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OAKLAND BOYS WIN OVER ALL ON THE CINDER PATH

Seventy-one Points Are Made to Lowell's Thirty-three.

THE University cinder path at Berkeley was the scene of the sixth semi-annual field day of the Bay Counties Athletic League yesterday afternoon. The day was in perfect harmony with the event, and it is not surprising that four of the long-standing records of the league were broken, with several others in grave danger of a similar fate. Interscholastic rivalry was at fever pitch, and the bleachers spoke in thunderous applause as the several claimants for the olive branch passed before their admiring schoolmates. Hughes of Oakland was the bright particular star of the day, having to his credit three first places, two of them including the lowering of the 100-yard dash record of 0:10 2-5, held by Stanley of Berkeley. The official time for this event was given as 0:10 1-5, but there is a question whether the "human" mark was not obtained, two of the watches having recorded that time.

One of the most interesting incidents of the day was the half-mile run. First place on this event had been conceded to Wilson of Lowell, the crack runner who within a few feet of the tape lost him his place. His run had proved a strong one, but when close to the finish he in some manner tripped and fell with a crash to the cinders. The Lowell athlete was dazed and somewhat blinded by the fall, but, pluckily drawing himself together, he darted forward and qualified amid an enthusiastic ovation. Lick, the crack team of Academy of Lowell High School, his time of 2:16 2-5 breaking the league record of 2:20½, held by Westside of Oakland.

In the 440-yard dash a discussion arose as to the time made by Lick of Lick School in first place, though he had crossed the line with a strong lead. It was charged that he had fouled in making the turn, and the decision was finally left with the judges of the race. The difficulty was finally adjusted, Painter showing that his opponent had attempted to "cut" within the six feet limit.

In the high-jump Lowell record of 5 feet 7 inches, held by Miranda of Oakland, was shattered by Burpee, also of Oakland, who cleared the rod at 5 feet 9½ inches. He later tried for a record and succeeded in clearing the rod at 5 feet 10 inches, an inch was held by Jones of the La Salle School.

In the 220-yard dash Wilson and Riley, both of Oakland, tied for first place, and presented a pleasing picture by crossing the line hand in hand. Montgomery of Lowell was the most exciting event of the day and was won by Oakland after a hard struggle. Lowell jumped to the position at the very start and maintained it to the end of the first lap of the third leg, when Oakland forged ahead, winning by a good margin.

The result of the field day gave the victory to Oakland, with a clear scoring of 71 points. Lowell was second, with 33 points to her credit, followed closely by Berkeley with 31. This is the first time in the history of the league that Lowell has taken place over Berkeley, and the contest between these two scholastic rivals was as interesting as it was uncertain. Lick received 7, Oakland Polytechnic 3 and the San Francisco Polytechnic 1.

The meet was successfully conducted the sports: Starter, Carlgan; timers, Cheek, Koch, Elliot; judges of finish, Pond, James, Wood; clerk of course, Norton; field judges, Cooley, Woolsey, Hall, Hamilton, Hall, Hamilton, Lawler, Lee; assistants, Thompson; inspectors, Stalder, Woods, Wenzig.

Following are the events:

Fifty-yard dash—Won by Hughes (O. H. S.); Lick, second; Lowell, Taylor (O. H. S.), third. Time, 0:05 4-5.

Two-mile run—Won by De Mendel, L. H. S.; Lick, second; Ryle, O. H. S., third. Time, 11:05.

Hop, step and jump—Won by Montgomery, L. H. S.; Hall, Lick, second; Miller, O. H. S., third. Time, 0:05 4-5.

100-yard dash—Won by Hughes, O. H. S.; Lowell, second; Ryle, O. H. S., third. Time, 0:10 1-5.

Hop, step and jump—Won by Melvin, O. H. S.; Hall, Lick, second; Thayer, Lowell, third. Time, 0:10 1-5.

440-yard dash—Won by Painter, Lick High School; Mitchell, O. H. S., second; Reid, Lowell, third. Time, 0:54 2-5.

Pole vault—Won by Burpee, O. H. S.; Hall, Lick, second; Hall, Lick, third. Time, 0:10 1-5.

Broad jump—Won by Hughes, O. H. S.; Hall, Lick, second; Hall, Lick, third. Time, 0:10 1-5.

High jump—Won by Hall, O. H. S.; Blakemore, U. H. S., and Mansfield, Lick, tied for second place. Time, 0:10 1-5.

Two-mile bicycle race—Won by Blakemore, U. H. S.; McGowan, O. H. S., second; Ward, H. H. S., third. Distance, 10 miles. Time, 0:10 1-5.

Twenty-pound hammer throw—Won by J. Blakemore, U. H. S.; Morse, O. H. S., second; Hall, Lick, third. Distance, 101 feet 10 inches.

CITY LOSES BY NEGLECT

Supreme Court Orders Reinstatement of Ousted School Teachers.

ATTORNEY FOR PEOPLE DID NOT GIVE BOND.

EIGHT THOUSAND DOLLARS OF BACK SALARY WILL HAVE TO BE PAID.

Decision Makes It Appear That Charter Provisions Do Not Apply to the Board of Education.

Through the negligence of the City Attorney the Supreme Court yesterday dismissed an important suit on appeal, and two ousted school teachers, R. S. Mitchell and Irene D. Reeves, came into possession of several thousand dollars of the city's money without having had the matter passed upon before the highest court of the State.

Incidentally the Supreme Court quieted an earlier decision to show that the school district controlled by the Board of Education of this city and county is a corporation separate and distinct from the city and county itself, that it is governed by the general laws of the State respecting school districts, and that all the elaborate provisions of the charter relating to the powers and duties of the Board of Education are so much rubbish.

It was in the matter of the appeals of the Board of Education from the Superior Court decisions given in favor of Mitchell and Irene D. Reeves that Irene D. Reeves, both of these teachers were consolidated out of their positions by the Sergeant Board of Education. Mitchell held the position of head teacher of science and chemistry in the Lowell High School, and Irene D. Reeves was a teacher in the Polytechnic High School. On March 28, 1899, the Board of Education forced Mitchell out of his position by a consolidation of schools, and Irene D. Reeves was likewise cut her position by the Board abolishing the position which she held. They both instituted suits in the Superior Court, demanding that the Board be ordered to reinstate them and pay them their full back salary. The suits were decided in favor of the teachers, and the City Attorney took an appeal to the Supreme Court.

Now the case comes in on the former Court, and is finally decided against the city upon a motion to dismiss. The decision holds that the appeal must be dismissed because the City Attorney failed to comply with the law requiring him to file a bond on undertaking on appeal. The Court plainly suggests that the City Attorney should have known that the law was against him, and that he says that the decision could come as a "surprise to the profession," and when it follows up this statement by showing that in every other case appealed by the Board of Education from the same county, or any other county, the Board has always filed an appeal bond.

By this decision the City Attorney is precluded from taking any further action in the matter, and the Board of Education will have to restore the two teachers to their former positions and to pay them, in the case of Mitchell over $4000 of back salary, and in the case of Irene D. Reeves about $2000 of back salary.

In reading into the decision the language of the decision in Kennedy vs. Miller the Supreme Court has made it plain that the charter provisions respecting the powers and duties of the Board of Education are void, and that the Board is controlled by the general laws of the State. This is expected to cause a great deal of trouble for the Board of Education, and to cost the city considerable money. It is said that the Board of Education, acting under the authority of the charter, has exercised many powers not given it by the general laws, and that the attorneys for the ousted teachers have selected certain separate interests that several legal actions against the Board will now be instituted.

Following is the full decision of the Supreme Court in the matter on the motion to dismiss the appeal:

The Decision.

Motions are made to dismiss the appeals herein on the grounds that no undertaking on appeal has been filed as required by law, and that the transcript does not show the filing or with the giving of them.

Section 1058 of the Code of Civil Procedure provides that in all cases not therein specified wherein the State of the people thereof, or any county, city and county, district, or any county, city and county officer, as such, is a party, the undertaking upon appeal may be waived by the adverse party by an agreement to that effect, entered in the minutes of the court, or indorsed on or annexed to the notice of appeal, or by failure to file such undertaking on or before the time at which the appellant is required to do so. For the purpose, anything which appears in the record on appeal may be taken as a waiver or an estoppel against them of the Code of Civil Procedure declares that the appeal is ineffectual for any purpose unless from the time when the notice of appeal and undertaking be filed—or the undertaking be waived by the adverse party—the court has power to stay proceedings, except where a different time is specified. Section 1057 provides that where the appeal is from a judgment or order directing the payment of money or the execution of a conveyance or other instrument, the undertaking may be given at any time before the expiration of the time within which an appeal may be taken, and that proceedings stayed thereby. Section 1059 provides that when the undertaking is given after the time limited by section 1057 the appeal is effectual from the time of giving the same, but no proceedings stayed by the appeal before the giving of the undertaking are affected thereby.

Section 1059 of the Code of Civil Procedure provides that when