

HE SAW DURRANT WITH MINNIE WILLIAMS.

Alexander Zenger Will Testify for the Prosecution.

HIS MOUTH IS CLOSED.

Witnesses Oppenheim and Quinlan May Expect Sharp Questions.

THE DEFENSE IS PREPARED.

Police and Superior Court Records Have Been Dug From the Musty Past.

THE DURRANT CASE IN A MINUTE—ONE MORE WITNESS IS FOUND.

Another witness has been discovered who will testify against Durrant in the Williams murder case. His name is Alexander Zenger, an engineer residing at 12 Rondel place. His statement, now in the hands of the police, is to the effect that he saw Durrant and Minnie Williams in front of Emmanuel Baptist Church on Friday, April 12, a short time before the prosecution will contend the murder was committed.

No success attended the efforts of counsel yesterday to secure the additional juror in the case and a special venire was ordered returnable this morning.

Alexander Zenger, an engineer, residing at 12 Rondel place, is the latest and most important witness for the prosecution against Durrant for the murder of Minnie Williams. On the night of April 12 last, that Good Friday night, so dark with fate for the poor girl, he saw, or claims he saw—and he will so swear—Theodore Durrant in company with Minnie Williams in front of Emmanuel Baptist Church. His statement is in the keeping of Captain Lees, and the witness will be produced on the trial to substantiate it.

Mr. Zenger is a member of Emmanuel Baptist Church, and knew both Durrant and Minnie Williams. He was passing up Durrant street on the night of the murder shortly after 8 o'clock, when he saw a man and a woman in front of the church. As he passed he took a good look at them and recognized Durrant and the girl.

A reporter for THE CALL visited Mr. Zenger last night at his residence, but the new witness positively refused to divulge a bit of information concerning the matters upon which he would testify.

"I will get into court," he said, "then you can hear what I have to say."

The police are equally reticent concerning the witness, although Captain Lees has admitted that he has a witness named Zenger who was even stranger than Witness Hills, and who would testify in the Williams case.

With only one juror needed to fill the jury-box in the Lamont case, every one looking on with the greatest interest and anxiously awaiting the day when the first witness takes the stand and the testimony begins to pile up. Each side is eager for the fray, and many, and not so very wild, as the case in the past, are waiting for the first witness to take the stand.

Whispers of this nature on the part of attorneys for the defense have been for many days. Their detectives have been at work on the matter, and the reports they have turned in are something voluminous and nearly as complete as the case itself.

It was one day in the midst of the trial, the defense has discovered from an inspection of the court records, that Martin Quinlan was proceeding down Market street. Crowds were passing this way and that, and the vicinity of Lotta's fountain, where Quinlan found himself, was particularly busy.

Suddenly a young man appeared on the scene, brandishing a revolver from his place of concealment, leveled it at the attorney and fired. Then she screamed and nearly fainted, while Quinlan, who had not been hit by the bullet, got out of the way.

A young Jewess, was arrested and at the police station gave the name of Clara Luster. She said she had been wronged by Quinlan and had fired at him with intent to kill. She was charged with assault to commit murder and was afterward tried in the Superior Court.

On that trial it transpired that the girl was a relative of Mrs. Oppenheim—a niece, some say. At any rate the wife of the pawnbroker testified in her behalf, as did several of her friends. On September 15, 1891, as appears on the record of the court, the jury returned a verdict of "not guilty by reason of insanity."

In connection with this verdict the name of Alexander Zenger was mentioned, and it was stated that he was indicted for seduction.

After the trial Quinlan was arrested on a charge preferred on behalf of the girl, but, on preliminary hearing in the police court the charge was dismissed.

has been discovered that the dealings of the pawnbroker have been brought to the attention of the police a number of times, although on no occasion were any of the charges made substantiated in the courts. The records show that on December 9, 1891, Officer L. B. Gordon arrested him on a charge of misdemeanor embezzlement, and on December 23, in Department 1 of the Police Court, the charge was dismissed. On the same day Oppenheim's wife, Lena, was arrested on a charge of felony embezzlement. Later the case against her was also dismissed. On August 11, 1892, Oppenheim and his wife were arrested by Officer C. Reynolds, charged with misdemeanor embezzlement. The charge was dismissed later in Department 3 of the Police Court. At another time Oppenheim was arrested by Officer H. J. Wright on a charge of petty larceny. He was tried in Department 3 and the case was dismissed.

Attorneys for Durrant undoubtedly consider the gleanings from these records as of some importance, for the very good reason that they make and have made no bones about stating that they intend to attack these witnesses in this manner. It comes, however, in no manner of surprise to either the prosecution or the witnesses, who have long ago been apprised of what is in store for them, and it is only fair to suppose that they will be fully prepared to withstand the attacks.

So far, what few of the witnesses for the defense have shown their hands have met with a reception similar to that which Messrs. Quinlan and Oppenheim may expect. The latest to come in for it are Ed McPherson and Marius Burnett, who stated that they saw Durrant on Market street at 9:10 o'clock on the night Minnie Williams was murdered. Now comes Justice Crozier's forward, who is positive that he sighted her met the young men was Thursday, April 11, not Friday, April 13. He states several little circumstances in support of his story, while the young men still stick to theirs.

Concerning the book which Durrant was said to have had in his possession when these young men think they saw him, and which his attorneys claim the prisoner had in his hands when he entered Dr. Vogel's, equally conflicting stories are told. Miss Daisy Wolf, Dr. Vogel and the elder Vogel have said the statement that Durrant had no such book, and yet, as a matter of fact, the defense has long been in the possession of a statement of a witness who received the book from the accused immediately after his arrival and before he washed his hands. The witness is Miss Miriam Lord, who lives at 823 Capp street. She is at present out of town, but as early as the last week in April she repeated her story to a CALL reporter and it was soon afterward published in these columns. The statement is as follows:

"I was sitting in the room with the others when Theodore arrived. He came upstairs and entering the room came up to me and dropped the record-book into my lap. It was the ordinary record-book of the society and quite large. At that time he seemed heated and flushed, as if with fast walking, but his hands did not appear soiled and I certainly saw nothing that resembled blood on them. Afterward he went to the doctor's office and rinsed his hands."

Attorney Fox, who appeared for Mr. McLean, insisted that the court should do something, and Judge Seawell said he was inclined to consider the contempt a technical one, as Mr. McLean had failed to do anything for the children.

He was of the opinion that the matter ought to be dropped as the parties could not agree. He said he did not want to send the woman to jail, and was inclined to think the attorney and his client would not so rash as to desire her imprisonment. As to finishing her, the court thought that also a hardship, as she had but little money.

Mrs. Himmelmann was sworn to testify though she did not appear, as she did not wish to stand. "I won't sit up there," she said, pointing to the witness-chair.

"Yes, go along," urged one of the attorneys. "Who are you?" she asked. "My name is O'Byrne. It is all right for you to testify."

"Well, I'll not go up there," she said. Then the counsel and the clerk talked it over, and finally Mrs. Himmelmann grew tired and walked up to the bench and said to the Judge:

"I wish you would settle this matter today. 'I am an old practitioner,' said Mrs. O'Byrne, addressing the court, 'and I would suggest that some place be named apart from this woman's residence where Mr. McLean may see his children.'"

"This is a contempt case," replied his Honor. "Well, we want some action of the court on this contempt," said the counsel for McLean.

"I will fine her \$5," replied Judge Seawell. "That will satisfy us," said the counsel. "If you please," interposed Mr. McLean, "won't you remit the fine?"

"Oh, I'll pay it," said Mrs. Himmelmann, and she rattled a \$10 gold piece on the clerk's table. "I'll pay it. You needn't worry about me."

"The fine is remitted," said the court. Then the counsel and the clerk talked it over, and finally Mrs. Himmelmann grew tired and walked up to the bench and said to the Judge:

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the county and not from the bystanders, returnable this morning at 10 o'clock. Mr. Deuprey for the defense took an exception to the order on the ground that it did not appear that all the persons called had been personally served nor that all the attachments issued had been exhausted.

The court then ordered that all the names that had been drawn by jurors for the purposes of this case, the owners of which have not been accepted and sworn or examined, be returned to the jury-box by the County Clerk.

Having admonished the jury in the usual form, Judge Murphy adjourned court till 10 o'clock this morning.

WENDELL EASTON'S TRIP.

While Abroad He Did Much to Encourage Immigration to the Coast.

Wendell Easton is home from Europe. He returned yesterday morning, having traveled 18,000 miles since leaving here on April 23. One of the chief objects of Mr. Easton's trip was to encourage immigration to California as far as lies in the power of one man. He delivered several lectures in England and as a rule found his audiences anxious to learn all they could about the Golden West.

"Judge Ross' decision has injured our irrigation bonds over the water," he said, "but it will have no effect on our other securities. Our California credit abroad is as good as ever."

He made arrangements with the White Star line of steamships for tickets to be sold straight through to San Francisco and other California points, second class, for \$40, or not more than \$50. This is a remarkably cheap fare and Mr. Easton thinks many colonists will take advantage of the opportunity offered for leaving the overcrowded European countries. He is much pleased with his trip and thinks there will be good results in the way of increased immigration.

MRS. HIMMELMANN FINED

She Appeared in Judge Seawell's Court on a Contempt Charge.

The Fine Was Remitted, Though She Showed Double the Amount Demanded.

A quiet little scene in the legal drama of which Mrs. Jennie Himmelmann is the leading lady occurred in Judge Seawell's court, Department 1, yesterday afternoon at the close of the day's proceedings in the Fox-Mackay mining suit.

Mrs. Himmelmann was there to answer to a proceeding for contempt of court. Her offending, as related in THE CALL, was in refusing her divorced husband, A. A. McLean, the privilege of seeing his children.

Attorney Fox, who appeared for Mr. McLean, insisted that the court should do something, and Judge Seawell said he was inclined to consider the contempt a technical one, as Mr. McLean had failed to do anything for the children.

He was of the opinion that the matter ought to be dropped as the parties could not agree. He said he did not want to send the woman to jail, and was inclined to think the attorney and his client would not so rash as to desire her imprisonment.

As to finishing her, the court thought that also a hardship, as she had but little money.

Mrs. Himmelmann was sworn to testify though she did not appear, as she did not wish to stand. "I won't sit up there," she said, pointing to the witness-chair.

"Yes, go along," urged one of the attorneys. "Who are you?" she asked. "My name is O'Byrne. It is all right for you to testify."

"Well, I'll not go up there," she said. Then the counsel and the clerk talked it over, and finally Mrs. Himmelmann grew tired and walked up to the bench and said to the Judge:

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ON THE SOUTHERN PACIFIC RAILROAD.

L. W. Sibley Objected to His Name Appearing There.

HEAVY DAMAGES ASKED. Sued for \$50,000—Claimed to Have Taken No Part in the Strike.

SAID APPEALS WERE FUTILE.

That the Piteous Pleadings of His Suffering Wife Fell on Deaf Ears.

L. W. Sibley, a telegraph operator, formerly in the employ of the Southern Pacific Company, yesterday instituted suit against that company, asking \$50,000 for having been placed on the "blacklist" of that company, as he alleges in his complaint, without just cause. His attorneys are W. W. Allen & Son.

As told in the complaint and in the correspondence between Mr. Sibley and the defendant corporation the story of the Sibleys' life for the past year presents so extensive that they can prevent the plaintiff from obtaining any employment, and by the exercise of said power, influence and false charge and "blacklisting" the plaintiff as herebefore stated, said defendant has prevented the plaintiff from obtaining any employment at any time or any place since the 15th day of June, 1894, and still continue to so prevent him from obtaining any employment.

That plaintiff has applied at various other places for employment, but has been refused on the ground that he is on the blacklist of the defendant corporation.

That on account of the unlawful acts of the defendant as herebefore specified and set out, the plaintiff and his family is disgraced and humiliated and rendered unable to obtain support for himself and his family, and his prospects in life for himself and his family to obtain a living are and have been crushed and ruined to his damage in the sum of \$50,000.

Wherefore plaintiff prays judgment against the defendant corporation for the sum of \$50,000 and for costs of this suit.

Sibley not only took the precaution to preserve the letters he received from the various officials of the Southern Pacific Company in the course of his efforts to secure the removal of his name from the company's blacklist and his re-employment, but also kept copies of all the letters he sent on the subject, and Mrs. Sibley did the same. These will all be placed in evidence in the case, and will undoubtedly have a most important bearing on it, as they go to show the existence of Southern Pacific blacklist and the placing of Sibley's name thereon.

Sibley left the company's employ at Carlin on the 15th of June, 1894. On the 26th of July following he applied for re-employment to Division Superintendent J. H. White at Washburn, Nev. This was the reply he received:

To yours of the 26th inst., I understand you took a prominent part at Carlin during the late trouble, therefore I cannot give you any encouragement.

On August 16, 1894, Sibley again wrote to White as follows:

Referring to yours of July 30, I am surprised to see you think I would have the audacity to ask re-employment from you if I had taken a prominent part in the trouble at Carlin, as you have been given to understand. This I can prove as a falsehood if necessary.

As a business proposition, it is not to me who you kindly send me the name or names of parties giving you this information? and I certainly shall endeavor to prove their assertions. I was not in Carlin to do any work during the strike, and did not return till it was most over.

This bringing no reply Mr. Sibley addressed himself to General Superintendent J. A. Fillmore on January 18, 1895, as follows:

Will you please advise me what action, if any, has been taken in regard to my name being on the blacklist of the Southern Pacific Company?

I should at least have a chance to defend myself against an mistake or prejudice of an enemy. Department 1, yesterday afternoon at the close of the day's proceedings in the Fox-Mackay mining suit.

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NEW TO-DAY.

RIBBONS. RIBBONS!

We have now on exhibition our complete stock of NEW RIBBONS FOR FALL 1895 and will offer this week 3000 pieces Super-fine Quality Satin and Gros-Grain Ribbons at the following

LOW PRICES!

- No. 2 Satin and Gros-Grain Ribbon, 45c piece, 5c yard
No. 3 Satin and Gros-Grain Ribbon, 60c piece, 6c yard
No. 5 Satin and Gros-Grain Ribbon, 80c piece, 8c yard
No. 7 Satin and Gros-Grain Ribbon, \$1.00 piece, 10c yard
No. 9 Satin and Gros-Grain Ribbon, \$1.40 piece, 15c yard
No. 12 Satin and Gros-Grain Ribbon, \$1.65 piece, 16c yard
No. 16 Satin and Gros-Grain Ribbon, \$2.00 piece, 20c yard
No. 22 Satin and Gros-Grain Ribbon, \$2.50 piece, 25c yard
5-Inch Satin and Gros-Grain Ribbon, \$4.00 piece, 40c yard

The above Ribbons are in the very latest Fall Shades and at the prices marked are

Genuine Bargains!

Samples of above goods forwarded free to any address.

Country orders receive prompt attention. Goods delivered free in San Rafael, Sausalito, Blithedale, Mill Valley, Oakland, Alameda and Berkeley.



111, 113, 115, 117, 119, 121 POST STREET.

San Francisco, January 25, 1895. S. W. Knapp, Esq., Division Superintendent Southern Pacific Company, Ogden—Dear Sir: Inclosed please find copy of letter received by me from J. A. Fillmore, general superintendent.

I understand, through Mr. Fillmore's letter, that you are in