

U.S. COMMISSION OFFERS DRASTIC LABELING BILL

Proposed System of Compensation for Injuries That Abolishes Present Remedies

General Basis of One-half Wages Suggested; Law to Be Compulsory on All Parties

WASHINGTON, Feb. 20.—The most drastic employers' liability legislation advocated in many years is proposed by the federal commission on employers' liability and workmen's compensation in its report made public today.

Headed by Senatorutherland of Utah, the commission's personnel includes Senator Charles McNamara, Representative Moon, Pennsylvania; Representative Brantley, Georgia, and D. L. Cense, editor of a railroad man's magazine.

The report is accompanied by the draft of a bill in which the commission eliminates the common law doctrine of negligence with what it characterizes as "the unjust defense, assumption of risk, fellow servants' fault and contributory negligence."

COMPENSATION BASIS

Compensation with a general basis of an equivalent to one-half wages is to be paid in every case except where the injury of death is caused by the willful intention of the employee to injure himself or another or in case of intoxication while on duty.

The railroad companies of the country are paying out to their employees for accidents, in settlements and judgments, approximately \$10,000,000, and the proposed law, as nearly as the commission can estimate, will cost this by 25 per cent. Figuring on the periodical payments extending over a term of years and capitalized at 5 per cent, the commission points out that the total amount to be paid to beneficiaries would reach an aggregate of \$15,000,000 annually.

EFFECT OF NEW ACT

It points out that for every dollar the railroad companies are compelled to pay under existing law they will, under the proposed law, pay approximately \$1.25 and that for every dollar the employees and their dependents now receive they will receive a sum very much in excess of \$1.25.

It says that during 1908, 1909 and 1910 the railroads paid \$14,500,000 in settlements and judgments alone on account of the compensation law to 12,000 workers, and \$21,333,000 for permanent or temporary disabling injuries, as well as sustaining an economic loss of 161,654,000 days.

The proposed bill declares that it is the policy of congress to consider the burden of payments for personal injuries as an element of the cost of transportation and direct the interstate commerce commission to recognize and give effect to this policy.

ABOLISHES COMMON LAW

The bill provides that every common carrier engaged in interstate or foreign commerce by railroad shall pay compensation to any employee who sustains personal injury in line of duty or to his dependents in case of his death. It makes the remedy exclusive by reason of the compensation being complete satisfaction. It abolishes all existing common law and statutory remedies.

The bill excludes from compensation the first fourteen calendar days of the employee's disability, except where the employer is to furnish all necessary medical and surgical aid, including hospital service, and is to continue to pay full wages for the fourteen days under specific provisions.

The employer or his dependent must notify the employer of the accident within thirty days, except under contingencies which extend the limit to ninety days.

PROVIDES FOR ADJUSTERS

After the fourteen day period following the injury employer and employee are to agree in writing on a settlement; arbitration committees may be organized by them to settle disputes and award compensation, subject to review within two years by an "adjuster of accident insurance" to be appointed by each district court for four years' terms at from \$1,000 to \$5,000.

Jury trial rights are preserved, but are to be deemed waived except on demand. Provision is made for appeal to the circuit court of appeals and to the supreme court.

SCALE OF PAYMENTS

Monthly payments of death benefits are to be made for eight years thus: A widow alone, 40 per cent of the monthly wages; widow and child under 16 or other dependent 50 per cent; any child under 16 or dependent 25 per cent, and 10 per cent for each additional child; payments, if the widow dies or remarries within eight years to be continued to the children for the unexpired period. If no widow or children 15 per cent to partially dependents, and 20 per cent to one wholly dependent. For loss of an arm payments are to be continued for 20 months, a leg 66 months, an eye 30 months, a thumb 13 months. No payments are to be made while the employee is at work at wages 90 per cent of those received at the time of his injury.

PERSONAL COMPENSATION

Personal injury compensation is made on the basis of 50 per cent of monthly wages for life for permanent total disability and 50 per cent during temporary total disability. For loss of an arm payments are to be continued for 20 months, a leg 66 months, an eye 30 months, a thumb 13 months. No payments are to be made while the employee is at work at wages 90 per cent of those received at the time of his injury.

Among the points discussed by the commission in its report are these: Congress has the constitutional power to pass this legislation. It does not constitute a denial of due process. The law would be compulsory, going into operation irrespective of the consent of the employers and employees covered by it.

PICKPOCKETS AND SNEAK THIEVES STILL ACTIVE

George S. Harvey, 1160 Eddy street, reported yesterday that his cash drawer was looted and \$53 stolen. The Hoffman saloon, 1157 Golden Gate avenue, was burglarized yesterday morning and \$7.50 was taken from the cash register.

Jewelry valued at \$50 was stolen from the home of Mrs. H. Cyrus 84 Hartford street, yesterday by burglars. Pickpockets on a Market street car stole a purse containing \$15 from Miss Marian Ingalls, 678 Seventeenth street, Oakland.

PILES CURED IN 6 TO 14 DAYS

Your druggist will refund money if Piles Ointment fails to cure Hemorrhoids, Blind, Bleeding or Protruding Piles. 50c

TAFT FAVORS COMMON LAW Urges Employers' Liability Act

WASHINGTON, Feb. 20.—President Taft today submitted to congress the report of the employers' liability commission and the commission's proposed employers' liability and workmen's compensation bill, accompanied by a message urging the enactment of the measure, which is regarded as the most advanced piece of liability legislation yet presented.

The president sets forth that the proposed law not only would insure to employees of railroads engaged in interstate commerce quick adjustment of their claims for damages, but also would relieve the courts of a vast amount of work and enable them to administer judicial affairs with greater dispatch.

"I sincerely hope that the act will pass," says the president. "I deem it one of the great steps of progress toward a satisfactory solution of an important phase of the controversies between employer and employe that has been proposed within the last two or three decades."

The main provisions of the measure are sketched in the message, and Taft takes up and disposes of three objections advanced by its opponents.

"In the first place," says the president, "the question arises whether, under the provisions of the commerce clause, the bill could be considered to be a regulation of interests and foreign commerce. That seems to be already settled by the decision of the supreme court in the employers' liability case."

"The second question is whether the making of these remedies exclusive and the compelling of the railroad companies to meet obligations arising from injuries, for which the railroad would not be liable under the common law, is a denial of the 'due process of law' which is enjoined upon congress by the fifth amendment to the constitution in dealing with property rights."

"This question the report takes up, and, in an exhaustive review of the authorities, makes clear, as it seems to me, the validity of the act. It is sufficient to say that the argument of the commission is most convincing to show that the police power of the government exercised in the regulation of interstate commerce is quite sufficient to justify the imposition upon the interstate railroad companies of the liability for injuries to their employes on an insurance basis."

"The third objection is that the right of trial by jury, guaranteed by the seventh amendment, is denied. As a matter of fact, the right is preserved in this act by permitting a jury to pass on the issue when duly remanded, in accordance with the limitations of the act."

President Taft alludes to the alleged inequities attending personal injury litigation. He declares that perjured testimony, emotional juries and badly constructed laws limiting liability have tended to hamper the administration of exact justice, while the heavy expense of litigation has rendered it almost impossible for the poor man to command his rights. In referring to the conditions because of this form of litigation, the president says:

"The administration of justice today is clogged in every court by the great number of suits for damages for personal injury. The settlement of such cases by this system will serve to reduce the burden of our courts one-half by taking the cases out of court and disposing of them by this short cut."

The message concludes with the reiterated hope that the bill may be passed before the adjournment of the present session of congress.

'RIGHTS' WAIVED IN DYNAMITE CASES

Almost All Defendants to Surrender at Indianapolis Without Protest

INDIANAPOLIS, Feb. 20.—District Attorney Charles W. Miller received telegrams from many cities today to the effect that most of the 54 labor union officials indicted in the dynamite conspiracy cases would come to Indianapolis for arraignment March 12 without protest.

Henry W. Leggettner of Denver, a former member of the executive board of the International Association of Bridge and Structural Iron Workers, arrived today and was released on bond. In the 22 indictments he is charged with abetting the McNamara and Orrie McNamagal in violating the federal law prohibiting the carrying of dynamite and nitroglycerin on passenger trains.

"We could go right on with the trials immediately after the men are arraigned," said Miller. "So much evidence has been collected and put in shape that it will require no more preparation on our part."

Other witnesses heard by both juries include John R. Harrington, the McNamara attorney, and J. J. Cooney, a McNamara defense detective.

Harrington and Cooney live in Chicago. They were served with federal subpoenas there and had hardly reached Los Angeles in response before they were arrested with their associates.

Harrington said he had no idea what the authorities thought they could learn from him. He does not expect to be a state witness in the Darrow trial.

Homes Pledged for Bonds

DAVENPORT, Ia., Feb. 20.—Daniel Buckley's release from jail pending his hearing in connection with the Indianapolis dynamite cases was effected through the iron workers who mortgaged their homes. Buckley says that he has made a deposit of the proceeds of the sale of his home in the hands of the local union. His hearing was set for tomorrow.

The golden show marks another distinct triumph for the men and women who determined to make it the best of its kind. It must not be forgotten that the plans for these annual fairs involve untold energy spent by the men and women who year after year devote their leisure to the preparation of original and elaborate designs with the golden oranges, lemons, and the beautiful green olives, pomelos and other varieties of fruits intermingled with smilax, moss, and other greenery.

Thousands of luscious Washington navel oranges are used in making the exhibits, and these are supplemented by lemons and ripe and green olives to give color and effect to the design, while the moss and smilax make effective backgrounds and floor coverings.

The pavilion is elaborately decorated and innumerable electric lights suspended in festoons about the great room add much to the effective display. In addition to the many beautiful fruits, there are other attractions of almost equal merit that show the many varied resources of the imperial Sonoma valley.

The Santa Rosa and Petaluma Chambers of Commerce have exhibits in charge of their respective secretaries, at which much valuable information can be secured by the stranger who visits the fair. The principal feature of the Santa Rosa display centers about the noted horticultural and agricultural worker, Luther Burbank, and his many productions. Petaluma calls attention to its wonderful chicken industry with a tree of feathers bearing oranges and ported chicken ranch.

Miss Fidelia Furber, one of Cloverdale's most attractive young women, has charge of the art department. Among those who have works of art on exhibition are Miss Furber, Mrs. E. Furber, Mrs. William Domes, Miss Belle Carpenter, Mrs. Charles E. Hubbard and Mrs. Hill, all of whom are gifted in their lines of work.

The Italian-Swiss colony of Asti, a few miles south of this city, is represented at the fair by a display of its wines and champagnes.

The fair is well worth the time and money involved in a visit, and east-erners, used to ice and snow at this season of the year, will be well repaid for a trip through Marin and Sonoma counties through great orchards and chicken districts for a day at the fair. It will prove a wonderful awakening and show them that California, and especially the coast counties, have a wonderful climate as well as marvelous resources as yet only touched in the way of development.

HARDWOOD LUMBER RATE IS CUT BY COMMISSION

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ONE OF THE RICH MAN AND THE NEEDLE'S EYE

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The policeman selected as a subject was Patrolman Burns, who had arrested Gonzales on complaint of Miss Kate C. Holman.

Miss Holman testified that she had invested money in Gonzales' tonic, but that it was worthless. She said that she told Gonzales she would have nothing more to do with it, but he continued to annoy her by asking for support in manufacturing the tonic.

NATIVE BORN BOOZE—Stockton, Feb. 20.—A delinquent bartender named Harry Johnson was sentenced to jail for a year for selling a quart of whisky to a woman who was under the influence of the law.

Today's Meetings of Improvement Clubs

- Noe Valley Promotion association, Twenty-fourth and Castro streets.
South Central Improvement club, 1418 Howard street.
Downtown committee, of Chamber of Commerce at noon, St. Francis hotel.
Golden Gate Valley Improvement club, Yerba Buena school auditorium, Fillmore and Greenwich streets.
Ocean View Property Owners' association, 252 Broad street.
Excelsior Progressive association, 445 Haight street.
North Beach Promotion association, Washington Square hall, Columbus avenue and Powell street.
Mission Heights Improvement association, 3980 Twentieth street.
Clubs are requested to furnish data for this column.

GLOVERDALE OPENS GREAT CITRUS FAIR

Golden Show Marks Distinct Triumph for Workers and Managers

[Special Dispatch to The Call]

GLOVERDALE, Feb. 20.—In a blaze of glory the twentieth annual citrus fair under the auspices of the Cloverdale Citrus Fair association was formally opened today on an occasion of much significance, another triumph of the people of Cloverdale.

There were hundreds present and the fair opened to the accompaniment of music and oratory. The pavilion picture was striking, with a delightful blending of color and light and harmony.

Much taste has been displayed by the exhibitors and a vast amount of time devoted to making the fair the grand success it is from a spectacular point. The carnival spirit pervades everywhere, and the Orange City is en fete for the rest of the week.

TRIFLE FOR MANAGERS

The golden show marks another distinct triumph for the men and women who determined to make it the best of its kind. It must not be forgotten that the plans for these annual fairs involve untold energy spent by the men and women who year after year devote their leisure to the preparation of original and elaborate designs with the golden oranges, lemons, and the beautiful green olives, pomelos and other varieties of fruits intermingled with smilax, moss, and other greenery.

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VALET OF BANKER CRIES CONSPIRACY

Asks Pardon for Sentence as Burglar, Blaming Former Employer's Family

Continued From Page 1

and Gans, and Mrs. Schiff if necessary, should be allowed to tell all they knew in order to clear the Schiff name, and especially the reputation of Mrs. Schiff, from the imputation of scandal that has arisen.

Counsel for the state, county and for Brandt contended that if Mrs. Schiff's name has been dragged into the case it was as a result of statements by Schiff's lawyers.

District Attorney Whitman finally ended the discussion with a guarded statement that, in his opinion, it might defeat the ends of justice if Schiff and Gans testified, as they might thus obtain immunity and thereby possibly bring the grand jury was struggling.

Delaney Nicol, for Schiff, insisted that neither Schiff nor Gans sought any immunity; furthermore, they would not accept it.

"We will give you a written statement to that effect," he said. "Why can't the prosecution go on?" Commissioner Hand declined to take the responsibility of allowing Schiff and Gans to testify without first referring the matter to the governor.

HEIR'S CLAIM ALLEGED TO BE FRAUDULENT

Plaintiff Says Loss of Records Gave Opportunity

Charges that forged records presented to Superior Judge Cabaniss in 1910 caused the confirmation of Samuel Sands as the heir of Mary E. Tyler to a \$10,000 estate at Santa Barbara are contained in an amended complaint filed yesterday by Ellen Lynch against Sands, James S. Tyler, husband of Mrs. Tyler, and Judge Cabaniss, to have the court's order naming Sands as heir set aside.

Ellen Lynch is a sister of Mary E. Tyler. She filed a similar suit last January, but allowed the complaint to be dismissed without seeking to obtain definite action.

The documents alleged to have been forged are copies of affidavits by Tyler and his wife of their intention to adopt Sands, and accompanying papers purporting to show a relinquishment of the boy by a charitable institution. The plaintiff claims that the alleged forgeries were made possible by the loss of records during the fire of 1906.

BOARD OF EDUCATION WILL MEET ON FRIDAY

Members Will Attend Washington's Birthday Exercises

In view of the fact that exercises commemorative of the anniversary of Washington's birthday will be held in some schools today, and as the members of the board of education have been asked to attend, the board will not meet today but on Friday.

Next week there will be a presentation of "Rebecca of Sunnybrook Farm" at the Columbia, written by Kate Douglas Wiggin and Charlotte Thompson, formerly teachers in the department.

Teachers now in the schools have been invited to attend the initial performance.

BIRTHS OF WASHINGTON AND LINCOLN CELEBRATED

McKinley circle, Ladies of the Grand Army of the Republic, held patriotic exercises in its hall in the Polito building, in Sixteenth street last night, to commemorate the anniversary of the births of Washington and Lincoln. It was an open meeting, and there was a large attendance of members of the circle and other branches of the Grand Army.

MEXICAN FEDERAL TAKE SANTA MARIA

Zapatistas Driven Out by Two Columns Supported by Machine Guns

MEXICO CITY, Feb. 20.—After a battle that lasted all yesterday, Santa Maria, nine miles north of Cuernavaca, which has been the scene of half a dozen recent encounters, was taken by the federal troops.

A force of Zapatistas had entrenched to await the attack by the federals, who advanced in two columns supported by machine guns and mountain artillery.

The rebels held to their position, but finally were driven out.

The federal commander reports that a captain was killed and seven of his men wounded. The rebel loss is not known.

Twenty-seven prisoners and prison guards were killed at Puebla in a fight that followed an attempt by the prisoners to escape yesterday.

The penalty is a fine of not more than \$5,000 or imprisonment for not more than two years, or both, for a person guilty of such violation.

It is alleged that during the theatrical season of 1909-10 Hynkeks was paid \$2,22 by the railroads, and \$3,677 in 1911. During 1909-10, it is alleged, Fennessy received \$8,664.

It is charged that representatives of the railroads, all of which are Vanderbilt lines, as an inducement to theatrical companies gave advertising for theater programs.

The Columbia Theatrical Amusement company and the Empire Circuit company with headquarters in New York, operate burlesque theaters and control about 75 companies, averaging 30 persons each. These companies are transported each week from one city to another and the aggregate fares are large. The lawful rate was two cents a mile, but it is alleged the Vanderbilt lines refunded to Hynkeks and Fennessy 25 per cent of the lawful fares and the rebate was charged to advertising.

Hynkeks thereupon organized the Cincinnati Railroad Program Advertising company, which contracted for space in theater programs at Cleveland, Toledo, Cincinnati, Indianapolis, St. Louis and other cities, and this space was used for advertisements of the Vanderbilt lines. He paid for the space the publishers' regular price, ranging from \$5 to \$27 a week, and reported each week from one city to another that the fare of the theatrical company transported that week to the city where the advertisement was published.

Interstate commerce commission alleges that similar irregularities appeared in the payments by the roads to Fennessy.

Suburban Breivies

OAKLAND ARCHITECTS MEET—Oakland, Feb. 20.—The second annual banquet of the Oakland Architectural association was held last evening in downtown Oakland. The banquet pictures were shown and talks were given on Oakland and its development. The following officers were elected for the ensuing year: Louis Stone, president; C. W. Dickey, vice president, and E. V. Deuel, secretary-treasurer. Five new members were taken into the organization.

WOMAN COMMITS SUICIDE—Oakland, Feb. 20.—Mrs. Estella Griffin, 35 years old, committed suicide last night by inhaling gas in her room at 278 Twenty-third street. The body was found today by her daughter, Edith, with whom she lived. Mrs. Griffin had been sick and was despondent.

CONCERT AT LAKEVIEW—Oakland, Feb. 20.—A concert will be given at Lakeview park under the auspices of the park commission Thursday, February 22. Washington's birthday. Music will be furnished by a band under the direction of Paul Steindler.

WHEEL THIEF SENTENCED—Alameda, Feb. 20.—G. O. Koroboff pleaded guilty in the city justice court to stealing three bicycles. He was sentenced to four months on each count.

Italian-Swiss Colony wines are the standards from which others are judged. Why don't you try their Tippo (red or white) and be convinced?

HOUSE AGREES ON CHEMICAL TARIFF

Democratic Measure to Pass Today Without Amendment Despite Criticism

WASHINGTON, Feb. 20.—The democratic chemical tariff revision bill was agreed to without change in the house today when the committee of the whole concluded work on the measure. No final vote was taken, but the bill will be passed tomorrow.

An agreement was reached between Republican Leader Mann and Democratic Leader Underwood to defer the final vote so as not to interfere with President Taft's reception tonight.

The amendments were added to the bill, although the republicans offered many and secured some democratic support.

The day's debate took a facetious turn when Republican Leader Mann charged that the bill increased the duty on vanilla and cited the fact that the duty on vanilla beans had been raised.

Harbort of New York, who had charge of the measure for the democrats, retorted that ordinary vanilla was derived from clover and actually had been reduced in the bill.

SOAP MATERIAL TAX RAISED

Mann attacked the soap section and said that the democrats had raised the duty on ingredients of common soaps. "We can not expect the democrats to be interested in soaps," said Mann. They consider all soaps unnecessary luxuries.

Harrison replied that some republican households "need a great deal of soap" and Cullom (democrat of Indiana) insisted that Mann was fighting for free soap. "So that the republicans can go back and soft soap the people."

The chief attack on the measure was based on the democratic plan of raising the duties on raw materials and lowering the duties on finished articles.

Harrison justified an increase in the duty on lemon juice and lime juice by saying that these articles were used chiefly in soda fountain drinks.

"Ah, now you would drive the young man to drink in order to raise revenue, would you?" said Mann.

It is said that the bill will draw few republican progressive votes because of the admitted increases in many items.

PARCELS POST PROMISED

Democratic members of the house committee on postoffice have agreed to improve in the appropriation bill provisions for a general parcels post.

They also have agreed upon a domestic rate of 12 cents and a maximum package of 11 pounds. This is the present international parcels post rate. They would also provide for a rural parcels post, the rate to be 5 cents for one pound and 2 cents for each additional pound.

Secretary MacVeagh sent to congress an estimate of the postmaster general of \$400,000 for operating the postal savings banks during the next fiscal year. The bill would increase \$500,000 appropriated last year.

THE WAYS AND MEANS COMMITTEE intends to make the wearers of silk stockings and other expensive imported clothing make up for what the government would lose by the rug. Suezan in the free list would keep \$50,000,000 a year out of the treasury.

A bill granting American citizenship to citizens of Porto Rico and to certain natives permanently residing on the island and was reported favorably to the house today by the committee on insular affairs.

Lindbergh of Minnesota said today that he had been approached by a "representative of Wall street," who warned him that a "record breaking panic" would be brought on by the "money trust" inquiry were pressed. Discussion of the proposed investigation will be taken up in the house Saturday.

PLEA FOR SHIP BUILDERS

Lewis Nixon, New York ship builder, appeared today before the house committee on merchant marine and fisheries and opposed bills that would admit free to American registry foreign built ships owned by American citizens.

"Such legislation," said Nixon, "would be hurtful to the American ship building industry unless other legislation is adopted to offset the disadvantages to American builders."

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So Tired of Tired Feet! Use TIZ

Gets the "Tired" Out in a Few Minutes. Makes Your Feet Sore-Proof

"O rudge! It's awful how tired feet make you feel tired all over—so dead tired. Then, when you've got a corn besides, and a bunion, and a few blisters, and your feet are terribly swollen, you don't care if you've got a million dollars