

NEWS OF OAKLAND, BERKELEY, ALAMEDA, HAYWARD AND SAN LEANDRO

CITY TO RECOVER WATER FROM LAND

Board of Works Begins Negotiations to Regain Site of Wharf

Attorney General May Sue to Quiet Title in East Oakland Basin

OAKLAND, Feb. 10.—Relying on the decision handed down by Superior Judge Walter Borswell of Los Angeles in state tidal land litigation, the board of public works of this city is conducting negotiations for the recovery of control over all lands in East Oakland, title to which is claimed by private interests as being derived from the Stratton patent.

The negotiations thus far have been only with the Pacific steel and wire company, which held up work on the municipal wharf at the foot of Livingston street. That concern is one of the Stratton patent claimants. The board of works has virtually completed an agreement, subject to ratification by the city council, by which the company will permit the city to proceed with its wharf building without interruption, will grant the free use of a fairway in front of the disputed property and will dedicate two streets as approaches from the land to the wharf. In return the city will give to the company a long leasehold at such rates as will enable the concern to make back its investment.

The agreement will be completed tomorrow or early next week, Mayor Mott, City Engineer Turner and City Attorney Woolner arranging a conference with the wire company directors. In case these negotiations for the recovery of the Stratton patent lands fail to effect the purpose, the city will ask Attorney General U. S. Webb to bring suit in the name of the state, such an action would be a duplicate of the suit over Wilmington tidelands, Los Angeles, which terminated in Judge Borswell's decision.

That decision was sweeping. It declared void the patent by which Homer S. King and the Southern Pacific company claimed several hundred acres of tide lands under a patent to King. The decision was won by the same argument as was used by the late city attorney of Oakland, John E. McElroy, that the patents were unconstitutional.

The Wilmington case was parallel with the Stratton patent case, which affects the whole East Oakland basin. The decision by Judge Borswell, it is estimated, would result through suit by the attorney general, in every claim by occupants of Stratton patent land being declared void. Among firms involved in such possible litigation are the Pacific steel and wire works, Hodge & Collins lumber company, Breed & Rancourt, E. C. Sessions, the Atlas gas engine company and the Interlocking stone company. The Southern Pacific company has already quitclaimed to the city the land it held under the Stratton patent.

The salient features of the Borswell decision, which apply exactly to the East Oakland basin tide lands, are:

The use by the people of tide lands for navigation is a natural right, of which the state is the owner. As a general proposition tide lands useful for navigation may not be irrevocably alienated.

Tidelands useful for navigation may be granted by the state into private ownership.

Under some circumstances title to the tide lands, although useful for navigation, may be irrevocably alienated into private ownership, when thereby a greater public benefit will result, and navigation be not substantially interfered with.

No general law of California has ever been enacted authorizing the irrevocable sale of tide lands.

Prior to 1867 tide lands contiguous to and forming a part of a coast or swamp and overgrown lands which were unusable for navigation (but none other) might be sold under the provisions of section 2440 of the political code, or under previous legislative acts.

Section 15, of the constitution of California, prohibits the unqualified leasing of the lands.

In an action brought by the state to quiet title to lands, patents to which are void for want of power in the legislature to convey or for want of legislative authority, it is essential that the state should repay or tender back the purchase price as a prerequisite to the maintenance of the action.

Filling in of tide lands claimed under a void patent gives rise to no equitable claims in those claiming under the patent.

No statute of limitations runs against the state in an action to quiet title to tide lands devoted to public use.

Title to lands devoted to public use can not be predicated on adverse possession.

The plea of estoppel based upon possession of and improvements upon lands devoted to public use can not be allowed.

The attorney general is empowered to institute on his own motion actions in the name of the state to quiet title to lands devoted to public use and claimed under void patents.

The use contemplated by the legislature of lands for the reclamation of which provisions were made by the political code and early statutes was agricultural.

Suburban Brevities

MINISTER TO ADDRESS STUDENTS—Alameda, Feb. 10.—Rev. Charles L. Meers of the First Congregational church is to deliver an address on Lincoln before the students of the Alameda high school at 11:10 o'clock Monday morning.

MUSIC IN BUSINESS QUARTER—Alameda, Feb. 10.—The chamber of commerce has engaged the band of the California company of the Young Men's Institute to play in Park street in the business section tomorrow night. The boy scouts will parade with the band.

ESTATE APPRAISED—Oakland, Feb. 10.—The inventory and appraisal of the estate of the late Edward S. Nichols, a manufacturer of Berkeley, was filed today. It accounts for property worth \$85,624.52, consisting of real estate and stock in various corporations.

LADIES' AID ELECTIONS OFFICERS—Alameda, Feb. 10.—The Ladies' Aid society has elected the following officers: President, Mrs. L. Rachen; vice president, Mrs. B. Wanger; treasurer, Mrs. C. Groube; corresponding secretary, Mrs. A. Alton; financial secretary, Miss Kewenick.

DEATH RESULTS FROM FALL—Alameda, Feb. 10.—John Mitchell, 2164 Alameda avenue, who fell from the roof of the Behr residence, 1528 Chestnut street, yesterday while engaged in putting on shingles, died this morning as a result of his injuries. Mitchell is survived by a widow and two sons.

DISCUSS SUPERVISOR DISTRICT—Alameda, Feb. 10.—The Alameda Improvement club at its meeting last night discussed the plan to have Alameda included in one supervisorial district, instead of being part of two districts, as at present. E. K. Taylor, C. R. Smith and Captain L. Anderson were named as a committee to investigate the matter.

BOYS ACCUSED OF THEFTS—Oakland, Feb. 10.—Benjamin Shaw and Larrin Greenlee, both 14 years of age, were arrested today on complaint of Assistant Superintendent Coldwell of the E. M. C. A. that the boys were stealing clothes from the cloakrooms of the new building at Twenty-first street and Telegraph avenue. Shaw was taken to the detention home.

Dramatic Club Gives New Members Merry Welcome



Miss Alice Elliott, president of Oakland high school dramatic society.

BIG HIGH SCHOOL SOCIETY INITIATES NEW STORM SEWER

Two Playlets Feature Splendid Entertainment at Oakland Institution

City Engineer Prepares Plans for Needed Improvement in Annexed District

OAKLAND, Feb. 10.—The new members of the dramatic society of Oakland high school were initiated this afternoon in the school gymnasium, and an excellent program furnished entertainment for a jolly afternoon. After an opening speech by Principal Keyes and the calling of the roll of the society, a spirited two-act play called "The Green Bracelet" was presented by members. Those having parts were Paul Smith, Kenneth Hohart, Roy Anderson, Howard Sargeant, Earl Pedlar, Alfred Wagner, Paul Wilson and James Hahn. The initiation of members followed, after which a burlesque on the trial scene from "The Merchant of Venice" was given.

The cast for the comedy was: Shyllock, Chester de Lancy; Counsel, Martin Beninger; Antonio, Richard Chamberlain; Bassanio, Roy Welsens; Page, William Fillmore; Portia, Orville Caldwell; Judge, Irene McQuay; Nerissa, Eugene Currier; Society Lady, Alice Leigh; Maid, Edna Bassett.

Refreshments and dancing followed. The music for the affair was furnished by the school orchestra, composed of Hal Barker, piano; Kenneth Fox, violin; and Malen Langstroth, cello. The dramatic club in a recent order in the school, and from present indications will enjoy a successful year. The order boasts 56 members, and Principal Keyes has assured them of the full support of the faculty. The officers of the club are: Alice Elliott, president; Paul Smith, secretary; and Kenneth Hohart, treasurer. The executive committee is composed of Viola Rogers, chairman; Theodora Todd, Arthur Mitchell and Mildred Manuel. The society will give another entertainment next week, and will present a play later in the term.

BOY HURT AT PLAY—Berkeley, Feb. 10.—Elmer R. Peterson, a 12 year old schoolboy, was knocked to the ground and his right leg fractured while playing with companions at the Washington school yesterday. The fracture was reduced by Dr. J. J. Benton at the Roosevelt hospital.

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SYRUP OF FIGS AND ELIXIR OF SENNA HAS GIVEN
UNIVERSAL SATISFACTION FOR MORE THAN THIRTY YEARS.
PAST, AND ITS WONDERFUL SUCCESS HAS LED UN-
SCRUPULOUS MANUFACTURERS OF IMITATIONS TO OFFER
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COSTING THE DEALER LESS, THEREFORE, WHEN BUYING,

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SOME AND EFFECTIVE REMEDY FOR STOMACH TROUBLES, HEADACHES
AND BILIOUSNESS DUE TO CONSTIPATION, AND TO GET ITS BENEFICIAL
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ANNEX RESIDENTS MAY HOLD OFFICE

City Attorney Says That Statute Makes New Citizens Eligible for Election

OAKLAND, Feb. 10.—Residents of the annexed district are eligible to office, according to City Attorney Ben F. Woolner. The new charter provides that candidates for office must have been residents of the city for four years preceding the election. This language, Woolner holds, is qualified by the terms of the statute providing for annexation, as that act was amended in 1905.

"The statute," said the city attorney, "reads that districts annexed shall be part of the city to all intents and purposes." That, of course, means for everything pertaining to citizenship, and it applies to election qualifications.

The objection raised to candidates from the annexed district is that if elected they might be disqualified. No court, Woolner is certain, would take such a narrow view as to disqualify them.

Candidates for municipal offices at the forthcoming election whose eligibility had been questioned are Philip Reilly of Elmhurst, for commissioner No. 3; P. C. Frederickson of Fruitvale, for commissioner No. 4; and Christian Leidecker of Fruitvale, candidate for mayor.

M. K. Miller, once head of the street department of Oakland, announced today that he would be a candidate for mayor. He recalled the fact that he served for the city in the Contra Costa water company litigation and on the advisory board of engineers for the harbor work.

There are now four aspirants for the position held by Mayor Frank K. Mott. The three others are Dr. E. F. Jackson, defeated for mayor two years ago; Leidecker of Fruitvale and Thomas Booth, socialist.

The board of trustees of the Mary R. Smith's trusts, in charge of cottage homes at Fourth and Cottage avenues, East Oakland, have endorsed Miss Annie F. Brown as candidate for school director. The trustees are:

Mrs. Frank H. Smith, Mrs. R. H. Chamberlain, Mrs. Giles H. Gray, Mrs. Wallace M. Alex, Mrs. J. K. Feltman, Mrs. B. P. Miller, Mrs. R. L. Oliver, Mrs. E. M. Walsh, Mrs. T. L. Barker, Mrs. Grace Sperry, Mrs. M. M. Brock, Miss Emily Wellman.

The Melrose republican club has been organized for the campaign in the annexed district. A meeting will be held tomorrow night at East Fourteenth street and Forty-seventh avenue. The officers are:

Toy Mazzette, president; Charles J. Eldridge, vice president; W. Smith, secretary; Frank del Monte, sergeant at arms; executive committee, B. Schaefer, C. Rollins, J. D. Schult, J. Demos, P. M. Lang, J. Bloodworth, J. Mallet, C. J. Eldridge and W. A. Smith.

RICHARD W. RUST TO ISSUE CLASS BOOK

Sophomore Elected Manager of Blue and Gold

BERKELEY, Feb. 10.—At one of the most hotly contested elections at the university, Richard W. Rust was chosen manager of the 1913 Blue and Gold, the class annual of the juniors, by the sophomore class today, over L. M. Foulke. More than 300 votes were cast and Rust had a plurality of about 25.

He is registered in the college of social sciences with jurisprudence as his major subject. He has taken an active part in college and class affairs and is a member of the Occident staff. Rust is a member of the Kappa Sigma fraternity.

He will appoint his staff in a few days.

NEW COMMERCIAL CLUB HAS SPLENDID START

BERKELEY, Feb. 10.—Considerable interest is being taken in the organization in West Berkeley of a new commercial organization. Lincoln H. Lewars has been selected as temporary president and Thomas Dowd as temporary secretary. A circular letter of invitation has been sent to 130 business men of the western section of Berkeley, and a hearty response is expected.

The afternoon session will be held in the Alta Vista apartments, Telegraph avenue. Among the speakers will be: Dr. Martha Barnaby, Dr. D. C. Farnham, Dr. W. T. Sheldon, Dr. E. H. Morrison, Dr. W. W. Vanderburgh, Dr. Harry H. Forbes, Dr. Hugh M. Frazier, Dr. H. E. Poland and others.

The speakers at the banquet will include Dr. Barclay Henley and Dr. Ernest Sisson.

Golden Center Table \$1.65

A handy piece of furniture for the bedroom or parlor; top measures 18x18 ins.; magazine or work basket shelf underneath; strongly built and well finished.

One of the hundreds of big values at Breuner's—Oakland

"Where are you going, my pretty maid?" "I'm going to Breuner's, sir," she said. "And why to Breuner's?" then said he. "Because my credit is good," said she.

—Dorothy Bullock (age 9 years), 1530 83d Ave., Oakland.

Our large patronage is due to courteous treatment, low prices, liberal terms of payment and honest merchandise combined with prompt delivery of purchases.

We Will Trust You Privately

Have you seen our show windows this week?

13th and Franklin Sts.

Breuner's Oakland

your credit is good

Wedding to Unite Two Former Students of U. C.



Miss Eudora Kelsey, who will become bride of young businessman tonight.

FRATERNITY MAN TO CLAIM BRIDE

Guy Smith and Miss Eudora Kelsey Will Be Married at Church Tonight

BERKELEY, Feb. 10.—With the Epworth Methodist Episcopal church, South, as the setting Guy Smith, a university graduate, and Miss Eudora Kelsey, a well known member of the younger set will be married to-morrow evening, Rev. J. A. B. Fry, pastor of the church, officiating. More than 100 invitations have been sent out. Miss Grace Kelsey, sister of the bride, will attend as maid of honor, and Lawrence Kelsey, a brother, will give Miss Kelsey into the keeping of the groom. Master John Kelsey will act as ring bearer. Roy Bailey will be the groomsmen.

Miss Kelsey is the daughter of Mr. and Mrs. George Powers Kelsey of 2215 Ellsworth street. She came here three years ago to attend the university, but left at the end of a year to devote all her time to musical studies. She is a talented musician.

Smith, who was well known in Greek letter fraternity circles on the campus, was graduated with the class of 1910. He is engaged in business in the bay cities.

GUILT IS ADMITTED BY GIRL HORSETHIEF

Dawn Fisher Asks Court to Place Her on Probation

OAKLAND, Feb. 10.—Dawn Fisher, the 19 year old girl who was arrested for horse stealing, pleaded guilty today in Judge Wells' court and asked for probation. Her case was referred to Probation Officer Ruess, who will report February 14. The girl's father, who is a well known Los Angeles real estate man, promised to take her back and give her proper care.

The girl rented a horse from Miss

MRS. MARTIN GOES TO PENITENTIARY

Dynamiter Jokes as She Is Taken Away to Serve Life Sentence

OAKLAND, Feb. 10.—Shaking hands good naturedly with all those about her, Mrs. Isabella J. Martin left the county jail this morning for San Quentin prison, where she has been sentenced to spend the rest of her life for dynamiting the home of Judge Ogden. She wore a crimson coat and a pink skirt. She posed for half a dozen photographs in front of the jail. As she left in the train at Seventh street she waved a cheerful goodbye to the scores of persons who had followed to see her depart.

At the jail, where she has been for nearly three years, there was great joy at her departure, for all the jailers declared that she had been the most troublesome prisoner ever incarcerated there.

"I feel like running the flag up the pole, I'm so tickled to get rid of her," said Chief Jailer P. L. White. His wife, who is matron of the jail, accompanied Mrs. Martin to San Quentin.

Long before daylight Mrs. Martin began packing up her things. She left with an assortment of valises and telescope baskets, and what she could not get in these she tied up in a piece of striped bed ticking.

She joked with those at the jail. "I'll be back some day," she said, referring to her appeal, which she will prepare while in the penitentiary.

Mrs. Martin arrived at San Quentin this afternoon and was put through the same course as all new prisoners. Her number is 24829. She kissed her son goodby and shook hands with Deputy Sheriff Joseph D. Moffitt. But she refused to shake hands with Mrs. Hattie White, with whom she quarreled repeatedly while she was at the county jail.

Mrs. Martin Begins Sentence

SAN RAFAEL, Feb. 10.—Mrs. Isabella Martin, who was given a life sentence in San Quentin prison for blowing up Judge Ogden's house in Oakland, arrived at the state prison today at noon to commence her sentence. She was brought from the county jail in Alameda by Deputy Sheriff Moffitt and Matron Mrs. White. Her son, "Baby" John, accompanied her. Her only remark on reaching the prison was, "What a beautiful garden this is."

FRENCH COLLEGE BURNS—Kierpet, Turkish Armenia, Feb. 10.—The large French college, managed by the Capuchin fathers of Toulouse, was nearly destroyed by fire today.

TAFT & PENNOYER

Cloak and Suit Department

We are now showing a line of junior, misses' and ladies' Suits, Coats and Dresses in all the new models and fashionable fabrics of the season. Suits for misses and juniors in light tweeds and mixtures; also plain colors; coats of hip length; suits strictly tailored. Priced from \$17.50 up.

Suits for ladies in imported and domestic materials; some strictly tailored, others appropriately trimmed; every suit has a distinctive style. Priced from \$25 up.

Exquisite Dresses in pongee, foulards and taffetas. Priced from \$15.00.

New Waists

A large and complete line of lingerie, chiffon and silk Waists.

Lingeriefrom \$1.25 Silkfrom \$4.00

Chiffonfrom \$9.00 Marquissettefrom \$6.75

Children's Headwear Special

Clearance Sale of Children's Winter Headwear at tremendous reduction. Bengaline silk and bearskin Hats in many different styles.

\$1.25 to \$2.00.....25c \$2.25 to \$3.75.....50c

\$4.00 to \$5.50.....75c

Also a \$4.50 line; tailored styles in felt in many shades at 75c.

Men's Furnishing Department

Announcement Spring 1911

We are now prepared to show our first shipment of

Shirts

Our large patronage is due to courteous treatment, low prices, liberal terms of payment and honest merchandise combined with prompt delivery of purchases.

We are showing a wonderful variety in the medium and high class Man-Tailored Shirts, up-to-date in style and in many beautiful designs that were manufactured especially for us; exclusive patterns, material that we know will stand the wear and tear of the laundry. Shirts that will be worn long after the price paid for them has been forgotten. Priced \$1.50 to \$2.50.

Knitted Cravats for Spring

Panama weave, the very latest long narrow Four-in-Hand, highly lustrous, woven by experienced weavers on special looms to produce uniformity and perfection; cross stripes, twenty combinations; in short, best half-dollar Cravat ever produced, and it's reversible. Priced 50c.

A new Sweater Coat for men with a decided ring of style. Accordion knit, two-tone combinations; colors, black and white, black and red, purple and black, brown and tan. Priced \$6.00.

News of the Shoe Section

Newest effects in ladies' tan calf welt button, short vamp, high arch.

Boys' patent colt welt Blucher; a nice dress shoe.

Boys' dull calf welt Blucher; made to wear—Special \$2.50.

Ladies' patent kid Oxfords; L. X. V. heels; hand-turned soles; such makes as Laird, Schober & Company, Wichert & Gardiners; regular \$5—Now \$1.95.

See our tables in broken lines of Children's and Misses' Kid and Patent Leather; regular \$1.75 and \$2—Now \$1.00.

Little ladies' patent kid welt sole lace; a beautiful dress shoe; regular \$3.50—Now \$2.50.

Agents for Dagan & Hudson Iron-clad Shoes for children and misses; the most complete line on the Pacific Coast.

Clay St., 14th & 15th, Oakland