

JOHN WILL USE HIS OWN MEANS TO GET GILLET NAMED

Governor's Opinion of Eleventh Hour Appointments Expressed to Predecessor Legislature Will Be Asked to Aid if Other Measures Are Ineffectual

Johnson is especially incensed over the resignation of John Mackenzie from the post of labor commissioner in order to secure the appointment of one of his own men for a four year term, and the resignation of Transue from the building and loan commission to be re-appointed to a vacancy created by the resignation of his colleague, Al Lindsey.

Johnson told Gillett something of his opinions touching those appointments before the retiring governor went out of office. He has not talked for publication since, but he has not altered his determination to get satisfaction in the shape of the scalps of the men named by Gillett. By some it is believed that when Johnson gets the jobs of Transue and Curry that he will reappoint Curry. That may be a sound opinion, but in my judgment it is no better proposition.

HARBOR BOARD NOMINATION

Johnson sent to the senate this morning the nomination of George S. Hill of Alameda to be a harbor commissioner at San Francisco. The W. E. Dennison, term expired and renominated by Gillett. He also sent in the nomination of Dr. Chester Rowell of Fresno, reappointed by Gillett to the board of university regents. Doctor Rowell will be one of the very few Gillett nominations sent back to the senate by Johnson. It is in fact, he should prove to be the only one. Gillett recess appointments nominated by Johnson, it need occasion no surprise.

There is in some quarters a belief that Johnson might ratify Gillett's re-appointment of Harbor Commissioner Jackson of San Diego. Johnson has not made up his mind to that. In fact he has not arrived at a decision in the San Diego matter. He knows neither of the men nominated by Gillett, and until he finds out something about them there is no chance that they will go back to the senate. It is an even bet that what he does find out about them, the chances of their names going up to senate again will be nil.

TROUBLE OVER CHOICE The San Francisco harbor commission situation is a muddle. President Stafford's term will expire on March 1, but Johnson is trying to decide upon a San Francisco man for the place. As a matter of fact the governor would have preferred to name a San Francisco man if Dennison's name had not been proposed because there was nothing like an agreement in San Francisco upon any one of the small army of candidates.

The Alameda situation settled itself. There was an immediate agreement on George S. Hill. No agreement could have been more grateful to the governor, because Hill was his friend and because he had been satisfied with one of the most capable men available for the place.

The San Francisco man appointed to succeed Stafford will be a big man. If Johnson is not satisfied with the apparent caliber of any of the few dozens of applicants for the place he will go outside their ranks. He is determined to give the water front a successor to Stafford quite as capable as the man chosen by Gillett and at the same time politically acceptable to the new republicanism.

AGAINST ALL JOBBING

The political carps who are basing their hopes of future success upon Johnson through the resignation of some of the term officers under the harbor commission, and the selection of their successors by Stafford and Teller, may be counting their chickens prematurely.

Johnson feels entirely competent to undo the eleventh hour work of Gillett, and it may be assumed that he has given some attention to the matter of heading off the San Francisco water front jobbing with which he has been threatened.

Johnson is pretty strong with the thirty-ninth legislature. It is true that he may not be able to get control of the San Francisco harbor commission until next spring, but if the incumbent majority attempts to put over anything on him they may discover that a humorously inclined legislature has spoiled their little joke.

BRADLEY MARTIN JR. AN ENGLISH CITIZEN

Court Upholds Objection to Customs Duty

WASHINGTON, Jan. 5.—In deciding the case of Bradley Martin Jr. of New York, who resisted payment of duty on his personal belongings, declaring that he was a citizen of England, the United States court of customs appeals today defined the status of at least one class of American citizens who live abroad a number of years and then return.

Collector Loeb put the duty on Bradley Martin's luggage and the board of general appraisers sustained him, saying that it was not convinced that he was not a resident of the United States.

BULLET THROUGH WINDOW WOUNDS POLICEMAN

SPOKANE, Jan. 5.—While sitting in his home, about 9:30 o'clock tonight, John Sullivan, present captain and former chief of police, was shot by some person who fired through the window. It is said that he can not recover.

It is believed that the assailant is F. J. Hanley, who shot Sullivan about five years ago when Sullivan captured him in the act of holding up. Hanley was sentenced to the penitentiary. He swore he would "get" Sullivan.

Recent efforts to obtain the release of Hanley on parole were strongly opposed by Sullivan, but Hanley obtained a parole.

DORMITORY OF BOYS' SCHOOL BURNED—The dormitory of the Montalvo school, which was destroyed by fire today, was the oldest dormitory of the Montalvo school for boys. The loss is estimated at \$100,000, with \$75,000 insurance.

MONTALVO SCHOOL BURNED—Oxnard, Jan. 3.—The grounds of the Montalvo school were destroyed by fire today. The loss is \$100,000. It is believed the fire resulted from painters burning old paint on the building.

LOBBYIST RULE NOT FOR LISSNER BOSS ACTIVE ON FLOOR OF HOUSE

[Special Dispatch to The Call]

CALL HEADQUARTERS, SACRAMENTO, Jan. 5.—Meyer Lissner, chairman of the republican state central committee, was among the first to have his attention called today to the newly adopted rule of the assembly which is designed to keep lobbyists off the floor.

The new boss from Los Angeles, who has been very active in both branches of the legislature, buttonholing members in behalf of Judge John D. Works for United States senator, attempted to go on the floor of the assembly just after the rule had been approved this morning. Gate Keeper George S. Miller could not see that Lissner was different from Walter Parker, Jere Burke or any other lobbyist of the days of Southern Pacific domination.

Miller was about to eject Lissner when the latter, with the assistance of E. J. Whyte, the new sergeant at arms, persuaded Miller that he was no lobbyist. Miller is wondering whether or not he will hold his job.

LISSNER'S WORDS SHOW HYPOCRISY OF HIS REFORM ADVOCACY--WRIGHT

Bell Will Be Tolling Death Knell of Progressive Movement in State If Legislators Disregard Primary Law, Declares Senator

[Special Dispatch to The Call]

CALL HEADQUARTERS, SACRAMENTO, Jan. 5.—That the success of Meyer Lissner's attempt to force the repudiation of the direct primary law and the election of John D. Works would take the reform movement in California into the valley of death and that by his own words Lissner had shown the hypocrisy of his own reform advocacy were the direct charges cast at the chairman of the republican state committee today by Senator Leroy A. Wright of San Diego.

Senator Wright fired the first gun from the stronghold of the rejuvenated Spalding force this morning. He carried the warfare to Lissner direct and by quoting literally from Lissner's statements showed the mockery of the new boss' protestations of loyalty to the people and the cause of free government.

POINTS OUT HYPOCRISY

"If the legislature," said Wright, "elects John D. Works to the United States senate in defiance of the advisory vote cast by the people at the August primary election, political reform in California will have entered the shadow of the valley of death."

"I wish the public would digest the statements made by Lissner in respect to the election of Works, members of the legislature into the commission of political treachery cloaked with the name of reform. Lissner under his own signature said, 'under the constitution of the United States there can be no legal obligation on a legislator to vote for any particular person for United States senator, and there is no such thing as moral obligation unless one has agreed to something and made a promise.'"

SUSPICIOUS BRAND OF REFORM

"What a sentiment from the lips of a man who sets himself up as a Moses to lead the people out of the wilderness of political corruption and slavery. According to this doctrine of Lissner the legislators, who have made no promises and entered into no formal agreements, are free from moral obligations; they need not do right unless they promised so to do. If this be reform, God save the mark."

"Lissner and his candidate should recall that the laws recognize two kinds of obligations. There are express promises and implied promises. The law presumes that every man will do right without putting it in writing or promising it from the house tops. Lissner would betray the people with a kiss while on his lips is deadly poison."

SPALDING CHALLENGES WORKS

Judge Works' statement given to the press and in which he declared that he would not do right unless he promised to do so, was a challenge to the legislative conscience have served not only to disgust many of the men who feel that they are bound to vote for him, but it has stirred Spalding himself to wrath and he has sent a telegram to Works challenging him as a former member of the supreme court to give the public a Works' interpretation of the direct primary law.

Here is the text of Spalding's challenge to Works: SAN DIEGO, Cal., Jan. 5. To Grant Conard, Sacramento hotel, Sacramento.

The following is a copy of a telegram I have just sent to John D. Works at Sacramento and a self-explanatory:

Judge John D. Works, candidate for United States senator, Sacramento, Cal.

This morning's paper quotes you as follows: "The legislators know the law and I am willing to leave it to them. I agree with you that the legislators know the primary law, but either they do not know it or that under a strict interpretation of the direct primary law I carried the primary election by a majority of 73 districts against 40 districts by you. By this vote of the people I was elected to represent the United States senator in accordance with the primary law, and it only remains for the legislator to represent the vote of the people of their respective districts in ratifying my election. I understand that you claimed both you, and those speaking in your behalf, that as you received a majority of the vote of the people from your own county, that you have your legal claim upon that seat."

I find nothing in the primary law that in any way refers to such a method of reckoning the results of the primary vote. How, then,

Many aches and ills not supposed to be caused by coffee disappear when a change is made to well-made

POSTUM

The health beverage which helps rebuild the broken-down nerve centers.

"There's a Reason"

Postum Cereal Co., Ltd., Battle Creek, Mich., U. S. A.

can such a question become factor at this time?

In order to enlighten the public mind and to avert any heeding of the real issue, I hereby courteously challenge you in your professional capacity as a lawyer and former judge of the supreme court of California to publish in a leading paper an opinion signed by yourself, stating that not I—but you, in accordance with the California direct primary law, are now legally entitled to be elected by the state legislature for the office of United States senator.

SPALDING ADHERENTS AROUND

The champions of A. G. Spalding and the direct primary law are full of fight again. They had a good day and their spirits are high tonight. They say that the tide has turned again to their man and that his arrival, which they hope for not later than Sunday night, will wreck the band wagon movement which Lissner has announced.

The reappearance of fighting blood in the Spalding contingent was evident on every hand. The Spalding people opened the day with a snap. They found that some of the men who had been counted by Lissner as in the Works column were unshaken in their loyalty to the primary law and to the instructions voted by their respective constituents.

A special committee from the San Diego delegation headed by Rufus Choate, secretary of the San Diego chamber of commerce, is on its way to Sacramento to endeavor to induce Spalding to change his decision not to come to Sacramento. They believe that the tide can be turned into a wave that will sweep Spalding into the senate if they can induce him to throw his splendid personality into the fight.

The reassurances given them today by men whom they believed had been driven into the Works' camp coupled with the knowledge that Lissner's claims touching the votes of the members south of the Tehachapi is a bluff aside that they have changed to their man can be turned into a wave that will sweep Spalding into the senate if they can induce him to throw his splendid personality into the fight.

LISSNER'S BLUFF IS SEEN

The reassurances given them today by men whom they believed had been driven into the Works' camp coupled with the knowledge that Lissner's claims touching the votes of the members south of the Tehachapi is a bluff aside that they have changed to their man can be turned into a wave that will sweep Spalding into the senate if they can induce him to throw his splendid personality into the fight.

SPALDING CHALLENGES WORKS

Judge Works' statement given to the press and in which he declared that he would not do right unless he promised to do so, was a challenge to the legislative conscience have served not only to disgust many of the men who feel that they are bound to vote for him, but it has stirred Spalding himself to wrath and he has sent a telegram to Works challenging him as a former member of the supreme court to give the public a Works' interpretation of the direct primary law.

Here is the text of Spalding's challenge to Works: SAN DIEGO, Cal., Jan. 5. To Grant Conard, Sacramento hotel, Sacramento.

The following is a copy of a telegram I have just sent to John D. Works at Sacramento and a self-explanatory:

Judge John D. Works, candidate for United States senator, Sacramento, Cal.

This morning's paper quotes you as follows: "The legislators know the law and I am willing to leave it to them. I agree with you that the legislators know the primary law, but either they do not know it or that under a strict interpretation of the direct primary law I carried the primary election by a majority of 73 districts against 40 districts by you. By this vote of the people I was elected to represent the United States senator in accordance with the primary law, and it only remains for the legislator to represent the vote of the people of their respective districts in ratifying my election. I understand that you claimed both you, and those speaking in your behalf, that as you received a majority of the vote of the people from your own county, that you have your legal claim upon that seat."

I find nothing in the primary law that in any way refers to such a method of reckoning the results of the primary vote. How, then,

Many aches and ills not supposed to be caused by coffee disappear when a change is made to well-made

POSTUM

The health beverage which helps rebuild the broken-down nerve centers.

"There's a Reason"

Postum Cereal Co., Ltd., Battle Creek, Mich., U. S. A.

BILL TO EXTEND MCGENERNEY ACT

Measure Would Give Property Owners Until December 31, 1912, to Quiet Title

Senator Wolfe Aims Blow at White Slave Traffic by Making It a Felony

[Special Dispatch to The Call]

CALL HEADQUARTERS, SACRAMENTO, Jan. 5.—Provision for the extension of the McGenerney act to quiet title to San Francisco property for which records were lost during the fire was contained in a bill presented in the upper house of the legislature today by Senator Cassidy of San Francisco. The bill is drawn to comply with the legal provisions of the recent ruling of the supreme court of the United States declaring the McGenerney act constitutional.

The bill extends the time for filing suits to quiet title under the McGenerney act until December 31, 1912. Under the old act the date for filing quiet title suits expired January 1, 1911.

TO EXPEDITE BILLS

A new senate rule, designed to expedite the examination of proposed amendments to bills in the upper house, was adopted through a resolution proposed by Senator Stetson. All drafts of proposed amendments must have underlined all additions or new words injected into the bill and must contain brackets showing proposed eliminations.

The resolution when presented in the morning met with objection from senators who had already prepared drafts of amendments without these features. As a result the resolution was made a special order for the afternoon session, when it was adopted without dissent.

WOLFE AFTER WHITE SLAVERS

An attack upon the white slave traffic by means of state legislation was begun through the filing of a bill by Senator Edward I. Wolfe of San Francisco. The act would make such dealing a felony, punishable by imprisonment of from one to three years, and includes the class of men who live off the wages of fallen women. The bill provides no woman can base a refusal to testify upon the ground that she has consorted with the defendant.

Clyde Bishop of Santa Ana has prepared a bill to permit savings banks to purchase bonds of drainage and protection districts and W. A. Sutherland of Fresno will introduce in the lower house a bill intended to put the bonds of irrigation districts on a par with school bonds or municipal corporation bonds, this latter to be accomplished by authorizing that certain public funds may be invested in irrigation bonds as well as in school bonds at present.

FOR CRIMINAL BUREAU

A proposal to establish a new state bureau of criminal identification and investigation under the direction of a board of managers to be appointed by the governor is incorporated in a bill by Senator Wolfe. The bill calls for the creation of a bureau, with a board of six managers to be appointed for four years, three of which terms shall expire each three years. A director, six clerks and a stenographer are to be appointed by the board, to hold office at its pleasure. The novel feature of the bill is the provision that the director shall consist of three chiefs of police of California cities and three sheriffs of California counties.

PHES CURED IN 6 TO 14 DAYS

Your druggist will refund money if Pazo Ointment fails to cure any case of Itching, Blind, Bleeding or Protruding Piles in 6 to 14 days. 50c.

SPALDING WON TOGA ATTORNEYS AGREE

Primary Law Admits of No Other Construction, Say Legal Authorities

"Duty of the Legislature is Clear," States Stephen Costello

[Special Dispatch to The Call]

Local attorneys are practically a unit in their declaration that the direct primary law, as it bears upon the United States senatorship, admits of but one interpretation. While there is naturally a variety of individual preference, there is substantial agreement that a fulfillment of the terms of the statute in entire good faith would mean the election of Spalding.

The situation was summarized by Attorney James C. Sims in a few words. He said:

In the present contest for United States senator, the direct primary law should govern. Spalding receives the indorsement of 76 districts and, therefore, should be elected. The law covers the situation adequately. If we are not to abide by the law, then it was useless to have passed the direct primary bill at all. It is very much like an equity case in which the jury returned a verdict for Spalding and a judge should try to set aside in favor of Works.

DREW TAKES SAME VIEW

Frank Drew took the same view. He said:

Under my reading of the section, where it provides that "members of the legislature shall be at liberty to vote either for the choice of their respective districts expressed at said primary election, or for the candidate for United States senator who shall have received the indorsement of the party at such primary election in the greatest number of districts electing members of such party to the legislature"—and since a majority of the legislators are bound to vote for Spalding, the endeavor to construe the act in favor of Works shows that those people are willing to follow the law only when it is their way.

LAW CLEAR SAYS DAM

To Cleveland L. Dam the issue appeared a simple one that could admit of no misunderstanding. He said:

I have no special interest in the senatorial election, but taking the law as I find it, the matter of the legislative districts governs, and the man who carries the greater number of these is entitled to the position. As I understand it, Works has a majority of the vote and Spalding a minority, but Spalding carried a majority of the districts and Works a minority. Under those conditions Spalding is entitled to the honor. It looks to me that such is the intent of the law.

"ENFORCE LAW" SAYS COSTELLO

Stephen Costello took a similar stand. He said:

The duty of the legislature is clear. Spalding, having carried a majority of the districts, is entitled to the senatorship. Irrespective of the merits of the candidates, the law ought to be enforced. That's all there is to it.

FRANK ATKEN SAID:

The intent of the direct primary law is such that Spalding has certainly the better of it on a technical construction. Neither Spalding nor Works, in my opinion, received what might be called a striking indorsement. In the face of the law, however, the advantage rests with Spalding.

Judge S. C. Denson spoke to the point. He said:

Under the law, I should say that Spalding is entitled to the senatorship.

VICHY CELESTINS Standard Alkaline Natural Water. A Delightful Table Water with Highly Medicinal Qualities. Standard Remedy for Dyspepsia, Stomach Troubles and Gout.

FURS Brought from N. Y. Storerooms. ALSO GOWNS SEIZED By U. S. Government. Sold to Us Dec. 14, 1910, for Non-Payment of Duty ON SALE

TODAY & TOMORROW SUITE 642, ST. FRANCIS HOTEL AT ONE-THIRD APPRAISED VALUE

Pony Coats—Made of finest flat Russian pony hair, extra skins, lined with beautiful satin, jeweled buttons. VALUE \$150. PRICE \$34

16 Black Sets—Made of finest black Belgium HARE open rug muff; long, silky hair; skins marked Buffalo Bay, a quantity of finest quality, most exceptional bargain. VALUE \$70. PRICE \$22

12 Mink Sets—Made of finest genuine Eastern mink procurable; shawl collar, small muff, 30 hands, tails, paws; an opportunity not to be overlooked. Guaranteed VALUE \$130. PRICE \$35

8 Alaska Sable Sets—Made of the finest Alaska sable or skunk skins, large collar, fur muff and beautiful shawl collar. Pointed like silver fox. Store keepers VALUE \$110. PRICE \$36

11 Gents' Coats—Of finest broadcloth, shell lined, made with exceptionally perfect skins, large shawl Persian lamb collar, cuffs and facing; finest light curl skins; best coat of the law. Guaranteed VALUE \$125. Must be seen to be appreciated. PRICE \$39

ALSO A NUMBER OF GOWNS CONFISCATED BY U. S. GOVERNMENT. Gowns—Most beautiful creations; made by finest Parisian tailors, costing over \$100 each. PRICE \$22

DON'T MISS THIS SALE—MOST ASTONISHING OFFER EVER MADE TO BUY MOST BEAUTIFUL FURS AT THESE LOW PRICES—CALL AT ONCE. SUITE 642 ST. FRANCIS HOTEL On Exhibition Daily Until 8 P. M.

Nothing Like them in the world. CASCARETS the biggest seller—why? Because it's the best medicine for the liver and bowels. It's what they will do for you—not what we say they will do—that makes CASCARETS famous. Millions use CASCARETS and it is all the medicine that they ever need to take.

CASCARETS is a box for a week's treatment, all druggists. Biggest seller in the world. Millions boxes a month.

The Call's Branch Offices Subscriptions and advertisements will be received in San Francisco at the following offices:

167 FILLMORE STREET Marks & Pink Open until 11 o'clock every night 16TH AND MISSION STS. Mills' Stationery Store 1108 VALENCIA STREET Blake's Book 818 VAN NESS AVENUE Parent's Stationery Store 2209 FILLMORE STREET Treman's Branch 533 HAIGHT STREET The Atlas 1474 HAIGHT STREET The Atlas 16TH AND MARKET STREETS Jackson's Branch 874 VALENCIA STREET Halliday's Stationery Store NINETEENTH ST. N. CASTRO Mass' Bazaar. Tel. Mission 2283

LEASE EXPIRES SOON We're Going to Vacate Our Fillmore Street Store And Concentrate Our Business at the Market Street Store Entire \$50,000 Stock Now on Sale at Tremendously Reduced Prices This sale is a full-fledged success. Its big, REAL, unprecedented bargains were quickly appreciated by a discriminating public, and our Fillmore Street store has been crowded with buyers every business minute since it started. People are coming here from all parts of the city to buy clothing, hats and furnishings. And everybody who comes saves a lot of money: You ought to come, too. COME TODAY. See These Wonderful Values in Men's Clothing \$10 Suits and \$5.75 Overcoats for \$15 Suits and \$9.75 Overcoats for \$20 Suits and \$12.75 Overcoats for \$5.75 is a positively ridiculous price for such good suits and overcoats as these. Made from fancy worsteds and chevots. Material alone is worth more than \$9.75. The latest models and the newest fabrics. Extra good values at the old price—\$20. The Best \$5.00 Trousers for \$1.85 Trousers for \$2.75 Amazing Bargains in Boys' Clothes--Rare News for Mothers \$4.00 and \$5.00 Boys' Suits \$2.95 \$6.50 and \$7.50 Boys' Suits \$4.95 \$10.00 and \$12.00 Boys' Suits \$6.95 \$1.50 Corduroy Trousers for 95c Fine Quality Boys' Blouses 35c You rarely find suits like these in a sale. They are made of the choicest materials, in the newest designs. Long pants. The popular Knicker style. Soft finish. Extra well made. Will resist wear almost like woven steel. A saving of 55c on every pair. Full cut. Made of heavy drills and chevots. All sizes. The best value in blouses offered in many a season. Buy liberally. Stetson Hats--Broken Lines--The best \$4.00 values for \$2.75 Boys' Caps in very desirable styles--Were 50c each--Now cut to 25c Make No Mistake in the Store This Sale is at 1440 Fillmore Street Store Open Evenings During Sale Men's \$1.00 and \$1.50 Shirts now on sale at 65c Men's Neckwear--Solid Silk--Our regular 50c Ties for 35c, or 3 for \$1.00