SLOSS UPHOLDS CIVIL SERVICE

Decides Against Ruef and His Board of Health in a Suit Over Payment of Salaries.

EVASION OF CHARTER IS CLEARLY SHOWN

Action Brought by Merchants' Association to Thwart Grab for City Coin in Violation of Law Proves Successful.

Ruef-Schmitz gang of taxeaters and spoilsmen yesterday, by the decision of Superior Judge M. C. Sloss in the suit brought by the Merchants sociation to prevent the payment of mlaries to hirelings of the "adminisin defiance of the civil service regulations laid down in the charter. Judge Sloes holds that the evasion of the charter provisions by the Ruef sche-

The particular salaries involved in the suit are those of Louis Levy, the deputy health officer and Drs. Glover, Goodale, Hannah and Walsh, inspect ing physicians. These men were anointed in January, 1904, by the Board of Health, James A. Emery, the former secretary being thrown out to spectors being dismissed so that the young medicos who had curried favor the "administration" might be on the payroll. Part of Ruef's was to give the deputy health officer the duties of several former employes and to provide that he mployes and to provide that he could be a stenographer. All of the discharged men held under the civil vice rules by Ruef and his puppers, the Merchants' Association took the mat-ter up, the action in court being brought in the name of one of its members, John E. Quinn. An injunc-tion to restrain the auditor from signing the salary warrants of Levy and the young doctors was asked, and since March 1904, payment of the salaries has been prevented. Levy's salary was first fixed at \$150 by the Board of Health and was soon raised to \$175, and the doctors were allowed

Ruef, who had instigated this de-fiance of the charter, took charge of the defense in court as attorney for the detense in court as attorney for the Board of Health. Levy admitted that after he had been stopped from drawing money from the city treasury by the restraining order, he had bor-rowed various sums from Ruef, which were to be repaid whenever his salary warrants were cashed. Recently Levy warrants were cashed. Recently Levy was transferred to the position of secreteary of the Board of Public Works, so that he might secure some municipal coin and return the amount

WORKED FOR THE BOSS

The Civil Service Commission, now the civil service regulations, which were committed by the Board of Health at the dictation of the boss of the 'administration.' Reference to the conduct of the Civil Service Commission and to Ruef's remarkable claim of authority on behalf of this body is made in Judge Sloss' written opinion. In the decision Judge Sloss says:

The Board of Health has the power to abolish a position or to create a new position, whenever such abolition is in its judgment necessary to the proper disposition of the business of the department. But the plaintiff's contention is that these powers of abolition and creation, while necessarily resting in the discretion of the Board, must be exercised in good faith for the public service, and cannot be made a cloak for evading the provisions of the charter relative to the appointment of nersons on time.

to followers of the dominant faction. As was stated by the president of the Board to one of the deposed officials, there was "a turn of the political wheel." This turn was the controlling reason for the changes, even though the members of the Board may at the same time have felt that they were promoting efficiency and economy in the management of the department. If changes in the personnel were necessary to such efficiency and economy, it was at least incumbent on the Board to secure the new employes that were needed by application to the Civil Service Commissioners for the certification of eligibles, who had by passing the requisite examination secured places on the classified lists.

GIVEN PICTITIOUS IMPORTANCE.

GIVEN FIGURITIOUS INFORTANCE.

I think the new place of deputy health efficer was substantially identical with eace or more of the places abolished, and that it could have been filled by civil-service appointees. The requirement that such appointees should be a stenographer appears to me under the evidence to have been given a factitious importance for the purpose of sustaining the state were substantially similar to those of the sanitary inspectors who were displaced. That such appointees came under the provisions of the civil service article, "all physicians appointed by or on the Board of Health." The title given to it, are to be regarded; and here, while the appointees are designated as inspecting physicians appointed by or on the Board of Health. The title given to it, are to be regarded; and here, while the appointees are designated as inspecting physicians, the distinct which they were called upon to perform were not those of physicians are designated as inspecting physicians, the such appoint and the subsection were love tigated upon to perform were not those of physicians are designated as inspecting physicians, the subsection were not those of physicians are designated as inspecting physicians, the subsection were not those of physicians are designated as inspecting physicians, the subsection were not the subsection were subsection were subsectively subsection were subsectively subsection were subsection

"CRIP," ONLY HELP OF MOTHER, AILING

Brave Newsboy, Who Must Carry Crutches as Well as Papers, Undergoes Operation

Familiar Figure on the City's Streets Is in Need of Assistance—Fellow Paper Venders Will Contribute Their Mite.

Fund for the Aid of Little "Crip." The "Chronicle" \$50

who has to carry crutches pathetic figure is familiar to ne in the stream of humanity junction of Powell. Market and Eddy went under the surgeon's knife yesterday morning for appendi itie, that dread trouble that claims victims at every hand with piteous certainty. It is not quite easy to understand why this miserable trouble could not have pased the mutilated heavy handicap through life.

Outside of the physical suffering and arce, there is a serious money question to be met. Not money for Dr. J. Albert Noble, who performed the operation, because he has the honor of being physician to the newsboys and there are things for the personal needs of the small sufferer. Besides, needs of the small sufferer. Besides, it will be many a day before he will be able to sell another paper for his suport and that of the mether who keeps the little home for him. Knowing this, the "Chronicle" starts a subscription for "Crip" with \$50 and the "Chronicle" cashier will be glad to

receive any others that the generous people of this city will give to help him through this time of trouble. to have a nickname and with thought of being unkind about infirmity, he was named "Crip." boys would start a subscription for him, did not know "Crip's" name. was Bernard Greehy, that he lived alone with his widowed mother on Jessie street. Inquiry added the fact that "Crip" is a graduate of the Children's Hospital, that after two and battle for existence.

exercised in good faith for the public service, and cannot be made a cloak for evading the provisions of the charter relative to the appointment of persons in the classified civil service. If the move certain employes and to replace them with others, this object, which said an old lady neighbor, "that he said an old lady neighbor, "that he said an old lady neighbor, "that he had ruber put on the ends of his crutches of abolishing one piace and creating another, with substantially the same duties and giving it a new title.

The evidence on the gisue of fact as to the good faith of the proceedings of the claim of the pool faith of the proceedings. The preponderance sustains the claim of the piaces of four or five of the old appointeets, the circumstances surrounding the meeting of the Board at which the meeting of the Board at which the meeting of the Board at who were for personal or political reasons not agreeable to them, and to substitute another or others who pleased them better. The control of the Board had just passed from the adherents of one political party to those of another and it was evidently thought desirable to give certain places of employment to followers of the deposed officials, there

fender, protector and provider of his own fireside. It was Dr. Noble who performed the successful operation on "Monk" eight years ago. "Crip" is now his star patient.

FORMALLY CHARGES NAPOLI WITH MURDER

Detective Looks Up Witnesses Who Saw Italian Wrestler's Actions

Angelo Napoli, the Italian wrestler is now booked at the City Prison on a charge of murder, for before the writ



Only Support of His Mother, Who Is in Need of Financial Assistance.

MANY KNIGHTS COME TO TOWN

Buffalo Council, En Route to Los Angeles, Is Tendered a Banquet at the Cliff House.

gation of Eastern visitors who are en-route to Los Angeles to attend the Knights of Columbus convention reached city yesterday. The visiting knights the number of 15, represent the Buf Council and some of the smaller ors put in a delightful few hours viewing the ocean, the seals and other scenic iteractions. The luncheon was in charge of a committee consisting of R. P. Deolan, F. J. Quinn and John L. A launet. To-day the visitors will be aken on a trip around the bay, prefous to their departure for the conveniencity. vious to their departure for the continuous city.

All of the local members of the Knights of Columbus who pian to attend the Los Angeles convention will depart for the south this evening. All arrangements for the excursion have been perfected, and it is expected that 1700 knights will be accommodated on the five special trains.

MESTAYER GETS DIVORCE FROM VICTORY BATEMAN

Testimony Given That the Actress Drank to Excess and Struck Her Actor Husband.

The intemperate habits and quarrel some disposition of Victory Bateman, the actress, were told of in Judge Troutt's court yesterday by her husband, Harry Mestayer, an actor, and two other men who played with the couple in the East. An interlocutory decree of divorce was granted to Mestayer for grueity and desertion. He was married to Miss Bateman at Cumberland, Md. on January 95, 1969, and in the following September they separated at St. Louis Mestayer said that his wife's induigence in drink kept her and himself from filling engagements while they were together. Just before the separation she made an assault on him. George Pauncefort, who was at supper with them and others after a performance, described this at tack on Mestayer which Miss Bateman made while the whole party was at tack on Mestayer which Miss Bateman made while the whole party was at table. She was so fierce and struck so hard that she sent Mestayer to the floor. "He took the count at the second blow," Pauncefort remarked. Barry U'Neil, who was in a company to which she belonged, gave testimony as to her drinking to excess actress, were told of in Judge she belonged, gave training as drinking to excess treinge. Woodward, who is with Mestayer at a local theater, testified that the actor had resided in this city during the period required by law. Mestayer gave similar testimony for Woodward recently in Judge Kerrigan's court when Woodward's divorce suit

CLEMENT PUPILS ATTEND FUNERAL OF TEACHER.

The funeral of the late Mrs. Annie E. Owen, teacher in the Clement Gram-E. Owen, teacher in the Clement Grammar School, who met death beneath the wheels of a Southern Pacific train on Memorial day near Cypress Lawn cometers, took place festerday, the school being closed out of respect to the dead. The services were held in the First Baptist Church on Eddy street, Rev. Dr. Norton officiating. A plece of white roses and sweet peasent by the Clement school pupils enveloped the casket. Hymns were sung by the children of Mrs. Owens' class, led by Miss Esther Sims. The remains were interred in Cypress Lawn Cemetery.

MARSHALL CONVICTED

Frank Marshall, who was on trial yes terday in Judge Dunne's division of the Superior Court on a charge of grand lar-cens, was found guilty as charged by Superior Court on a charge of grand larceny, was found gulity as charged by the jury late last night. Marshall was employed in a lowis-tewn market and at the solicitation of a canvaseer invested in a \$250 diamond ring from a local credit house. Shortly after he got the ring in his possession he pawned it for \$110, although he had paid only \$40 on account. After securing this money Marshall got out of the city and remained for a couple of months. On his return he was arrested on a warrant charging him with grand larceny.

WOODMEN INCORPORATE. The Woodmen of the World have ificorporated a hall association and elected, the following officers and directors: H.

the following officers and directors: H. S. Anhelm, president, R. W. Parkes, Vice-president; N. W. Frisble, treasurer; H. J. McClintock, secretary, and F. W. Penn, Charles Straub, E. Gordon, directors Ex-Mayor Phelan says things worth reading

MERCHANTS TAKE ENGLISH STARS KINDLY TO PLAN

Project to Transform Union Maud Williamson and Alfred Square Avenue Into Arcade Meets With Hearty Support.

HEADS OF INTERESTED FIRMS EXPRESS VIEWS

Agree That Thoroughfare Could Be Made Into Popular Shopping Place Provided Property Owners All Acted Together.

square avenue, now simply a back alley, into a retail street, well lit and most favorably received by the business firms concerned. To carry the necessary that the lessees of all the stores on Geary and Post streets act in concert, and a meeting will shortly be called for the purpose of square avenue agree that it could be than the main streets, the fact that no car line travels over it would enway. The avenue is now used principally for reveiving freight and shipping out parcels. Some of the store-keepers say that if it were turned into a retail street they would find difficulty in handling this part of their business. It is pointed out, however, that some of the higgest retail however. entrance by means of sidewalk elevators. Strauss & Frohman of Post street, for instance, receive and send out everything in that street. The obstacle is one that is not considered insurmountable, and Mr. Raphael, who is vigorously forwarding the scheme, considers it no obstacle at all.

The following expressions of opin-n were furnished yesterday by proprictors of stores concerned in the

S. Livingstone of Livingstone Brothers 123-129 Post street: "It is a splendid idea. We should break our necks to have it carried out. All the landlords, or the lessees should get together at once. I am almost certain that the owner of this place would make the owner of this place would make the necessary changes. Why should he not? It would certainly improve the value of the property to have it turned into the equivalent of two shops instead of one. To have an opening on two good retail streets would, witnout doubt, increase business. I would like to see the avenue turned into an artade, with a covering."

The president of C Connor, Moffatt & Co., 111-121 Post street: "I can only say I think it would be a very good idea if all the houses concerned would act together. It should pay everybody to turn Union Square avenue into a bright shoppping street. It would cost a good deal of money to take out the hack of this shop, but the advantages would be considerable. The same thing has been done successfully in other cities, and why not here?" in the plan make Union Square venue a shorping street is a fine identify all the shorping street is a fine identify and in the greatest star cast known to the graph of the avenue is desirable. It is most not necessary thought all the shorping of the street is an action of back street. A gruninger vice-president of the prister Knitting Company, 60 Geary street: I am not overenthusiantic about the scheme, for the reason that I think the avenue is needed to handle freight and ourgoing parcels. After wall the street of the shorping the shorping is a street in an interest of the shorping parcels. After wall the street of the shorping parcels. After which delivery wagons. At the same time, I am not set against the property who have poor buildings on the square. It is an excellent idea, and if the people who have poor buildings on the square the remains of old-time construction, were to improve their property I have no doubt that Union Square avenue who have poor buildings on the square the remains of old-time construction, were to improve their property I have no doubt that Union Square avenue would become a very popular thorough fare. The Geary and Post street houses running through could not help but increase their business. They could make the avenue a very attractive place. If I were a property owner I would willingly contribute to the scheme, Undoubtedly it would increase the value of the property. The only difficulty in the project is in the matter of receiving freight, and this could be overcome. The vehicles do not need to remain around nearly so long as they do now.

I. J. Rybicki of the S. Stroxynski Company, 40 Geary street: "We think do now."

B. J. Rybicki of the S. Stronynski Company, 40 Geary street: "We think it would be a good idea to transform the avenue into a retail street. We have often thought it is a waste of opportunity to have the street there and practically no use being made of

LABOR COUNCIL PROTESTS AGAINST INJUNCTIONS.

The San Francisco Labor Council at its session last evening adopted a resolution submitted by the law and legis-Clement school publis encasket. Hymns were sung dren of Mrs. Owens' class. Eather Sims. The remains ed in Cypress Lawn Cemared lative committee protesting against the

CONFIRMATIONS ANNOUNCED.

street.

Mr. and Mrs. A. Kaskell of 1226 Mason street announce the confirmation of their daughter, Gussle, on June 9th at the Geary-street Synagogue.

Pure-food laws are good. The purity of Burnett's Vanilia was never questioned.

IN NEW DRAMA

Woods to Open Engagement at the Grand Opera-house.



powerful romantic drama, according to the critics, which will open see something entirely new. The com-

by Maud Williamson and Alfred Wrods two eminent English stars pearance in this city on this occasion. sociated with the brightest lights of sociated with the brightest lights or the London stage, is an emotional actress of rare ability and made her first appearance with Mr. and Mrs. Kendal at the St. James theater, under the management of John Hare. It was on this occasion that the young actress was singled out by Arthur Pinero to play a leading part in a cast including some of the greatest names in London. One of the most was on the occasion of the farewell of Sir Squire and Lady Bancroft in London, when Miss Williamson played in the greatest star cast known to the English stage. It included Sir Henry Irving, Miss Ellen Terry, Sir Charles Wyndham, David James, Mrs. Lang-Wyndham, David James. Mrs. Lang-try, Mrs. John Wood, Forbes Robert-son. Maurice Barrymore, Charles Brookfield, William Terris, Mr. and Mrs. Kendal, John Hare, Mrs. Sterling and J. L. Toole. At the conclusion of the performance. Miss Williamson was, by royal command, presented to His Majesty King Edward VII, and personally congratulated by him on

made for alterations.

918-922 Market St.

WILL CONDEMN A PLAYGROUND

Public Utilities Committee Is Persuaded Original Choice Has More Merit Than Others

It was decided yesterday by the Board of Supervisors to recommend the condemnation of block 129, the site originally chosen for a public playground. This property was appraised at \$219,810, but the owner asked \$452,700 and declared that it was paying interest on two or three times that much money, although it was assessed for only \$94,180, and an alternative site was sought. There is available for the purchase of a site

\$208,700.
Louis H. Mooser reported that he appraised fifty vara block 151, bounded by Chestnut, Powell, Lombard and Mason, at \$104,215 90 for the land and

site, adjoining Lafayette square.

The Board of Education recommends the selection of a site for a new school in the block bounded by

Shrader, Grattan, Cole and Alma streets, instead of the proposed site at the northeast corner of Carl and

ner of Larkin and Broadway.

The McRiddell offer to sell for \$10.

jacent. Both offers were referred to City Attorney Long.

PLANS TO OPEN A VAST TRACT OF PINE TIMBER

If Western Pacific Fails to Build a Branch Line T. B. Walker Will Build Road.

The building of the Western Pacific will probably be the means of opening up a vast pine timber section in Plumas. eral hundred thousand acres in the counties mentioned, as well as in Tehama. Shasta and Siskiyou counties, has lately been credited with having effected a deal with the Western Pacific people for the building of a branch road into his timber holdings. Mr Walker, who is now at the St. Francis, said yesterday that he had made no arrangements with the Western Pacific for the building of such a road, but added that he presumed the Western Pacific would be willing to build a branch line into the big pine belt. If not, he said, he will probably build a road of his own.

"I am considering plans for establishin sawmils at various points whenever railroad facilities can be had," he said, and by judicious cutting and reforesting of several hundred thousand acres if own I think the land can be made to furnish an unending supply of lumber. It makes little difference whether the lumber is brought out by way of the Western Pacific or the Southern Pacific. It is quite as feasible to build a road from Redding. The matter is still under consideration.

A new progressive exercise which will make any man a giant in strength is given in full in the "Sunday Chron-

WANT POLE MOVED.

POLICE RECOVER DIAMONDS.

Diamonds valued at \$1999, belonging

that there was a strong sentiment in favor of the originally chosen site and it was decided on.

It is the intention of the committee to take up the question of a Lowell High School site at its next meeting. The School Board favors the Holliday site additing Lafavette square

The Board recommends the appraisement of a fifty vara lot in the rear of the Epring Valley School, and of another fifty vara piece belonging to Isaac Liebes at the southwest cor-

The McRiddell offer to seli for \$10,-600 a site for the Bay school in block C, Silver Terrace tract, was accepted. Plans for the new Bergerot school are ready. The Board of Education will indorse the plans and ask the Board of Works to file specifications as soon as possible in order to enable the Supervisors to authorize the erection of the building.

Two offers were filed for playgrounds for the Clement Grammar School. One was for \$31,000 for a twenty-five foot lot on Geary, west of Jones, and another for \$28,500, for a twenty-five foot lot immediately adjacent. Both offers were referred to

Lassen and Modoc counties. Thomas B Walker of Minneapolis, who owns several hundred thousand acres in the counties mentioned, as well as in Tehama

Magnin's

SALE of FANCY

TAILORED SUITS

For Misses and Small Women

Sizes 14, 16 and 18 years.

Bust measurements 32, 34, 36 and 38.

represents the highest grade of workmanship.

down to less than the cost of manufacture.

\$20.00 and \$22.50 VALUES REDUCED TO \$12.50 \$35.00 and \$37.50 VALUES REDUCED TO \$20.00

\$42.50 and \$60.00 VALUES REDUCED TO \$25.00

Store Closes Saturdays at 6 P. M.

Magnin .

Owing to the great reductions in prices charges will be

The remainder of our line, comprising a variety of this season's models, and every one

The price of each suit has been marked

ago were recovered yesterday by Detectives Bunner and Freel. The gems were found by J. J. Barrett, who was not willing to give them up for the reward of \$50 offered by Mrs. Davis. She appealed to the police.

one of its good points. Mellin's Pool can be adjusted and is suitable to the needs of the youngest infant as well as children of the more advanced age. It only takes a minute to prepare it as there is no cooking needs as the sample.

MISCELLANEOUS.

ULCERS FOR 30 YEAR

Painful Eruptions from Knee to Feet Seemed Incurable

CUTICURA ENDS MISERY

Another of those remarkable com

by Cuticura, after doctors and all de-

had failed, is testified to by Mr. M. C. Mosa of Gainesville, Texas, in the following letter: "For over this years I suffered from painful along and an equation from my hand

and an eruption from my kness to feet, and could find meither doctor

reet, and could and seither doctors for medicine to help mc, until I seed. Cuticura Soap, Ointment, and Pila, which cured me in six months. They helped me the very first time I seed them, and I am glad to write this set.

that others suffering as I did may be esved from misery."

Positively cured by these

Little Pills.

They also relieve Distress from Dyspan

Indigestion and Too Hearty Eating. App.

fect remedy for Dizziness, Nansez, Droud

ness. Bad Taste in the Mouth, Coated Tonge

Pain in the Side, TORPID LIVER. The

Small P-loe-

Small Docs

Regulate the Bowels . Purely Vegetable.

Mellin's Food to the ONLY Inche Food, which received the Grand Pri the highest award of the Louisians Pr chase Expection, St. Louis, 1904. His or than a gold medal. MELLIN'S FOOD CO., BOSTON, MASS

For Stomach Diserders

Gout and Dyspepsia

NATURAL Alkaline Water A. VIGNIER CO., San Francisco



gives it the lustre and sfikiness of your When the hair is gray or fac BRINGS BACK THE YOUTHFUL COLSE. It prevents Dandruff and hely falling and keeps the scalp clean and healthy.

A POSITIVE CURE FOR CATARRH SHACKELTON'S SHACKELTON'S

Balgam Treatment

FACE TREATMENT at California dia

FOR James Floot Bidg. Try it said to en
vinced. We have curred thousands.

THE "BAN PRANCISOO WEEKLY CHE ICLE. the hest and most perfect weakly paper published on the Pacific Count, we next postage paid to any address in the States for three mention on receipt of 40 postage stamps, postal order or coin, 6 \$1 80 for one year, sent to

M. H. de YOUNG, San Franci

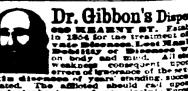
Sample copies sent FREE. HOTELS.

PALAGE

"JUST LIKE A PLEASANT HOME" NEW RUSS HOUSE

CHAR. NEWMAN CO., Props.

Convenient to all our lines, places of someont and preminent buildings. A best of expelled corvices. European \$1.00 per day more; American \$1.00 per day upward, trains to families. The famous lines a later diseases, 75c. The table is supplied with propin direct from Mr. bewman's rands. Maintain the Leach \$7.00 per month. MEDICAL



a 1864 for the treatment of the Discount. Lest Man-bert Hilly or Discount. All of the body and mired. All of the

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.