

MINERS READY TO REPLY.

Upon Certain Conditions Mr. Mills' Offer is to Be Accepted.

RETURN OF PRESIDENT NEFF.

Meeting to Be Held by the Mineral Lands Committee This Afternoon.

Now that President J. H. Neff of the Miners' Association has returned from the East—that is, he is expected to be in Coifax to-day—Messrs. Ricketts, Wright, Yale, Hoffman and Loftus, the committee on protection of mineral lands, are about ready to reply to the proposition of Land Agent Mills of the Southern Pacific.

It will be remembered that Mr. Mills suggested the appointment of a joint commission to examine contested lands—lands selected, or to be selected, by the railroad companies which were supposed to be mineral—and plainly intimated that some amicable arrangement could be made if provided the protest by the United States land office were withdrawn and the matter pending in the Department of the Interior were dropped. It has been generally assumed that Mr. Mills' offer was one of the results produced by the vigorous fight being made by the Miners' Association and its members, Ricketts and Benjamin through their attorney, Mr. Ricketts, chairman of the Mineral Lands Committee. This offer, emanating from the head of the railroad's land department, indicated that the company had at last found it good policy to recognize as a power the Miners' Association and to treat with it on something like an equitable basis.

The committee subsequently met, and, on the application of Mr. Yale, decided to reply to Mr. Mills' long communication which had been addressed to Mr. Wright, the terms of the reply to be, briefly, that a third Commissioner was to be chosen by the Miners' Association and the railroad company, and that the railroad company should withdraw its contested selections from the land offices and relinquish all claims to contested lands until they had been passed upon by the joint commission.

The meeting of the committee to agree upon such a reply will be held at Chairman Ricketts' office at 3:30 p. m. to-day, and a copy of the reply as drafted by Mr. Wright, who was the committee's spokesman, was sent to Mr. Neff last night for his consideration. It was the expressed wish of the executive committee that Mr. Neff should act with the mineral lands committee.

The substance of the reply has already been anticipated. It can be summed up thus:

On the one side is to be the California Miners' Association, and on the other the Southern Pacific Company, the Central Pacific Railroad Company, the Western Pacific Railroad Company and the California and Oregon Railroad Company, all of which corporations have Congressional grants within this State.

The agreement is to apply to all lands claimed by these corporations—open lands and lands not only in the public domain, but also of any mine or location. It shall not involve the withdrawal of any contest by any individual acting independently of the association.

The two commissioners are to select a third dispute, and each to pay the expense of the commission, the decisions to be final, and the examinations and selections to be based upon the actual character of the lands, without respect to previous examinations, reports or classifications of the same.

The railroad companies are to make the relinquishments and abandonments insisted upon, they to be final and irrevocable, and the Miners' Association, on its part, to be bound by the decisions of the commission. No list of selections is to be made by the railroad companies without the lands being first examined by the commission. Each side may remove a commissioner at discretion, and so appoint his successor.

The definition of mineral lands is taken from the Idaho-Montana act, and the agreement provides that the definition of the commission shall be based upon that definition, and that the provisions of the act be made applicable generally to the workings of the commission.

The definition of mineral is not as good as it might be from the point of view taken by Messrs. Ricketts and Wright, but they choose it because it bears the sanction of Congress. What it amounts to is—

Lands which may be assumed to be mineral lands, or lands which indicate their mineral character and would induce a miner to prospect on them, or lands which from their geological formation or situation in some well-defined mineral belt, or nearness to known mineral lands, might be profitably prospected by a miner. The word "mineral" does not include iron and coal.

One of the conditions of the agreement made by the two sides is that Congress can take legislative action. There is a hope here, perhaps, that a law will be passed for this State similar to the Idaho-Montana act, and it is believed that Congressmen Haggin and Stanford may be relied upon to see that it is through. It is said that Mr. Huntington prevented the inclusion of California in this act by a successful lobby, because he did not know whom President Cleveland would choose as the Commissioner and was opposed to any commission until he could know whether or not he could handle its personnel.

Chairman Ricketts intends to bring about the incorporation of the Miners' Association, if possible. He recognizes that it would then have the proper legal status. Perhaps the association will decide to incorporate when it holds its convention here on October 14 in Pioneer Hall.

Speaking in reply to a question by Mr. Wright and its terms of agreement Mr. Mills said yesterday:

It is simply to put Mr. Mills' sincerity to a supreme test. He has recognized the Miners' Association as a great power in this State, and its law is to be made as a party litigant, might be at any time, and he knows that it has the ability and influence, backed by the press and public opinion, to successfully guard the interests of the people.

We propose to be fair and reasonable with the railroad corporations. We recognize that they have a perfect right to all the agricultural lands in their grants, and all we want to do is to keep them from taking lands which do not belong to them. The law says they shall not select mineral lands. All we want, then, is some satisfactory examination of the lands in question to keep the railroad from taking lands which do not belong to them.

Mr. Mills made this proposition, and we accept it on the terms I have just stated, which the public is already informed of. These terms are simply for the protection of the mining interests, all of which are in the public domain, and to determine whether Mr. Mills will stand by his offer or not. He would bind us in honor, we will see if he will be bound. We are willing to presume that he is acting in good faith.

The reply will be sent to Mr. Mills as soon as the committee agrees as to its wording.

NEW BATTLESHIPS.

The Navy Department Will Not Invite Proposals Before Next December.

The Union Iron Works received advice from Washington yesterday that the plans for new battleships had not been completed, and therefore proposals for building the ships would not be invited before next December.

George W. Prescott of the firm said that contracts for constructing gunboats would be awarded sooner and that the Union Iron Works would bid for a contract.

Henry T. Scott expects to leave San Francisco for Washington this week and represent the firm in presenting bids for building gunboats.

It was reported at the Union Iron Works

yesterday that no letters had been received from the captain or other officers of the Olympia concerning the trial made by the cruiser on the recent run from San Francisco to Honolulu.

Iron-Molders' Unions.
The Iron-molders' Union No. 164 will give a social next Monday evening at Furniture-workers' Hall on Mission street. At the meeting last evening a letter was read from Joseph F. Valentine, who is now in Kentucky. Valentine states that the molders in and around Boston are now demanding \$3 minimum weekly wages. A conference of molders is to be held soon, and it is believed that the demand will be granted. In San Francisco the wages are between \$2.75 and \$3.50 per day.

CORONER TO INVESTIGATE.

The Suspicious Nature of Mrs. Margaret Goodhue's Death.

Her Husband's Peculiar Conduct. Police Notified About Midnight.

About midnight last night the death of a young woman, Margaret Goodhue, of 225 Eighth street, was reported to the Coroner's office as a death under very suspicious circumstances.

An autopsy is to be held to-day to ascertain the cause of death, and it may be that an inquest will be necessary. Dr. Howard Harrington of 43 Fifth street reported the matter to the Southern police station as a case of probable criminal practice.

The woman was only 23 years of age, and her husband is also a very young man, who, Detective Dillon says, works on the Parrott building. She died at 4 A. M. yesterday.

She was taken sick on September 2, but no physician was called until the 10th, when Dr. Morris D. Harvey was asked to attend her. On the 15th inst. Dr. Harrington was called, and on Sunday Drs. P. J. O'Neill and W. E. McCarthy.

As soon as the matter was brought to the attention of Police Captain Spillane, Detective Dillon and Acting Sergeant O. M. Anderson were sent to investigate and Deputy Coroner O'Brien was notified.

The husband had been drinking, the officers who went to investigate said, and from Captain Spillane it was learned that he had exhibited a pistol in an ugly mood and acted very obstreperously, threatening to harm anybody who touched the bottles of medicine.

THE STANFORD CASE.

Continued from First Page.

a corporate debt to sue the other stockholders for contribution.

In speaking of laws passed subsequent to the making of the contract, he said: "But it is manifest that the State laws fixing the liability of the stockholders, passed subsequent to the making of the contract, which is the basis of the present suit, have no application to the questions here involved."

"Why those subsequent laws have no application to the questions here involved, the learned Judge does not inform us. The presumption is, of course, that he rested his decision upon the well-known rule that the laws in force when the contract was made entered into and became a part of the contract itself, and that subsequent laws do not affect a contract in existence. If that was what he intended to mean, he was, in respect to the contract here involved, wrong toto coelo. The rule has no application to the questions here involved."

"April 22, 1850, the Legislature passed a general law on the subject of corporations, entitled 'An act concerning corporations,' section 32 of which is as follows:

Each stockholder of any corporation shall be individually and personally liable for a portion of all its debts and liabilities, proportioned to the amount of stock owned by him.

Judge McKisick then quoted a series of enactments relating to all manner of corporations, in which the stockholder is held individually liable. These held until the codes went into effect. The Civil Code, he said, contains all the laws relating to corporations other than municipal, and section 322 provides for the liability of stockholders as follows:

Each stockholder of a corporation is individually and personally liable for such proportion of its debts and liabilities as the amount of stock or shares owned by him bears to the whole of the subscribed capital stock or shares of the corporation, and for a like proportion only of each debt or claim against the corporation. Any creditor of the corporation may institute joint or several actions against any of its stockholders for the proportion of his claim payable by each, and in such action the court must ascertain the proportion of the claim or debt for which each defendant is liable, and a several judgment must be rendered against each, in conformity therewith.

"That section," which he quoted at length, "is still in force. In 1879 the people adopted a new constitution which contained certain provisions which were quoted covering the same points.

"This," he said, "the learned Judge, founding his authority on a mere dictum of the Supreme Court of California, or an extrajudicial opinion of that court, blots out section 36 of article IV of the constitution of 1849, which does by express words, as plain as they can be written in the English or American language, fix a liability upon the stockholders, and which by necessary implication, as clear as the declared intention of the framers of the constitution to fix that liability, declares that a creditor should have a remedy to enforce that liability."

"The testator was a stockholder in the Central Pacific Railroad Company of California from the day it was organized, during all the times it was earning the said bonds, and thereby from time to time incurring an indebtedness to the complainants and a liability to pay the bonds at maturity.

"It is to be noted that the contract, the debt and the liability of the corporation, but it was also the contract, the debt and the liability of the testator. By virtue of being a stockholder he was a party to the contract, and was legally bound by his contract, and was his proportion of the debt as the corporation was bound to pay the whole debt."

"The Supreme Court has decided that the individual liability of a stockholder for his proportion of the debts and liabilities of a corporation is a debt or liability arising out of contract."

"We have a plainer case here," said Judge McKisick emphatically, "than if Leland Stanford had given his note of hand."

"At the adjournment of the court Judge McKisick did not cover half of his argument. He will require all of to-day and possibly to-morrow."

Judge Garber will make the argument for the respondent, Mrs. Stanford.

The famous sign, "I am the Only Running Footman," which ornamented the front of an ancient inn in Charles street, Berkeley Square, London, has been removed, and a modern sign in a modern landscape substituted.

MEXICAN CELEBRATION.

Patriotic Exercises at Odd Fellows' Hall Last Evening.

THE LITERARY PROGRAMME.

A Grand Ball Brings the Festival to a Close—Very Profuse Decorations.

At Odd Fellows' Hall last night the literary and musical entertainment, concluding with a grand ball, under the auspices of Mexican American Circlo de Senoras, Club Porfirio Diaz and Guardia de Honor, commemorating the eighty-fifth anniversary of the independence of Mexico, was a pronounced and brilliant success.

The hall was tastefully and profusely decorated. Mexican and American flags were artistically draped around the stage. Long streamers of red, white and green depended from above the center of the auditorium, among which were hung large Japanese lanterns, and in every nook and corner were set palms and hot-house plants. The musical and literary programme was as follows:

Overture, "Nabucodonosor," by the orchestra, under the direction of Luciano Mojica;

then I saw a crate full of big fellows a foot or so long.

"Here are some that I want," I called out to the man; 'give me a dozen of them.' He pulled out a foot-rule, turned the terrapin over in his hand and measured the under shell from the head to the tail, while I looked on in astonishment.

"By the way," said I, "what are those worth a dozen a moment and then said: "One sixty-five."

"I knew it could not be one hundred and eighty-five cents and I gasped: "What?"

"One hundred and sixty-five dollars a dozen—one dollar per inch—that's the regular price."

"That settled it with me on the big fellows, for I didn't want any terrapin at \$14 a piece, but I took about five dozen small ones, and shipped them here, about three dozen arriving in good condition.

"Here they were turned into a pen of laths which I had built into the marsh near my place and there they stayed until the moon was up, when all but one pair, which I am keeping to breed a few diamond-backs for myself, were turned loose to populate the marshes and I see them on logs on the banks occasionally and I know they are thriving."

"The land that they were turned loose on is preserved, but not inclosed, and it is only a question of time until they spread to other marshes. I also had sent out a crate of the big terrapin which they get in the Southern States and along the Mississippi. These I have crossed with the native article, and hope that it will improve the strain. These have been put in freshwater streams, where they belong."

"The diamond-backs are prolific breeders when undisturbed, the females laying two batches of eggs, one in June and the other in September."

"These turtles are easily distinguished from the so-called terrapin of this coast, which are really nothing but fresh-water mud turtles, by the rings which surround the plates on their backs. One of these rings is added for each year of the terrapin's life. The native turtle has no such marks."

"Some idea of the magnitude of the turtle-catching industry on this coast may be gained from the fact that one man who fishes for them on Palm River took in a dozen last season, all of which were sold in the San Francisco market."

PROMINENT OFFICIALS IN THE CELEBRATION OF MEXICAN INDEPENDENCE.

[Drawn from photographs.]

reading of the Declaration of Independence by F. Gillespie; oration by the orator of the day, George Washington of Mexico, 'Star-spangled Banner,' Ellen Coursen-Roedel and a chorus of fifty young American ladies; cantata 'Nella Datal' (Lucresia Borgia) sung by Adela de Galvez, solo, 'Es ta Fior' (Anillo de Hierro), Angela Vargas; piano duet, 'Ezra' and 'Rosina' by the same; grand overture, 'Andalucia' California Mandolin Club; grand duo, 'Semiramide' (Rossini), Ellen Coursen-Roedel and Andrea de Vark; national hymn, under the direction of Professor Guillermo Van Brunt.

The musical selections were finely rendered. F. Carranza, the orator of the evening, reviewed the history of Mexico, its thralldom under Spain and its suffering of its people until 1810, when arose Miguel Hidalgo, the George Washington of Mexico, and his beautiful and inspiring oration, the conclusion of the entertainment the floor was cleared for the ball. The grand march was led by A. de la Torre Jr., and Miss Maria Kahn. Following was Consul-General A. K. Coney and Miss A. Mojica.

The hall hardly sufficed for the long train of dancers that followed but thorough enjoyment made a charming substitute for wait room. The following were the officers of the evening:

Alexander K. Coney, honorary president; staff—A. Tejada, L. G. Gasech, F. B. Romo; A. Montero, president; J. B. Romo, vice-president; A. de la Torre Jr., secretary; Mrs. M. G. de la Torre, treasurer; J. B. Romo, grand marshal; F. Carranza, Arturo Perez, J. Meneses, C. Torres, C. Baez; C. Sinerros, F. Gillespie, M. Merich, the Misses M. Villal, B. Soto, Mrs. C. Ybarra, Mrs. F. Mondragon, A. de la Torre, floor manager; assistants, C. Merich, C. Escorza, D. J. Gallick, A. Scott, Jose Fernandez, F. Rincon, M. Esquerro, Reception committee, Mrs. J. B. de las Casas, J. Arzane, J. Mendoza, J. Olmeyer, Captain A. de la Torre, A. Tejada, D. Green, E. Yaca, Frank Fernandez.

BREEDING REAL TERRAPIN.

Fish Commissioner Emeric Ranches Genuine Diamond-Backs.

Turtles That Cost One Dollar Per Inch and \$165 Per Dozen in New York.

Within a very few years, if Fish Commissioner Emeric's calculations do not prove erroneous, the epicures of this coast will be able to eat genuine diamond-back terrapin, an enjoyment from which all but the wealthiest gourmets of the country are now debarred on account of the cost, at a reasonable expense.

It has always been Mr. Emeric's idea that the expensive amphibians could be made to flourish on this coast, and during the course of a recent visit to the East he made up his mind to experiment with them on his ranch at San Pablo.

The result is that the marsh near his place is already well tenanted with the diamond-backs, and Mr. Emeric declares that it is only a question of time until they spread to all parts of the bay and eventually to every watercourse containing salt water on the coast.

The experiment cost the Commissioner several hundred dollars, but he is satisfied with the outlay provided the turtles flourish.

"Terrapin," to the average Californian who has never eaten anything but the gold California product, has not the ring of gold that is suggested to the Eastern epicure's mind in conjunction with the name. In California, terrapin, such as they are, can be bought for from \$2.50 to \$3.50 per dozen. In the East even the smallest specimens sent to the markets cost more than that piece, and terrapin has become a luxury in which few can indulge more than once a year. Mr. Emeric tells an amusing story of his experiences while purchasing his original stock of diamond-backs.

"I had made up my mind to buy a stock of the black fellows," he said yesterday, "and strolled into a New York market to purchase them. I stopped at the first stall I came to and picked out a couple of dozen average-sized specimens and told the man to put them aside for me. Just

then I saw a crate full of big fellows a foot or so long. "Here are some that I want," I called out to the man; 'give me a dozen of them.' He pulled out a foot-rule, turned the terrapin over in his hand and measured the under shell from the head to the tail, while I looked on in astonishment.

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AUCTIONS OF REALTY.

Probate Sale by Shalwald, Buckbee & Co. on Thursday Next Week.

No less than five auction sales are slated to take place in the near future, which indicates the approach of the fall season's most active real estate business.

On Thursday, September 20, Shalwald, Buckbee & Co. will hold a probate sale. The catalogue mentions ten Presidio Heights lots belonging to the estate of Samuel Lewis; a two-story house at 1708 Turk street; ten-room house at 1701 Broadway; a cottage at 2422 Bryant, and a number of other residence and business properties.

At noon to-day Easton, Eldridge & Co. will hold an auction sale of miscellaneous properties. George C. Ludington, manager of the auction department, feels satisfied there will be a large attendance at the sale and, in all probability, spirited competition. The same firm has arranged a second auction to take place on September 24. Among the properties to be submitted is a piece of Golden Gate avenue property, between Leavenworth and Hyde streets, to be sold by order of referee, its size being 60x137-1/2, with L. 22x57-1/2, containing four houses.

Umbsen & Co. are preparing a catalogue of choice miscellaneous properties for the 30th inst.

On Saturday, the 28th of this month, the sale of the well-known Boulevard tract of Oakland will take place on the grounds. The auction will be conducted by the William J. Dungee and the Lavance Real Estate and Investment companies, both of Oakland.

THAT INEYDIARY ATTEMPT.

No Discovery Yet of the Dive Theater Firebug.

The incendiary who tried to burn down the theater at 215 Montgomery avenue, adjoining which is the New Atlantic Hotel with about 150 lodgers, has not yet been discovered.

Fire Marshal Tove and a detective have been investigating the work of early Sunday morning and can only find one motive for the act—that of spite. They first thought the attempt to fire the place was made to conceal some worse crime, but there is nothing to show that was the case.

The theater sale was opened, but as Mrs. Josephine Dupree, the proprietress, leaves nothing in it over night there was only disappointment to be met with as a reward for opening it. Some wine and most of a box of cigars were taken, but that was all the house missed.

There is a curious coincidence in the fact that the place was entered and the safe opened almost two weeks ago in pretty much the same way.

Mrs. Dupree says she discharged a white waiter, named Clyde, about two weeks ago, or rather that he left because he did not receive promise of the compensation he demanded. This man came to her with a letter from Stockton.

WAS NOT MADE LOVE TO.

Miss Jacobson Denies Any Extended Acquaintance With Robber Funnard.

Miss Mignon Jacobson, who was referred to in the account published yesterday of the arrest of George Young for being implicated in the Jacobson diamond robbery, as having received the attentions of Walter Guy Funnard, an accomplice of Young, denied that Funnard ever made love to her.

"Why," said she, "I never saw the man for more than ten minutes, and under circumstances that would hardly permit of even a friendly standing between us let alone one of a more intimate character, such as would permit of love-making. I think that time there was living with us a young lady named Miss Abrahams, whom Robert Heyneman was visiting. One evening he was accompanied by Mr. Funnard, and perforce of circumstances was introduced to me. He never saw me again, and given as French, I don't think I saw him more than ten minutes altogether until he was on trial for having robbed my father," concluded the pretty complainant with an indignant and piquant toss of her head.

NOT PROMPTED BY LOVE.

Mrs. Bowers, the Sweet Pea Girl, Visits the Parents of Durrant.

WANTED TO REASSURE THEM.

Will Show Her Sympathy by Other Means Than by Attending Court in Future.

There is no longer any mystery concerning the identity of Durrant's "sweet pea" friend. She is Mrs. C. J. Bowers, and she and Rosa Holland are one and the same, the latter name having merely been used by her to conceal her real identity from those who might wish to pry into her secret.

Mrs. Bowers visited Mr. and Mrs. Durrant at their home on Fair Oaks street last evening, and was seen there by a CALL reporter, to whom she spoke frankly of her connection with Durrant and his trial. She confessed that she and Rosa Holland were one, and that the confusion of names had arisen from her having adopted her maiden name.

Mrs. Bowers' visit to the Durrants was made for the purpose of setting herself straight in their eyes, as she said. She insists that she and the prisoner met long before he was arrested. She saw him again on the ferry-boat when the officers were bringing him to the City.

"I made up my mind then," said she, "judging from my former knowledge of him, that he was not guilty, and I decided to show my sympathy for him and his family by attending the trial."

"Had I supposed I would receive so much notoriety I could have adopted a different course. I can only make the best of it. I was not at all disgraced, and which has it seems to me taken an undue interest in my affairs, that my mind is not unbalanced, as has been charged, by staying away from the trial hereafter."

Mrs. Bowers declined to discuss her family affairs, saying she supposed every one had troubles of their own. She denied that it was because of an infatuation for the prisoner that she had left her home, intimating that all had not been as rosy as it might have been beneath the conjugal roof.

Mrs. Bowers said she had not as yet received the offer of a theatrical engagement that it has been reported was awaiting her, but did not state whether or not she would accept the offer if a suitable opportunity offered. She denied the statement that she had cashed a draft for \$500 at a bank recently which was signed by an Alaskan mining man.

Mrs. Bowers will continue to reside in Oakland, and will endeavor to find some means of attesting her friendship for the Durrants, whom she succeeded in convincing that her interest in their son is purely disinterested and as such it was gratefully accepted by them.

Maud Lamont will be placed on the stand for a few minutes at the opening of the trial this morning to identify a photograph.

She will follow in their turn Mr. Tim Quinlan, who saw Durrant on the afternoon of April 3; Charles Clark, who went to meet Quinlan on the same afternoon; George R. King, who was in the church when Durrant was arrested; and a stranger, and Mrs. Leek, if there is time.

District Attorney Barnes said last night that if nothing occurred to interfere the case for the people would be closed by this evening. It is his opinion that the case made so far, and thinks it will be more rapid from now on.

AN INEXHAUSTIBLE WELL.

The Proprietor of the St. Nicholas Hotel Claims to Have One.

A Saving of \$1000 a Month by Using Artesian Water Instead of City.

In their search for evidence that an inexhaustible supply of artesian water exists beneath the streets of the City or at least within easy reaching distance, the officers of the Union for Practical Progress, which is pushing the proposition for a special election on the question of municipal ownership of waterworks, is meeting with great success.

They have found that in nearly every large hotel and public building in the City artesian water pumped from beneath the structures is used either wholly or in part.

The water varies in quality in different localities, the water of wells bored near the old water front being more or less brackish while that of wells on the higher levels is pure and clear.

In all the wells, however, the supply is ample and immense quantities are used every day at the Palace, Lick, Baldwin and St. Nicholas hotels and in the Mills, Crocker and other public office buildings.

In some localities of the City where property-owners own large blocks of houses they have sunk wells and supply their tenants at rates far below what they would have to pay to the Spring Valley Company.

The most notable instance among the hotels is the St. Nicholas, where every drop of water used in the building comes from a single well bored 200 feet below the surface of Market street.

James Doolittle, one of the proprietors of the hotel, said yesterday that the well had been the means of saving him \$1000 per month on his water bills, and that he had never seen better water.

"This well," he said, "is six inches in diameter, and we pump a four-inch stream out of it for an average of twelve hours per day. We supply this entire block with water under our lease and pump at least 30,000 gallons per day.

"Strange as it may seem, this does not seem toower the water in the well a particle, and at times when we have desired to test the capacity of the well and have run the pump to the full capacity of the engines it has not had the slightest effect on the level of the water."

"The well is about 200 feet deep and the tube through which the water is drawn goes down