

DEPOSED POLICE COMMISSIONERS CASE DELAYED

Writs of Review and Prohibition Are Granted to O'Grady and Spiro

Investigation Is Set for Next Friday and Mayor Rolph Is Satisfied

A. L. O'Grady and I. H. Spiro, police commissioners, under suspension pending an investigation by Mayor Rolph that was set for this afternoon on a charge of having violated a city ordinance when they granted a liquor license to Frank Carr to operate a saloon at the corner of Market and Fifth streets, which is claimed to be within 150 feet of a school, have started proceedings that will bring their case before the courts next Friday.

The law firm of Barrett, Lent & Humphries, for O'Grady, and Attorney H. Chovinski, for Spiro, yesterday filed for the respective commissioners a petition for writ of review and a petition for writ of prohibition, directing the actions against the mayor.

In the petitions for writs of review Spiro and O'Grady allege that the mayor has no jurisdiction in the case, and acted contrary to law in removing them on "pretended and unverified charges."

The court is appealed to have the transcript of all records and proceedings in the case made up and filed. It is the prayer of the petitioners that the suspensions be vacated.

ASK TO STAY INVESTIGATION In the writ of prohibition the court is asked to stay the investigation scheduled for this afternoon, inasmuch as the respondent from at any other time investigating and proceeding with the charges made until after the court has acted on the writ.

Upon the showing made by these petitions, Judge J. N. Seawell issued alternative writs, as prayed for, and set the hearing for next Friday morning at 10 o'clock in Department 1.

Assistant City Attorney O'Brien, in talking of the filing of the petitions, said that his office was confident that the efforts of Spiro and O'Grady to get assistance from the courts would be defeated.

In regard to the allegations made in the papers filed by the deposed commissioners, according to the statements made in keeping with the rule established by the police commission, was not 150 feet, O'Brien stated that it would be shown that with this roundabout method of measuring the saloon would be within 150 feet of the San Francisco business college.

MAJOR ROLPH IS SATISFIED The only result of the action of Mayor Rolph, according to Mayor Rolph, was that the investigation into the charges filed by J. F. Bannick, who had taken place this afternoon, will be postponed one week or so.

Mayor Rolph was satisfied that the court would uphold his contention that he was within his rights in suspending the deposed commissioners, and a full examination into the case.

The question as to whether the business college was a school was covered in an opinion written by City Attorney Long, who said that the suspension occurred before any charges were proved, that the suspension was contrary to law and not within the power of the mayor.

Further alleging that the charges made against O'Grady and Spiro were not included in the list for which a commissioner is liable to suspension.

OLD RULE IS CITED They also point out the fact that the commissioners were following a rule in measuring, adopted by a commission of two years ago, which says measurements should be by street and walk lines and not air line, from the entrance of a school or church to the entrance of a saloon.

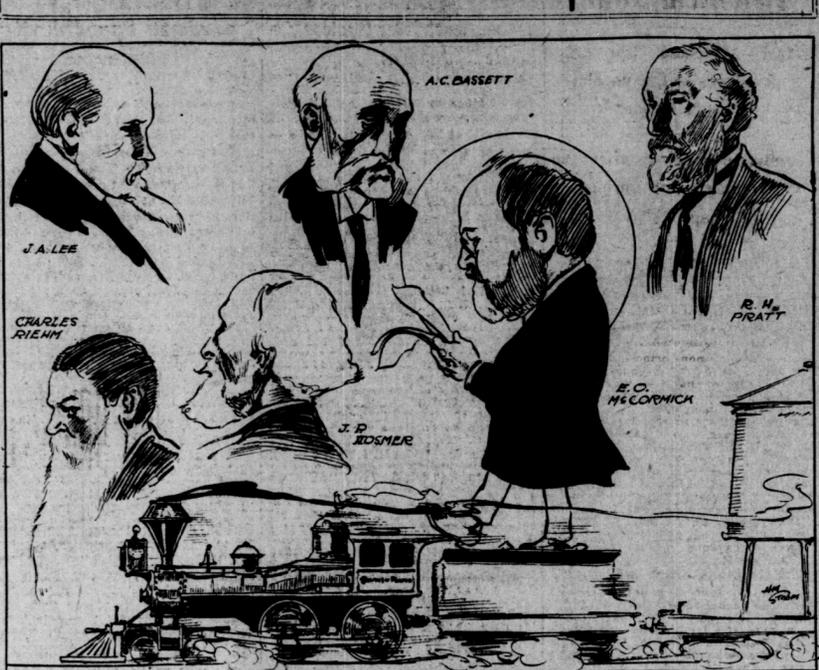
The attorneys said that this rule was established by the former commission upon advice given by City Attorney Long, who said that it was up to the police commissioners to establish a rule of measurement for such cases.

O'Grady and Spiro's attorneys intend to make a fight to have the San Francisco business college taken out of the school class, as meant by the ordinance that has caused the trouble.

They stated yesterday afternoon that this institution was no more a school as applied to the ordinance than the manufacture school next door to a barber college, should there be one, within 150 feet of a proposed saloon site.

It is rumored in official circles that the promised charges against Fire Commissioners Dillon and O'Grady, and Spiro's attorneys intend to make a fight to have the San Francisco business college taken out of the school class, as meant by the ordinance that has caused the trouble.

Finders of the Iron Ribbed Horse Gunner of Banquet



Some of Southern Pacific veterans, the men who can sing, as they appeared to The Call's artist yesterday.

DANCING DIVIDES M. E. CONVENTION

Bishops Favor Elimination of Prohibition and Receive Preachers' Reproof

MINNEAPOLIS, Minn., May 10.—Paragraph 206 of the Discipline of the Methodist Episcopal church remains undecided, and whether dancing, card playing and kindred amusements are to be left only to the "conscience" of the members of the church is still a bone of contention in the convention.

For three hours this afternoon members of the committee battled over the question, favoring the proposal of the subcommittee to strike out that portion of Discipline.

Immediately after the presentation of the majority report the minority on the subcommittee presented a report opposing the adoption of the resolution, and it was this measure that was before the entire convention when a motion for adjournment until Monday was adopted.

Leander W. Mumhall of Philadelphia administered a reproof to the bishops of the church when he said, in opposing the striking out of the sections, that the bishops' duties were such that they could not give full consideration to the spiritual affairs of the church, and "their judgment in this case is not of the best."

The bishops in their report urged the repeal of the section, but in so doing said that they did not mean that the church should favor such amusements. It is said that the present law is a dead letter and that it would be better to leave the amusement question to the conscience of the members, as stated by John Wesley.

At night session, which was given over to the report of the board of education of the church, addresses were made by Charles W. Fairbanks, former vice president of the United States, and Bishop W. F. Anderson.

Fairbanks dealt with the effect of the work of the church on the nation and paid special attention to the Christian colleges with aid to proper government. He said that the Christian colleges and the state schools did not conflict, but that each had its place.

BALL ENDS FESTIVITIES OF SHRINERS' CONCLAVE Los Angeles Suspends Business to Entertain Visitors

LOS ANGELES, May 10.—The festivities in connection with the thirty-eighth annual convocation of Shriners, which began last Saturday, closed today with a grand ball given at the Shriners' coliseum. A large number of the visiting delegations will leave for their homes tomorrow, many of them planning to make the return trip by way of San Francisco and other coast cities.

A magnificent floral parade, which surpassed anything of its nature ever held in southern California, was held this morning. Business was suspended in the downtown district for the greater part of the day. Mayor Alexander having declared a holiday.

S. P. Pensioners Rally to Hymn of Toil Ended

Through toll built mainline gates We come O sister states, With wings of praise: Where white Sierra rise, Where green plains face the skies, We wrap the victor's prize

So, to the air of "America," 300 former employes of the Southern Pacific Railway company now pensioned by the corporation sang yesterday at the Palace hotel, where they gathered in the annual session around the banquet board.

Every man of them was a grizzled veteran, and many had their wives with them, to exchange tales of rough construction camps in which they lived when the old Central Pacific was being pushed westward across the continent.

A. H. MacDonald was the presiding officer of the banquet. He was in the office of the assistant treasurer of the Central Pacific the greater part of his time with the railroad.

MacDonald spoke on behalf of the former employes and E. E. McCormick, vice president in charge of traffic of the Southern Pacific, spoke for the railroad company.

A number of letters were read from those unable to attend and reminiscences were given by C. B. Merrill, W. C. Campbell sang a solo, and a duet was sung by Mr. and Mrs. N. D. Mussey.

Those present were: INVITED GUESTS: Donaldson, E. E. Cairns, W. F. Pratt, H. J. Small, A. D. McDonald, H. Y. Platt, J. M. Davis, Dr. F. K. Alsworth, E. O. Sernick, C. S. Fee, C. H. Huntington, S. W. Adams, H. H. MacDonald, J. Mansfield, W. J. Mansur, C. May, D. McCarthy, J. McClain, R. F. McClure, J. McCrehan, J. McCrehan and daughter, J. D. Bennett and wife, R. K. Berry, F. B. Bidwell, Mrs. J. K. Bindall, E. S. Blackwell, A. Blake, A. L. Bowsher and wife, B. P. Brady, Miss L. B. Brewer, Henry Bruce and daughter, J. Buchanan, J. Byers, J. Callahan and daughter, W. C. Campbell and wife, C. A. Carr, G. W. Carroll and wife, William Caswell and wife, W. H. Chambers, E. W. Chapin, S. B. Chappel and wife, L. S. Clark and daughter, T. W. Clark, W. A. Collins, W. C. Cox, wife and daughter, M. H. Coyne, W. M. Crockett, J. Crossman, J. R. Doherty, J. E. Dorsey, J. E. East, W. Elwood and wife, William Erwin and wife, F. E. Felt, W. H. Fildel and wife, W. H. Fildel, M. Fitzgerald, A. H. Flood and wife, E. F. Fords, F. G. Gatt, T. W. Fowler, E. F. Fountain, A. Y. Gale, wife and daughter, J. C. Garvan and wife, M. E. Gates, J. A. Gilbert and wife, M. C. Gilmore, F. H. Goodman, J. A. Hall, C. H. Greenlaw and daughter, M. Halloran, T. H. Hannigan and wife, J. Harizan, J. Hartman, William Hebard, J. E. Hebert, W. Henry, J. Hewitt, Thomas H. Jones, J. P. Hosmer, J. H. Ingles, F. Jabinski and wife, William Jenkins and wife, P. B. Jensen, A. H. Judd, A. K. Kaiser and wife, J. K. Kebo and wife, R. B. Kent, T. S. Knight, William Lanagan, C. A. LeNoy, S. Levy and wife, E. Lightner, wife and daughter, J. H. Little, C. A. Loring and wife, A. H. MacDonald and wife.

WARNING AGAINST LOTTERY The Detmer Woolen company has warned the police that promoters causing the Richmond District to be a bogus lottery, repulse chances on suits, representing that the Detmer people were employing them. The latter repudiate the accusations.

PEOPLE IN PANIC DURING RAINSTORM

Streets of New Orleans Flooded as Never Before in History of City

NEW ORLEANS, May 10.—New Orleans tonight withstood the severest rainstorm in her history. All the lower half of Louisiana was affected and thousands of persons, who live behind the already terribly strained levees that hold back the Mississippi flood waters, were panic stricken.

The wind ranged from 27 miles an hour at New Orleans to 40 miles at Baton Rouge, and at many points along the river it swept the waves of the swollen stream over the levees.

At New Orleans five and a half inches of rain fell from noon until 10 p. m. tonight and about four inches between 7 and 9 o'clock. The Mississippi river rose eight inches in two hours.

At 10 o'clock the river gauge at the head of Canal street registered 21.9 feet, or one-tenth of a foot higher than the maximum stage predicted by the weather bureau.

Thirty-five thousand sand bags were dispatched from New Orleans to Baton Rouge on a special train tonight. The situation was declared most critical there, with prospects of saving the front levee almost hopeless.

At New Orleans the water poured over the sand bag topping at the foot of Esplanade street. Guards were placed along the entire river front.

The streets of New Orleans were flooded as never in the city's history. In the upper part of the city the water was six to seven inches deep on the sidewalks. In the downtown business section Canal street and all the intersecting streets were flooded over the sidewalks and the water entered the stores in a number of streets.

PRESIDENT CONFERS WITH HIS CABINET

WASHINGTON, May 10.—The president discussed a number of subjects with members of the cabinet at today's meeting, the last to be held until next week after next, owing to the president's expected absence in Ohio.

The four delegates at large from my state will be for the president and will be instructed for him and Senator Sanders of Tennessee at the executive office today. I hear much talk about southern delegates instructed for Taft going over to Roosevelt. I do not place much faith in any of this. The southern delegates in the coming convention, with possibly a few exceptions, are clear high class men and will follow their instructions, whether for Taft or for Roosevelt. The day of corollary southern delegates and influencing them with money is past.

CAME HERE? ONLY ONE BELIEVES IT

Colonel Expresses Confidence in Letter to St. Paul Chairman of Committee

NEW YORK, May 10.—The Roosevelt committee today gave out the following copy of a letter from Colonel Theodore Roosevelt to I. A. Caswell of St. Paul, Minn.:

"Hon. I. A. Caswell, chairman of the Roosevelt committee and clerk of the supreme court, St. Paul, Minn.: I wish it had been possible for me to be again in Minnesota, but unfortunately it is physically impossible.

"Nine states have now held presidential primaries, or their equivalent—North Dakota, Wisconsin, Illinois, Pennsylvania, Nebraska, Oregon, New Hampshire, Massachusetts and Maryland. These states, the only ones in which there has been a free chance to the 'A' expression, and one popular will, are to be represented by 256 delegates in the Chicago convention.

"Forty of these delegates are instructed for President Taft and 216 are against him. He has carried two of the nine states—New Hampshire and Massachusetts—while in Massachusetts the Roosevelt delegates at large were elected by over twice the vote of the Taft delegates on preferential vote.

"In all the nine states together about three out of every four republicans who voted at the primaries were against the Taft delegates. The delegates held in all the states there would undoubtedly be no substantial variation from these figures, and Mr. Taft could by no possibility have 200 votes in the Chicago convention.

"Mr. Taft's chance of renomination lies solely in securing at Chicago delegates who will misrepresent the will of the people. He can get these delegates, not in the primary states, but in the convention states, where delegates are chosen under the old system, and even in these states he can only get them when the state is ruled by a boss.

"After a prolonged experience of me as president, practically all of the big bosses in the republican party dislike me so heartily that they opposed Mr. Taft's nomination because I favored it. They were afraid that Mr. Taft would give them the same kind of trouble that I had given them.

"After a half year's experience of Taft since he has been elected, these same men have turned around and heartily favor his renomination. They were opposed to me four years ago and are opposed to me now. They were opposed to Taft four years ago when they had not tried him as president, and they heartily support him now.

These men include, for instance, Gallinger in New Hampshire, Aldrich in Rhode Island, Penrose in Pennsylvania, Keating in Indiana, Lorimer in Illinois, Guggenheim in California, Colton in Calhoun and the Southern Pacific railway crowd in California, and the Amalgamated Copper company crowd in Arizona, and the owners of the state, including Smith and Tawney. The fight is a nation wide fight of the plain people against the bosses.

ONLY ONE CANDIDATE "There is just one candidate whom I propose to nominate against the bosses, and that is Roosevelt. Every vote for every other candidate from now on is in reality a vote for Taft. The fight is against the bosses in Minnesota, as it is everywhere else. A vote for Taft is a vote for the bosses. Every vote for Roosevelt is a vote for the plain people against the bosses. It is a vote for the plain people against the bosses, and it is a vote for these men whether they be in Michigan or in Massachusetts, or in Ohio, or New Jersey, or California.

"I became convinced that no other progressive candidate could be nominated against Taft, and that either he would be nominated or else a reactionary will be nominated.

"It is also evident that not only every progressive republican, but every man who believes in decency and honesty in politics, who is against boss rule and for the genuine rule of the people, and is for the elimination of special privilege and for efficient endeavor to secure good and industrial justice, can achieve his purposes only by supporting my candidacy.

"My personal interest is of no concern one way or the other, but I support the command of my duty, and I embody the great cause, which can only be furthered by supporting me. Almost everywhere I have been able to appear personally in the campaign and fight for the bosses who have beaten them, and I ask that Minnesota stand beside Oregon and Illinois, Pennsylvania and Nebraska, Maine, Kansas and Maryland in this fight."

Johnson at San Jose SAN JOSE, May 10.—Governor Hiram Johnson spoke to an overflowing house in the Garden theater this evening. He declared that the fight between Taft and Roosevelt is the same as that in this state two years ago, when the machine was broken up—'fight for the common man'—and that the people to pay their entire improvement assessment will be permitted to pay in installments and will be charged a reasonable rate of interest sufficient to prevent loss to the city by the transaction.

FIREMAN'S STORY STIRS WHITE STAR

Attorney for Steamship Line Requests That Cross Examination Be Postponed

LONDON, May 10.—The testimony given at the board of trade's Titanic inquiry by Charles Hendrickson, one of the firemen of the Titanic, who said the lifeboat he was on had not returned to the scene of the disaster because Sir Cosmo and Lady Duff-Gordon objected that it would be dangerous, was considered so important by the White Star company that its attorney, at the opening of the inquiry today, requested that the cross examination of the witness be postponed. The attorney desired time to consult with the surviving officers of the Titanic who are on their way to England on the Adriatic. The request was granted.

Insurance totaling approximately \$8,750,000 was discharged today by Lloyd's underwriters and marine insurance companies as a result of the Titanic disaster.

The insurance on the hull amounted to \$3,600,000, this risk being held by the insurance company, while the remainder was held by the White Star line. The costliest item in the cargo was a consignment of rubber worth \$1,200,000. About \$1,500,000 covers the loss of personal effects belonging to passengers, shipment bonds also being included in the latter sum.

Adriatic at Queenstown QUEENSTOWN, May 10.—White Star agents today absolutely refused to allow any newspaper men to board the tender to meet the Adriatic on which J. Bruce Ismay was a passenger. The ship was in compliance with a wireless message from the ship.

When the tender returned Sir John Nutting of Dublin was among the passengers who disembarked. He stated that Ismay had practically recovered from the shock he had sustained. He took a walk on the lower deck on several days during which Nutting had a conversation with him. Ismay did not appear to be suffering from any mental or physical strain as stated in the American newspapers. For the first three days, however, Ismay did not leave his stateroom.

Among other Titanic survivors aboard the Adriatic were Mrs. Dean with two little children, one only eight weeks old. The mother had a pitiful tale to tell of her suffering. There were 18 of the Titanic's crew on board today, and four officers who did not speak to the passengers during the voyage. A collection made on behalf of Mrs. Dean resulted \$250.

FEDERAL TROOPS TRIM REBELS IN PARAGUAY ASUNCION, Paraguay, May 10.—A force of government troops today defeated a large revolutionary army under the command of the former president of the republic, Colonel Alvaro Galland. The government troops were commanded by the minister of war and started from here April 5 to meet the rebels who were advancing from Villa Encarnacion, about 170 miles to the southeast of the capital.

DAVID CLARK MISSING—Petaluma, May 10.—David Clark was missing from here since December 8 last year and in that time nothing has been heard of him. The boy has not been in his right mind. He left here for Salinas to take a position on a ranch.

ACCUSED OF EMBEZZLEMENT—Acting Police Judge Bernard Flood yesterday issued a warrant for the arrest of R. B. Miles on a charge of embezzling \$13. A. F. Brandford, 788 Mission street, swore to the complaint.

GOVERNOR REMOVES WARDEN RAY BAKER

Originator of Prison Honor System Loses Office in Bitter Nevada Squabble

[Special Dispatch to The Call] RENO, Nev., May 10.—Ray Baker, who instituted the honor system in the Nevada state penitentiary, turned over his stewardship to George W. Cowing today, ending one of the bitterest personal fights ever waged in the state.

Baker was appointed warden of the prison by the votes of Governor Oddie and Attorney General Cleveland Baker, a brother, who was removed by the votes of the governor and Secretary of State Brodigan.

When Baker took charge of the prison the men were herded inside the prison walls, offering a word of praise or a word of reprimand. The honor system has worked admirably, although there have been a few escapes.

BAKER'S RESIGNATION DEMANDED Suddenly out of a clear sky Governor Oddie demanded Baker's resignation. Baker replied that he knew of no reason why he should resign, as he had fulfilled his position faithfully. A month later Governor Oddie brought charges of extravagance against Baker, but the charges were proved charge Baker instituted reforms. He put life term prisoners at work on their honor on the county roads and placed desperate criminals at work on the prison farm without guards. The honor system has worked admirably, although there have been a few escapes.

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HONOR SYSTEM DROPPED The honor system successfully inaugurated by Warden Baker has been done away with entirely. The road work has stopped. The prison farm is unattended. George Cowing, the new warden, took charge of the prison today. It is not believed that the lock step will be revived, but the continuation of the most successful honor system in the country is hanging in the balance.

The new warden has had no experience in prison work. He was assistant to the secretary of state and has held minor political positions.

Baker became prominent when it was reported that he was engaged to Mrs. Smith Hollis McKim, now Mrs. Alfred Vanderbilt. Following her divorce in Reno, Mrs. McKim left for the orient and Baker was the last to throw kisses to her from the wharf in San Francisco. Then came the news of the broken engagement and the betrothal to Alfred Vanderbilt.

GRAND OPENING of LONG'S Ice Cream and Candy Department At LONG'S MARKET Entrance 945 Market Street opp. Mason UNDER THE MANAGEMENT OF THE CREAMERY Will Open Today at Noon Come and see the latest Sanitary Soda Fountain in San Francisco, made all of marble and German silver All Our Ice Cream is Made From the Creamery Department Celebrated Cream Our Candies are made from nothing but the best and purest materials that can be obtained and made by expert candy makers. We guarantee our candy and ice cream to comply with all national and state pure food laws. ICE CREAM BRICKS TO TAKE HOME—ANY FLAVOR—AND WILL LAST FOR TWO HOURS We will make a specialty of Buttermilk Chocolate Creams at 65c per lb. It is the best and most healthful candy that can be eaten. Try a cup of our HOT CHOCOLATE and COFFEE, made and served with our CELEBRATED CREAM. LONG'S ICE CREAM AND CANDY DEPARTMENT 945 MARKET STREET