



WEDNESDAY, SEPTEMBER 18, 1895

AMUSEMENTS. BALDWIN THEATRE—"Dorcas." COLUMBIA THEATRE—"The District Attorney."

PICNICS AND EXCURSIONS. EXCURSIONS—To Bay View, Brooks and by the Southern Pacific Railroad, Sunday, September 22.

AUCTION SALES. BY JOSEPH T. FERRY—Furniture, at 74 1/2 Market street, at 10 o'clock, Thursday, September 19.

CITY ITEMS IN BRIEF. The police are investigating an attempt to wreck fire engine on Monday night.

Forecast Official W. H. Hammon predicts rain for this morning and generally fair during the day.

C. J. A. Pope and Helen A. Karnstadt yesterday recorded a declaration that they married on March 2.

Sixty members of the cycling annex of the Olympic club have seceded, and will form a new cycling club.

Andrew Spooner of Cincinnati is in this city hunting for his wife who left her home with their little son six weeks ago.

The noted Kennedy estates are coming to a speedy settlement. Attorney Lynch was given five days in which to close them up.

The special administrators of the Fair estate have begun suit against the Knickerbocker and W. L. Dickinson to collect on a \$3500 bond.

Joseph Leggett answers certain objections to the feasibility of his plan of attracting manufacturers by exempting them from taxation.

Mrs. Milza Meigs Sharp is trying to have a local trustee appointed to control the estate left by her father, a Connecticut millionaire.

George H. Gallagher, a professional nurse, was arrested yesterday for forging two orders for sugar upon Tillmann & Bendel, wholesale grocers.

At their session yesterday the Railroad Commissioners adopted a revised schedule of grain freight rates, making a horizontal reduction of 8 per cent.

Police Corporal Henry H. Handley died at his mother's residence, 430 Golden Gate avenue, early yesterday morning, after a lingering illness.

Thomas O'Brien, a young man who preferred to hang around saloons to labor, was sent to the County Jail yesterday for six months by Judge Low.

Mrs. W. T. Hooper, 1821 Lyon street, incensed at the action of James Benson, a burly beggar, followed him two blocks last night and arrested him.

The trustees of the Second Unitarian Church have accepted Rev. Leslie W. Sprague's resignation and action will be taken upon it by the church Sunday.

A. J. Lewis, a member of the firm of Shreve & Co., while temporarily insane committed suicide at his residence on Sacramento street yesterday afternoon.

Charles Walker, Alfred Cappola and John Casey, three young men, were booked at the City Prison yesterday on the charge of burglary, their first experience.

The Civic Federation proposes to attack the validity of the Standard franchise granted to the Market-Street Company by the State Board of Supervisors.

The mineral lands committee of the Miners' Association made its formal reply to Land Agent Mills of the Southern Pacific yesterday, President Neff fully concurring.

The Southern Pacific company yesterday filed a protest with the Railroad Commission against the 25 per cent average reduction of freight rates on its lines within the State.

I. Percy Mills, the San Jose attorney, and Miss Mabel Holmes, a prominent young girl, who were married by contract last Monday, got into a marriage license yesterday and were married at the City Hall.

Miss Jessie I. King, dismissed for eight months by the Board of Education for insubordination, ought to be paid her full salary, according to an opinion handed in by City and County Attorney Creswell.

Judge McKisick concluded his argument on behalf of the Government in the Stanford case before the United States Court of Appeals yesterday. Judge Garber will begin his argument on behalf of Mrs. Stanford this morning.

The important witnesses in the Durrant case yesterday were Martin Quinlan, the attorney, and Mrs. Leaky, who resides opposite the City Prison. Both saw Blanche and the prisoner together on April 3, in the afternoon.

In their annual report the Trustees of the Free Public Library state that the Board of Supervisors to build an elevator for the service of their patrons. They expect to establish another branch library at the site.

A number of well-known professional ball-players have been formed into a California league to play in the principal cities of the coast during the winter season. John Barnes of Minneapolis is at the head of the scheme.

Catherine Diaz, the young woman who threatened to hang herself on Monday because she was refused admission to the Alhambra, was arrested yesterday by Detective O'Connell and sent to the Branch County Jail for six months.

The State Board of Health, the City Board of Health and the Board of Supervisors met in the Mayor's office yesterday and decided on united action in meeting any approach of the cholera from infected Pacific ports.

The trial of Martin D. Howell has been set for November 7 next. The Government is ready and willing to push the charge of passing counterfeit money, but the defense is not ready. The chances are the case will be heard on the date set.

CORPORAL HANDLEY DEAD. A Capable and Esteemed Police Officer Succumbs to a Linger- ing Illness.

Henry H. Handley, corporal in the Police Department, died at his mother's residence, 430 Golden Gate avenue, about 2 o'clock yesterday morning after a lingering illness.

He was for many years a sufferer from enlargement of the liver, and about three months ago he was forced to retire from active duty and take to his bed. His death was expected for some weeks.

He was born in Nevada on February 27, 1854. He followed the hotel business till he was appointed on the police force on June 12, 1884. He soon developed exceptional talent and Chief Crowley removed him from street duty and placed him on special service. For some years he and Corporal Lean were partners on the lottery detail, and after the partnership was dissolved Handley continued on the detail till about two years ago. Afterward he did regular detective duty.

ENTITLED TO HER SALARY

Opinion in the Case of a Teacher Dismissed Without Cause.

INVALID ACT OF THE BOARD.

Miss Jessie I. King Will Be Paid for the Time She Was Deprived of Her Class.

City and County Attorney Creswell has handed the Board of Education his opinion in the case of Miss Jessie I. King. It is a very important opinion, and a good many similar cases hinge on it.

Charges of incompetency were preferred against Miss King by her principal, and she was cited to appear and make answer. She declined to do so. Then charges of insubordination were preferred against her.

She put in no defense, and was tried and dismissed from the School Department. Eight months later she was reinstated as a regular teacher, and ordered to report for regular duty. She at once put in a claim for back salary, on the ground that she had always been ready and willing to teach when called on, and had never been legally dismissed from the department.

The Board of Education refused to allow her bill, and referred the matter to City and County Attorney Creswell for advice. In summing up the points submitted to him in the case Attorney Creswell said:

Section 171 of the rules of the Board of Education provides that no complaints or charges against teachers shall be duly specified in writing, and that the committee to which such complaints or charges are referred shall give the teacher or employee so charged a fair hearing. In the King case the only complaint or charge was contained in the semi-annual report of B. Dixon, principal of the Edison primary school, filed in June, 1894, from which it would appear that Miss King was not a successful teacher, and that she was given to Miss King, and after some delay she was finally notified that her case would be considered by the Board of Education on November 12, 1894. At the time appointed Miss King did not put in an appearance, but sent her husband, her physician to the effect that she was too ill to be present.

The committee went on with the hearing in her absence and took the testimony reported to the board. From the evidence taken conclusively that Miss King was tried for insubordination, an offense with which she had never been charged, and that no evidence whatever was presented as to the charge of inefficiency contained in the report of the principal of the school. The principal of the school, in substantiating her report, and the testimony of Miss Smith, Mrs. Bogan and Mr. Wade, the only witnesses examined, while very strong upon the question of insubordination, does not touch upon the charge of inefficiency at all.

It is the opinion of the committee that the charge of inefficiency was given her in a manner which was not justified in dismissing a regular teacher; and if the matter of insubordination be considered it appears that no written charge of insubordination was ever made or filed against King; that she was not informed that she was expected to answer to any such charge, and consequently that no opportunity was given her to collect and present testimony in her defense. In other words Miss King was not given a fair hearing, as required by the act of the Board of Education. The board itself seems to have acknowledged this fact by reinstating her.

It has been necessary to consider fully the matter of the attempted dismissal of Miss King in order to answer your question as to her salary. The order of dismissal made by the board in the office of the present board being invalid did not sever her connection with the school department, and she was to be paid for her status as a teacher other than to prevent her from attending to her duties.

The opinion of the Board of Education has been at all times since her attempted dismissal ready and willing to perform her duties as a teacher, she should receive her salary during the time she was prevented from performing them by the invalid act of the Board of Education.

Miss King will therefore be paid salary for the full time she was deprived of her class.

TO WRECK A FIRE ENGINE.

Cartridges Placed at the Entrance to Engine Company 4's House.

The Engineer Narrowly Escapes Being Seriously Injured by the Explosion.

The police are investigating a malicious attempt to injure members of the Fire Department and destroy the property of the department.

On Monday night about 7 o'clock an alarm of fire was rung from box 54. The box is attached to Engine Company 4 on Second street, near Howard. The company responded, but after driving around the block and seeing no sign of a fire it came to the conclusion it was a false alarm and returned to the engine-house.

When they reached the entrance to the engine-house, which is formed of basalt blocks, the engine company engineer, jumped off and stooped down to put a wooden block in front of the wheel to check its progress. At that instant there was a blinding flash, followed by a loud explosion. Connell, when he saw the flash, promptly threw back his head and escaped with singed eyebrows. If he had not done so the probability is that he would have been seriously burned on the face and lost his eyesight.

He had placed two cartridges of forty-four caliber in the crease between two of the basalt blocks where one of the wheels of the engine would, as a rule, pass over them, and it was these cartridges that exploded when the wheel passed over them at the moment Connell stooped down to insert the block in front of the wheel.

It was afterward found that the alarm had been rung in from an auxiliary box on Second street. The door of the box of the box had been smashed to enable the man who rang the alarm to insert his hand and pull the book down.

It is believed that the perpetrator of the outrage had first placed the cartridges at the entrance to the engine-house and had then rung in the alarm from the auxiliary box. When the engine was driven out of the engine-house the wheel had missed the cartridges, but the same good luck was not experienced on the return trip.

What motive could have instigated any one to do such a deed is at present a mystery.

WERE REGULARLY WEDDED.

Another Tie Between a Lawyer and a Bloomer Girl.

I. Percy Mills, the San Jose attorney, and Miss Mabel Holmes, the Oakland bloomer girl, were not satisfied with their contract marriage of last Monday. Yesterday they blew away the cloud that hung over the contract by doing like other people who want to get married. They went out to the New City Hall, got a license and a few minutes afterward appeared before Justice of the Peace Barry, who tied them as fast in the bonds of wedlock as his official position would allow.

Mr. Mills, as a rising young attorney, had evidently read up on the law of marriage as enacted by the last Legislature, and had come to the conclusion that his was in a very awkward position. Contract marriages are not legal any more in this State.

Mills is 23 years old and Miss Holmes is 19. The news of the contract marriage surprised their friends and relatives. Miss Holmes has won quite a reputation in Oakland through her beautiful bloomers and the captivating way in which she rides a bicycle.

GROWING IN POPULARITY. Report of the Trustees of the Free Public Library.

The trustees of the Free Public Library have just filed their annual report for the last fiscal year.

Notwithstanding the small appropriation for the library last year they introduced several valuable improvements, notably the one whereby school-children can avail themselves of the books needed for supplemental reading. The trustees express regret for the loss of Librarian John Vance Cheney, and congratulate themselves on having secured the services of George T. Clark for the position. They expect to establish another branch library soon. The Supervisors are asked to add an elevator to the main library for the use of patrons.

The report shows 78,517 volumes on hand in the main library and 4395 in the branches. During the year 4617 new volumes were added, including 1290 volumes from the library of Dr. Thomas E. Slevin. The last named books are of great historical and geographical value. Only twenty-four books were lost during the year.

AMOS C. HIESTER DYING.

One of the Oldest Printers in California on His Death Bed.

Made Money in the Early Days and Founded the San Francisco Daily Report.

Amos C. Hiestler, the backbone of the Daily Report, is dying. He was instrumental in building up the paper from the insignificant Stock Report to the dignity of a regular evening newspaper, and was always hale and hearty up to a year ago.

In building up the journal he was later associated with William M. Bunker, who assumed editorial control.

For over six months, however, he has been gradually sinking, and when a consultation of physicians was held yesterday afternoon the unanimous opinion was that no hope was left. The original trouble was Bright's disease of the kidneys, but lately consumption has attacked his lungs and now no hope whatever can be held out to his sorrowing family.

Amos C. Hiestler is one of the few old-time newspaper men left and P. J. Thomas voices the opinion of the veterans when he said yesterday:

Amos C. Hiestler is one of the few old stagers left, and he is a good representative of those who have gone before. From the printer's standpoint he is a true son of the art preservative. As a craftsman he is clean and pure. In early manhood he was a strong advocate of union rules, as he is to-day. Many were the battles fought in earlier days for the preservation of the scale of prices, and Mr. Hiestler was always in the van when the union call placed men on their notice, situations that were worth the keeping, in a monetary sense, were given up with promptitude by sterling union printers at the risk of the union when danger was threatened, and the records of the old "Bureka" will show that the name of Hiestler was inscribed on the roll of honor on all such occasions. In the early '60's he was a universal favorite among printers. He was open-hearted, open-hearted and outspoken.

There was nothing mean or tricky about him either in word or deed, and that was one cause of his being so generally liked. Such printers as Dave Norriss, Sam Wainwright, John Hancock, Tom Reed—men of sterling worth, who have passed away—were among his associates, and any one might be proud of such indorsement. Though always one of the "boys" and ready to take in all fun that came along, Mr. Hiestler never was engaged in anything unbecomingly ungentlemanly. I can remember him well thirty years ago, young, handsome and energetic. He was then a man of mark—a peer if you like to call it—among his fellows. To-day he is unchanged except so far as time leaves its traces. He was the same old Hiestler a few months ago that he was '61—good, genial and true; respected by all and envied by none.

Amos C. Hiestler was born in German-town, Montgomery County, Ohio, on the 6th of July, 1836, and came to California in 1856. The Marysville Appeal was then run by Mantz and the first work he did

listened and listened and mused throughout the morning and afternoon session.

The plain level of the reading was occasionally broken into by remarks or questions equally quiet on the part of Judge Garber (representing Mrs. Stanford), which were answered or replied to by Judge McKisick with no change in the tone of voice.

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GOVERNMENT'S SIDES IN.

Judge McKisick Concludes His Argument in the Stanford Case.

HARD LAW IN BIG CHUNKS. Judge Garber Will Begin His Address on Behalf of Mrs. Stanford This Morning.

All day long yesterday in the high, gray hall-lighted room of the United States Court of Appeals, the steady flow of Judge L. D. McKisick's excellent English, and no doubt equally excellent law, was uninterrupted, save by the recess for lunch.

The argument, which is pronounced by the lawyers who heard it to be a strong one, is delivered in a quiet conversational tone that never once was lifted or lowered by burst of fire or passion and by hesitation and lapse of interest.

The number of auditors was slightly increased over the day before, though, with the exception of two or three, the individuals were not the same. Ex-Chief Justice Curry held the same chair and mused and

struction which, by inference and application, alone would deprive the Government of a clear right, inherent in the contract, to enforce the obligations of that contract a construction diametrically opposed to the axiom that the Government can never be deprived of a right or remedy by judicial presumption, or by assumption; diametrically opposed to the express declaration of the Government, as expressed, by Congress in section 10 of the Thurman act, infra; diametrically opposed to the axiomatic jurisprudence of the Supreme Court of the United States; diametrically opposed to the axiom that the King of England or the Government of the United States is never bound by general words in a statute destroying right and denying remedies to all persons, unless the King or the Government has expressly mentioned in the statute? This last axiom has been several times applied and enforced by the Supreme Court.

The Pacific railroad acts of Congress of '62, '64, '65 and '78 were quoted in large part, discussed and analyzed in their relation to the question of stockholders' liability.

"But," he said, "when counsel was arguing upon the question that under the act of 1862, section 6, the grants made upon condition did not obligate the grantees to repay the money, he said if you want them to do it you must have it written in the agreement itself. If Congress had intended to release the liability of the stockholders of the Central Pacific Railroad Company why did it not write it in the act itself? Why did not these stockholders, who were willing to accept those grants, go to Congress and say: 'You do not impose any individual liability upon the stockholders of the Union Pacific Railroad Company, but under the constitution and statutes of the State of California we are liable for the debts that this corporation may incur

under this contract. You should put us on an equal footing. Do not hold us liable when you have released the others.' "But they did not do that at all. Whether or not Congress would have done so is not now a question. The laws of California put the seal of the State upon the contract, and forever closed the question."

The latter end of the argument was devoted to an exhaustive discussion and citation of authorities on the question of the statute of limitations, going to show that State laws cannot operate to bar the United States. With this Judge McKisick concluded, saying:

"It is respectfully submitted that the demurrers interpose no defense to the suit, and that they should be overruled, and the decree of the Circuit Court reversed."

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AGAINST CHOLERA.

Precautions Are Discussed by Federal and Local Authorities.

A WELL-GUARDED STATE LINE. Quarantine Regulations to Be Strictly Enforced Wherever Danger Threatens.

The local United States marine physicians and the State and County Boards of Health met in the Mayor's office yesterday morning to discuss united action in meeting the threatened invasion of cholera.

Present were Mayor Sutro, Dr. Godfrey of the marine service, Dr. Ruggles of Stockton, Dr. Wyatt of Sacramento, Dr. Winslow Anderson of San Francisco, Dr. Laine of Sacramento, Dr. Mayon of Oakland, Dr. Davison of Los Angeles and Drs. Fitzgibbon, Hart, Morse and Williamson of the local Board of Health.

Before adjourning the officials declared that the words, devot most of its attention to shoulder and in the most perfect harmony to protect the coast from any approach of cholera.

Dr. Godfrey of the United States marine service stated that the Federal authorities had an officer stationed at Angel Island to attend to the fumigating of vessels, passengers and cargoes. At Port Townsend there is also a station for quarantine purposes. At Point Loma, off San Diego, there is another station. He gave his opinion that the Washington authorities were properly guarding the northern and southern boundaries of the State. As for the San Francisco division, he assured the two boards that he and his colleagues would do all in their power to render every assistance.

Dr. Ruggles, president of the State board, said that he thought San Francisco was amply protected, and that the State board would do all in their power to render every assistance.

Mayor Sutro suggested that the State board communicate with the State boards of Washington and Oregon to cover the Pacific seaboard of the country.

Dr. Ruggles explained that the State board had set itself in communication with the different County Boards of Supervisors so as to guard all the smaller ports along the coast.

On motion of Dr. Morse it was decided to appoint one member from the State and County Boards of Health, one from the Oakland Board of Health and one United States marine physician to frame a resolution for joint action. The Mayor appointed Dr. Godfrey, Dr. Winslow Anderson, Dr. Fitzgibbon and Dr. Mayon.