

SOME NICE POINTS.

Is Marsh Illegally Imprisoned in San Diego.

The Authority of State Officials Over Federal Authorities.

A Petition for a Writ of Habeas Corpus Before Judge Ross—The Points of the Document—An Interesting Question.

A petition for a writ of habeas corpus was granted by Judge Ross of the United States district court yesterday by Copeland & Stephens, which raises a most important point of conflict between the laws of United States and the laws of the state of California. In fact the case in many of its bearings trenches on the points decided in the famous Nagle-Terry case. The points are shown by the following extracts from the petition:

The petition of George E. Gard on the behalf of A. W. Marsh, respectfully shows unto your honor that the said A. W. Marsh is unlawfully imprisoned at the city and county of San Diego, within said ninth judicial circuit, and southern district of California, and that he, the said A. W. Marsh, is no unlawfully imprisoned by one, Folks, sheriff of the county of San Diego.

That the said imprisonment is illegal, and that the illegality thereof consists in this, to-wit:

That at the times herein after mentioned, the said A. W. Marsh was and still is a legally appointed and acting deputy United States marshal of the United States for the southern district of California.

And your petitioner further shows unto your honor that the said A. W. Marsh, acting under the direction as aforesaid, given by your petitioner as aforesaid, and in order to fully carry out and discharge his duties as such United States marshal, to proceed to the line between the United States and the Republic of Mexico, and ascertain if any Chinese were being brought across the said border and entering the United States contrary to law.

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rest of the said A. W. Marsh, United States deputy marshal as aforesaid, under the supposed warrant, were as herein set forth, done, and caused to be done, for the purpose only of obstructing the enforcement of the laws of the United States and crippling the administrations of justice in said Southern district of California, and by false swearing on the part of F. J. Monahan, James Russell, Edward Crosthwaite, Johnson Jones, a conspiracy was put in operation against said Marsh to defeat and obstruct justice. An indictment against Marsh was returned under the pretended facts set up through their agency. And your petitioner further shows unto your honor that after the finding of the said last mentioned indictment, they, the said F. J. Monahan, J. E. Denker, James Russell, Edward Crosthwaite, Johnson Jones and W. H. Sloane still further combining and confederating together as aforesaid, the said A. W. Marsh, as such deputy marshal was arrested and compelled to appear, and be on the day of June, 1892, before the superior court held at San Diego as aforesaid, to plead to the several charges against him as aforesaid, and that he, the said A. W. Marsh, upon the appearance aforesaid, then and there claimed upon said compulsory appearance, that the said superior court had no jurisdiction of the subject matter or of the person of the said A. W. Marsh, United States deputy marshal aforesaid.

And your petitioner further shows unto your honor that all the matters and things in anywise complained of as against the said A. W. Marsh under either or any, the information or indictment heretofore set forth, were by the said A. W. Marsh done and performed while he was acting as a deputy United States marshal of the southern district of California, and under the directions of your petitioner, and the instructions of the said Willoughby Cole and in pursuance of the laws of the United States, carrying out the same as was his duty to do.

Wherefore your petitioner prays that a writ of habeas directed to the said sheriff of San Diego county, commanding him at a day certain to have the body of the said A. W. Marsh before your honor, at a place in said writ to be named and specified, to do and receive what shall then and there be considered by your honor concerning the said A. W. Marsh, together with the time and cause of his detention and said writ, and that he may be restored to his liberty and be no further compelled to submit to the jurisdiction of the superior court of the state of California.

The petition is backed by numberless affidavits in support of each allegation, which shows a shocking state of affairs in San Diego as regards the administration of justice, and showing the effect of the fact that exists between certain federal officials in San Diego and the United States marshal's office of this city.

Yesterday Deputy Marshal Marsh went to San Diego and delivered himself into the custody of the San Diego county superior court, and the matter will come up before Judge Ross today for a hearing.

PUBLIC WORKS.

Recommendations Adopted Yesterday by the Board.

The board of public works yesterday filed the following report: Recommend the passage of the ordinance presented by J. M. Davies to construct and maintain certain tracks and switches as set forth in said ordinance, on condition of his abandoning his right to maintain the switch under ordinance No. 1309, at the intersection of First and Alameda streets. His offer to abandon said switch on and after January 1, 1893, is presented herewith. We also recommend the passage of the ordinance relieving the Southern Pacific Railway company from the obligation to remove the said switch at the intersection of Alameda and First streets on July 7, 1892, as it is intended that J. M. Davies shall have the privilege of using said switch until January 1, 1893.

Recommend that the street superintendent be instructed to place Lecour street at the crossing of the Santa Fe track in a passable condition; and also to cut down the west bank of the Arroyo Seco on Wells street so as to be passable for teams.

In the matter of petition 404 from J. B. Brown et al., for council to enter upon the city records the fact that First street, between Grand avenue and Bunker Hill avenue, has been graded by private contract, petitioners alleging that the work was properly done but inadvertently omitted from the records, we recommend that the city clerk, street superintendent and city engineer present a report to the council of all information in their possession relating to this matter.

On petition No. 405 from J. A. Muir, for council to order Daly street, between Hawkins street and Downey avenue, graded and curbed, we recommend that the city engineer present ordinance of intention for the same.

Recommend that petition No. 390 from Mrs. K. A. Davidson, for council to order sprinkling hydrants moved from the corner of Washington street and Bonaflo avenue, be filed.

Recommend that petition No. 391 from A. M. Foster et al., complaining against the exaction of a 10-cent fare on the Glendale road within the city limits, be referred to the city attorney.

Recommend that petition No. 343 from W. J. Bladell, for council to road up Western avenue, be filed.

All Aboard! Make haste. Your baggage is all right, but have you got a supply of Hostetter's Stomach Bitters? No? Then you have made a sad omission, and if you are troubled with stomachic ailments en route—if you are sea sick, my dear sir or madam, you will have deserved your fate. How dreadfully the waves or the jarring of the engine or screw shake you up! Now there is a cure that will cure you on the spot. Now if you had the Bitters along with you this wouldn't happen. Travelers and tourists, take our advice, and before you start on your youthful or ocean voyage, your coastwise trip or inland outing, obtain the Bitters, and thus fortify yourselves against stomachic troubles, sea sickness, dyspepsia, and the effects of exposure in rough weather or bad diet or water. Take it too, for biliousness, kidney trouble and rheumatism.

We have a speedy and positive cure for catarrh, inflammation, canker mouth and headache in SHILOH'S CATARRH REMEDY. A nasal injector free with each bottle. Use it if you desire health and sweet breath. Price 50c. Sold wholesale by Haas, Baruch & Co., and all retail druggists.

Blaine Will Be "In It." That is, all good Republicans hope so; but it don't matter what your politics are, you will find the Pacific Tea company, 133 South Main street, the cheapest and best place in the city to buy your teas and coffees.

Crystal plunge, Santa Monica, south of Hotel Arcadia, thoroughly renovated and enlarged, is now open for bathers. Fresh ocean water constantly flowing in and out.

These Warm Days Visit Christopher's, 241 South Spring street, for delicious soda.

New and Second-Hand Books At Fowler & Colwell's, 111 West Second street

Hotel Arcadia, Santa Monica, is now open for the tourists' season.

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PURE REFRESHING HEALTHFUL AGREEABLE

Apollinaris

"THE QUEEN OF TABLE WATERS."

"I can recommend it in the strongest terms."

LEWIS A. SAYRE, M.D.,

PROF. ORTHOPEDIC SURGERY, BELLEVUE HOSP. MEDICAL COLLEGE, NEW YORK, ETC.

THE COURTS.

Cases Acted Upon Yesterday—New Suits, Today's Calendar.

Ten days were allowed by Judge Wade yesterday in the case of Wagner vs. Bell et al. for an answer to defendants, demurrer.

Judgment for the plaintiff in \$14,400 on two promissory notes was allowed by Judge Wade yesterday in the case of Jennie Wicks vs. Lyman Allen et al.

Judgment for the plaintiff was given by Judge Wade in the case of Hannah vs. Hoffman et al. yesterday, and a judgment of \$917 for the plaintiff in the case of Myer vs. McEria.

J. K. Jacoby was arraigned on a charge of murder before Judge Smith yesterday, and pleaded not guilty. July 11th was set for pleading.

Judge Smith remanded P. K. Jacoby on an application for discharge under a writ of habeas corpus yesterday, and dismissed the Rodriguez habes corpus proceedings as reported elsewhere.

An order was made by Judge Van Dyke yesterday, in the case of Emma A. Phillips against M. Lehman et al., for the payment of \$620 into the court.

In the suit of Christiana Piblando vs. William C. Hughes, in department four yesterday judgment was given for the plaintiff in \$948.

The case of Cochran vs. Downie is on trial in department five.

The findings and judgment were signed in the case of Stepler vs. the Los Angeles Windmill company, by Judge Shaw yesterday.

The suit of Taylor vs. Nukes, before Judge Shaw, has been continued for the session.

On application of the district attorney, and for want of evidence to convict, the case of the People vs. George Carpenter in department five was dismissed by Judge Shaw yesterday.

Louis Terrie, a native of Italy, and Clifford W. Gill, a native of England, were naturalized by Judge Shaw yesterday.

Twenty days' time was allowed defendant in Kraemer vs. Shinn before Judge Shaw to file a cross complaint.

The attention of Judge Clark of department two was occupied yesterday in hearing the suit of Baker vs. Smith, on appeal from the justice court of Downey. Baker was the owner of a dozen sleek fat hogs, and alleges that Smith poisoned them.

The jury returned a verdict for the plaintiff in the case of Dr. Zahn vs. the City of Los Angeles. This was a suit for damages from the floods on Christmas eve, in 1889.

Today's Calendar.

SUPERIOR COURT—DEPARTMENT ONE. People vs. Sam Hamilton—Appeal. People vs. C. D. Davis.

DEPARTMENT TWO. Clear.

DEPARTMENT THREE. Providencia L. W. and D. Co. vs. Duffee—Two cases.

DEPARTMENT FOUR. Ponyfourat vs. Nordholt.

DEPARTMENT FIVE. Clear.

DEPARTMENT SIX. Meeser vs. Keoane—Settlement of statement.

THE RODRIGUERA CASE.

Judge Smith Decides He Has No Jurisdiction in the Matter.

Yesterday morning the Rodriguez habes corpus case came up again before Judge Smith of the superior court. Messrs. Munday and Bledsoe presented authorities relative to the jurisdiction of the court, and after considering them Judge Smith decided that he had no authority in the matter and dismissed the proceedings.

An application for a writ of habeas corpus was at once made by Messrs. Munday, Del Valle and Bledsoe to the United States district court, and it was served upon the Mexican officer Obando. The hearing was set by Judge Ross for July 5th.

A NON SUIT GRANTED.

A Footless Girl's Case Against a Railroad Company Dismissed.

Yesterday the damage suit of Georgia Bell Van Steenby, for \$60,000 damages for the loss of her feet, was dismissed on a motion for a non-suit by Judge McKinley. It was set forth by the attorneys of the defendant company, the Terminal railroad, Hon. T. E. Gibbon, that the plaintiff was guilty of contributory negligence, as she was on the bridge of the company without its consent at the time of the accident, and therefore a trespasser. The plaintiff is fourteen years of age.

A Common Sense Remedy. In the matter of curatives what you want is something that will do its work while you continue to do yours—a remedy that will give you no inconvenience nor interfere with your business. Such a remedy is ALLOCOCK'S PAIN EXPELLERS. These plasters are not an experiment they have been in use for over thirty years, and their value has been attested by the highest medical authorities, as well as by testimonials from those who have used them. They require no change of diet and are not affected by wet or cold. Their action does not interfere with labor or business; you can toil and yet be cured while hard at work. They are so pure that the youngest, the oldest, the most delicate person of either sex can use them with great benefit.

Beware of imitations, and do not be deceived by misrepresentations. Ask for ALLOCOCK'S, and let no solicitation or explanation induce you to accept a substitute.

Dyspepsia and Liver Complaint. Is it not worth the small price of 75c to free yourself of every symptom of these distressing complaints? If you think so call at our store and get a bottle of Shiloh's Vitalizer; every bottle has a printed guarantee on it; use accordingly, and it does you no good it will cost you nothing. Sold wholesale by Haas, Baruch & Co., and all retail druggists.

Christopher's ice cream is the Best. 241 South Spring street; families supplied. Tel. 809.

One can bathe with perfect safety and free from all breakers at the Crystal Plunge, Santa Monica, south of Arcadia.

The best meals at Santa Monica are served at The Lawrence, Ocean avenue, two blocks from Southern Pacific depot. Rates reasonable.

POLICE MATTERS.

Cases Before the Justices—Transfers of Officers.

In Justice Austin's department of the police court, two drunks were disposed of yesterday. One paid a \$10 fine and the other got off with a fifteen-day fender.

Justice Owens fined George Carpenter \$50 for stealing a box of cigars. Carpenter was originally charged with burglary, but was allowed to plead guilty of petit larceny.

George Bell, the complaining witness in the felonious assault case against ex-Jailer Collins, put in an appearance late Thursday night. He said he had understood that the trial was to come off at 9:30 this morning. He has been working as a sign-painter at Pasadena for Mr. Watkins of the San Gabriel Valley.

The wounds on Bell's head are thoroughly healed. They are not on the back of his head as has been reported, but are both on the left side, one well towards the forehead.

Katie Gross, charged by Jacobino Baum with disturbing the peace on Myers street, will be examined today before Justice Austin.

The attempts at proselyting among Alameda street prostitutes by a delegation of church people continued unabated yesterday. One of the officers stationed on the street reported yesterday that an English girl had promised on Tuesday to leave the life she was leading and to go with one of the missionaries Thursday night. On Wednesday, however, the girl gave up the crib she was occupying and left for parts unknown.

The two Chinatown policemen, Ihms and Rohn were transferred last night, being replaced by Officers Collins and Harris. Officer Ihms will hereafter patrol Main street and Officer Rohn will be on Broadway, from First street to Tenth. Officer Whaling will remain on Alameda street.

Marriage Licenses.

The following marriage licenses were issued yesterday:

W. L. Magee, native of Indiana, aged 25, and Nellie Yoskum, native of Nebraska, aged 19.

Harvey Friend, native of Massachusetts, aged 48, and Mary L. Surry, native of Vermont, aged 34.

Wm. E. Price, native of Ohio, aged 68, and Lucinda M. Long, native of Indiana, aged 55.

Bill Bead.

These words are very familiar to our readers, as a day passes without the report of the sudden death of some prominent citizen. The explanation is "Heart Disease." Therefore, beware if you have any of the following symptoms: Short Breath, Pain in Side, Smothering Spells, Swollen Ankles, Asthmatic Breathing, Weak and Heavy Spills, Tenderness in Shoulder or Arm, Fluttering of Heart or Irregular Pulse. These symptoms mean heart disease. The most reliable remedy is Dr. Miller's New Heart Cure, which has saved thousands of lives. Book of testimonials free at C. H. Haas, who also sells the New Heart Cure.

O, What a Cough. Will you heed the warning? The signal perhaps of the sure approach of that most terrible disease, Consumption. Ask yourselves if you can afford to neglect a cough. To run the risk and do nothing for it. We know from experience that Shiloh's Cure will cure your cough. It cures in five days. It explains why more than a Million Bottles were sold the past year. It relieves croup and whooping cough at once. Mothers, do not be without it. For lame back, side or chest, use Shiloh's Porous Plaster. Sold wholesale by Haas, Baruch & Co., and all retail druggists.

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