitting the mayor or any official to leave the state more than one time in his term of office.

BOARD UNANIMOUS The action of the board was unanimous. Supervisors Murdoch and Cullen of the minority joined with Kelly and Nelson of the labor union membership in commending the offer of the mayor to proceed to the capital. In calling attention to the advisability of the city at this juncture sending its chief executive officer to lay its claims before congress, Mayor McCarthy said: "The people, by charter amendment No. 19, have signified their will that the executive be left free to act in this matter. The legislature shortly will pass upon the amendment removing the legal obstacle. The law and the condition of my health have forbidden this step until the present time, but I

believe we should now leave no stone unturned to bring the exposition to San Francisco. For my part, I had felt convinced that my presence was necessary in Washington to secure the fair, I should not have permitted the law or any other consideration to keep me from going there. I would not let the office of mayor stand in the way of doing whatever was necessary to insure the exposition for San Francisco.

On my former visit to Washington with the gentlemen who took the first steps to bring the fair to our city, I had the pleasure of entering into debate with the governor of Louisiana and the mayor of New Orleans before the congressional committee. These gentlemen, general in private, were determined foes in the matter of securing the fair and advanced, as based upon fact, representations as to San Francisco's suitability for the fair which were not founded upon truth. They did this, I am convinced, not through any desire to win the exposition, but through any misrepresentation, through any misrepresentation of conditions here. At the same time, they were determined to determine of our opponents grows more intense, and I shall be very glad to go to Washington and aid in the fight to bring the exposition to San Francisco.

Nelson suggested that some members of the board should be appointed to accompany the mayor, being careful to disclaim any desire to go to "that frozen climate" at this season, but no action was taken in this regard. The board then unanimously authorized the mayor's trip.

RECOMMENDS SUBWAYS McCarthy signalled the beginning of the second year of his service as mayor by several important recommendations to the board. He called attention to the great and growing problem of passenger traffic in Market street and at transfer points in the Mission and along Fillmore street. He asked the board to take up the question of providing subways to relieve this pressure and made a suggestion in regard to handling the traffic in the streets. He said: "The subway in this, as in other great cities, is inevitable, and particularly in that true of San Francisco, since Market street is the great intercepting thoroughfare in a rapidly growing city having as its feeders all of the streets north of Market street. I fully recommend to your honorable body that steps be taken at once to the end that all streetcar passengers, for their own better convenience, and a distinct improvement of our transportation system, be required to enter streetcars by one particular door thereto and to alight by passing through the remaining door, thereby greatly shortening the time now consumed in taking on and discharging passengers at given points. The matter was referred to the joint streets and public utilities committee. A communication was received from the mayor and the supervisors that the commission proposed to grant a permit for the construction of a 'miniature railway' along and adjacent to the Great Highway from a point near the Cliff house to Sloat boulevard under terms by which the city could purchase the line at any time within the 25 years of the privilege. The gauge of the track was to be three feet and the motive power other than trolley or steam. This was sent to the same committee.

DR. GUNN TO GUARD CITY AGAINST HOOKWORM

Physician Appointed Inspector of Tropical Diseases

Dr. Herbert Gunn, formerly health officer and for several years in the federal marine hospital service, yesterday was appointed by the board of health to the post of inspector of tropical diseases.

The appointment creates a new department of the municipal health service, and Dr. Gunn's duties will be to examine into the sources of contamination of hook worm and other contagions liable to be introduced into San Francisco from tropical ports.

Other incoming hordes of Hindus and other orientals have been found to be the cause in the larger number of cases to hookworm, and the board for some months has been contemplating the establishment of this department to guard against the pest.

SHOWER OF BULLETS RAINS ABOUT POLICE

Andrew Erbe's Celebration Has Almost Fatal Ending

As Policeman G. A. Bennett and Sergeant Officer Sturm stood near an electric light pole at Mariposa and Eighteenth streets early Monday morning a bullet whizzed by their heads and buried itself in the wood. Other bullets plowed up the ground. When the fusillade ceased they found Andrew Erbe upon his back porch, revolver in hand. An effort was made to hide the weapon among guests in the kitchen. Peter Balbon, Adam Kanoski and Ernest Selbert were arrested with their host. In the police court yesterday morning the guests were dismissed, but Erbe was found guilty of discharging firearms within the city limits. He will be sentenced today.

TORPEDO BOAT WINSLOW IS SOLD FOR \$2,250

Craft Was One of First Built for New Navy

WASHINGTON, Jan. 3.—The Winslow, one of the first torpedo boats built for the new navy, was sold today for \$2,250 to H. Hanson of New York, the highest bidder.

Bids also were opened at the navy department for the converted yacht Siren. The highest bidder was the New Orleans foundry and iron company of New Orleans, which offered \$2,350. While this amount is less than the appraised value of \$6,000, it was announced when the vessel was advertised several weeks ago that it would be sold to the highest bidder, regardless of the estimated value.

NEW JUSTICES ENTER UPON THEIR DUTIES

Barnett, Conlan and Creighton Call Calendars

Three newly elected justices of the peace entered upon their duties yesterday. They are: A. T. Barnett, succeeding William H. Smith Jr.; James G. Conlan, succeeding Alfred B. Lawson; and C. E. A. Creighton, succeeding Carl W. Mueller. Speeches of felicitation were made by lawyers having business in the courts.

The calendars were called and cases set for trial, but otherwise no actual business was transacted. The only members of the old bench re-elected were Bernard D. Flood and James F. Treadwell.

The judges will meet this week to select a presiding justice for the ensuing year.

"BAD JACK" NOBLE CAPTURED—Lexington, Ky., Jan. 2.—"Bad Jack" Noble of Breathitt county, wanted for killing Jailer Wesley Turner at Jackson, Ky., election night, is under arrest at Williamson, W. Va. There was a large reward for his capture.

SCHOOL BOARD MEETS ADVISORY COMMITTEE

The board of education held a conference with Doctor Broderick, Thomas E. Hayden, Dr. Caroline Rosenberg and John P. Young of the advisory board appointed to arrange a series of public lectures for adults and pupils of the higher grades. A meeting of the 14 members of the advisory committee will be held in the Monahan building Friday evening, when it will organize, elect a president and secretary and discuss a plan of lectures.

RECOMMENDS SUBWAYS

McCarthy signalled the beginning of the second year of his service as mayor by several important recommendations to the board. He called attention to the great and growing problem of passenger traffic in Market street and at transfer points in the Mission and along Fillmore street. He asked the board to take up the question of providing subways to relieve this pressure and made a suggestion in regard to handling the traffic in the streets. He said: "The subway in this, as in other great cities, is inevitable, and particularly in that true of San Francisco, since Market street is the great intercepting thoroughfare in a rapidly growing city having as its feeders all of the streets north of Market street. I fully recommend to your honorable body that steps be taken at once to the end that all streetcar passengers, for their own better convenience, and a distinct improvement of our transportation system, be required to enter streetcars by one particular door thereto and to alight by passing through the remaining door, thereby greatly shortening the time now consumed in taking on and discharging passengers at given points. The matter was referred to the joint streets and public utilities committee. A communication was received from the mayor and the supervisors that the commission proposed to grant a permit for the construction of a 'miniature railway' along and adjacent to the Great Highway from a point near the Cliff house to Sloat boulevard under terms by which the city could purchase the line at any time within the 25 years of the privilege. The gauge of the track was to be three feet and the motive power other than trolley or steam. This was sent to the same committee.

S. N. WOOD & CO.'S STORE NEWS FOR MEN AND BOYS

A GREAT SALE OF CLOTHING

\$ 9.75—At this price we will sell a number of \$12.50 and \$15 Suits in the latest patterns and colors, together with some \$15 Cravenette Raincoats and "Slip-ons." \$11.45—This price comprises \$11.45 some very fine Corduroy Suits in various colors, built to stand hard wear. \$13.65—This is a particularly fine collection of \$20 Suits, \$20 Overcoats, the famous "Priestley" Cravenette Raincoats, and regular winter-wear Overcoats. There are also a number of finely finished "Slip-ons" (for wet weather use) and some heavy Blanket-lined Ulsters.

Bargains That Save Money for Men

Every man that reads this announcement is learning of an opportunity to secure ONE OF OUR OWN MAKE, high grade Suits and Overcoats, REDUCED to such a low price that a decision to buy should be instantaneous. PRICES HAVE TAKEN A BAD TUMBLE IN THIS SALE for we are bent on disposing of the Fall season's stock of all our Suits, Overcoats and "Priestly Cravenette Raincoats."

This Price-Dropping Sale to Reduce Our Clothing Stock Comes But Once a Year

Bring yourself in and profit by the low prices. And pass the good news along to somebody else.

Low Prices on Men's Pants

Men's \$2, \$3 and \$4 Soft and Stiff Hats Being Cleared Out at \$1.15 We have your size. Undoubtedly we have your style and color, too. For while the lines are broken, yet the assortment of hats to pick from is very complete — large enough to suit any man who may have trouble in knowing just what he wants.

Men's Furnishings

\$2.50 Manhattan Shirts — pleated bosoms — broken lines.....\$1.65 \$1.50 Madras Pajamas..... 95c 50c Fancy Hosiery, 3 pairs for \$1.00 \$1.50 Worsted Form Fitting Underwear, blue and tan..... 85c \$2.00 Sweater Coats.....\$1.45 \$1.50 Golf Shirts.....\$1.15

S. N. WOOD & CO. The Satisfactory Store Corner Washington and Eleventh Sts., Oakland

WOMAN DELAYS TRIAL OF BURKE BY CONTUMACY

Nurse Fails to Appear When Defense Desires to Impeach Her Testimony

Court Sends Sheriff to Berkeley With Order to Arrest Miss Ada Clark

By HARRY DAVIDS [Special Dispatch to The Call]

SANTA ROSA, Jan. 3.—The eternal feminine, dominant throughout the entire trial of Dr. Willard P. Burke, brought the machinery of the law to a halt today, when Miss Ada Clark, a demure and pretty nurse at the sanatorium, disobeying subpoenas, orders of the court and the pleas of the attorneys, failed to present herself for examination. She testified for the prosecution last week and the defense wished to question her on a little matter to impeach her testimony. It was imperative that she should be in court. None suspected that she was not.

"Call the witness," said the court. "The ball is bowled her name, the deputies departed to hunt for her, the sheriff scoured corridors and street. Miss Clark did not answer—for Miss Clark was not in Santa Rosa. After testifying for the prosecution she boarded a train and went away.

DELAY CAUSED BY GIRL "Your honor," said Attorney Leppo, "this is most extraordinary. I personally went down to the train, hearing that she was about to leave, and told her she would be required to attend court today. The court has not yet excused her."

"The court has not," said Judge Seawell. Then followed an embarrassed silence. Scores of witnesses waited without. The jury waited within. The attorneys looked blank. The judge looked indignant.

The wheels of justice had been put out of running by a slip of a girl, who giggled when she testified. There was naught to do but adjourn court and let the county bear the expense of another delay.

Additional papers were made out and Sheriff Jack Smith was ordered to go to Berkeley, the girl's home, and to bring her back again to galvanize a courtroom with her smiles. Smith left on the afternoon train and it is expected that he will have the witness in court tomorrow morning.

NURSE TO BE IMPEACHED Miss Clark testified that she was in the diet kitchen when the explosion at the sanatorium occurred, and told a tale of what thereafter followed. The defense wishes to prove, from information received after court adjourned Friday, that she had made statements to the contrary and that she was in reality elsewhere.

With Miss Clark out of the way, the prosecution will bring its case to a conclusion tomorrow. Then the defense will proceed with its witnesses. Among the first, it is believed, will be Doctor Burke.

While Burke's attorneys have not made any definite statement as to their theory of defense, it has been palpable that they will contend that he is the victim of a plot. They will try to show that, instead of being a monster of the mountains, he is a benevolent patriarch, actuated by the best of motives, and that in giving money to Lu Etta Smith he simply aided a friendless and destitute woman.

Every attempt will be made to discredit the witnesses for the prosecution.

McENERY ACT IS HELD VALID BY U. S. COURT

Emergency Legislation to Quiet Title to Land Is Declared Constitutional

Decision Rendered by Supreme Tribunal in Dispute Over the City Slip

WASHINGTON, Jan. 3.—That the McEnery act of California, passed as emergency legislation after the fire of 1906 and providing for the establishment and quieting of title to real estate in case of the loss or destruction of public properties was constitutional was the decision of the United States supreme court today.

The question arose over the title to two lots located among the so called city slips in San Francisco. Louis Zelas claimed title to them under a judgment rendered in accordance with the act of 1906. In order to support its own claim of title, the American land company attacked the constitutionality of the law.

The United States court for the ninth circuit asked the United States supreme court to answer the specifications as to whether the law violated the fourteenth amendment to the constitution.

by testimony impugning their motives or characters. The witnesses examined today merely corroborated former evidence. The mystifying Marion Derrig was once more the subject of question. The district attorney brought out, through Mrs. H. F. Dessau, wife of Doctor Dessau, a surgeon at the sanatorium, that the woman visited Doctor Burke after the explosion, but that she was secretive and mysterious. Mrs. Dessau said that none knew of Marion Derrig's reasons for visiting Burke, that she kept to her room in the sanatorium cottage and took her meals in private. "I understood," said the witness, "that Mrs. Derrig went under another name and had been introduced under another name, but that name I have forgotten."

LU ET TA SMITH RECALLED Lu Etta Smith was called again to conclude her testimony. She told of Marion Derrig visiting her just prior to her sailing for Japan and of the transactions which took place at the meeting.

"She had a card," testified Lu Etta Smith, "on which was written the name Butcher; the writing, she said, was Burke's, and the contention of the prosecution is that Butcher was the name to be used by Lu Etta Smith when she sent Burke her communications from Japan in reference to obtaining an allowance for herself and her child."

Mrs. M. File of Berkeley, with whom Lu Etta Smith lodged while she was attending the university in 1908, testified to the character of her lodger. She said that Lu Etta Smith did not have any men friends and that she seldom went out.

On cross examination Mrs. File declared that Lu Etta Smith was a great reader of books dealing with philosophical subjects and "new thought."

COMPLETION OF EVIDENCE The other witnesses were Dr. S. S. Bogie, Alfred Burke, Mrs. D. W. Dilard and Miss Rose Cobler Fisher, all of whom put the finishing touches upon their evidence.

District Attorney Lea is proceeding with the utmost caution, realizing that he has to depend upon circumstantial evidence to establish the people's case.

Three Big Sale Specials In Boys' Dept.

Boys' \$5 Two-Piece Suits \$2.85

For boys, sizes 10 to 17 years of age. Patterns full of dash and style. Coats full chested and double breasted; pants full peg knickers, with side straps and belt loops. Fall and winter textures.

Boys' Sailor Suits

Once \$4.00 Now on Sale at \$2.45

For boys, ages 6 to 10. Pretty sailor collars and shields—the shields are piped in white and prettily embroidered. The bloomers are cut full and roomy.

Boys' Russian Blouse Suits

Once \$4.00 Now on sale at \$2.45

Made with military collars, prettily embroidered. Colors bright and boyish. A really remarkable offering — a limited supply only. Ages 3 to 7.

Boys' Hats Reduced

Our 75c and \$1.50 Children's Middies are offered to you now for 45c. All colors. Children's \$1.00 caps, you can also have for 45c.

