

COMMISSIONERS' RATES DISPLACE CONTRACT TERMS

State Railroad Body Constitutes the Constitution as Permitting Disputed Jurisdiction

POSITION SET FORTH IN SAN DIEGO CASE

Charge for Irrigation From Flume Is Fixed at \$65 a Miner's Inch Per Annum

Public utility rates fixed by contract cannot stand against rates fixed by the railroad commission.

This was one of the important points in a decision handed down by the railroad commission yesterday and defines the commission's interpretation of the constitution in so far as the commission's jurisdiction over public utilities in executing contracts for rates is concerned.

It was in deciding the application of James A. Murray and Ed Fletcher, owners of a water company in San Diego county, to increase rates that the railroad commission made the ruling. There were protests from the patrons, many of whom said that they were receiving water under contracts.

The commission, however, found that such contracts did not debar it from changing the rates, but it held that at the same time holders of such contracts should be regarded to a certain degree as preferential patrons.

The property involved is what is known as the San Diego Flume company, which was incorporated May 14, 1886, with a capital stock of \$1,000,000.

FOUR THOUSAND ACRES SERVED

The company serves approximately 4,000 acres of land in connection with domestic irrigation. There are approximately 25,000 acres susceptible of irrigation from the system if a sufficient quantity of water can be impounded. The principal points covered in the decision may be summarized as follows:

All contracts made by a public utility will not stand where the commission has fixed rates, but this commission may adopt the rates fixed by contract if made under fair conditions, so far as it may do so without bringing about discrimination, and it specifically instructs utilities that they are not to repudiate their contracts until the matter has been presented to this commission.

The commission found the services of the Flume company to be inadequate and insufficient, and that there were excessive and unreasonable losses from the system. The commission ordered immediate reconstruction of the flume and substitution thereof of a closed conduit and that immediate steps be taken to increase the supply of water available for the consumers 2 1/2 per cent.

LIMIT ON SERVICE

The commission ordered the Flume company to supply no new consumers whatsoever with water for irrigation, and to give domestic service to no new consumers beyond 75 per cent of the water which the contracts for domestic service cover.

The value of the property of the Flume company was determined to be \$225,500.50.

Rates for irrigation from flume are fixed at \$65 per miner's inch per annum, which is as to most of the rates no increase; rates for other irrigation consumers fixed at \$70 per miner's inch per annum; rates for domestic service delivered to Le Mesa Mutual Water company 15 cents per thousand gallons with a minimum charge of \$1 a month; rates for other domestic consumers 25 cents a thousand gallons with a minimum of \$1.25 a month, the company to furnish all meters and pipe to the property line.

HIS HOME ON WRONG LOT

Builder, Facing Ouster by Real Owner, Gets Stay in Ejection Move

Michael P. Mahoney of Ocean View obtained a week's respite yesterday at the hands of Judge Seawell following an attempt to eject him from his home because, through error, he built on a lot adjoining the one he bought in May, 1908, from the Behrend-Joost company. Mahoney alleges in his complaint that he purchased the lot from the company for \$600. In 1911 a representative of the owner of the property informed him that he had lived there three years without paying rent and that Mahoney seeks the return of his money, asserting that he was misled by a map of the tract he had obtained from the defendant.

REALTY AGENTS RELEASED

Police Judge Thinks They Have Hard Time to Make Living

The nine realty agents arrested at the ferry Sunday morning for soliciting the sale of real estate without a license were discharged by Police Judge Sullivan yesterday. "Enough men are about the city looking for work," Judge Sullivan commented. "These men show that they want to work."

SLINGSBYS WILL BE HERE

Parents of "Million Dollar Baby" Leave London Tomorrow

The "tracer" sent out by the district attorney's office last week resulted yesterday in information reaching Mr. Pickert that Lieutenant Charles Raymond Slingsby, his wife and their "million dollar baby," will leave London tomorrow for San Francisco and will arrive about April 15. The trial of Dr. W. W. Fraser charged with falsifying a public document, will not proceed until the Slingsbys arrive in the city.

FAVORS KHAKI UNIFORMS

Khaki uniforms, with short coats and forage caps, will be the new style of uniforms used by the members of the traffic squad if Chief White heads the suggestion of Lieutenant Duncan Matheson. Matheson yesterday submitted a report to White asking that a change in uniforms be made in the squad's uniform with the exception of the mounted officers. Matheson says the blue uniforms are ruined within two months by the sun, wind and dirt.

Volunteered Poison Law—Emmett Baraga was fined \$200 for the crime of spending 100 days in the county jail by Police Judge Shortall yesterday for violating the state poison law.

JAPAN NOT TO CUT DOWN FAIR APPROPRIATION

Lars Anderson, American ambassador to Japan, and Mrs. Anderson, who arrived here yesterday on the liner Manchuria.



So Says Lars Anderson, U. S. Ambassador to the Flowery Kingdom

Lars Anderson, American ambassador to Japan, arrived from the orient yesterday on his way to Washington, D. C. He was accompanied by Mrs. Anderson. Anderson was sent to Japan about a year ago as successor to Charles Page Bryan. When the Wilson administration took the reins Anderson forwarded to the new president his resignation, which he expects will be accepted. Anderson has been in the diplomatic service for more than 20 years and is now ready, he said yesterday, to retire for good, as his private affairs are in such shape that they require all his attention.

The ambassador scouted the idea that Japan contemplates any reduction of its appropriation for the Japanese exhibit at the Panama-Pacific exposition on account of threatened anti-Japanese legislation by this state.

"If Japan does reduce its appropriation," said Anderson, "it will be a measure of necessary economy and in line with a general policy of retrenchment. California should bear in mind, however, that the Japanese people are very sensitive and undoubtedly would resent any attempt to discriminate against the Japanese people."

Anderson said that although his service in Japan had been brief he had been able to accomplish considerable in the way of strengthening the friendly relations between the two countries. This was possible, he said, because of his previous experience in Japan.

Burglars Get \$35—Fred Wise, 1910 Anza street, reported to the police yesterday that burglars entered his home and stole \$35.

YESTERDAY'S FIRE REPORT

12:01 a. m.—Two story and basement frame building at 1206 Post street, owned by Hecht Investment company. Dwelling being torn down. Loss slight. Supposed to have been caused by the upsetting of a coal oil lantern. A dead colored man was found in the building. He had been lying on the floor. It is thought that he kicked over the lantern while asleep, then awakened and died of fright.



A Series of SURPRISES Are Coming

SURPRISE NO 1 TO DAY 11 to 2

168 Farrell St. opposite Orpheum

COURT SAYS WIFE NOT ALARM CLOCK

Man Beats Spouse Because She Did Not Awake at Desired Hour

Husband Seeks Divorce, Alleging Mate Was Intoxicated in Chicken Coop

That a wife is not an alarm clock to be wound up and set to arouse her husband at 3 a. m. so that he might not be late for a fishing trip was the decision of Judge Graham yesterday in granting an interlocutory decree of divorce to Pauline from Roy Fisher.

Mrs. Fisher, who lives at 125 Fifth avenue, testified that her husband had planned an angling trip and had cautioned her to be sure and wake him at 3 o'clock in the morning. As an extra precaution Mrs. Fisher set an alarm clock for the desired hour. Three o'clock found the Fishers and their timepiece asleep, and the disappointed husband, awaking at 8 o'clock, set upon his drowsy spouse and beat her. The court suggested there might be some excuse for attacking the maker of the clock, but none for assaulting the wife, and gave Mrs. Fisher a decree and \$20 a month alimony.

INTOXICATED IN HENHOUSE

A husband who returns and finds his wife intoxicated in a chicken house is entitled to a divorce, according to the complaint filed by Charles A. Sellars, formerly of Fresno, against Mrs. Tunnie Mae Sellars. Sellars alleges, through his attorney, A. B. Strubel, that he returned from work one day and suffered mentally and physically to find his better half asleep in the henhouse. The couple married at Madera, Cal., August 14, 1911, and because of the wife's intemperance he left her on November 15, 1912.

GIVEN DECREE

These were granted interlocutory decrees of divorce:

By Judge Hunt—Ida from W. W. Wells, desertion. By Judge Van Nostrand—Hazel H. from E. B. Ryker, neglect; George A. from Zelma Edwards, desertion; L. M. from Albin J. Townsend, desertion. By Judge Price—Louis C. from Albert T. Emmrich, cruelty. By Judge Sturtevant—Mary from Paul Olgue, cruelty; Minnie from Richard Trout, neglect. By Judge Price—Mary from James H. Carlton, desertion. Complaints filed:

Samuel against Louise Wallace, desertion; Isabel against Louis Tlives, neglect; Anna H. against William H. Ringe, cruelty; Gerda against Emil Gustafson, desertion; Samuel against Sarah Platkin, desertion.

DANCE BY PRECITA PARLOR

R. R. Mitchell, Garrett M. Sears, Frederick Webber, George F. Welch, Edward Webber and Edward Tietjen have been proclaimed by Precita parlor No. 137 to arrange an entertainment and dance in Native Sons' hall next Saturday night in aid of the sick and social funds.

Warrant in Machinery Theft—A warrant for the arrest of Roy Brooks was issued by Police Judge Deasy yesterday on a charge of machinery theft. Brooks, 340 San Jose avenue, charges Brooks stole machinery worth \$300 from the McPhee Machinery company.

"MILLION" FUNNY, REALLY FUNNY

Alcazar Play Is Quite as Ludicrous as "Charley's Aunt," Says Critic

Adventures of Lottery Ticket and Distinguished Company Enacted

By WALTER ANTHONY "The Million," as produced last night at the Alcazar theater, proved to be as funny as "Charley's Aunt" and kept a houseful in laughter from the time the curtain rose on the first act until it fell on the final act.

The story of "The Million" has to do with a lottery ticket which Ramon Andrade purchased carelessly and then let slip from him. Finally it falls on the top of a taxi and before it is recovered there are many adventures, during which Clara Beyers as Francesca, Thomas Chatterton as Ramon and Charles Waldron as Dr. Lorimer Walsh distinguished themselves in a distinguished company.

There has not been a farce played in San Francisco since "The Man From Mexico" or "Charley's Aunt" that compares with "The Million" that was produced last night at the Alcazar.

The clever part of "The Million" is the fact that it finally falls into the hands of the sculptor, who in the first act seems to need a large sum of money in order to marry Francesca, an artist's model. He (Ramon) buys a lottery ticket, which he puts in the pocket of his blue blouse. The blouse is stolen several times and finally reaches the home of a grand opera tenor, who is on the point of leaving for Boston in order to sing the role of Rodolfo in Puccini's "La Boheme." He tucks the blue blouse in his trunk and leaves for Boston, but before he starts many complications in the plot arise. His friends are arrested, his sweetheart is estranged, and, as a matter of fact, Charles Waldron as Doctor Lorimer Walsh and David W. Butler as Fisherty who assisted in the search for the lottery ticket, were splendid in the fourth act, when they appeared in the roadhouse in Felham road, and a lot of lottery ticket in his pocket all the time was deliciously droll.

The performance was staged elaborately and was singularly funny.

GUILTY OF MANSLAUGHTER

WILLOWS, March 31.—William Elmore of Corsicana, Tex., was found guilty of manslaughter and sentenced today to 10 years in San Quentin for killing Frederick Rollo two months ago.

BODY BEING TAKEN EAST

LOS ANGELES, March 31.—The funeral of George T. Nicholson, third vice president of the Santa Fe system, who died here last night after a brief illness, will be held at Lawrence, Kan., his former home. Mrs. Nicholson left today with the body of her husband.

GRIEF IS CAUSE OF SUICIDE

VISALIA, March 31.—Grief over the death of a sister prompted Mrs. Brooks to commit suicide today by shooting herself.

Importer Loses Faith in Fantan "Square Game But for Chinese"

W. Greenbaum, a New York silk importer, who arrived here yesterday on the liner Manchuria, used to think that fantan was the squarest of all gambling games. He has some doubts about it now and is beginning to think that perhaps Bret Harte did know something about the "heathen Chinese."

During the homeward voyage of the Manchuria the Chinese crew ran a fantan game on the stowage deck, in which on the recommendation of Greenbaum, many of the cabin passengers participated. Greenbaum had reason for his faith in the integrity of fantan. When he cashed in last Saturday he was a little more than \$300 to the good.

There is a rule on the ship forbidding gambling on Sunday. Greenbaum persuaded the Chinese to break this rule, and last Sunday, as a great favor to him, the celestial gamblers arranged a special seance. It didn't seem like the same old fantan. Greenbaum's luck left him. He lost the \$300 that he had won and went into the hole about \$300 more. He settled all but \$180. He had money in the safe, and went to the purser to get enough to liquidate.

"I wouldn't pay that money if I were you," suggested Rev. F. M. Bouck, an Episcopal divine, "you have been cheated."

Bouck explained that he had overheard a conversation in which one steerage passenger related to another how the Chinese had manipulated the buttons so that Greenbaum couldn't win. There was a big row. Greenbaum compromised by paying \$100. The row attracted the attention of the ship's officers, who punished the breaking of the Sunday gambling rule by throwing the fantan layout overboard.

"Fantan would be a good, square game," said Greenbaum, "but for the Chinese."

Bold Highwaymen Plee—Two highwaymen who started out to hold up P. J. O'Malley, 174 Boyce street, early yesterday morning, were more scared than O'Malley when the latter yelled for help. The highwaymen stopped O'Malley at Green and Webster streets and told him to hand over his money. He uttered a piercing shriek and fled.

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Burglars Get \$310 in Gems—Jewelry valued at \$310 was stolen late Sunday night from the home of P. L. Warren, 75 Twentieth avenue, Richmond District.

SUITS - Fancy and Tailored Suits for Women and Misses - formerly sold to \$55 - now on Sale, by order of the Receiver, at \$25. Grater San Francisco Clock Co. Market St. cor. Taylor. A. L. MEYER, Receiver.

TWO SUSPECTS RELEASED

No Evidence to Hold Men Believed to Have Been Burglars

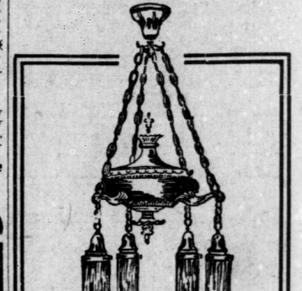
OAKLAND, March 31.—Two suspects picked up late last night for the attempted burglary of the home of Eugene Stachler, former councilman and well known politician, at 103 Grand avenue, during which Stachler was shot at by one of the robbers and was wounded in the ear, were released by Captain of Inspectors L. F. Agnew today for lack of evidence.

BRIEF CITY NEWS

Chinaman Ordered Into Custody—Lee Chung, a suspected highbinder, was ordered into custody by Police Judge Shortall yesterday afternoon on a charge of carrying concealed weapons. Corporal McFee testified that he caught Lee Chung coming out of a tenchouse with a loaded revolver under his blouse and had information that the Chinese had been chosen to commit a murder. Lee Chung will be sentenced today.

Fight Costs His Watch—His willingness to accept a challenge to fight cost Al Palmer, 979 Hampshire street, his watch and job Sunday night at Eighteenth and Polson streets. Palmer took off his coat and hung it to the pavement when a stranger dared him to fight. He found his jewelry missing when he recovered his garment.

Two Chinese Fined—Police Judge Shortall yesterday convicted Ah Wong of keeping a lottery place and fined him \$20. Ah Sam was fined \$100 for having opium in his possession.



Artistic Electric Shower - Are you building or installing new light fixtures in your home? - When you see what we have to offer, you have seen the newest and best - and at reasonable prices. The pictured shower in heavy lacquered Flemish brass, with massive link chains and prism pendants encircling brilliant Tungsten lamps, complete connected, \$25.50. LET US SHOW YOU INCANDESCENT SUPPLY CO., Inc. 307 SUTTER STREET ABOVE GRANT AVE. New York Chicago Pittsburg

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Wonderful medicinal natural hot sulphur and soda water, guaranteed for rheumatism, liver, kidney and stomach troubles; swimming tank, tub, plunge and electric light bath; expert masseurs; bathhouse 50 feet from hotel and cottages. Electric lights, carpets, hot and cold mineral water in every room; amusements, fine table from our own dairy and farm. Buy ticket to Agua Caliente station via S. W. until May 1, after that direct to Fetters' Springs station. For booklet and rates address or phone Fetters' Hot Springs, Agua Caliente, Sonoma county, Cal. When communicating with this resort, please mention The San Francisco Call.

FITCH MOUNTAIN TAVERN

On Russian river, 1 1/2 miles from Healdsburg. The only hotel and summer resort in California raising its own brook trout for guests. \$2.50 per day. \$12 per week up. Phone Sub. 50. A. M. EWING, Healdsburg. When communicating with this resort, please mention The San Francisco Call.

WOODLEAF PARK

Strictly modern furnished housekeeping cottages, winter hangars, lots for sale. Lively stable, the outst, saddle horses and ponies. S. E. BUTTON, Boyes, Cal. When communicating with this resort, please mention The San Francisco Call.

EL VERANO VILLA

A country resort for families. Open year round. Good fishing and hunting. Dancing pavilion. Hot mineral baths. Rates \$1 per week. For particulars write to EL VERANO VILLA, El Verano, Cal., or PECK-JUDAH CO., 759 Market st., S. F. When communicating with this resort, please mention The San Francisco Call.

AGUA CALIENTE SPRINGS

HEALTH AND PLEASURE RESORT NATURAL HOT SULPHUR WATER Swimming tank, 50 bath tubs. Hotel strictly modern, excellent service; rates reasonable; no staging. Send for information and booklet to THORBOR RICHARDS, proprietor, Agua Caliente, Sonoma county, Cal., or PECK-JUDAH, 687 Market st., San Francisco. When communicating with this resort please mention The San Francisco Call.

BOYES HOT SPRINGS

Round trip fare, \$1.65. Swimming tank 150 by 75 feet. Send for booklet. BOYES HOT SPRINGS, Cal. When communicating with this resort, please mention The San Francisco Call.

BELLEVUE HOTEL

Family summer resort. Bus to Boyes Springs daily. Rates \$5 and \$9 per week according to age. Phone or address, O. C. BENJAMIN, El Verano, Sonoma county, Cal. When communicating with this resort, please mention The San Francisco Call.

MARK WEST SPRINGS

Opens April 15. For reservations and information address Mrs. M. MILGROV, Santa Rosa, or PECK-JUDAH CO., 687 Market st., S. F. When communicating with this resort, please mention The San Francisco Call.

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HOTEL DEL CORONADO

CORONADO BEACH, CALIFORNIA Special weekly rates. First class in every respect. Our own water-distilling and purifying plant insures good water. House swept and cleaned by the vacuum system. Most equable climate in the world. Golf, Tennis, Deep Sea and Bay Fishing, Bathing. Write or telegraph (our expense) for rates or rooms. Motor boats meet all passengers on arrival of Pacific Coast S. S. Company's steamers and bring them direct to hotel. JOHN J. HERNAN, MGR., CORONADO, CAL. H. H. NORCROSS, General Agent 334 SOUTH SPRING STREET LOS ANGELES, CALIFORNIA When communicating with this resort, please mention The San Francisco Call.

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In Santa Cruz Mts., 9 miles from the Beach. Fine fishing, boating, swimming, tennis, golf, motoring. Rates, \$2.50 up; special rates to families by the month. No staging, trains met by auto. Make reservations in advance. For booklet and further information address J. M. SHOUTS, box C, Ben Lomond, Cal. When communicating with this resort, please mention The San Francisco Call.

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LOS GATOS Entirely remodelled and refurbished. Hot and cold water. Private baths. Telephone in every room. Tent cottages. HERBERT L. KENT, Prop. and Mgr. When communicating with this resort, please mention The San Francisco Call.

FASHION STABLES

GILROY, CAL.—Direct line to Gilroy Hot Springs. Round trip \$3; new easy-riding carriages; special rates for family. First-class turn-outs; telegraph and phone orders promptly attended to. Phone 601. SERPA & PIMENTEL, Props. When communicating with this resort, please mention The San Francisco Call.

STAFFORDS

The Resort of the Santa Cruz Mountains Address W. S. Stafford, Sequoia, Santa Cruz county, Cal. Information, Peck-Judah Co., 687 Market st., San Francisco. When communicating with this resort please mention The San Francisco Call.

RUSSIAN RIVER

MARK WEST SPRINGS Opens April 15. For reservations and information address Mrs. M. MILGROV, Santa Rosa, or PECK-JUDAH CO., 687 Market st., S. F. When communicating with this resort, please mention The San Francisco Call.

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NAPA VALLEY

NAPA SODA SPRINGS

(Under same management.) This beautiful health and pleasure resort, 7 miles from Napa, 1,000 feet above sea level, highly recommended by leading physicians of San Francisco for stomach, liver and kidney troubles; and cold mineral baths, and a new swimming tank. All sorts of amusements for everybody, and only 20 miles from San Francisco. Special round trip tickets by Monticello S. S. Co., \$3 and by S. F. R. R. Co., \$3.50, including auto service to and from the Springs. For further particulars and booklet write to Peck & Judah, Napa Soda Springs, Calif. The roads from Napa are in fine condition for autos. Come with the crowd and have a good time. Rates from \$10 to \$18 including baths. When communicating with this resort, please mention The San Francisco Call.

SEQUOIA Summer Resort

Under new management, 8 miles from Napa. Daily mail, spring water, fresh dairy products, fine lakes, splendid table, new dancing pavilion auto service. Rates \$10 per week. Management by Dr. Troppman, Franz J. Goerdner and Troppmann. P. O. box 120, phone 14-F-11, Napa, Cal. When communicating with this resort, please mention The San Francisco Call.

ALTA LOMA

On Howell mountain. Milk, cream, fruits and garden. \$9 per week. Rates to families. Daily mail. For booklet address D. B. HAMPTON, St. Helena, Napa county, Cal. When communicating with this resort please mention The San Francisco Call.

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EDISON BROS., Props. A resort for pleasure and health, also ideal for hunting and fishing. Is situated in Siskiyou co., Cal., on highway to Klamath Falls and Clear Lake. Good roads, garage, gasoline. Particulars write W. C. BROWN, Manager, Bewick, Cal. When communicating with this resort, please mention The San Francisco Call.

MONTEREY COUNTY

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