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TO FIGHT FOR CHIEF

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think that this is true or that any such action is contemplated. Thurston is a competent man and one who has had a long experience in fire fighting and has shown his ability, and to let him out for purely political reasons would be a grave mistake. The new board, if they took such action would be shouldering a serious responsibility. There is no one here that I know of who is capable of filling the position as Mr. Thurston is and the cost of teaching some one else the business must necessarily be a heavy one and this cost would fall on the property owners here—it is they who will pay for the teaching. In all such matters business principles should be followed. What would we think if a business man, owning say a large manufacturing plant, were to discharge a capable superintendent because of his political opinions? It would be folly.

NEW SUPREME COURT RULES MAKE MANY RADICAL CHANGES

Judicial reform, much talked about of late years, has been advanced in almost revolutionary degree, so far as the federal courts of equity are concerned, by the promulgation of new rules therefor by the supreme court of the United States. They are to go into effect on February 1 next, but the last one makes provision for continuing the force of an old rule in pending cases where otherwise injustice might be done in pending cases.

At one sweep the new rules brush away a mass of technicalities that are now fruitful of the law's delays and unnecessary expense to litigants. Last year the supreme court invited suggestions for the proposed changes from the federal judges here. Judge Clemons has loaned the Star-Bulletin his copy of the new rules, and the following is a summary of some of the more striking innovations:

Rule 5 gives authority to the clerk to grant motions and applications, subject to overruling by the judge upon special cause shown, for the setting of a new process or final process to enforce and execute decrees, for taking bills pro confesso and for other proceedings in the clerk's office which do not require any allowance or order of the court or of a judge.

By rule 18, "unless otherwise prescribed by statute or these rules, the technical forms of pleadings in equity are abolished," and the next rule empowers the judge, in furtherance of justice, to allow an amendment at any time to any process, proceeding, pleading or record. "The court, at every stage of the proceeding, must disregard any error or defect in the proceeding which does not affect the substantial rights of the parties."

Under rule 21 a case cannot be held up for scandalous matter, the right of attorneys to except to such being abrogated, "but the court may, upon motion or its own initiative, order any redundant, impertinent or scandalous matter stricken out upon such terms as the court shall think fit."

Now, when a mistake is made in bringing what is really an action at law in the equity side of the court, it is thrown out and the complainant has to begin all over again on the law side. Rule 22 permits of a transfer of such a case to the proper side of the court, to be there proceeded with, with only such alterations in the pleadings as shall be essential. Rule 23 goes still further, saying: "If in a suit in equity a matter ordinarily determinable at law arises, such matter shall be determined in that suit according to the principles applicable without sending the case or question to the law side of the court."

Rule 24 avoids the necessity of

verbose certifying to a bill or pleading, the signature of the solicitor to the document being held sufficient to show that he has read the pleading, that he believes there is good ground for it and that it contains no scandalous matter.

Demurrers and pleas are abolished by rule 29. Every defense heretofore presented by plea in bar or statement shall be made in the answer.

Rule 46, treating of evidence, wipes out the risk of injustice from mere technicality in the concluding sentence, thus: "If the appellate court shall be of opinion that the evidence should have been admitted, it shall not reverse the decree unless it be clearly of opinion that material prejudice will result from an affirmance, in which event it shall direct such further steps as justice may require."

In rule 47 liberal provision is made for the taking of depositions. Continuances are discouraged by rule 57. They can be made for the term only in exceptional cases for good cause shown. When continued for the term the case must be reinstated on the calendar within the year or be dismissed without prejudice to a new proceeding.

"Same in matters of account," rule 59 prescribes, "a reference to a master shall be the exception, not the rule, and shall be made only upon a showing that some exceptional condition requires it." This rule will save much expense to litigants.

Rule 79 authorizes the district courts, with the concurrence of a majority of the circuit judges for the circuit, to "make any other and further rules and regulations for the practice, proceedings and process, means and final, in their respective districts, not inconsistent with the rules hereby prescribed, and from time to time alter and amend the same."

FINDS WHITE SPOT ON SUN.

SANTA CLARA, Nov. 4. — While examining the sun at the observatory of the Santa Clara University at 11 p. m. today, the Rev. J. S. Eiland and Dr. Porte saw a most brilliant facula in helio latitude 80 degrees north and longitude 66 2-3 degrees east from center meridian.

The facula looks like a tungsten lamp on the sun. It is a white spot of rare beauty. Laymen call it a disturbance.

Seen in that high latitude, it is a most extraordinary event, throwing the gauntlet to text books. Its diameter measures 6,402 miles and its apparent area 20,166 square miles.

PROGRESSIVE PARTY HAS JUST 'GUN,' SAYS ROOSEVELT

Success of New Party Unparalleled in History of Free Government, Says He

NEW YORK, November 11.—Theodore Roosevelt made a formal statement tonight bearing upon the election of the future of the Progressive party, in line with previous expressions of his own and of his colleagues, he reiterated that the "Progressive party has come to stay," and as from being over, the battle is just begun.

He regards as "literally unparalleled" the history of free government. The party's success in polling more than a million votes in the face of various obstacles naturally in the way of a new movement.

His statement follows: "I congratulate the Progressive party of this country. That is I congratulate good men and women who with a good purpose for the common good have had the vision to look into the coming years and see what the demands from us who work in the present."

That the Progressive party has advanced the theft of the Republican organization by the Republican party at Chicago last June is literally unparalleled in the history of free government, worked under representative institutions. Three months ago men and women gathered to fight the new Progressive party.

Without much money, without any organization against the wealth of the country, against the entire organization, political ability of the country, against the bitter hostility of 50 per cent of the country, against the furious opposition of every upholder of special privilege, whether in politics or business, and with the chance of information to the public largely choked—the Progressive party has polled between 4,000,000 and 4,500,000 votes; has hopelessly beaten one of the old parties, both in the electoral college and in the popular vote, and either first or second place in some thirty-seven of the forty-eight States.

"No task in any way approaching this has ever before been performed by any party in our country. Such a feat, performed by volunteers hastily brought together and without previous cooperation with each other, against the trained veterans of the political arena—these trained veterans including the entire mercenary forces

of politics—should be a source of pride not only to those who performed the task, but to all believers in good citizenship and in the capacity of Americans for self-government.

"During the campaign I said repeatedly that this was in no shape or way a one-man movement, but a movement for great principles—a movement which has sprung, as all healthy movements in democratic government must spring, from the heart and conscience of the people themselves. This truth must be kept steadily before the minds of all of us. The Progressive party has come to stay. If either of the old parties will endeavor to put into legislation any one of our planks it can count upon our hearty support in so doing; but we will not rest contented until the entire platform of our political system, national and state, is changed.

Fight for Social Justice. I am proud indeed that the great good fortune has been mine to fight shoulder to shoulder with the men and women, who, in the ranks and in various positions of leadership, have waged this great battle for social and industrial justice. So far from being over, the battle has just begun. We will not rest content until every feature of the Progressive program has been put into effect; and when this has been done unquestionably there will have been opened to us new avenues along which it will still be a duty to work for the moral and economical betterment of our people."

(Signed) "THEODORE ROOSEVELT."

BOURBON CAUCUS

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While the important committee chairmanships are to go to the overwhelming Democratic majority on the board, the Republican minority member, Andrew Cox, is to be given the chairmanship of a new committee, the committee on expenditures, which is to be created by splitting the duties of the present ways and means committee. However, Cox's committee is to be more of an auditing committee than anything else.

Lester Petrie is slated for chairmanship of the important roads committee with Sam Hartney and John Markham as fellow members. Markham is to head the police committee and McClellan, the veteran of the board, will direct the ways and means committee on its difficult course. Pacheco will probably head the health and sanitation committee. The other places have been discussed but nothing definite settled about them, and it is possible that tomorrow's caucus will result in a revision of today's line-up.

However, it is well settled that some of the Republican office-holders are to be dismissed, while others will have their salaries topped.



YOUNG MEN OF FASHION

YOUNG MEN of fastidious ideas, who are the most critical in their dress, prefer "ALFRED BENJAMIN'S" CLOTHES to clothes made to their measure. Many of the best dressed men in town are wearing "BENJAMIN" Clothes. There are many reasons why they are wearing them. Come in and let us tell you a few of the reasons.

THE CLARION

MUST NOT SWEAR EVEN TO THEMSELVES

PHILADELPHIA, October 31.—Under the rules of a general letter issued today by Director Cooke, no employees in the Department of Public Works may hereafter use profane language to himself, fellow employees or an outsider, without first getting a permit.

Director Cooke explained the letter as a move largely for the benefit of the employees under him who, from the nature of their duties, frequently come in conflict with contractors and

the outside world in many ways. "I want to get out the ruling right now, even an official censor, who will work systematically for the department."

Director Cooke's administrative promptly copied in making various bureau copies to which addressed and a copy was sent each and every employee.

"Oh, I know every one of you of your trade," said the director warmly. "Do you think I am in boarding houses like nothing?"

"I shouldn't be at all surprised if I should find some of you in conflict with contractors and

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Don't Forget the Theatrical Event of the Season—Hughes Comedy Company
Remember the seat sale for the Hughes Musical Comedies Opens Monday