

OCEAN SHORE HAS POTRERO IN ITS GRIP

Franchise Gives Company Right to Operate Freightcars Through the Avenue

Residents and Property Owners Lose Fight to Stop Noise and Nuisances

The Ocean Shore Railway company has the right under its franchise to haul freight over its road and also to haul cars of the Southern Pacific, Santa Fe and Western Pacific railways, according to an opinion rendered to the supervisors yesterday by City Attorney Long.

Residents and property owners along the line of the road in Potrero avenue have protested vigorously against the hauling of freight cars, saying that the noise keeps them awake nights, that property values are injured and that tenants will not rent apartments in the district because of the disturbance.

Specific objections were made to the hauling of rock and manure and to heavy freight cars in general. The citizens affirm that cars of great weight shake the roadbed and cause adjoining houses to tremble. President C. C. Moore of the Panama-Pacific Exposition company, chairman of the Ocean Shore, recently assured the protesters at a meeting of the supervisors' street committee that their complaints would receive all possible redress.

Long, in explaining his opinion, said that the company had the right to haul freight, because it was a commercial and not a street railroad, and that it received the franchise from the franchise and from subdivision 8 of section 465 of the civil code, and that the civil code also permitted the Ocean Shore to lease to other companies any part of its road, or all of it.

A proposed charter amendment providing for a reorganization of the school department was filed with the supervisors yesterday by T. H. McCarthy, as chairman of a committee of school principals. The amendment would increase the salary of the superintendent of schools and other officials and give the superintendent a vote with the board of directors. The superintendent's salary is now that of an ex officio nonvoting member of the board. As at present, the board consists of four members appointed for terms of four years by the mayor, each at a salary of \$3,500 a year. By the proposed amendment the superintendent's salary would be raised from \$4,000 to \$5,000 a year. His four deputies would be called assistant superintendents and get \$3,500 each. The secretary of the board would receive \$2,400 instead of \$1,800.

The committee appointed by Mayor Rolph to arrange the Columbus day celebration for October 12 has chosen John J. O'Toole chairman and E. F. Moran secretary. A committee of seven, appointed by the chair, will report a program at the next meeting. Wednesday evening. Exercises will be held at the Scottish Rite hall and Judge McLaughlin of Sacramento will be orator of the day. Members of the Lamharl opera company will be asked to sing. Isidor Golden, Auditor Thomas Boyle, Paul Kingston and A. Oliva were appointed to request the supervisors' finance committee to aid with funds.

City Attorney Long advised the civil service commission yesterday that the department, which he held in his position at the time the charter went into effect, are regular members of the department since they continued to be employed by the city under the reorganization of the department.

SUPERVISOR WINS WITH WIT
An exchange of wits, upon which the fate of a car line depended, occurred between Supervisor Gianni and Chief Engineer Lagere of the United Railroads yesterday before the street committee, terminating in a compromise wherein the supervisor won the higher honors. The net result of the argument was that the United Railroads will pave California street with crushed rock between Tenth and Thirty-third avenues and continue to operate its cars thereon, although the franchise has expired.

R. H. Norton, representing the Richmond Federation of Improvement clubs, launched the discussion by urging that the United Railroads be forced to pave the street, which at present is covered with a soggy mixture of sand, dust and black oil.

"Since the United Railroads is operating its cars on this street without a franchise," said Norton, "it might be well for this committee to pass a resolution directing the company to lay a neat asphalt pavement forthwith."

"If you do that," responded Engineer Lagere, "we will be forced to withdraw our cars from the street."

"I think we will try you on that and see if you mean it," said Gianni. "You had better not try us," answered Lagere.

"Then you rather would take off your cars than pave the street?" insisted Gianni.

"We would," said Lagere, "since we could operate those cars just a block below, in Clement street. But the people would have to walk a block farther."

W. S. Maxson, representing the Civic League of Improvement Clubs, remarked that while Lagere, as a rule, was most obliging, he seemed arrogant in this matter.

"We will fix up the street, but not with asphalt," agreed the engineer after more argument with Gianni. "Crushed rock, rolled," suggested Gianni.

"We will have to get a roller," parried Lagere, and he added that the work could not be started for 30 days. Gianni said that the people had waited long enough.

"Start next Thursday," demanded Gianni, and Lagere agreed. The committee referred to the police department for investigation a report that a school lot on the east side of Thirty-first avenue between Geary and Anza streets had been cut down far below the official grade by unknown persons who have been using it as a quarry.

STREET NAMED FOR MAYOR
In approving the map of the Crocker-Amazon tract the committee found that a street had been named Rolph in honor of the mayor. Gianni wished the real estate firm to place Rolph's name on a longer and wider street in the tract, contending that the street selected was too narrow to commemorate the broad principles of the chief executive. It was shown that this would necessitate alterations in the deeds and other legal complications, so the map was approved in its original form.

Ad Men Expand Work New Chief for Retail Business

FOLLOWING the removal of the Cooper Advertising company into new and larger quarters in the Bankers' Investment building, 742 Market street, comes the announcement that W. L. Cook, formerly advertising manager of Pragers, of this city, has associated himself with the firm, taking entire charge of its retail copy department. In the past the Cooper company has engaged little in local business, because of the difficulty of obtaining a man familiar enough with local trade conditions to handle successfully the advertising end of the progressive retail establishments of San Francisco.

In Mr. Cook, however, the Cooper company has a man who will prove capable in every way. There are few men in San Francisco so thoroughly familiar with retail advertising and with the local newspaper situation. For five years he was associated with two of San Francisco's newspapers, and during that time acquired a thorough knowledge of the reportorial and art end of the business. He has been with the Prager company for the last six years and was actively connected with the firm's growth. Mr. Cook is a Californian by birth, and is a typical hustling and progressive westerner. The Cooper Advertising

company is congratulated by the trade upon obtaining the services of such an able man, as there is not a doubt that with his knowledge and executive ability he will bring much new business to the Cooper Advertising company, increasing that firm's prestige in the advertising world.

TWO TOWNS WAR OVER ANNEXATION
San Jose Opposes Sunnyvale Proposed Incorporation to Insure Its Own Plans

[Special Dispatch to The Call]
SAN JOSE, Oct. 3.—Believing the proposed incorporation of the town of Sunnyvale, with limits extending across the northern end of the county between San Jose and the bay, is merely a plan to checkmate the proposed annexation by this city of a portion of the South bay shore for harbor purposes, local merchants will oppose the movement before the county board of supervisors tomorrow morning.

The San Jose annexation project was inaugurated several months ago to take in a narrow strip of road for a boulevard and railroad between San Jose and the mouth of the Guadalupe creek, just west of Alviso, a distance of nine miles.

Subsequently Santa Clara started a proposal to annex Alviso and a strip of intervening territory five miles long. Two weeks ago Sunnyvale petitioned the supervisors to call a special election on the proposed incorporation of their town, with limits extending northeast across the strip that San Jose proposes to annex to the limits of Alviso.

The nature of the incorporation project at Sunnyvale was brought to the attention recently through an article in The San Francisco Call and a committee was selected to oppose it.

NEW THEATER PLANNED—Chico, Oct. 3.—The fifth theater for Chico is to be installed within the coming month and Chico people having formed a company to open a playhouse in the Silverstein block. The theater will have a seating capacity of 1,000. It is expected that it will be opened by Thanksgiving day.

PATIENT SUES PHYSICIAN—Chico, Oct. 3.—Alleging malpractice in resetting both bones of his right forearm, J. T. Breen, a rural mail carrier, is suing Dr. N. T. Enloe, a prominent physician of this city, for \$10,000 damages.

COUPID BUTTS INTO POLITICAL AFFAIRS
Stockton Couple Mix Registration and Matrimony in the Same Office

[Special Dispatch to The Call]
STOCKTON, Oct. 3.—It was lucky for Adella Kinney and William P. Slusser that Miss Kinney postponed her registration until today, even though she had to register twice to be sure of voting in the November election.

She went to the county clerk's office today, registered, gave her age as 56 and started to leave the room. Then she met Slusser, an old sweetheart.

"Yes, Will, I've registered and nothing can ever make me lose my vote," she announced.

"How about matrimony?" suggested Slusser.

The woman was quickly convinced that Slusser meant that as a proposal. Without leaving the registration office they went back to the same desk and took out a marriage license. Then they were married.

"Now that I have changed my name will I have to register again?" asked the bride anxiously.

"Yes," she was told. So together the newly married couple hastened to the same old fortune desk, and there Mrs. Slusser reregistered.

The couple will reside in this city—Mrs. Slusser has to guard her residence or she'll lose that precious vote. They will take no honeymoon that will extend beyond November 5.

AEROPLANE BARRED AS SMUGGLERS' AID

McNab Brings Out Singular Point in Prosecution of Accused Trio

Rapid fire proceedings under direction of United States Attorney John L. McNab marked the trial yesterday in the United States district court of Adolph Adolphson, Billy Sundgren and Wong Ott for smuggling Chinese. Judge John J. de Haven presided. It is alleged contraband coolies were landed at Halfmoon Bay June 1. Neither Adolphson nor Sundgren took the stand. Innumerable character witnesses, ranging from the barber who shaved Sundgren to masters of vessels were called. Each, however, admitted he did not know the reputations of the men in southern California, where they had been identified with shady smuggling transactions.

It was brought out that Sundgren was the captain of the launch Kate, which figured so prominently at the time of the McNamara dynamiting, and also in the escape in the launch of an absconding Los Angeles banker.

W. P. Humphreys, attorney for the defendants, wanted the trial discontinued and the jury instructed to return a verdict in favor of his clients without leaving the jury box, because the law provided that the smuggling must be "over land."

"If there has been any smuggling of Chinese in this case," he said, "it was by water."

McNab answered that since the act was passed there were several amendments and that as it now stands the law would prevent landing by airship.

The prosecution called many witnesses and forged a chain of evidence from the time Wong Ott purchased the launch Earl K from the California Shrimp company until the night it was beached at Halfmoon Bay. The Mexican blankets, bearing the rap of liberty and the eagle of the southern republic, and which came from Ensenada, Mex., where the Chinese were taken aboard, made a bargain counter display of part of the courtroom.

These blankets and Chinese clothing were taken from the Earl K while stranded at Halfmoon Bay. Wong Ott, the Chinese defendant, testified that he had purchased the launch Earl K from the California Shrimp company and produced a photographic copy of a mortgage for the boat made to him from his co-defendant, Adolphson.

An adjournment was taken until 10 o'clock this morning, when the jury will be instructed.

CORBIN ON STAND IN BANKRUPTCY CASE
William Corbin, secretary of the Continental Building and Loan association, occupying the witness stand in the bankruptcy court yesterday morning for an hour when an adjournment was taken until tomorrow afternoon at 1 o'clock.

Corbin identified papers and stock issued by the company.

Apple In King at Watsonville
October 7th to 12th. Don't miss the Apple Show. Reduced rates via Southern Pacific. Tickets on sale October 2d; return limit October 18th. Ask agents for details.—Adv.

DEEDS WRONGFULLY EXTRACTED BY JURY

Dentist Regains Possession of Property by Ruling of Court Setting Aside Verdict

The verdict of a jury depriving Dr. Lawrence J. O'Neill, dentist, of property worth \$25,000, returned several months ago, was set aside yesterday by Judge A. I. McSorley of Calaveras county, before whom the case was heard in extra sessions 2.

The judge ruled that there was no evidence of fraud or undue influence on the part of Doctor O'Neill in obtaining deeds from Dr. Thorilda C. Park O'Neill, his wife, as alleged by Thurnelda E. Ingram in her temporarily successful suit to have the deeds set aside. Mrs. Ingram, sister of the late Mrs. O'Neill, charged that Doctor O'Neill had mystic power over his wife.

Judge McSorley stated that the jury was misled by prejudice or passion in annulling the deeds and depriving Doctor O'Neill of the property. He further held that the plaintiff has no right to amend his complaint. The action of the court causes the property to revert to Doctor O'Neill and the plaintiff's only remedy is an appeal to a higher tribunal.

Judge McSorley ruled that the testimony of Fred Ingram, husband of the plaintiff, to the effect that Doctor O'Neill seemed to hypnotize his wife by telling her that "the O'Neills were kings in Ireland," was not relevant, if true. He stated that the testimony had no bearing on the case and should not have been considered by the jury.

CHINESE WOMAN ALLEGES HER WARD WAS KIDNAPED
Methodist Home Superintendent and Mrs. Toy at Odds

The benevolent kidnapping of 12 year old Lau Lang, known as Helen Lai, a Chinese girl, from an Oakland cannery by Mrs. Carrie G. Davis, superintendent of the Methodist oriental home here, was legalized yesterday by Judge Thomas F. Graham, when he issued an order giving Mrs. Davis temporary custody of the child until guardianship proceedings may be instituted.

Meanwhile Judge Frank J. Murasky granted to Mrs. Josephine Toy, wife of a reputed wealthy New York Chinese merchant, a writ of habeas corpus empowering her to gain possession of the girl. The writ was made returnable this afternoon, when oriental and Caucasian philanthropists will contest for custody of the child.

According to Mrs. Toy, the child worked in a cannery near Second and Wood streets, Oakland, until she became thin and emaciated. The Methodist mission became interested and Mrs. Davis took the child to the local mission.

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KAHN TELLS HOW G. O. P. AIDS STATE

Congressman Explains Methods at Capital to Woman's Political League

The methods of legislation in the national capital and some of the benefits accruing to California from the present administration formed the subject of an address given Wednesday afternoon by Julius Kahn, Taft candidate for congress, before a meeting of the California Woman's Political League.

Kahn said that California was one of the richest states in the Union and attributed its marvelous progress in the last few years to the protective policy of the republican party which enables California to compete in eastern agricultural markets with the countries of southern Europe.

He also attributed a portion of its advance to the pure food law.

Kahn reviewed the history of the Panama-Pacific international exposition from 1904, when it was first proposed to hold an international exposition on this coast, until the present time. He recalled the struggles of the California representatives to secure the location in this city, and declared that its people would never realize the victory until the ports should open and the great wave of immigration and agricultural progress sweep over the country.

Regarding the presidential campaign, he reviewed the position of the three parties and expressed his regret at the present methods of political campaigning. "Abuse," said he, "never helps the cause of the man who uses it. When a man is forced to throw abuse in a campaign, he has neither law nor facts to support him. I am hoping that even in this campaign we will come back to right and justice, and will state our political opinions and those of our opponents without personal abuse or derision of the candidates."

KATHLYN SMITH DENIES EMBEZZLEMENT OF \$1,200
Blames Muddled Condition of Books for Shortage

The second trial of Miss Kathryn Smith, former bookkeeper at the San Francisco Art Glass works, on an embezzlement charge was begun before a jury in Police Judge Welles' court yesterday afternoon. The first trial resulted in an acquittal.

The complaint was brought by E. J. White, expert accountant, and he was the first witness for the prosecution. He said that Miss Smith was short \$1,200 in her accounts. W. H. Johnson, manager of the concern, testified that Miss Smith represented herself as an expert accountant.

Miss Smith denied having embezzled any money from the firm and blamed the muddled condition of the books when she went there for the apparent shortage.

She also testified that she changed certain figures in the books at the direction of Johnson, who wished the books to appear better than they were. The trial will proceed this morning.

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