

The San Francisco Call

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JUSTICE M. C. SLOSS of the California supreme court, in an eastern law magazine, the Journal of the American Institute of Criminal Law and Criminology, presents in luminous fashion and with expert knowledge of the subject the case for reform of our criminal jurisprudence and practice.

Sloss on Reform of Criminal Procedure

The just grievance that the lay mind entertains in this relation arises from the fact that we so frequently see the solemn judgments of trial courts reversed on appeal for some purely technical error that did the defendant no injury and did not touch the justice of the verdict.

Judge Sloss freely admits that verdicts should not be reversed on such grounds, but draws attention to the status of California constitutional law on the subject that makes it difficult for the appellate courts to determine whether the error was in fact insubstantial. He writes:

Where the appellate court can see from the record that the defendant's guilt has been clearly shown, and that he has had the essentials of a fair trial, the verdict should be permitted to stand. But it is apparent from what has been said that this course of decision can not be adopted by an appellate court whose constitutional powers are limited to review of questions of law. The inquiry whether a verdict is right or wrong, just or unjust, necessarily requires a decision upon the facts. That such inquiry may be made by an appellate court is demonstrated by the decisions of the English court under the criminal appeals act. It may be made by our appellate courts, provided we enlarge their powers by amendment of the state constitution.

I believe the constitution should be so amended as to give the higher courts power, in criminal appeals, to review questions of fact as well as of law to the extent necessary to determine whether or not any error of law, or any omission, has, in the judgment of the court, worked a substantial injustice to the appellant. If it is found that no such injustice has been done, the conviction should stand.

If this is the only obstacle standing in the way of a broad and just interpretation of the law and the facts, it would seem that all the appellate judges in the state might profitably petition the legislature to open the way of remedy by submission of a constitutional amendment that would remove the cause of offense and would free the higher courts from the reproach that has in recent years so frequently attached to them for no fault of their own, as Judge Sloss contends.

Further, Judge Sloss points out that our system of laws unduly favors the criminal. He contends that the public prosecutor should be permitted to comment on the refusal of a defendant to testify. The present law on this subject represents the highest degree of absurdity, and it is astonishing that it has so long been tolerated by a civilized community. It is a belated survival of medievalism.

Apparently Judge Sloss has been impressed by the current literature on the subject of "the third degree" and would exclude from testimony any confessions obtained under police pressure. This is perhaps a debatable question on which a layman is quite competent to form an opinion. It is true that methods of torture applied by the police are all wrong, but it may be that the literature on this subject is grossly exaggerated. It should be remembered that the practice of the American police is the accepted French method and is not considered unjust in that country. Judge Sloss prefers the British practice, under which a prisoner is not questioned and is cautioned that any information he volunteers may be used against him. The French plan is undoubtedly subject to abuse by unscrupulous officials, but it has been found to serve the cause of justice in that country.

FOR years it has been an accepted doctrine of the courts that land claims located under the placer mining laws are valid and unimpeachable before discovery when development has been prosecuted in good faith. Millions of dollars have been invested in lands believed to be oil bearing on the faith that this law applied to them; the best lawyers have agreed in passing on such titles.

Remove Uncertainty as to Oil Land Titles

This doctrine has been repeatedly affirmed by the California supreme court. In fact, it was never questioned until recently, when the United States land office handed down a ruling known as the Yard decision. The result of that ruling has been to unsettle thousands of titles taken up and prosecuted for development in good faith. It is a decision disastrous to the growth of the oil industry and, besides, spells ruin for innumerable investors.

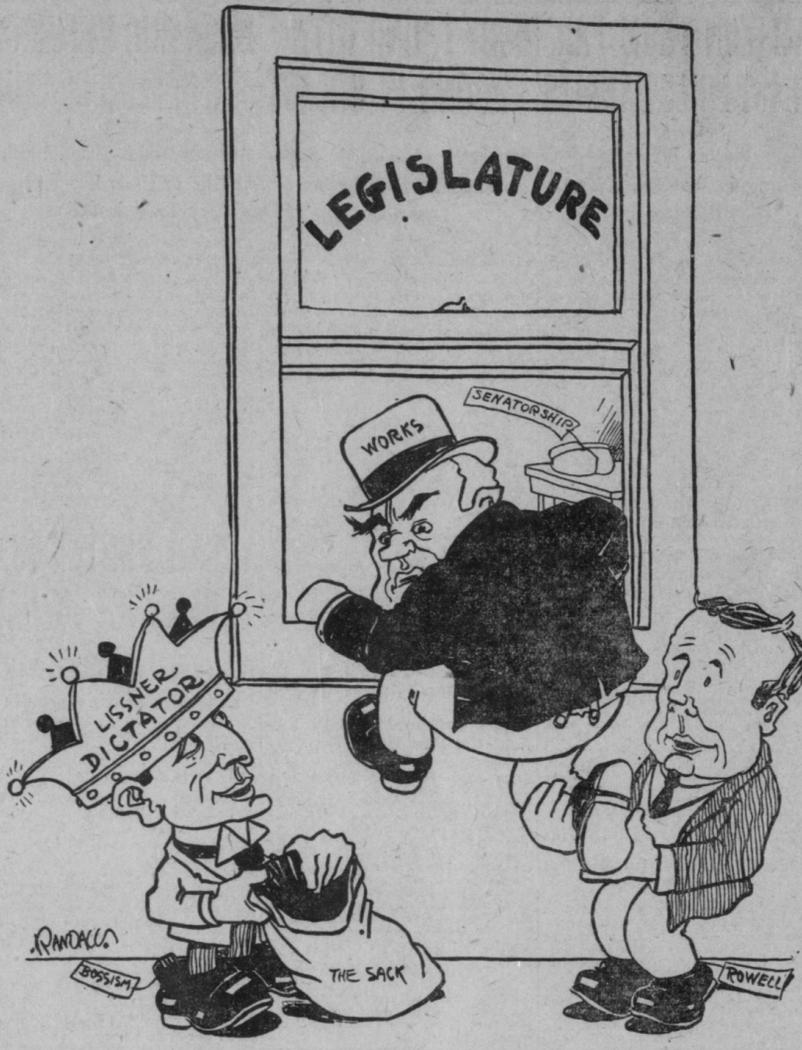
The locators of such claims are now asking congress to enact a law that will set aside the Yard decision and restore the former doctrine which gave validity to these titles prior to discovery of the oil on proof that the holders had honestly engaged in work for the development of the real or supposed oil measures, and to give them the right to sell such claims as of legal title. It is a simple measure of justice as well as of the highest industrial expediency. Developing an oil claim is expensive business, and any uncertainty attaching to the title is practically prohibitory of development.

RECENT disclosures concerning buying and selling of votes in Ohio are astonishing as well as discreditable to that commonwealth. There appears to have been in certain counties a well established and openly recognized trade in votes, and it seems as if prices were being marked up year by year, possibly in sympathy with the high cost of living. A dispatch from Columbus describes conditions in one county:

Wholesale Vote Buying in Ohio

It is said that the buying and selling of votes has been going on in Adams county for more than thirty years. It started with the use of election funds in gubernatorial campaigns. "The Hill Billies" or residents of the poorer districts in the hills, immediately pounced upon it as

Stop, Thief!



a fine method of turning an extra penny. It was not long before candidates for all offices found that an amazingly large number of hands were out. The price of votes, which had been small in the beginning, began to rise. Competition grew so keen that men auctioned their ballots from soap boxes in front of the courthouse in West Union. Many a county officer has been forced to pay a campaign assessment of more than \$2,500 to obtain an office with a salary of \$1,800. Running for office has meant the financial ruin of more than one. The price of votes went up from \$2 to \$20. More than a third of the voting population of Adams county is declared to have been involved in the traffic. So rapacious did the voters become that the politicians found the situation fast getting beyond their control.

Since the last election there have been wholesale convictions, mostly on pleas of guilty for the offense of vote selling. The strange thing is that this unusual activity of justice in Ohio was inspired as a measure of self-defense by the politicians.

The election judges in Adams county stood in on the trade and one of their number inspected ballots, when desired, before they were deposited. If the vote was "right" the judge scratched his ear and the price was paid. It is said that nine other Ohio counties have been following the example of Adams.

SAN FRANCISCO has always pursued a liberal and enlightened policy in relation to the creation and development of the municipal park and boulevard system. The tax payers of this city have ungrudgingly invested millions of dollars in such betterments and there is no doubt that the investment has paid and is paying. The wisdom of this policy is enforced by the fact that other active and progressive municipalities are taking up and following the example which San Francisco set some forty years ago, when the first steps in this relation were taken.

Parks and Boulevards as an Investment

Kansas City, for example, has within fifteen years created a system of forty-five miles of boulevards and 2,100 acres of parks. The system has so far cost \$10,000,000, with one result, among others, that property in the neighborhood of these municipal improvements has appreciated in value by more than that sum.

George E. Kessler, landscape architect of the Kansas City park board, is quoted to this effect in an article in the Outlook, which says: "Real estate men," Mr. Kessler says, "discovered years ago that frontage on boulevards easily doubles the market price of lots on streets two or three blocks distant."

As a result, Kansas City today is acquiring many miles of boulevards, which cost nothing for the original dedication and construction. To obtain the first boulevard it was necessary to condemn strips of ground and to construct roadways, parking and walks, assessing the cost against the property. Now, as additions are made to the city, many property owners desire to plat the ground to include boulevards, to dedicate and build such boulevards at their own expense, and deliver them finished to the city. The work, of course, is done under the supervision of the park commission. In this way several miles of boulevard have been added to the system. The change in attitude toward the park and boulevard system has been due in part to the elevation of public taste, which now demands beauty in city building. But an exceedingly important factor has been the discovery that beauty is an asset that can be realized on commercially.

It is an interesting fact that the initiation of the Kansas City park and boulevard system was met with the bitterest opposition from a considerable body of tax payers, but the results have been so striking that the feeling is now all the other way.

San Francisco has spent a great deal more than Kansas City on its parks with good results, but the development of our boulevard system has not proceeded with the same energy.

ANSWERS TO QUERIES

POSTMAN-W. A. S. City. What is the rate of salary paid a postman? Presuming that by the term "postman" you mean letter carrier, the salaries vary. In this state they are \$1,200, \$1,100, \$900 and \$800 a year.
FREE SCHOOLS-A. S. G., City. Where did the free school system originate—in which city, state or country? The free school system originated in Holland long before it was thought of in this country. Hartford, Conn., was the first colonial town to found a free school for the education of children. Massachusetts was the first state to enact a law to provide for the education of children at public expense. This law was passed in 1642.
P. J., City. What are supposed to be the characteristics of a man who is called a "booster"? Stupidity and slowness.
STATE CAPITAL-Reader, Oakland. Which state capital is the highest, that is, as to altitude, and which the lowest? The highest is Denver, 5,175 feet above sea level, and the lowest Annapolis, only 4 feet above such level.

FOLDER TELLS OF STATE'S BEAUTIES

Exquisite Advertisement of California Issued by St. Paul Railway

PROBABLY one of the most exquisite folders ever issued on California as a winter resort has just been mailed by the passenger department of the Chicago, Milwaukee and St. Paul. It is entitled "Winter's Summer Garden," and contains more color than has been seen in a similar publication for some time.

The cover page is a reproduction in colors of California's huge trees and the decorations throughout the booklet are typical of the famous California scenery. The reading matter is of particular interest to the tourist and is one of the best pieces of California advertising matter ever issued. Space is devoted to San Francisco and its rehabilitation, as well as to other parts of the state.

A. Y. Letich, passenger agent of the Santa Fe at Los Angeles, is in the city on a business visit.

J. A. Edwards has been appointed city passenger agent of the Southern railway at St. Louis, vice O. G. Houseman, resigned to engage in other business. Porter King has been appointed city passenger and ticket agent of the same road, with headquarters at Mobile, Ala., succeeding C. W. Keller, resigned to engage in other business.

The Erie has issued a small card showing railroad statistics of a year ago which argues in favor of a better feeling between the public and the transportation companies.

The members of the California association of traffic agents will hold the first of a series of meetings commencing next Saturday afternoon with a banquet at a downtown cafe. On Saturday, February 4, the association will run an excursion over the Western Pacific to Portland. Early in March a trip will be made to Sacramento over the Netherlands route on the Southern Pacific's new steamer, and May 26 to May 30 an excursion will be given over the Santa Fe to the Grand canyon. The committee in charge of the banquet is as follows: George G. Fraser, Matt J. Lindsay, Henry Avila, H. E. Jarman, S. M. Tate, W. D. Wells, L. M. Allum, Charles F. Dorgeh and J. E. Warren.

C. L. Seagraves, general colonization agent of the Santa Fe, with offices

at Chicago, is in the city looking after colonization projects.

In the last 11 years 15,834 persons were killed and injured on the Pennsylvania lines as a result of trespassing on the railroad's property in violation of the law. In 1907, 916 persons were killed as a result of trespassing, and officials of the company then began a campaign of education, as a result of which the total of persons killed in 1910 was 585.

R. S. Ruble, assistant general passenger agent of the Union Pacific, on January 3 was promoted to be assistant general passenger agent in charge of passenger traffic on all Union Pacific lines in Colorado, excepting points on the main line, and in charge of lines in New Mexico and in Wyoming as far as Cheyenne and west from Cheyenne to Ogden. W. K. Cundiff has been appointed assistant general passenger agent of the Union Pacific at Omaha, succeeding Ruble.

The regularly scheduled meeting of

of the more than 10,000 visitors to Yellowstone national park during the 1910 season, the vast majority were from the east and foreign countries. This indicates that the people in the west do not appreciate what a wonderful and delightful place for an outing lies, comparatively speaking, right at their door.

of the state railroad commission will take place this afternoon in the commission's offices in the ferry building.

E. L. Lomax, passenger traffic manager of the Western Pacific, is expected to return to this city this evening after a business trip to the south.

James Horsburgh Jr., general passenger agent of the Southern Pacific, who has been in the southern part of the state for several days, returned yesterday.

Joseph Jarrison of the Washington Sunset route and Phil Gordon of the Sunset lines left last night for a business trip to Portland, Seattle and other northern points.

Uncle Walt The Poet Philosopher

I took a can of paint one day, and made my stable green and red, and Neighbor Johnsing passed that way, and thumped me on the back and said: "Great smoking whiskers! Friend of mine, you are an Angelo, that's clear! The skill you've shown in every line! Such technique and such atmosphere! I've seen the galleries of art in Munich, Brussels, and in Spain, but after this they would impart to any critic's soul a pain! I've traveled east, I've traveled west, I know the lore the masters taught, and this achievement is the best that ever modern hands have wrought." This tribute made my bosom glow; I said: "In art I see I'm strong; I'll call my barn a studio, and wear my hair and whiskers long." Then up the alley Neighbor Binn went prancing home, with all his might; he viewed the stable with a grin, and cried: "Great Caesar! What a fright! Whatever beasts you put inside, be they hyenas, mules or rams, will view that painting open eyed, and think they have the James H. Jams." For half an hour it made me sore, this rude rebuff my neighbor sprung; but when that little time was o'er, I said: "He has an honest tongue. The truth is better for a man than all the taffy one can strew; and so methinks I'll change my plan, and paint this stable pink and blue."

SINCERITY

WALT MASON

Copyright, 1910, by George Matthews Adams. Drawn by Mason.

The Morning Chit-Chat

THAT which we call a rose by any other name it would smell as sweet." Was there ever a more glaring misstatement than that?

Surely as great a poet as the one who said that must have been perfectly well aware that if you called a rose a peony it couldn't possibly smell half so fragrant.

Surely he must have known that there is a warm flushed sweetness in the sound of the word "rose" that peony or petunia doesn't suggest at all.

Tell you what made me think of it. Molly, the little stenographer, is decidedly thin, and for such a reasonable person she is rather sensitive about it.

The subject came up last night and Molly was particularly bitter.

"Why is this?" we questioned. "Have you lost any of those precious 102 pounds?"

"No, 't isn't that," explained Molly, "but my aunt was out to the house last night and she said, 'Isn't it a shame, Molly, when the rest of your family are so good sized that you should be so terribly skinny.'"

"I don't mind being 'thin' so much, but, oh, it's awful to be skinny."

I don't believe there is a thin girl in the land who couldn't shake an it with Molly.

Would even Mr. S. dare to say that it doesn't make a vast difference whether you call a state of body—

"Slender" and "slim,"

Or "Thin,"

Or "Skinny," "lean" or "poor?"

Would even he dare to assert that it doesn't make a lot of difference whether you describe the lady with the much embonpoint as:

"Plump,"

Or "Large,"

Or "Stout," "corpulent" or "fat?"

And here's a few more questions for him: Which would he rather go—"autolins" or "motoring" or "out in the machine?" For his benefit, as they may not have motor cars where he is just now, I will explain that whereas once on a time we were all proud to go "autolins" or "automobiling" and later "motoring," nowadays only the hotel polloi do any of those things. The select folks "go out in our machine," which would he rather ride in, a "parlor car," which is what folks from the country call it, or a "chair car" (which is what the people who would be horrified to have to ride five miles in a "day coach" denominate it)?

Which would he rather spend at his friend's house, Saturday afternoon and Sunday or "the week end?"

"A rose by any other name would smell as sweet."

Go along, man.

I know that every little scribbler since your day has made copy by disproving that statement.

But surely you laid yourself open to it.

And anyway, that opportunity makes just one more debt that we all owe to the immortal William.

Ruth Cameron

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Abe Martin



There ain't nothin' a woman likes 't do better'n havin' somethin' charged. Miss Fawn Lippincott is flat roguish enough 't buy chewin' gum at a seegar store.

PERSONS IN THE NEWS

- G. LEY VERNON, who is a director of Ritz-Carlton hotel company and a heavy stock holder, is staying at the St. Francis with Mrs. Vernon. He is from London and has been making a tour of the northwest. The company he represents recently purchased the Scheele hotel in Pittsburgh for \$1,500,000. The Ritz-Carlton company operates hotels in all the large cities of Europe. Its investment reaches \$100,000,000 in hotel properties in Europe and about \$10,000,000 in the United States. The company also has the restaurant concessions on the Hamburg-American line.
FERRY DAVIS, a real estate operator of Seattle, who is also in the jewelry business, is at the St. Francis. He made a fortune in the recovery of tide lands.
A. MACCORQUODALE, commercial agent of the Oregon-Washington railroad and navigation company at Spokane, is at the Palace.
A. MARTINELLI, proprietor of a general merchandise store at Inverness, is at the Argonaut for the aviation meet.
HOMER H. SMITH and E. A. Gillingham, insurance men of Sacramento, are at the Stewart, accompanied by their wives.
A. G. WISHON, who is interested in an electric light and power plant at Fresno, is at the Palace.
DELOS A. CHAPPELL, a mining engineer of Denver, is at the St. Francis with Mrs. Chappell.
CYRUS T. CLAFF, formerly state senator of Washington, is at the Palace with his family.
O. ROY RULE, an insurance man of Los Angeles, is among the recent arrivals at the Palace.
M. MURPHY of Ogden is at the Van Dora.
BARON TINDAL HOOGLANDT of Paris is at the St. Francis. He has been in this country about three months. In the east he heard a great deal of the opportunities for investment in the west and has come to this city to look over the ground personally.
R. P. LATHROP, a grain grower of Hollister, is at the St. Francis with Mrs. Lathrop.
W. H. RAYMOND, an insurance man of Portland, is at the Palace with Mrs. Raymond.
C. A. TATUM, a capitalist of New York, is spending a few days at the Palace.
K. A. SCHOENFELD, a furniture manufacturer of Seattle, is at the St. Francis.
C. D. DANABER, a lumberman of Spokane, is registered at the St. Francis.
L. M. STARR of Portland is at the Bellevue with Mrs. Starr and Miss Starr.
B. A. HAYDEN, an oil operator of Bakersfield, is staying at the St. Francis.
J. P. LOREE, a railroad engineer of New York, is a guest at the Fairmont.
J. J. WILSON, in the rubber business at New York, is at the Colonial.
GEORGE F. HANSON of Chicago is at the Fairmont with his family.
T. W. HENRY, postmaster of Paso Robles, is at the Argonaut.
DR. C. ARTHUR WILSON of Vancouver, is at the Palace.
P. MCANN, an attorney of Los Angeles, is at the Colonial.
MR. and MRS. TEEPER of New York are at the Bellevue.
J. R. EAMES of New York is at the Van Dora.