

Senate by Overwhelming Vote Approves 8 Hour Day: Governor's Short Ballot Amendments Speed Through Assembly Commonwealth Club and Bar Association Bills Successful: Conservation Measure to Regulate Power Sites Finds Favor

SHORT BALLOT AMENDMENTS GO TO THE SENATE

Assembly Gives Governor All the Appointive Offices Asked For

Five State Offices May Be Stricken From Party Ticket at Next Election

By GEORGE A. VAN SMITH

[Special Dispatch to The Call]

CALL HEADQUARTERS, SACRAMENTO, March 8.—If in fact, Governor Johnson has abandoned his appointive cabinet scheme, described for convenience and other purposes as the short ballot propositions, the assembly has not been so advised. As evidence of that fact and that the recall amendment had been disposed of, the assembly sent both the short ballot amendments to the senate and topped off the job by the addition of the resolution for the enlarged appointive railroad commission.

Those who believe that when the recall amendment was out of the way the short ballot movement would take on new life, were not compelled to wait long for confirmation of their belief. The lower house got down to the short ballot propositions promptly yesterday and stayed with them until it had done its part toward giving the governor the appointment of the secretary of state, treasurer, attorney general, superintendent of education and the members of the railroad commission.

That involved the addition of resolutions for three constitutional amendments. Young's amendment to make the superintendent of public instruction an appointive instead of an elective officer went through the assembly by a vote of 57 to 13. Hinkle's amendment to make the secretary of state, treasurer, attorney general and surveyor general appointive was adopted by a vote of 55 to 15, and Sutherland's road commission resolution went swinging with a vote of 63 to 6. While the vote on the Sutherland amendment was the smallest, it was the only one of the three that got through a comfortable margin. The Hinkle resolution secured only one vote more than the necessary 54 and there were only three to spare on the Young amendment.

WHAT THE VOTES INDICATE

If those votes indicate anything other than the efforts made by the incumbents of the offices that are to be appointive, they indicate that the legislative mind is favorable to the appointment of a railroad commission, but not enthusiastically in favor of the appointment of the remainder of the administrative officers. The fact that the members of the railroad commission are in favor of the amendment, if in fact they are not responsible for it in its present form, has made a difference in the attitude of the assembly and may make a difference in the senate.

If the argument made by the proponents of the appointive railroad commission amendments is sound, there can be slight ground for the opposition to the appointment of a superintendent of public instruction. The argument that a chief executive is better equipped to choose men for places requiring special technical equipment than are the people must apply with even more force to the superintendent of instruction than to the members of the railroad commission.

I have been told by the senators immediately interested in the amendment affecting the superintendent of instruction that they have the votes to put it through the upper house. If their statements are correct, and they are not the kind of men who are given to idle boasting, there is good reason for the belief that the other amendments, modified somewhat, will also pass the upper house.

ONE OFFICE DOUBTFUL

I am inclined to believe that if the administrative officer amendment gets through the senate, the attorney general will be stricken from its provisions, leaving the list of elective state officers to include the governor, lieutenant governor, attorney general and controller.

THE CONTROLLER WAS NOT INCLUDED originally because it was contended that he was the people's auditor and should not be responsive to an appointive power. The demand for the exception of the attorney general is based on the contention that the state's chief law officer might be called upon in the discharge of his duty to attack the executive and that an elective officer would be readier to undertake such a task than would an appointive official.

ANOTHER BILL VETOED

The executive veto made is beginning to swing. It rose and fell today three times. Under its weight were flattened the negotiable instrument act, the bakeshop bill and the anti-blacklisting bill.

The Gates negotiable instrument act was given the executive hook because in effect it made a promissory note a check against the maker's bank account. Under the provisions of the bill the holder of a promissory note could satisfy it at maturity out of the maker's bank account by presenting it as a check might be presented and without regard to any objection the maker might have against its collection.

ANOTHER BILL VETOED

The bakeshop bill went down because in the opinion of the governor it added nothing to the sanitary provisions of existing laws and would work irreparable injury without affecting any good purpose.

The bill provided that no bakeshop could be conducted in a basement or cellar. Of course, existing shops were excepted. The governor learned that the bakeries of all the first class hotels in San Francisco and Los Angeles were in basements and that plans for modern establishments in course of construction called for basement bakeries.

He also learned that as regards sanitary regulations the bakeshop law of 1909 was more comprehensive and stringent than the proposed law.

In addition to the stringent state law," said the governor, "there are the most stringent local regulations in San Francisco and Los Angeles. If bakeries are sanitary it makes no difference whether they are in basements or above ground, on the score of sanitary regulations the 1909 law is far better than this bill."

The antiblacklisting bill went down because of its uncertainty and ambiguity. The governor declared that while he had no objection to a blacklisting law, he did object to a bill that included terms without legal meaning. This structure was occasioned by the provisions that no employer should re-

NYE DISCOVERS BARREL CONTAINS LITTLE PORK

[Special Dispatch to The Call]

CALL HEADQUARTERS, SACRAMENTO, March 8.—State Controller Nye's vigilance in checking up the expenditures of the legislature caused a shock to the assembly today when he informed Chairman Bliss of the committee on attaches that he would charge against the assembly's allowance of \$500 a day for patronage all items for clerks, stenographers, sergeants at arms and interpreters in connection with the investigation of the fish and game commission.

Nye's figures show that of the surplus to the credit of the assembly part of the session the balance was only \$1,000 Saturday. As the lower house is exceeding the \$500 allowance by about \$35 a day, the time is almost at hand for retrenchment.

Members whose wives, daughters or other relatives are drawing money from the state without doing any service will be forced to drop them from the pay roll or call upon them to do real work, so that the attaches without a pull may be dismissed.

Progress in the work of decreasing the attaches' pay roll in the senate was made today when E. A. O'Brien, clerk of the manufactures and internal improvements committee, and Frank Dowd, clerk of the banking committee, were dropped. Several more are doomed to lose their jobs.

quest a letter of relinquishment and that no employer should publish any employe.

DEFINITION LACKING

The governor declared that he had questioned the proponents of the bill without securing a definition of "letter of relinquishment," or an explanation of the publishing inhibition. He said that a blacklisting law should include a saving clause providing for truthful declarations respecting a discharged employe, thereby preserving the right to disclose the reasons for the discharge of a dishonest or incompetent employe.

The governor's veto axed promises to wafat fax. There is a reason. Unlike his predecessors, Governor Johnson did not prepare a check or condemned list of undesirable measures for his own convenience or protection. Most governors have employed a confidential clerk or two to digest bills as they are introduced. From these digests the governors have been able to make condemned lists, which, entrusted to administration representatives in the legislature, have resulted in the chloroforming of hundreds of bills that otherwise would have been put up to the executive for reluctant approval or equally reluctant veto. Governor Johnson had no such list, and as a complementary irritant he has a legislature horribly addicted to the vetoing habit. It is indeed a sorry measure or one fathered by a most unpopular man that does not stand more than an even chance of getting to the governor.

There is hot tip out that W. E. Bates of Alameda, who was one of Judge Works' advisers in the senatorial scrimmage, is slated to succeed J. W. Greeley, superintendent of the Whittier training school. The terms of Trustees James Clark of Pasadena and T. E. Newlin of Los Angeles expire this week. The Bates tip includes the names of Assemblyman Prescott of the Cogswell of Del Monte and W. E. McVay, vice president of the German American savings bank of Los Angeles, as their successors.

ASSEMBLYMEN FAVOR BARBERS' COMMISSION

CALL HEADQUARTERS, SACRAMENTO, March 8.—Senator Julliard's bill to create a barbers' commission of three to be appointed by the governor was reported favorably by the assembly committee on capital and labor today. Provision is made for sanitary methods in barbering. No one afflicted with tuberculosis or an infectious or contagious disease is to be licensed. Applicants for licenses must have three years' experience and pay a fee of \$5.

CASSIDY'S BAKERY BILL IS VETOED

CALL HEADQUARTERS, SACRAMENTO, March 8.—Senator Cassidy's bill providing for the regulation and supervision of bakeries, one of the measures urged by union labor, was vetoed.

SHORT DAY FOR WOMEN APPROVED

Senate Passes Griffin Bill, Already Through Assembly, by Vote of 34 to 5

[Special Dispatch to The Call]

CALL HEADQUARTERS, SACRAMENTO, March 8.—By a vote of 34 to 5 the senate passed the Griffin bill requiring that women workers shall not work more than 48 hours a week, and not more than 48 hours a day, and not more than 48 hours a week, a half dozen attempts were made to amend the measure, but in each case the proposed changes were voted down decisively. Senator Leroy A. Wright of San Diego made a stubborn fight, but was beaten.

Argument on the measure, which is now ready for the signature of the governor, consumed almost four hours, and it was close to 7 o'clock when the final vote was taken. Senator A. Caminetti led the advocates of the short day bill for women, and delivered an eloquent address calling upon the senate to "place the good of humanity before the argument of the dollar."

Assemblyman Thomas Griffin of Modesto, who carried the measure to victory in the lower house, aided Caminetti with his counsel.

Wright's amendment called for a nine hour day, 54 hours a week, and provided that the employer, in case of necessity, might hire his women employees overtime 60 days out of the year. This series of amendments was defeated by a vote of 14 to 24. A proposed amendment calling for an eight and a half hour day was defeated.

Wright also submitted an amendment which provided for 48 hours a week, but permitted the employer to grant women a Saturday half holiday, on condition that the time off was made up in the other five days of the week. A vote of 16 to 22 defeated this.

Senator Curtin of Tuolumne was in favor of the bill, but attempted to have it amended so that no employer could be prosecuted if an employe stayed as much as 15 minutes overtime to wait on such a customer. A vote of 4 to 33 defeated this proposal.

Senator Strobridge of Hayward offered an amendment permitting but 48 hours a week, but allowing as many as 10 hours to be worked on any given day. This went to defeat by the vote of 12 to 27. Senator Hurd's proposed amendment bringing domestic labor under the eight hour law found but six adherents.

Wright of San Diego and Hewitt of Los Angeles told of an investigation they had conducted in San Francisco Monday among the shops and factories. They declared that all the women with whom they held private conversation were unanimous for the nine hour day, in order that the employers might be able to grant them Saturday half holiday for shopping. If the eight hour day were inaugurated, the women said, the employers would not be able to grant them the half day off Saturday, and they felt that they must have this opportunity to shop.

The final vote stood: Ayes—Avey, Eban, Bell, Bills, Black, Bryant, Burnett, Caminetti, Campbell, Cartwright, Cassidy, Curtin, Gatten, Estudillo, Finn, Gates, Hans, Hare, Hewitt, Holohan, Julliard, Larkins, Lewis, Martineau, Regan, Roseberry, Rush, Sanford, Shanahan, Stetson, Tyrrell, Walker, Welch, Wright—34.

Noes—Birdsall, Boynton, Hurd, Strobridge, Thompson—5. Absent—Wolfe.

BAN ON SHIPMENT OF MISBRANDED FOODS

[Special Dispatch to The Call]
CALL HEADQUARTERS, SACRAMENTO, March 8.—The assembly judiciary committee recommended today the passage of Rosendale's bill to stop the handling of all misbranded, mislabeled or adulterated drugs or foods through the mail or by any other means of transportation.

BOARD TO CONTROL WATERS OF STATE

Assembly Passes Conservation Bill to Regulate Appropriations for Power

[Special Dispatch to The Call]

CALL HEADQUARTERS, SACRAMENTO, March 8.—The assembly conservation bill, to regulate the appropriation of water for generating electricity, passed the assembly today without opposition. A board of control, consisting of the governor, the state engineer and three members to be appointed by the governor for four years, is created, with an appropriation of \$50,000 for carrying out the provisions of the act.

Appropriations may be made for not more than 25 years, but extensions of 25 years are permitted. The state will reserve the right to fix the rates for electricity generated by appropriated water.

When application is made for appropriation no charge will be made for the first 100 horsepower, but for all above 100 horsepower there will be a charge of 10 cents per horsepower. The board of control is empowered to cancel appropriations whenever it appears that the holders of the rights are forming a monopoly.

The bill also provides that the power shall pass to any commission which may be established by the state for the regulation of public utilities as soon as the commission is established. The board of control will then cease to exist.

Violation of the act is made punishable by a fine not to exceed \$5,000 or imprisonment in the county jail not to exceed one year.

JOB SEEKERS NEED NOT PAY FOREMAN

CALL HEADQUARTERS, SACRAMENTO, March 8.—Senator Shanahan's bill to prohibit foremen or superintendents, having charge of two or more men, from collecting or receiving any gratuity from any person seeking employment was recommended favorably by the assembly judiciary committee today.

CRONIN WANTS SHEEP PROTECTED FROM DOGS

CALL HEADQUARTERS, SACRAMENTO, March 8.—John R. Cronin of Benicia stepped forward today as the defender of sheep. He offered a bill providing that "any person who shall possess, harbor or own any dog or other animal, knowing that said dog or other animal has killed or wounded any sheep, is guilty of a misdemeanor."

COMMONWEALTH CLUB BILLS PASS

Assembly Approves All But One of Measures Correcting Criminal Procedure

[Special Dispatch to The Call]

CALL HEADQUARTERS, SACRAMENTO, March 8.—Most of the series of bills by Senators Boynton and Burnett, which were introduced at the request of the state bar association, the San Francisco bar association and the Commonwealth club, for the revision of the criminal procedure, passed the assembly today, the one to permit an appeal from an order of discharge in habeas corpus proceedings being the only one defeated.

One of these bills does away with placing the grand jury on trial by requiring the court to determine the juror's qualifications when he is drawn. Another permits the setting aside of an indictment or information only when it appears by the testimony of the foreman or secretary that the names of the grand jury witnesses are not indorsed or inserted at the foot of the indictment. Provision is made in one of the bills that an indictment may be amended so as not to necessitate the returning of a new indictment. The use of testimony at a previous trial is permitted.

The old excuse for refusing to testify on the ground that the statements of the witness may tend to incriminate him is to be done away with by one of the bills which would entitle him to immunity if called upon to give self-incriminating testimony. One new section would require a grand jury to retire during the consideration of a matter regarding which he is prejudiced.

The assembly by a vote of 45 to 11 denied passage to the bill permitting appeal from an order discharging a defendant on habeas corpus proceedings. The constitutionality of such a measure was questioned. The only members to vote for the bill were Beatty, Bliss, Bohnett, Joel, Judson, Mott, Nolan, Preisker, Rimplinger, Rogers and Young.

At the request of Slater, the bill making it a felony for anyone to disclose the proceedings before the grand jury or for any editor or reporter to publish such information was made a special order for Monday afternoon.

FEDERAL LAW MAY BE ENACTED BY STATE

CALL HEADQUARTERS, SACRAMENTO, March 8.—Kehe's bill to enact the federal law relating to the liability of railroad companies in this state for injuries or death sustained by their employees was given a favorable recommendation today by the assembly judiciary committee.

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