ANOTHER KILLING IN MENDOCINO COUNTY.

Round Valley Keeps Up Its Record as the "Dark and Bloody Ground."

Two Ranchers Settle a Long-Standing Enmity.

John Kenny and Jeremiah Hulett Meet on a Lonely Mountain Road Near Covelo, and as a Result the Former Was Shot and Killed, a Finale That is Looked Upon by People in That Section as a Matter of Course.

UKIAH, Jan. 16.—Another killing has been added to the grewsome record of Round Valley, the "dark and bloody ground" of California.

On a lonely mountain road near Covelo John Kenny was shot and killed by Jeremiah M. Hulett, a neighboring rancher. The tragedy occurred on Tuesday evening, but the Sheriff's office here was not notified until late last night.

The two men had been at enmity, and the news that one of them succeeded in ending the career of the other has caused little surprise in Round Valley, where such finales are looked upon as a matter of course. Because of the known hatred of the one for the other, the statement of Hulett that he met Kenny on the mountain side and the quicker man came away alive finds ready belief.

Justice Joel Erland of Round Valley Township, who is Acting Coroner of this county, left for the scene of the killing Wednesday evening, but has not yet returned.

HOME PRODUCTS.

Formal Opening of the Exhibition at Los Angeles.

LOS ANGELES, Jan. 16.—The formal opening display of home products at Hazard's Pavilion occurred this evening in the presence of a large crowd. The exhibition was first heralded to the public by an extensive street parade in the afternoon. Practically every industry of the city was represented, and every article imaginable, from a boiler to a broom, was there. The parade was over an hour in passing a given point. There were fully 1,500 people in line, in addition to over 300 wagons, trucks and all manner of vehicles, on which were displayed varieties of goods.

Many merchants closed their business houses and headed their employes in marching. Several firms required twenty vehicles to represent their branch of business, and some of the industries occupied nearly a block of space.

The parade was greatly annoyed by street cars breaking into the line of march on Spring street. The route of the parade was thronged with people, who gave the various firms hearty applause as they passed. There were twelve divisions, and the line of march was south on Main street to Sixth, and Spring to First street, to Broadway, to Fifth, then west to the Pavilion, where the parade dispersed.

In the evening the Pavilion was the scene of a large gathering. The main hall is crowded with various booths, where exhibitors have made displays. As in the parade, all home products are represented. The mechanical department occupies a large room on the west side, adjoining the main floor, while the art division is in the gallery.

Several selections by a band opened the programme, after which H. W. Frank, President of the Merchants' and Manufacturers' Exchange, under whose conducted, made the opening address. Mayor Snyder also made an address, and at the conclusion of his remarks he touched a button that started machinery and fired cannon, and the exhibition was declared open.

The show continues until February 6th.

SAN JOAQUIN VALLEY ROAD.

Directors Have Not Yet Decided Upon the Bay Terminal.

SAN FRANCISCO, Jan. 16,—The directors of the San Francisco and San Joaquin Railroad have during the past five or six weeks taken several trips on the bay on a tug inspecting the Alameda county shore, to examine terminals for their extension from Stockton to this city. The last trip of this kind was on Friday, and a story has arisen that they will select as their terminal on the other side of the bay Point Richmond, in Contra Costa County, just north of the Alameda County line. Vice-President Watt emphatically denies the truth of this story.

In an interview to-day Vice-President Watt said: "People who say we have selected Point Richmond as a terminal seem to know more about the company's business than I do. We are just beginning to collect data as to how we shall build our extension between Stockton and San Francisco, and where to have our terminal on the Alameda side of the bay. This work will take time, and it may be a couple of years before we can decide upon a terminal. For some time to come we will have our hands full building from Fresno to Bakersfield. There is nothing more to say that has a foundation of fact."

TO MEET ON SUNDAY.

The Oregon Assembly Will Hold a Session To-Day.

SALEM (Or.), Jan. 16.—To the many peculiar features of the House deadlock is to be added that of a session on Sunday.

Instead of adjourning until next Monday, as was expected, the House to-day adjourned to meet to-morrow afternoon. The meeting will be perfunctory, to meet the requirement of the Constitution, which requires that, with no quorum present, the House shall adjourn from day to day. The possibility of either side taking advantage of the other did not enter into the matter.

To-day's session was very brief, lasting only fifteen minutes. As soon as the Benson men had secured an impression from the Speaker that he would not take advantage of their absence an adjournment was taken.

Suicide at Los Angeles.

LOS ANGELES, Jan. 16.—J. H. Tolfree, who owned and conducted several hotels and lunch counters along the line of the Southern Pacific in Southern California, committed suicide this morning by drinking carbolic acid. Tolfree has been greatly depressed since the death of his wife, which occurred a few months ago.

Dodge Convicted.

UKIAH, Jan. 16.—The jury in the case of John Dodge, for the murder of J. A. H. Mudgett, brought in a verdict of murder in the first degree with a recommendation for life imprisonment. Eleven of the jurors were for the death penalty, but could not convince the other man. The verdict is not a satisfactory one, as it was one of the most dastardly murders ever committed in the county. The defendant first killed Mudgett and then burned the body. Dodge will be sentenced next Monday.

HOW TO MAKE KOUMYSS.

Here Is a Woman Doctor's Receipt and It Looks Easy.

A drink which has rapidly grown in popularity, especially among those whose state of health requires nourishment highly condensed, and yet easy of digestion, is koumyss. It is sold over the counters of soda water "lairs," and many persons hold awful, not to say reverential, opinions of its food value. There is a vague opinion abroad that it is some mysterious distillation of the milk of Arabian mares. Perhaps in its earlier forms it was this, or something like this. But the following prescription is seen to be a much more simple and more homelike matter. The prescription is that of Dr. Alice M. Perry, and is suited to the resouces of almost any household:

Take three pints of sweet milk, three pints of boiling water, one-half a cupful of light brown sugar and a cake of compressed yeast. Dissolve the sugar in the boiling water, add the milk and stir well. When the mixture is cool enough not to scald add the yeast previously dissolved in a little milk or water. Put in a warm place, as if it were bread to rise. Stir often, and when it begins to sparkle and 'sing' when stirred—say in from four to six hours—put the mixture in Mason cans or beer bottles and set in the icebox or some place equally cool. In twenty-four hours it will be good; in forty-eight hours better. It will keep three or four days.

"The making of koumyss," says Dr. Perry, "is like the making of bread—it cannot be described exactly. Sometimes you will have a poor lot without being able to account for it, but skill comes with experience. You can make for 20 cents what would cost $2 50 if bought."

MACHIAS ORDERED TO BANGKOK.

AMERICAN INTERESTS ARE TO BE PROTECTED.

What the Latest Trouble is Cannot be Learned at the State Department at Washington.

WASHINGTON, Jan. 16.—The gunboat Machias left Canton for Bangkok, Siam, this morning, in obedience to cable orders from Secretary Herbert "to protect American interests." The distance is about 2,000 miles, and the Machias should reach her destination in about a week.

The State Department declined to divulge the character of the information which it has received from Bangkok, which causes the sudden dispatch of a warship to the scene, but there is no doubt the attack on the United States Consul, General Edward B. Kellert, by Siamese soldiers is at the bottom of it.

Press dispatches three weeks ago announced that Mr. Kellert, who is an unpaid official appointed by Minister and Consul-General Barrett two years ago, had been fired upon and wounded by Siamese soldiers. It was impossible to confirm this news at the State Department at the time, but it was explained there that Mr. Kellert had a right to engage in trade, and possibly some personal affair of his own had led to his arrest by local authorities.

To-day it is learned that for some time litigation has been in progress over the estate of an American named Cheek, who held a valuable teak concession from the Siamese Government. This had been highly remunerative during Cheek's lifetime, but when, after his death, it became desirable to wind up his estate the Siamese Government stepped in and took measures to prevent the sale of a number of elephants he had raised and employed in getting out timber. It is also said that Kellert was the executor for the estate or the agent of the heirs, and his activity in their behalf had probably led to friction with the Siamese authorities, who overstepped the usual legal methods in trying to get rid of him. No American warship has been to Bangkok for about seven years, and while Minister Barrett has been well received there, the Siamese have not had as much respect for the American flag as for either that of Great Britain or France.

NEW YORK, Jan. 16.—Isaac Townsend Smith, Siamese Consul-General at New York, when shown a copy of the Washington dispatch regarding the sending of the gunboat Machias to Bangkok "to protect American interests," said he did not attach any importance to the action.

"Dispatches from Siam about the attack upon Vice-Consul Kellert," he said, "are newspaper sensations. The whole affair, in my opinion, is mere buncomb. If the situation is at all serious the Siamese Government would have communicated with me officially before this. I have not received a word from them on the subject."

A DEMURRER.

She replied, "I cannot marry,"
To his earnest pleadings low,
"For I'm going to be a lawyer
And plead myself, you know.

"And marriage is a lottery
And something you may rue;
It's venturing on unknown ground—
A risky thing to do."

Then barely did he answer:
"I'd venture anywhere
With an angel for a comrade;
There's nothing I'd not dare."

"No doubt," said Portia calmly;
"But have you never read
That fools will rush in boldly
Where angels fear to tread?"
—Brooklyn Life.

Sense of Shame.

Wicks—There is one thing I will say for Blaxter; he never talks about his own writings.

Hicks—I am glad to hear that. Where there's a sense of shame there's always some hope for reformation.—Boston Transcript.

Conceive a man who has written what he hopes will live, troubling himself about a criticism which he knows will die.—Johnson.

MILITARY OPERATIONS IN THE ISLAND OF CUBA.

Spanish Troops Continue Their Skirmishing Tactics in Pinar del Rio,

Which Results in Defeats and Loss of Life to the Insurgents.

Advises From Madrid Emphatically Deny the Report That General Gomez Has Captured Santa Clara—Arrangements Said to Have Been Completed at New York for the Organization of a Big Expedition to Aid the Cubans.

HAVANA, Jan. 16.—A summary of the military operations of the past twenty-four hours, according to official reports issued to-day, show that the troops are continuing their skirmishing tactics in the provinces of Pinar del Rio, Hanava, Matanzas and Santa Clara. The aggregate losses of the rebels cannot be obtained, but they left fifty-two of their dead on the several fields of battle. The total losses of the troops were two officers and fifteen privates wounded.

Captain-General Weyler has ordered the beginning of grinding in the Pinar del Rio province, and is organizing forces for the protection of the men engaged in the work, to be paid by the owners of the estates, abolishing the system of payment by the State. The gathering of the crop for grinding, according to the order, will later be extended to include the provinces of Havana and Matanzas and in the near future the order will be put into effect in the province of Santa Clara.

MADRID, Jan. 16.—An emphatic denial is given to the report that was cabled here from the United States to the effect that Maximo Gomez, the rebel leader, had captured Santa Clara, capital of the Cuban province of that name.

TO AID THE CUBANS.

NEW YORK, Jan. 16.—The "Herald" this morning says: General Carlos Roloff, Secretary of War for the insurgent Cuban provincial Government, has just completed the organization of the largest military organization ever prepared in this country for the aid of the Cubans. The discovery of Roloff's plans led to his arrest again.

Senor Baldana, the Spanish Consul-General in this city, was notified a week ago that Roloff was organizing this expedition. Great efforts were made to secure some evidence that would prove that Roloff intended to leave the country, but such evidence could not be procured. It was learned that the Cubans had purchased a large amount of arms and munitions of war within the last three weeks, more than ever before in the history of the Cuban war, but nothing further could be discovered by the Spanish officials concerning this war material, except that it was intended for the insurgent army.

Roloff was under $2,500 bail to appear for trial on a charge of participation in the Laurada filibustering expedition. He had furnished $2,500 in cash, which the Government held. The case, however, would not be tried until the middle of March.

As the contemplated expedition was to sail from this country in about ten days, Consul-General Baldana secured a warrant for the arrest of Roloff in the case of the Woodhall, which sailed on a filibustering expedition from the United States in June, 1895.

The insurgent leader, when arraigned, was held in $2,500 additional bail. He has deposited a cash amount to satisfy this bail demand, and now the Spanish officials have ordered detectives to watch every movement he makes, as they say he will possibly forfeit the $5,000 and steal out of the country with the expedition.

The filibusters are said to be ready to sail at a moment's notice. The Cubans purchased for the expedition 2,000,000 cartridges, 5,000 Mauser rifles, four rapid-firing guns, 2,000 gun cartridges and a large quantity of dynamite and hospital stores and camp material.

This entire expedition was organized in this city in a cigar factory in the lower part of the city. A son of Jose Marti, who was killed at the beginning of the revolution in 1895, joined the expedition as an aide to General Roloff.

The Spanish authorities, aided by the United States Marshals and private detectives, are watching Roloff and all suspected of having joined his party. Cubans say if the expedition can be gotten away the insurgents will be able to strike a telling blow in the field.

MINISTER WILLIS' DEATH.

The Remains Will be Brought to the United States on a Mail Steamer.

WASHINGTON, Jan. 16.—The State Department this morning received official news of the death of Minister Willis and that in the briefest of telegrams. Usually when a man-of-war is available the remains of a Minister dying abroad are placed on board the warship and brought home in state. The only United Staes vessel now in the harbor of Honolulu is the old-fashioned corvette Alert, 500-horse power, with a single screw, and of only 1,020 tonnage. It would take her at least fifteen days to make the voyage from Honolulu to San Francisco, and she has no accommodations suitable for the comfort of the deceased Minister's family, consisting of his widow and his only son. The family, it is understood, distinctly preferred that the bady should be transported by the regular mail steamship, which was to leave Honolulu on the 13th of January, and is due in San Francisco on January 20th. There is no doubt that this course has been taken.

In view of the broad divergence of views between the President and Congress on the Hawaiian question, it is altogether probable that President Cleveland will leave the appointment of Minister Willis' successor to President McKinley.

WEST POINT CADETS.

Those Recently Dismissed to be Given Another Chance.

NEW YORK, Jan. 17.—The "Journal" this (Sunday) morning says: By order of the Secretary of War the West Point cadets who were dismissed after the January examination are to be given another chance for military honors.

Thirty of the cadets were discharged for deficiency in this examination. Among them were sons of General Fitzhugh Lee and Colonel Ward, Assistant Adjutant-General of the Eastern Department of the Army. "Winnie" Hancock, grandson of the late Department Commander, also failed, but he was given another chance.

Colonel Ward went to Washington several days ago, and lodged a complaint of favoritism against the examining board. Secretary Lamont gave his personal attention to the matter, but at first refused to act, on the ground that it was not within his jurisdiction. There the matter rested until last night, when Colonel Ward returned to his headquarters on Governor's Island with the announcement that the examining board would reconsider the entire batch of thirty cadets who were discharged.

"I believe the dismissals were ordered by the board without the knowledge of extenuating circumstances covering the cases of my son and of young Lee," said Colonel Ward. In view of this fact a reconsideration has been ordered. It would not do to show any partiality, and for that reason the entire number of upper-class men will be reinstated and given another examination.

It was believed at the War Department last night that the action of the Secretary was due to influence brought to bear on the Administration by General Lee.

Senator Harris' Wife Very Ill.

WASHINGTON, Jan. 16.—Senator I. G. Harris of Tennessee has received a telebram stating that his wife is seriously ill at Paris, Tenn., and advising him to come at once. The Senator himself, who is 79 years old, has been for some time in such condition of failing health as to arouse the affectionate sympathies of his friends. He has been confined to his room for over a week, but left for Tennessee this afternoon, accompanied by his son, Edward Harris.

Wolcott-Dobbs Fight.

PHILADELPHIA, Jan. 16.—Joe Walcott, the colored welterweight, and Bobby Dobbs of this city, also colored, met in a six-round bout at the Southwark Athletic Club to-night. No decision was rendered, but Walcott had slightly the better of the contest.

OBJECTED TO PARADING.

THE SECOND BRIGADE OF THE NATIONAL GUARD

Did Not Think They Should be Called Out to Celebrate the Defeat of the Refunding Bill.

SAN FRANCISCO, Jan. 16.—The "Post" this evening says:

The local National Guard was nearly forced into a state of mutiny this morning.

The trouble was the result of an effort on the part of Adjutant-General Barrett to compel the Second Brigade to parade to-night in celebration of the defeat of the funding bill.

Just where the arrangements for this spectacular affair originated is not known, but the man from Sacramento who has distinguished himself in the financial management of the guard's affairs figures most conspicuously in the attempt to force this severe hardship on the members of the brigade.

Shortly after midnight this morning Lieutenant-Colonel Duboce, at the instigation of General Barrett, who arrived in the city last night with Governor Budd, was routed out of bed and informed that in all probability the First Infantry, of which he is in command, together with other organizations of the Second Brigade, would be concentrated at some point in the city to-night.

Lieutenant-Colonel Duboce was instructed to give warning to his Captains, and it seems that similar instructions were sent to the Fifth Infantry Regiment, which is scattered along the coast.

Later on it was learned that a plot was on foot to call the troops out for a parade in celebration of the recent action of Congress on the funding bill.

As soon as the real purpose of the call was learned by the guardsmen they entered a vigorous protest against being served in such a manner.

General Barrett was roundly denounced for his action. He made several trips to Colonel Duboce's office, but could get no satisfaction there. While the latter officer stated that he would be ready to obey any order from the proper sources, it was evidently plain to General Barrett that the regimental commander was not in favor of the scheme and thoroughly realized the trouble that it would likely precipitate.

General Barrett made several trips between Colonel Duboce's office and the Palace Hotel, where Governor Budd was located, and finally, no doubt appreciating the fact that a call of troops would bring him into further ridicule, the Adjutant-General announced that the plans were off."

"If this affair had been carried out," remarked one prominent officer of the guard, "it would have been a serious blow to the brigade. We have suffered enough from the grand stand plays.

"You can imagine the hardship we would have had to undergo parading on such a rainy night and without overcoats, which, as is well known, the brigade is sorely in need.

"It would also have cost $500 or $1,000 to bring the Fifth Infantry to this city, and the local troops would have been out nearly as much.

"That such a scheme should have been undertaken is a disgraceful reflection on the Adjutant-General's office."

Just Like a Man.

Mrs. Somebody, who lives in Thirteenth street, has an infant son who is just beginning to walk. Last week he fell down stairs, so his mother bought a gate to put at the top of the stairs. There is a little metal socket screwed to each side of the stairs and the gate fits into these. It was put up one day—Wednesday, I think. It was Mr. Somebody's night at the lodge and Mrs. Somebody remembered after he had left the house that he had not been told of the gate. She was so exercised for fear he would fall over it when he came in that she sat up for him. He was late, very late, and she was very tired. And yet when he did come and realized how devotedly she had waited up in order to save him a tumble, what do you think the heartless man said?

"Why, my dear," said he, "why didn't you just lift the gate out?"

Wasn't that just like a man?—Washington Post.

"Is there anything certain in this uncertain world?" "Yes; if you cut anything out of a newspaper, there is always somehing valuable on the other side."—Chicago Record.

QUARANTINE LAWS FOR SHIPMENT OF LIVESTOCK.

Provisions of the Agreement Between This Country and Canada

Relative to Transporting Stock Across the Border.

Each Country Shall Accept the Veterinary Certificates of the Other, and Ample Provision Made to Prevent the Spreading of Disease — Relates to Horses, Cattle, Sheep and Swine.

WASHINGTON, Jan. 16.—The agreement between the Secretary of Agriculture and the Canadian Minister of Agriculture relating to the quarantining of cattle between the two countries provides:

First—That each country shall accept the veterinary certificates of the other.

Second—That the Chief of the Bureau of Animal Industry and the Chief Inspector of Stock for Canada will mutually inform one another of any outbreak of contagious animal diseases in either country or of disease in animals imported from either country.

Third—A ninety-day quarantine shall be enforced by both countries upon all cattle imported from Europe or from any country in which contagious pleuro pneumonia is known to exist; that a fifteen-day quarantine shall be enforced upon all ruminants and swine imported from countries from which foot and mouth disease has existed within six months, and upon all swine imported from another country.

Breeding cattle admitted into this country must be accompanied by a certificate that they have been subjected to the tuberculin test and found free from tuberculosis; otherwise they shall be detained in quarantine one week and subjected to the tuberculin test. All cattle found tuberculosis must be returned to the country whence shipped, or slaughtered without compensation. Cattle for feeding or stocking ranches must be accompanied by a certificate showing that they are free from any contagious disease, and that (excepting tuberculosis) no such disease exists in the district whence they came.

Cattle in transit will be admitted at any port of the United States and Canada in bond for exportation by sea from any Canadian port or from Portland, Me., Boston and New York in the United States. No animals covered by this memorandum may be placed on board cars until the litter from previous loads has been removed and the car thoroughly cleaned and disinfected. Inspectors may cause such work to be done at the expense of the railroad company or prohibit the use of the cars until it is done.

Sheep may be admitted, subject to inspection at the port of entry and accompanied by official certificate that sheep scab has not existed in the district where they have been fed within six months. If disease exists in any of them they may be returned or slaughtered. Sheep may be admitted for transit in bond from one port to another in each country, and, if for slaughter, they may be admitted without inspection. Subject to inspection at shipping point, they may be admitted into either country for transit to any shipping port in Canada for export by sea or the United States for export from Portland, Boston and New York.

Swine may be admitted without inspection for slaughter in bonded cars to bonded slaughter-houses, or when forming part of a settler's effects, and accompanied by a certificate that swine plague or hog cholera has not existed within six months in the district whence they came. Lacking such certificate, they must be inspected at port of entry, and if diseased will be slaughtered without compensation.

Horses may be admitted in bond from one port to another in either country without inspection at the shipping port. Horses may be admitted for racing, show or breeding purposes on inspection at the port of entry. Horses may be admitted for temporary stay, teaming or pleasure driving at points along the frontier for a period not exceeding one week at port of entry upon permit of customs officers. Should he observe any evidence of disease he will detain the animals and report to the District Inspector, who will decide whether the animals may be admitted; and horses used for driving or riding to or from points in Manitoba, Northwest Territories or British Columbia on business connected with stock raising or mining, and horses belonging to the Indian tribes may be admitted without inspection, but must report to custom officers both going and coming. In all other circumstances horses must be inspected at port of entry.

SUPREME COURT DECISIONS.

SYLLABI.

(S. F. Nos. 568 and 599—In bank—Filed January 15, 1897.)

Smith et al., respondents; San Francisco and North Pacific Railway Company et al., appellants. Action under Section 315, C. C. Reversed, Beatty, C. J., dissenting.

Section 312, C. C., provides that to entitle a person to vote he must be a bona fide stockholder, having stock in his own name on the stock books of the corporation at least ten days prior to the election. One in whose name stock is registered upon the books of the corporation, but who has no interest therein, and who is not the owner of any stock in the corporation, has no right to vote the stock; he is neither the proxy nor the representative of the owners of the stock, nor a member of the corporation, and is, therefore, not a bona fide stockholder.

No particular form of words is requisite to constitute a proxy. Like any other agency, the instrument by which it is created may be informal, but, if in order to give effect to its language, in view of the purpose for which it is executed, it is necessary to construe the instrument as creating an agency, such construction will be given.

It is not in violation of any rule or principle of law for one or more stockholders who own a majority of the stock in a corporation to cause its affairs to be managed in such a way as they may think best calculated to further the ends of the corporation; and for this purpose to appoint one or more proxies who shall vote in such a way as will carry out their plan. Nor is it against public policy for two or more stockholders to agree upon a course or corporate action, or upon the officers whom they will elect, and they may do this either by themselves or through their proxies, or they may unite in the appointment of a single proxy to effect their purpose. Any plan of procedure they may agree upon implies a previous comparison of views, and there is nothing illegal in an agreement to be bound by the will of the majority as to the means by which the result shall be reached.

As the owner of the property has the right to withhold it from sale he can also at the time of its sale impose conditions upon its use without violating any rule of public policy, and there is nothing inconsistent with public policy for two or more persons who contemplate purchasing certain property to agree with each other as a condition of the purchase, that neither will dispose of his share within a limited period, or for less than a fixed sum or except upon certain limitations. They have the same right to contract with reference to the terms under which they will hold or dispose of the property after it shall have been purchased, as they have to agree upon any other terms upon which the purchase shall be made. These terms enter into and form a part of the consideration for the agreement to purchase, and are as binding and enforcible as any other terms of the agreement.

It is not illegal nor against public policy to separate the voting power of the stock from its ownership. Where a proxy is duly constituted, and the power of the appointment is without limitation, the vote cast by the proxy binds the stockholder, whether exercised in behalf of his interest or not, to the same extent as if the vote had been cast by the stockholder in person.

(S. F., No. 572—In Bank—Filed January 15, 1897.)

Foster et al., appellants; Smith et al., defendants. Injunction to restrain defendant from casting vote for directors at annual meeting upon certain shares of stock. Appeal from order dissolving injunction dismissed.

The parties to the litigation had no rights which could be affected by a reversal of the order, consequently the correctness of the order became merely an abstract question. Held, that the demands of actual, practical litigation are too pressing to permit the examination or discussion of academic questions.

(S. F., No. 427—Department One—Filed January 15, 1897.)

Fred E. Fairbanks et al., respondents; San Francisco and North Pacific Railway Company, appellant. Damages for loss by fire. Affirmed.

Defendant claimed that the joinder of plaintiffs was rendered improper by the allegation of injury to the business of one of the plaintiffs, a source of damage in which the insurance company had no interest. Held, that the same objection would apply to the value of the building above the amount of the insurance policy, and that this may be recovered in a joint action is established by authority upon sound considerations of justice and expediency.

For the purpose of adverse possession and the invocation of the statute of limitations there may be cleavage of corporeal real estate horizontally as well as vertically.

THE PUMPS PULLED OUT.

A CRISIS IN THE TROUBLES AT LEADVILLE REACHED.

A Calamity Far Worse Than the Strike of the Metallic Miners Overtakes the Camp.

LEADVILLE (Col.), Jan. 16.—The crisis in the troubles which Leadville has undergone since last June has been reached, and a calamity far worse than the strike of the metallic miners here has overtaken the camp.

For the first time in fifteen years the immense pumps that have drained the big mines on Carbonate Hill, the wealth centers of Leadville, are closed, having been entirely pulled out, while the pipe lines connecting are to be removed at once. The Maid-Henriette pumps had a capacity of 1,300 gallons of water a minute, and depending upon them were nearly all the great mines of Carbonate Hill.

Two days ago, as stated in these dispatches, men were put to work pulling the pumps, but so serious was the undertaking that people here were loath to believe that the intention would be really carried out. To-day there can be no doubt, for the pumps have been so far taken out that to put them back would be to go all over the ground again.

How long the mines affected by this move can hold out is merely a matter for conjecture. There are miles of workings on Carbonate Hill, and these will probably fill up slowly, so that the down-town workings may not be reached by the rush of waters for a month or two. It is, however, only a question of time, and a month will undoubtedly find many mines idle as a result of the flood.

It is of little consequence now whether the strike is settled or not, as no one has anything to gain by settlement. It will be months before there will be employment for new men in the camp. Merchants feel gloomy, and all acknowledge that Leadville faces the most serious crisis in its history.

Nothing definite looking toward a settlement of the strike has yet been arrived at. Debs is hopeful, and the Miners' Union is inclined to give in considerably to-day. The Governor will say nothing on the situation, but says something must be done, and that no one should lay anything in the way of a settlement. He is still hearing the views of leading citizens on the subject, and both he and the merchants approve of the move taken on the subject.

Debs is optimistic. He is hopeful of a favorable turn, and says that with an amicable adjustment of the strike the bitterness of the present will be forgotten in six months. He is certainly the strongest character for good that has yet interested himself to effect a settlement.

The men held for the murder of Patrick Carney were to-day bound over to the District Court to await trial without bonds.

Precious Vision.

There is just as much science required in fitting glasses as in prescribing medicine. Why not have your eyes attended to by one who has made a study of the eye and its defects? F. de Wolfe Hennah, the optician, has every facility for the correction of any error of refraction to which the eye is subject. Masonic Temple, Sixth and K.*

Kid gloves, the backs of which have hand-painted flowers on them, are considered a stylish fad in Paris.

FATAL RAIL ACCIDENT IN NEW JERSEY.

Two Farmers Attempt to Drive Across the Tracks at Hopewell.

Both Struck by a Train and Meet With Death.

While the Belated Train Was Pulling Onto a Side Track to Repair the Air-Brakes an Express, Coming at Terrific Speed, Crashed Into It, Upsetting Two Cars and Injuring Five Trainmen.

NEWARK (N. J.), Jan. 16.—Philadelphia and Reading local train leaving New York at 7:30 p. m. struck and killed two farmers who were driving across the tracks at Hopewell, N. J. The accident necessitated a delay of fifteen minutes, the local then being on the time of the Philadelphia express train.

The local pulled in a siding to fix the air brakes and then pulled out through the other end of the switch to the main line. The express came along at this time at terrific speed and struck the rear end of the local train, upsetting the baggage and mail car and injuring five trainmen, and burning up the mail and baggage cars.

The injured are: Engineer Seal of the local, scalded and leg broken in jumping; Baggagemaster Ohlman of the express, two ribs broken; Baggagemaster Webster of the express, slightly hurt; Engineer Dixon of the express, badly hurt, taken to hospital at Plainfield; Conductor Ashton of the local train, hurt internally.

Medical assistance was summoned from Bound Brook, Hopewell and Kensington. The names of the two farmers killed cannot be learned.

THIRSTY HOBOS.

They Steal Two Kegs of Beer From the Buffalo Brewery.

On Friday morning the employes of the Buffalo Brewery found when they began to load the delivery wagons that there was a keg of beer missing, and that the door, which was fastened by a bar, had been opened from the outside.

The same thing happened yesterday morning and then an investigation was made. This resulted in finding that four men, named Howard Covell, Kid Warren, Al. Mosely and Frank Ryan, had established headquarters under the old band stand in Richmond Grove, and the two missing kegs were there with them.

Chief Drew was communicated with and detailed Officers Hayes, Taylor, Harlow and Fitzgerald to go out to the grove and bring the gang in. The fellows were taken completely by surprise and were very soon locked safely up at the City Prison.

The two beer kegs were there, one of them empty and the other pretty well drained, and alongside was an old tin can, out of which they had been drinking.

Covell, Warren and Mosely have seen the inside of the city and county jails sufficiently, and Mosely is one of the men who was caught on the 21st of May last year stealing the contents of the corner-stone of the German Evangelical Association's Church, on Tenth street, between O and P, and who got off on a technicality.

A GAME LAW VIOLATOR.

He Was Arrested by Warden Helms for Selling Ducks.

Warden Helms yesterday arrested Maurice Radonich, a restaurant keeper at 1025 Second street, for selling a pair of ducks in violation of the game law, which prohibits the sale of ducks and quail after January 15th.

Helms says that he warned the market men and restaurant keepers not to sell game after Thursday, the last day on which the law allowed it to be sold. He saw a number of ducks exposed in the window of Radonich's restaurant, and the latter sold a pair to a man. Helms says he saw the sale and told the restaurant keeper that he was under arrest, and that he must get his hat and go with him, as he was an officer. Radonich, however, refused to go, saying that no —— — — —— could arrest him in his own restaurant.

Helms persisted and a customer who was eating in the place advised Radonich not to resist, but to go quietly. He still refused, however, and a waiter in his employ tried to prevent Helms from taking him away. He braced his feet in the doorway and while Helms tried to pull him through, he fell to the floor. He was taken to the police station, where he admitted to the officers that he sold the ducks and was admitted to bail.

THEY CARRIED WATER.

Oak Park Women Formed a Volunteer Fire Department.

A fire started yesterday about 2 p. m. at Oak Grove, in the house of Levi Auker, and was under good headway when discovered.

Neither Oak Grove nor Oak Park have any fire department, but the women of those places formed a volunteer department and the Oak Park women carried water in pails so steadily and successfully that through their aid the flames were subdued and the house saved, the damage being about $100. Residents in the locality are loud in their praise of the pluck and determination of the Oak Park women.

The Week's Failures.

The Bradstreet Mercantile Agency reports 31 failures in the Pacific Coast States and Territories for the past week as compared with 25 for the previous week and 18 for the corresponding week of 1896. The failures for the past week are divided among the trades as follows: 2 hotels, 2 restaurants, 1 plumber, 1 hardware, 2 millinery, 2 confectionery, 3 drugs, 1 soda works, 4 dry goods, 1 plasterer, 1 bakery, 1 liquors, 1 milk dealer, 1 fruits and confectionery, 1 men's furnishings, 1 orchardist and fruit dryer, 3 groceries, 1 butcher, 2 general stores.

During Legislative session "C. C. C." will sell Tonic cigars at 5c or $2 35 per box. *

THE WEEKLY UNION—THE BEST weekly on the coast.