

PACIFIC COAST NEWS.

Races the Attraction of Society at Del Monte.

SOME SPLENDID RIDING.

Well-Known Men Who Guided Favorites and Outsiders to Victory.

A SURPRISE IN THE SECOND.

Salle M, a Long Shot, Won From Start to Finish in Good Time.

DEL MONTE, CAL., Aug. 29.—The races occupied the attention of every one to-day. The morning hours between wheeling, bathing and driving, were spent in talking horse, in selecting winners and forecasting the events of the afternoon.

Promptly at 1:30 P. M. the coaches, dogs and carriages came rolling up to the hotel from the stables, and soon everybody was off for the scene of the races. It was but a few minutes' drive from the hotel to the track, and soon the grand stand was well filled with the fashionable world, ready for the sport to begin.

Messrs. Tobin, Lincoln and Jackson acted as judges and Mr. Ricketts as starter. Some delay was caused on the opening, but after the first race was on the sport moved swiftly and evenly to the close.

At 2:40 the first race was called. Brandy of the Del Monte stables, Buckskin and Aladdin, owned by J. S. Tobin, Walla Walla, owned by Neave, and Choice, owned by Mr. Hobson, answered the call, Conejo, Lady Greensleeves and Maud being scratched.

The horses in the order named were ridden by Messrs. Hobart, Thomas and Garnett. In this race it was conceded that Brandy had a cinch. The favorite was a 5 to 1 shot, and the result of the race was as every one had predicted. Garnett was put up on Choice at the last moment and made a good race.

In the second race, which was for a \$100 purse, six furlongs, Mr. Whittier rode Salle M, being put up at the last moment. The other entries were Bernardo with Mr. Hobart up, Frondeur with Mr. Simpkins up, and Helio, ridden by Mr. Webber, Pasha, Red Bird, Silver and Veragua being scratched.

This race demonstrated the fact that "all signs of rain fail in dry weather," for a more surprised lot of horsemen never witnessed a race which proved more of a surprise to them than this one. Mr. Hobart, owner of Salle M, said that she should sell at 100 to 1, but to the surprise of all she beat the flag half a length and won all the way round.

She was ridden with rare judgment. Bernardo, second, came fast at the finish, but was not equal to the task, being beaten out by half a length. Helio was third. Time, 1:20. The betting was: Paris Murels, \$5 per ticket; and on this the winner paid \$87 70.

In the third race there were two very bad actors, Dr. Tevis with Mr. Whittier up and Mohini with Mr. Martin up. The latter took the bit and dashed frantically around the track, was halted and turned, but at once flew away, heedless of his rider's efforts to check him.

Mr. Martin, after exhausting every effort to bring the horse under control, threw himself from him, escaping without injury, the horse finally being caught and led to the stables. At the next attempt to start the race Dr. Tevis broke away and ran a mile and repeat, when he was taken to the stable.

To a good break Gold Coin took the lead and was never headed, winning handily. There was considerable feeling manifested in this race, as it was a second test of the mettle of the Hobart and Bettner horses. Many thought that Lady Greensleeves would again lower the Hobart colors, as on yesterday, when she so handily beat Comanche, but the result of this race leaves the honors even, the odd to be determined at some future date. Gold Coin was first, Lady Greensleeves second, Geronimo third. The betting on this race was with Gold Coin as favorite, but on an even money.

In the fourth race there were only three starters, Romulus, ridden by Mr. Hobart, Tigriss with Mr. Whittier up, and Raindrop ridden by Mr. Bettner. Raindrop lost all chances or hope of winning on the first turn, losing no less than six lengths. Romulus won handily.

The fifth and last race of the day, a two-mile steeplechase, was the main event by long odds, and was a good race from start to finish. Mr. Hobart had just paid \$2500 for Ali Baba in order that he might win this race, and as may well be supposed, had his heart set on winning it, but although Ali Baba cut out a very hot pace for a mile and three-quarters Mestor, who was ridden and placed with excellent judgment by Hennessy, nabbed him at the head of the stretch and in a driving finish Mestor beat him by a good length. The Lark took third.

It was a good day for Hobart, he winning four out of the five races. It is noticeable that horse No. 1 on the racing-card in each race won first. In the last race Mestor sold \$ to 5. About \$3000 changed hands on the races.

The talk-to-night is of the team shoot tomorrow. There are a number of the shooting contingent of the Country Club on hand, and the race for the season's cup bids fair to be hotly contested. R. B. Woodward feels himself a sure winner, as one more win will make the cup his personal property.

It is said that the races for Saturday will be of unusual interest. F. B. Webster and Major Rathbone are leaving no stone unturned to make everything a success.

An Arab Village Wrecked.

ALGIERS, Aug. 29.—A waterspout has caused devastation in the Sidi Aichi district. An Arab village was totally wrecked. Four of its inhabitants were killed and many were injured. The great volume of water which fell when the spout broke inundated the territory for a distance of ten kilometers and swept two iron bridges from their foundations, leaving their masses of bent and twisted iron.

German-American Veterans Feted.

BREMEN, GERMANY, Aug. 29.—Bremen gave an enthusiastic reception to the German-American veterans yesterday, and last evening entertained them at festival dinners in the Park House. Herr Mueller of Bremen delivered an address of welcome to which Herr Schleucker of Chicago re-

plied, expressing the thanks of himself and comrades for their reception, and in conclusion called for cheers for the Emperor and the empire which were given heartily. In the course of his remarks Schleucker gave a history of the German-American Veteran Union of Chicago. The entertainment was ended with a display of fireworks. The veterans proceeded to Hamburg to-day.

TRUBLE OF THE COLONNAS.

The Report of a Settlement Between Them Denied.

NAPLES, ITALY, Aug. 29.—The report that a formal settlement has been made between the Princess Colonna, daughter of the California millionaire, John W. Mackay, and her husband, Prince Colonna, is denied. It was said that an agreement was made that the Princess was to have the care of the children and the Prince was to receive an annual income of 60,000 francs. It is now claimed that the relations between them remain the same.

Prince Colonna's Sonnets with the boys, who occasionally visit the Princess. The Princess is at Castellamare with her daughter, and the latter visits her father at Sorrento frequently.

FED HUMAN FLESH TO BEARS.

Terrible Crimes Committed by Two Romanian Trainers.

BUDA PESTH, Aug. 29.—Two Romanian trainers and exhibitors of performing bears, have been arrested in Debrecze, in the Haideck district of Hungary, charged with having fed their animals human flesh. In the course of their examination the men admitted that they had killed four boys, cut their bodies to pieces and fed their bears with the flesh. The confession of the prisoners has aroused popular indignation to the highest pitch.

German Goods in Japan.

BERLIN, GERMANY, Aug. 29.—Acting upon suggestions made by the German embassy at Tokio and Baron von Berlepsch, Prussian Minister of Commerce, the central committee of the German Manufacturers' Association will publish a periodical in the Japanese language for the purpose of advertising German goods in Japan. Later the committee will publish a similar periodical in the Chinese language.

Seen Persons Drowned.

HALIFAX, N. S., Aug. 29.—A dispatch from Charlottetown reports the probable loss of seven lives, those of five men and two women, who went from Cape Bauld in a sailboat to Fifteen Points a week ago. They remained there with friends over night, but failed to return, and nothing has since been heard of them. The supposition is that the boat foundered and that all were lost.

Hayti and San Domingo.

ROME, ITALY, Aug. 29.—The Pope has instructed Cardinal Macchi to study the dispute between Hayti and San Domingo regarding the boundary between these two republics, the Presidents of which recently appealed to the Pope to act as arbitrator of the controversy. Cardinal Macchi will report to the Pope on the conclusion of his investigation into the facts of the case.

Many Houses Burned.

ROTTERDAM, HOLLAND, Aug. 29.—A fire started in the town of Zaluwe, near this city, last evening and is still burning. Thus far forty-three houses have been destroyed, the inhabitants taking refuge in the sheds and open fields. Zaluwe is a town of 400 inhabitants.

Big Fire in a Russian Town.

LONDON, ENG., Aug. 29.—A dispatch from Moscow says that half the town of Yukhnoff, in the province of Smolenski, has been burned.

Minister Dun's Mother Dead.

COLUMBUS, OHIO, Aug. 29.—Mrs. James Dun, the mother of the United States Minister to Japan, Edwin Dun, died last night at her farm home near London.

How a Specific Contract to Purchase the Property Was Made.

Suit to Compel the Fulfillment of an Agreement of Record.

The treasures of earth enrich the Pina Blanco group of gold mines in Tuolumne County. John N. Linehan, who has been prospecting and experting mines for thirty years, told such stories of the wealth of gold in this group that his report read like a fable. Mr. Godby, a capitalist from Denver, representing men of opulence and influence in New York, went to the mines near Sonora with Linehan, and when returning answered, like the Queen of Sheba after her visit to Solomon, that half had not been told.

In order to possess these riches Godby, on behalf of his associates, commissioned Henry W. Chase to negotiate for the purchase of the property.

According to a complaint filed in the Superior Court yesterday, wherein Chase was the plaintiff and the defendants were J. L. Ross, P. P. Chamberlain, Annie Kline Fikert, Alvinza Hayward and Charles Lane, the three first-named defendants agreed on April 11, 1895, to dispose of the mines to the plaintiff. The agreement or contract was duly recorded. Chase agreed to deposit \$12,500 in the States Trust Company. On the execution of deeds for transfer of the property a sum of \$30,000 should be paid. It was agreed as to future and final payments that \$42,500 should be paid in six months of equal payments of \$7,083 33 each. Promissory notes secured by mortgages on the mining property were to be given.

The plaintiff says that he was then and is now able and ready to fulfill all the conditions of the contract, and so notified the defendants, but the defendants replied that they would not perform the same.

According to the story in the complaint, Alvinza Hayward and Charles Lane claim to have in the Pina Blanco group some right or title, but Chase avers that the right or title is subsequent and subject to the rights of the plaintiff. Therefore, the plaintiff, through his attorneys, Delmas & Shortridge and H. K. Mitchell, ask that the court compel the defendants to perform the contract specified.

The papers in the case do not bring to light the negotiations between Mr. Chase on one side and Mr. Godby of Denver on the other, but the defendants replied that they would not perform the same. According to the story in the complaint, Alvinza Hayward and Charles Lane claim to have in the Pina Blanco group some right or title, but Chase avers that the right or title is subsequent and subject to the rights of the plaintiff. Therefore, the plaintiff, through his attorneys, Delmas & Shortridge and H. K. Mitchell, ask that the court compel the defendants to perform the contract specified.

RUDOLPHSPRECKELSSUED

His Father and Mother Seek to Recover Valuable Stock.

THE PRESENT WAS INVALID.

Shares of Paauhau Plantation Company Worth Half a Million Dollars.

In the suit of Claus Spreckels and Anna E. Spreckels, plaintiffs, vs. Rudolph Spreckels, defendant, the attorney for plaintiff—Delmas & Shortridge—yesterday filed a brief on demurrer in Judge Slack's department of the Superior Court. This is an action brought by the plaintiffs as husband and wife to recover from the defendant 5000 shares of the stock of the Paauhau plantation, part of their community property, which they allege he unlawfully detains from them.

The defendant's asserted title rests upon a gift from the plaintiff, Claus Spreckels. On the other hand, it is claimed that this gift is invalid because, though made by the husband after the passage of the act of March 31, 1891, it was not sanctioned by the consent of the wife.

The main point for discussion arises from a divergence of views upon the constitutionality and operation of this statute. The first contention of the defendant is that the statute of 1891, if made applicable to the facts in this case, is retroactive and unconstitutional.

It is contended that the statute, though it operates upon the disposition by gift of community property acquired before its passage, is not retroactive. The subject matter of the act is the regulation of gifts of community property. It only affects dispositions thereafter to be made. If it had said that gifts of community property made by a husband before its passage, without the consent of his wife, should be invalid it would have been retroactive.

But it is obviously intended to apply only to gifts made after its passage and, then, of course, is not retroactive. At all times it is sufficient to say that this point that here the gift was made after the passage of the act, and the question of what the effect of the amendment would be upon gifts made before is immaterial.

When the claim is made that the statute of 1891 is unconstitutional in that it deprives the husband of a vested right the argument assumes, as its foundation, that the husband had before the passage of the act the vested right to dispose of community property by gift as he might of his own separate property, and that consequently the enactment which makes his power of disposition subject to the consent of his wife is a deprivation of that right.

The answer to this contention is found in the fact that the husband never had no more before than since the passage of the act—the power of disposing of the community property at his pleasure by gift. This is the contention of the plaintiff, and that, besides, if he had such power it was derived wholly from the Legislature, and the power which conferred it may take it away.

The brief quotes decisions and authorities at great length on these propositions. The next contention of defendant is that there is a misjoinder of parties, in that the wife cannot in an action of this kind be made a party.

The brief reviews the contention, taking the ground that the statute of 1891 was passed to protect not husbands but wives. It was the spoliation of the wife's right by the husband, which the Legislature was seeking to check and prevent. It placed in the hands of the wife the shield for her own protection by giving her the means of preserving as well for her husband as for herself the community property.

"To be told that, if, in plain and manifest violation of the language and intent of the statute, the husband shall give away the community property, the wife cannot invoke the protection of the act, to correct or redress the wrong—to say that the right to seek redress, in such a case, is lodged exclusively in the husband's hands, and that the Legislature intended that the protection of such judgments being best conferred solely to the one against whose wrong that protection is needed, would, indeed, make the promise of the law-giver as false, as a dicer's oath—a rhapsody of words."

The third contention of the defendant is that the plaintiffs have no standing in a court of equity, because their remedy at law is adequate and complete.

In reply to this plaintiff's argue that the stock in question, though community property, had been issued in the name of Claus Spreckels and he appeared upon the books of the corporation as the owner thereof. The transfer of the stock to the defendant was made by delivering these certificates indorsed in blank with the name and signature of Claus Spreckels.

"The defendant surrendered the certificates thus indorsed to the corporation and procured to be issued in his name new certificates, transfer them to any third person, and such person can, in turn, by surrendering them, procure new certificates in his own name to be issued by the corporation, which would be the same as if he had never parted with the certificates he had so carelessly parted with."

The plaintiffs contend in this case that they are entitled to ask that the defendant, "having the possession or control of a particular article of personal property, which he is not the owner, may be compelled to specifically deliver it to the person entitled to its immediate possession."

"We bring ourselves, therefore, within the principles which govern the common law doctrines of courts of equity which entitle us to a specific delivery of the stock in question, and are not driven to a receiving of a mere money judgment as damages for the taking thereof."

The fourth contention of defendant is that it appears upon the face of the complaint that the plaintiffs have by their laches lost the right to come into a Court of equity for relief.

In answer to this contention, the plaintiffs hold that the doctrine of laches has no application to the case presented by the complaint. The action is one for the specific recovery of personal property.

"What is there, then, upon the face of the complaint to deprive the plaintiffs of the statutory right of bringing their action within the statutory time? They have sued within twenty-two months of the time allowed them by the statute to sue."

The fifth contention of defendant is that the complaint is defective because it contains no averment of rescission.

In reply to this the brief says: "The plaintiffs here do not base their rights upon rescission of the contract of gift. They do not claim that that contract was obtained by mistake, duress, menace, fraud, undue influence, failure of consideration, or they found their action upon the fact that the asserted title in the hands of the defendant is absolutely void; that no act of theirs is needed to make it so; that an attempted gift of community property made by the husband without the consent of the wife is no gift at all, and is, therefore, ineffectual to transfer or affect the community's interest in the property. They maintain that the wife's previous and concurrent assent, evidenced by a writing, is a condition precedent to the husband's exercise of the statutory power to dispose of the community by gift; that, where this condition precedent has not been fulfilled, the husband's act is void for want of power to perform—a nullity."

Replying to the sixth contention, that the complaint is not sufficient because it does not aver that the wife did

not know of the husband's attempted gift, the brief argues that the wife's knowledge is not the act which the statute declares essential to the validity of the husband's gift. Not only must she know, but she must consent; not only must she consent, but her consent must be evidenced by a writing.

The brief contents, finally, that the plaintiffs are entitled to have the defendant restrained, pending the action, from transferring the stock.

"Upon the argument already made we are entitled to have the stock transferred to us. Should the defendant, in the meantime, make over the stock to innocent third parties, it would have a very great tendency to render any judgment that might be obtained here ineffectual."

"In that event, of course, we could not get our stock from the defendant. The judgment would not be binding upon his assignees, they not being parties to the action. Should we bring against them the same action which we have brought against the defendant, they would, in their power to transfer the stock to other parties, and thus relief would forever elude our grasp. The only way to insure the efficacy of our judgment here is to grant and now maintain the injunction."

"Secondly, we are entitled to an injunction against the defendant's receipt of the dividends.

"If we are entitled to the stock we are entitled to its proceeds. The one goes with the other. Equity will not administer relief piecemeal. It will compel the defendant to account for the dividends already received, and if, as is admitted by the pleadings, he is not the owner of the stock, but wrongfully in possession thereof, there is no reason why, pending the litigation, he should be allowed to receive dividends which belonged not to him, but to us."

The value of the stock is \$900,000. Rudolph Spreckels, to whom it was given, was married a few days since to a well-known society belle—Miss Nellie Jolliffe.

CONFESSED TO FORGERY.

James Sargent of Boulder Creek Cashes a Bogus Check and Is Cleverly Caught.

On Wednesday afternoon a well-dressed young man presented a check for payment to the paying-teller of the Donohoe-Kelly Bank on Sutter and Montgomery streets. The check was for \$300 in favor of John Stanger, or bearer, and purported to be signed by H. L. Middleton, a lumber and general merchant of Boulder Creek. The teller closely examined the signature, which appeared to be all right, and paid over the money.

Half an hour later the cashier of the bank concluded that Middleton's signature was a forgery and at once notified police headquarters. Detective Whitaker was detailed in Middleton's store, was in the City. That night he learned where Sargent had a room, but found on going there that he had fled, leaving his rent bill unpaid.

On the floor of his room Whitaker found scraps of paper, and the writing on them satisfied him that he was on the right trail. He also found a laundry bill, and he rightly concluded that by watching the laundry office he might catch him.

Yesterday morning, accompanied by Officer Heynemann, he went to the laundry office and after waiting for about four hours, Sargent called for his washing, and he was immediately placed under arrest. When taken to the City Prison \$200 of the money he received from the bank was found in his pockets. He broke down and confessed committing the forgery. He said he had spent the other \$100 in paying bills.

Prejudice was originally nothing more than a judgment formed beforehand, the character of such judgment being dictated by the present meaning of the word.

A VAST FLOWER GARDEN.

F. B. Beckett Discovers a New Process of Extracting Odors.

AN INDUSTRY FOR CALIFORNIA.

All the Scents Now Used in America Come From Foreign Countries.

After years of patient toil, hard study and almost endless experiments F. B. Beckett has discovered a process that seems destined to be the means of establishing an important industry on the Pacific Coast and the only one of its kind in America.

Mr. Beckett's discovery consists of the art of extracting the odors of flowers almost instantly, thereby effecting a great saving in both labor and time over the present process.

The one thing above all others that makes Mr. Beckett's invention commercially valuable is the fact that 90 per cent of the perfumes used in America have had their origin in foreign countries, France furnishing the largest portion of the odors used in making them.

"I am hardly ready to have my discovery on the invention heralded to the world as a process that will revolutionize the art of perfumery," said Mr. Beckett yesterday. "I am free to admit, however, that I have a method of extracting the odors of flowers that will cheapen the cost of perfumes three-fourths. I have applied for and secured patents on each idea as quickly as they evolved, but until one or two minor details are perfected no one but the authorities at Washington will be admitted to any of the secrets of the process, the discovery of which has cost me years of hard study."

"Here are a few samples of perfumes which I have just made," continued Mr. Beckett, pointing to small vials of rose, violet and tuberose extracts. "You will observe that the bouquet of the rose, or any of the perfumes for that matter, is identical with that of the flower, which is not true of any perfume now on the market."

"The art of manipulating odoriferous substances for the gratification of the sense of smell is best understood in France. There are thousands of people in the Latin countries who follow flower-gathering as their only occupation, many of the most provident owning what we would term a flower-ranch. The product of these farms is sold directly to the manufacturer, when the process of evaporating or absorbing the odors is begun. This is accomplished by spreading oil or grease over trays and tables, and then laying the flowers gently over the greased surface. After a given length of time, varying, of course, with the flower, the oil or grease is carefully gathered up, packed in small cans, when it is ready for either house use or exportation."

This odorized oil is converted into perfume by placing it in spirits, where it is readily absorbed, resulting in violet, rose or jasmine extract, as the case might be.

"My process does away with all this time and labor, necessarily decreasing the cost of perfumes to the consumer. This question of cost has been the one thing that has prevented the manufacturing of odors in America. No spot in the world is so richly endowed in the way of flowers as is California, and certainly no section is so favored by nature."

"I honestly believe that the manufacture of perfume is destined to become the greatest industry of California and that before many years the State will be one big flower garden."

Flower-farming is confined almost exclusively to the valley of the Var, France, the triangular portion of which has Grasse for its apex and the Mediterranean shore between Nice and Cannes for its base. The total area is about 115,000 acres. Here the jasmine, tuberose, cassia, rose and violet grow to perfection, and the process of enflourage and maceration is employed to such an extent that it has become the perfume mart of the world. Last year there were gathered 3233 tons of roses, violets and orange blossoms. Most of the California flowers are perpetual bloomers, while in France the harvest time varies from thirty to sixty days. This would, of course, be of immense advantage to the flower-farmer here.

Some years ago Congress sent a commission to examine the Yosemite Valley, with a view of utilizing the wealth of flowers which is to be found there, but it was determined that the cost of gathering would be so great as to preclude the possibility of competing with the European factories.

WALKERLEY WILL CASE.

The Supreme Court Expected to Hand Down a Decision Very Soon.

COOLNESS OF THE SAILORS.

The Survivors Camped on the Beach Near the Scene of the Disaster.

Yesterday's news from the scene of the wreck of the steamer Bawnmore, reported the catastrophe no so disastrous as at first thought to be. No lives on the vessel were lost, and out of the crew of twenty-five persons, only one man, a Japanese who became frightened and abandoned the steamer with a companion when she struck, was lost.

All hands were camped on the beach, and Captain Woodside reports that he will remain there as long as there is a chance to save anything floating ashore. The crew landed in a small boat without any mishap.

The vessel went on the rocks in a dense fog about 5 o'clock in the morning of the 28th inst., and Captain Woodside stated if he could have procured assistance within a short time he would have got his vessel off.

They were steaming slowly through the darkness, totally unacquainted with their whereabouts, and the first intimation of immediate danger they had was the sound of the surf, then the grinding of the steamer on the rocks. She went broadside on and hung easily on a reef. The engines were backed, but without avail, and presently she settled more firmly on the shore.

The seas began to break heavily over her and everything on deck, including the boats, cars and lumber, began to wash away. The officers and crew remained until it was seen that she was doomed and then they took to the boat and reached the land.

There being no wire communication between Gold Beach, the place where she struck, and Bandon, it was twelve hours before the news reached the latter place. There was no excitement among the men, and Captain Woodside, whose coolness was only equaled by that of his wife, was able to control them.

They obeyed his orders and remained by the ship until he directed them to man the boats. The two Japanese disobeyed orders and tried to swim for the beach, one losing his life in the attempt.

The vessel and cargo are a total loss. They were valued at \$125,000, partially insured. The tug Monarch left yesterday for the wreck.

Frederic Anson Dead.

Frederic A. Anson, the scion of a noble English family and a brother-in-law of Mr. Walters, one of the proprietors of the London Times, died yesterday at St. Luke's Hospital of consumption.

Anson was employed in an English bank owned by a wealthy nobleman, to whom he was related, up to a few years ago when he inherited \$25,000 and started on a pleasure tour around the world.

His money gave out when he arrived here, and he never returned to his native land. His health gave out, and as his wealthy relatives refused to come to his assistance he went to the City and County Hospital and remained there until friends in this city learned of his condition and had him removed to more comfortable quarters at St. Luke's.

His death has been expected for some time past.

Advertisement for 'LITERATION SALE!' featuring 'TWO REASONS FOR "Cut-in-Two" Prices: Alterations and Importations Mean Devastation in Prices on Clothing.' It lists various clothing items and prices for men's, boys', and hat departments, and includes the name 'H. SUMMERTON & CO., STRICTLY ONE-PRICE CLOTHIERS, 924, 926, 928, 930 MARKET STREET.'