

MOTIVE FOR MINNIE WILLIAMS' MURDER.

"I Know Too Much About the Death of Blanche Lamont."

THOSE WERE HER WORDS

She Made a Confidant of Frank Young, an Alameda Baker.

NEW WITNESS FOR THE PEOPLE.

W. H. Theodore Durrant to Be Sentenced To-Morrow for the Murder of Blanche Lamont.

One of the strongest points made by Theodore Durrant's attorneys in the trial of the young medical student for the murder of Blanche Lamont was the argument that he had no motive for committing the deed. They put numerous witnesses on the stand and proved a previous good character for their client, and General Dickinson in his argument laid great stress on the character of those witnesses; that they were eminently reliable people, whose testimony could not be doubted. If, then, the accused's previous character had been so far above reproach what possible motive could he have had for murdering Blanche Lamont? That was General Dickinson's argument, and he iterated and reiterated the question, "When did Theodore Durrant become a monster?"

But notwithstanding the jury convicted the defendant student, and now he is to be tried for another equally heinous crime. That question will be asked again, but the prosecution will not, in answering it, be compelled to offer only a theory, as was the case in the recent trial. Barnes will answer: "Minnie Williams knew too much about the disappearance of Blanche Lamont."

Mr. Barnes will not make that answer as a theory unsupported by evidence, for there is a witness to be called who can testify that those words came from Minnie Williams' own lips.

Frank Young of the firm of Daniels & Young, bakers of Alameda, is the witness who can do so much to assist the people in proving the second charge of murder against Theodore Durrant by giving testimony which will furnish a motive for the killing of Minnie Williams.

The unfortunate knew too much about the disappearance of Blanche Lamont. It is not known what she knew, but she knew something that would have made her a damaging witness against the then unaccused student. The dark finger of suspicion was already pointing at Durrant, and he expected to be momentarily charged.

He must get Minnie Williams and her knowledge out of the way; then he would be secure. This is the theory that goes hand in hand with the knowledge that the girl knew something that would go far toward convicting the man who is now her alleged slayer.

"I know too much about the disappearance of Blanche Lamont." Those were the words that Minnie Williams spoke to Frank Young in his store at Alameda on Thursday, the day before she was murdered. How she came to say it is best told in Mr. Young's own language, as he related it to a Call reporter at his rooms, 1321 Park street, Alameda, last evening.

"I have known Minnie Williams since she first came to Alameda and was on quite friendly terms with her. She often came into the store on business and other errands while she lived with the Morgans and it was not infrequent that we would have a chat on those occasions, so I got to know her quite well.

"She came to the store on Thursday, the day previous to Good Friday, and I noticed at once that she was quite changed in manner from what I had always seen. She had always been so lively and chatted and jested so good-naturedly. But I noticed on this day that she wore a very long face, was preoccupied and seemed very much worried about something and being as I was accustomed to talk with her on subjects aside from the business she came on I naturally asked her what was the matter. I knew she had been acquainted with Blanche Lamont, and upon seeing her quite intimate with her I asked, more in the way of saying something than for any other reason, if she was down-hearted over the disappearance of her friend."

"It was somewhat surprised at the reply, but I must confess mildly so, for at that time I had not noted casually, as any total stranger to the case might have done, that such a girl had disappeared. Still I was surprised enough to be interested and asked her what she knew. She seemed to me as if she had said something she had not meant to and made some evasive answer, which I do not now recall, left the store.

"I gave the matter no further attention until Durrant was accused of the crime. Then that conversation came back to me. I kept still about it, however, as I did not wish to be drawn into the case, for I knew it would take me away from my business way till after Durrant was held by the coroner's jury, and then felt relieved. For I had also felt as though I should have offered my testimony. But after I saw I was not to be drawn into the case, for I have felt that there would have been enough evidence for conviction without my testimony.

However, what I know the authorities are welcome to, if it is of any benefit. I probably should not have said anything now if you had not come to me, and for the life of me I can't understand how you got me out."

Mr. Young is the junior partner in the firm of Daniels & Young, who conduct the business known as the Home Bakery on Park street, Alameda.

He is a most reputable young man and has the esteem of a large number of acquaintances on the other side of the bay. His relations with Minnie Williams were of such a friendly nature that he had an appointment to meet her here in the City the night the murder was committed, but knowing his business would interfere, had informed her during that visit to his store on Thursday morning that he would have to break the engagement.

The police are not yet in possession of Mr. Young's information, but he is ready to tell them the same story he related last evening to THE CALL.

NO SCREAMS HEARD. Residents Near Emmanuel Church Deny a Current Story.

"Did residents of Bartlett street hear screams the night of Minnie Williams' tragic death in Emmanuel Church?" The question recurs with the persistence and regularity of that about the existence or identity of a "mysterious woman."

WILLIAMS' MURDER.

The dwellers in the vicinity of the church, which was the scene of two of the most brutal murders in the history of crime, unite in denying the uncanny story. The unfortunate girl partially recovered from the first murderous attack and groped about the dark, lonely church in a vain attempt to escape she was too weak to scream, for the families living on either side of the church heard no unusual sound that evening. Neither did passers-by or those living across the street.

"Perhaps our over-conscientious neighbor has originated the story," said one of the dwellers on Bartlett street. "She is a character whose active imagination is equalled only by her exceeding honesty. She is a little daff on religion, and her ideas of honesty extend even to the training of her cat. If the feline returns from predatory excursions with a fish head or chicken bone the delicacy is taken from the conscienceless robber and carried to all the houses in the neighborhood in a search for the owner. If any one admits that it is a cat, she is content with the fact that particular house 10 cents is offered as compensation for the theft, and if not accepted the money is sent to the Salvation Army quarters. Grandma Conscience is a good old lady, but unreliable," touching the head significantly. "Don't believe any stories coming from such a source."

DR. CASE'S JUDGMENT.

How He Prejudged Durrant by Means of Phrenological Skill.

Dr. W. W. Case, contrary to his usual course of action, condemned Durrant before the jury had brought in its verdict. Dr. W. W. Case's fame as a phrenologist does not equal his renown as a minister of the gospel, but his skill in the disputed science is beyond question. It is no uncommon occurrence that the popular pastor should be called upon to entertain the young people at church socials. He has entertained audiences in this fashion many a time, and one of the occasions was at Emmanuel Baptist Church about a year ago.

Among the young men, strangers to Dr. Case, who came to the platform to have their bumps inspected was W. H. T. Durrant. The reverend gentleman, to whom phrenology is an interesting diversion, began the usual routine of revelations of character. "Approbative large," said he, while he ran his fingers through the youth's tawny hair. "Inventiveness of abnormal size," he continued, muttering. "Reverence lacking," he continued, and attentiveness unusually developed; much secretiveness, and destructiveness very marked."

The running comments explaining these characteristics were greeted by looks of astonishment from part of the audience and sly winks from the other. Dr. Case lost his reputation as a reliable "reader of heads" from that moment with most of the Emmanuel church people. Dr. Case did not know to whom he had attributed so many undesirable qualities till he was reminded of the circumstance by an elderly lady, who is a member of the ill-fated church, whom he met, at a wedding recently. "Why, doctor," she said, "we had no idea Theo was such a bad boy and thought you had made a big blunder, but time has shown that you read his character right."

To Be Sentenced To-Morrow.

Theodore Durrant will have another ride to the new City Hall to-morrow. He will again face Superior Judge Murphy and listen to the recital of the awful crime of which he has been convicted, the murder of Blanche Lamont. To-morrow the judge will pass sentence upon Durrant, and on the nature of the jury's verdict there can be but one sentence—death.

A JUROR'S INDISCRETION.

He Acknowledges Talking of a Criminal Case Under Investigation.

H. J. Summerhayes Alleged to Have Discussed Federal Grand Jury Affairs Too Freely.

H. J. Summerhayes, a member of the United States Grand Jury now investigating the charges of perjury, subornation of perjury, bribery, intimidation of witnesses and criminal conspiracy brought against Attorney H. S. Mackaye, Warren P. Freeman and Wallace E. Freeman, is charged with, and in fact admits, conduct in connection with the case that at the least may be fairly said to be gravely indiscreet.

From a source that is considered reliable information regarding this new sensation in the Freeman-Westinghouse case was obtained recently. The story in substance is as follows: On Tuesday evening about 8 o'clock Summerhayes, who dined at the Palace Hotel, met Mr. Church—the attorney for Walter K. Freeman, the plaintiff in the case of Freeman vs. the Westinghouse Electric and Manufacturing Company—and Walter K. Freeman in the billiard-room of the hotel, and a conversation ensued which lasted for nearly four hours. In the course of this long talk he is alleged to have stated that he had been a grand juror in this City for a number of years, and gave the general impression that he was a professional juror.

He states that he was interested in electricity and contemplated taking a course of special instruction from one of the Westinghouse Company's experts in New York named Tesla. He said he was the only electrician on the Grand Jury and that the Grand Jury would decide the matter of the charges pending against Mackaye and the two Freeman brothers as he suggested.

He is also credited with asserting that he thought it was a shame that grand jurors got only \$2 a day, while other people were getting so much money from the Westinghouse Company. He added that he understood there was \$50,000 of Westinghouse's money here to be used to help that side of the litigation.

It is further stated that he rehearsed the testimony of Warren P. Freeman as given to the Grand Jury on Tuesday last, and that he declared he would not believe Warren would oath, judging him from the way he acted before that body. Reference was also made by him to the testimony of Morvin L. Freeman, and he is reported to have said that Morvin appeared to be holding something back relative to the record of Warren P. Mr. Summerhayes then, it is claimed, asked for a tip which he could use to extract further information from Morvin. He also criticized the other witnesses who are to testify before the Grand Jury, including Frankie Ames, the woman in the case, and the impression they made upon him.

He is then said to have closely questioned Walter K. Freeman as to whether or not the Court Wayne Electrical Company, which is credited with backing Walter K. Freeman in his suit against the Westinghouse Company, had plenty of money, and said he understood the Westinghouse Company had \$50,000 here to be used to win the case. He next referred to his own wealth and said he could not be bought; that money could not affect him at all; that he was probably going to dismiss the whole matter from his mind, as he thought it would be unfair to the Westinghouse people to find an indictment against anybody, as it would be sure to affect the ultimate decision in the patent issue.

He is further reported as saying that the Grand Jury could not afford, at the rate of \$2 a day, to get into this controversy, in which millions of dollars are involved. Freeman was then asked if it was not a fact that there was a large quantity of money here to make the case go one way or the other, and whether Freeman did not know that Attorney Mackaye had authority to draw upon the Westinghouse Company for all the money he needed to win success. Freeman was then interrogated, it is charged, with reference to the financial standing of the Fort Wayne Company, and whether he had facilities for getting ready money.

Summerhayes is said to have then claimed to have great influence with United States Assistant District Attorney Schlesinger, to have designated the other members of the Grand Jury as "chumps," who would act as he indicated.

The factor of the grand jurors then became his theme, and he is reported as saying that they were frequently fixed and that it was only a matter of time before he would be the same informant he is credited with asserting that he was satisfied from talks he had with Mackaye and Horace Platt, who is Mackaye's associate counsel, that the Westinghouse Company will spend any amount of money to beat Freeman. He is said to have added: "Freeman, you know how those things are done. You can beat the devil out of hell if you have money enough. Why don't you do as the Westinghouse Company does? Jurymen are, unfortunately, all human, and you are credited with being a Svengali. Jurors only get \$2 a day. If you take the proper steps you can influence the Grand Jury here as you did Wallace in Brooklyn."

He even went so far, it is claimed, as to relate particular cases in which he had sat as a grand juror or criminal court juror, and as foreman induced the jury to bring in verdicts just as he indicated.

It is near midnight, according to a number of eye witnesses of this conference, before Summerhayes departed from the Palace Hotel billiard-room for his home. On leaving he said he would see Freeman again before he did anything in the matter.

When the details are given were recited to Messrs. Freeman and Church they acknowledged that they were true, but they refused to say anything further regarding the matter.

The Grand Jury Summerhayes was indicted and the charges laid before him, which he indignantly denied that he had made any statements or intimations that might be construed as asking for a bid for his influence with the Federal Grand Jury.

He admitted he had had a conversation with Church and Freeman at the Palace Tuesday night; that he had asked for certain information relative to the matter under investigation before the Grand Jury that he might the more intelligently consider it; and also that he intended to take a course of special instruction in the technical branch of electrical science from Mr. Tesla.

He also admitted having "joshed" Church about the jurors getting such small pay and being required to investigate and act in a matter involving such vast interests. "Why," he continued, "for two years out of the four just passed I served as a juror and have never had my honesty and integrity even questioned. I will end the whole matter by simply making my excuses to-morrow and refusing to sit in this case any longer."

THE CASE IN COURT.

An Investigation as to How Litigants Came to Have Pistols in Court.

Not having to appear before the United States Grand Jury yesterday, the attorneys and litigants in the Freeman-Westinghouse case spent the day in filling the records with charges and counter-charges as they have been industriously doing since the case began in United States Commissioner Heacock's Court. A portion of yesterday's session was devoted to an effort to ascertain when, where and how Attorney Mackaye and his client, Warren P. Freeman, who were disarmed in court, came into possession of their weapons.

The former declared that he had brought his pistol from New York, and carried it as any traveler would, as a matter of precaution. It is said that the attorneys for the other brothers will try to fasten a charge of perjury on Walter K. Freeman, based on the different statements made here and while on the stand in other places where his name was ascribed in a matter involving such vast interests. "Why," he continued, "for two years out of the four just passed I served as a juror and have never had my honesty and integrity even questioned. I will end the whole matter by simply making my excuses to-morrow and refusing to sit in this case any longer."

To-day the matter comes up again before the United States Grand Jury and more sensational charges will be brought. It is said that one of the attorneys stated yesterday that at a certain time the case had been shaken by one of the brothers Freeman in the face of a second brother with the remark, "That's to fix your attorney, and I guess your case won't be worth much to you after he gets it."

During yesterday's session allusions were made to stories that were printed in the New York papers at the time that Walter K. Freeman was incarcerated in the City Jail, and that he and his attorney had concocted a scheme to break the doors of the jail at the muzzies of pistols and escape.

FRIENDS OF THE DOG.

The Secretary of the American Kennel Club Will Visit This City.

The Pacific Kennel Club held a very enthusiastic meeting last evening at the Occidental Hotel. The secretary announced that A. P. Vredenberg, the secretary of the American Kennel Club of New York, will arrive in this City on Tuesday next, and that a general meeting of the clubs here will be held for the purpose of discussing kennel matters and appointing an investigating committee.

The clubs that will be called to convene at the Occidental Hotel Tuesday evening, the 14th inst., are: Southern California Kennel Club, Alameda County Sportsman's Association, Saint Bernard Club, Pacific Fox-terrier Club and the Columbia Kennel Club of Portland, Or.

THE VENUS OF CALIFORNIA GONE ASTRAY.

Search for the Beauty That Rupert Schmid Chiseled in Marble.

MRS. WAIT IS ANXIOUS.

The Statue for Which a Syndicate Subscribed \$15,000 Cannot Be Found.

SCHMID SAYS IT WILL COME.

The Sculptor Returned Early in the Year and Declared the Work Was on the Way.

Every overland train for the past six months or so has brought disappointment to a little company of San Francisco art-lovers. The Venus of California has been expected daily, but she has not come. Nobody knows where she is. It is feared that she has been kidnaped, that she has been stolen on account of her beauty, or that in some unforeseen manner she has gone astray. All that can be told of her is that she is lost.

Rupert Schmid, the well-known local sculptor, is one who is interested in the Venus, and he is the only one who expresses belief that no harm has come to her. Mrs. Frona Edwice Wait, the originator of the celebrated beauty contest of the ante-World's Fair days, has about given up in despair. She has searched and searched, but in vain. And associated with Mrs. Wait a syndicate of art-loving capitalists is drawn deep in the general grief.

Just who these capitalists are will not be divulged by Mrs. Wait or Sculptor Schmid, but nobody denies that such a syndicate does exist. Mayor Sutro is supposed to be struggling hard to exercise the veto power on his feelings, and a young millionaire who has been a constant friend to the San Francisco Art School is said to be, figuratively speaking, hovering about the ferry every day to await the overland train.

Of course, Marian Nolan, the model for the statue, is here, and that is everything to California and to art, but the statue is not here and that is what troubles the syndicate. Miss Nolan is getting ready to make her debut on the stage, but the statue—where is she?

When Mrs. Wait found that the statue could not be completed in time for the World's Fair she prevailed upon Mr. Schmid to continue the work of the modeling in plaster. He was himself eager to carry on the project, for he declared that such a model as Miss Nolan had never before been encountered by him. The work from nature was finished, and then the plaster model was placed on exhibition in the San Francisco Institute of Art on Nob Hill. Here it attracted instant and universal attention. Throngs of the art-loving public visited the building daily. All of the artists of the city were enthused.

They declared that Sculptor Schmid's work was as delicate as fine cut, as a flower, and the graceful contour and symmetrical features of the body made it another California Venus de Milo.

The statue was in the nude, except a slight fold of drapery thrown across the figure, fastened lightly about the hips and then gracefully suspended from the left hand to the pedestal. The right hand was raised to a wreath of flowers that reposed upon the head.

But the model was made of plaster, which is unsubstantial and fleeting. A sudden lurch on the part of some clumsy sightseer or the unannounced rumbling of an earthquake might be sufficient to throw the figure from off its equislope and precipitate it to the floor. In the event of that disaster it was evident that the priceless design would be injured, if not demolished in a more fearful way than that of the Venus de Milo.

To prevent even such a possibility a number of wealthy San Francisco art connoisseurs, who were admirers of the work, formed a syndicate among themselves to have the statue chiseled in marble, and it is said that \$15,000 was subscribed to pay for the work. Mr. Schmid was to make the plaster model with him. He returned from Italy early last summer, but the marble statue did not come. Mr. Schmid said the statue was on the way. He says so still, and though he appears to be confident, the syndicate is almost in despair.

The search for the missing statue has been going on for several months. Every effort has been made to locate it, but without success. The railroad stations along the route where the statue was supposed to come have been written to and the agents notified to look out for a long, heavy, oblong box. Despite the efforts not even a trace of the Venus can be found. About the only thing left for the syndicate to do is to have the Atlantic Ocean dragged.

Whether some art-loving brigand has her safely peddled in his Italian retreat; whether she has been derailed in a railroad wreck and is now lying deserted at the bottom of some embankment; or whether she is quietly resting in the depths of the ocean, where she is destined to waste her beauty in company with unseen others, is a matter of much anxious speculation with the members of the syndicate.

If the statue has proven to be really lost it will be a distinct loss to California art. Miss Nolan, of course, is still in the State, and retains all her former grace and beauty, and Sculptor Schmid has not lost any of his skill. But Miss Nolan is busy preparing for her debut on the stage, and even if she had the time her consent to pose again is a matter of doubt.

By Mrs. Wait the loss will be more keenly felt than possibly by any one else. With her it was intimately identified with the part she took in California's representation at the World's Fair. She inaugurated the "Venus contest" and took a personal interest in making it a success. Being connected with the State's exhibit at Chicago it occurred to her that it would be a unique idea to have the California art exhibit represented by the most perfectly formed young lady in the State. She proposed to have the young ladies, who were candidates, pose before a photographer, the photographs to be passed upon by a committee of artists. The successful contestant was to be modeled in plaster and sent to the World's Fair for exhibition as a sample of California beauty. Her idea met with instant approval. All the artists became enthused over the project and entered heartily into the matter. The most deeply interested one was Rupert Schmid. He promised to model the figure of the young lady who was chosen in plaster free of charge, and also suggested how the figures of the young ladies should be draped to advantage.

Every young lady in the State who had any pretensions to form bought a bolt of cheesecloth and hid herself secretly to a studio and was photographed. The newspapers published the pictures of the young contestants and fanned the flame. When they had all been submitted the jury of selection got together expecting a long, arduous and difficult task, but they had not more than even casually scanned the photographs, however, before they immediately singled out that of Miss Marion Nolan as being without question the most superior in contour. None of the three artists had ever seen anything approaching her in perfection and Miss Nolan was unanimously declared to be the Venus of California.

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As the people of that section have been confidently holding since the recent visit to that section of Vice-President H. C. Huntington and a corps of surveyors.

In conversation with Mr. Huntington yesterday he stated that lines are frequently run without roads being built. "In fact," he added, "we run ten surveys to every line that is actually built. The line between Port Los Angeles and Ventura was run simply to learn what it would cost to build a road, but there is no intention of constructing one, as the prospective traffic does not warrant it."

POINTER AGAINST SETTER.

An Interesting Contest Which Will Be Decided Near Bakersfield.

A few months ago the sportsmen of this City were anxiously looking forward to a great field trial contest between Mr. Crocker's English setter, Rodschaff, and Howard Vernon's famous pointer, Glenbeigh.

When the time arrived for the second deposit of \$100 Mr. Crocker suddenly discovered that his dog had become sick and that it would be foolish to run him in a special match race. However, the great race that had become a topic of conversation fell flat, and the owner of the pointer pocketed \$100 which was the first deposit to bind the match. Since then the owners of pointers and setters have been chaffing each other about their dogs, the pointer men claiming that the setter can never hope to be in it in a special race on California soil.

The president of the Pacific Kennel Club, Hippolyte Beers, was so unmercifully ridiculed by Samuel F. Hughes a few evenings ago that he actually deposited \$100 and challenged Hughes to a match race, pointer vs. setter, for \$250 a side.

Hughes quit dreaming the moment he saw the five big golden eagles drop into the hands of a temporary stake-holder, and then collecting his senses, which were disturbed somewhat by Beers' very unexpected cash challenge, he said: "Let it go at that, Hippie. I will match my setter Silver Plate to race your pointer Cap H. the contest to be decided on the day following the wind up of the Pacific Coast field trial meeting, near Bakersfield."

John Hughes of Capay Valley is handling the pointer and George Allender is putting Miss Silver Plate in condition at his ranch in Alameda County. The race promises to be very interesting, as both dogs are well broken.

MILLER WHIPS A SAILOR.

How the Big Pugilist Resented an Insult Over in Sausalito.

Hercules Miller of the San Francisco Athletic Club came within an ace of pitching a strapping big sailor into the bay at Sausalito yesterday morning. The Jack tar it appears got Miller angry by quizzing him on his ability to stand punishment.

"I'll bet you \$5 that the first good smash you get from Sharkey you will turn the same jump over the ropes," said the sailor to the big pugilist as the latter was about to retire to his punching-bag quarters.

Miller, instead of going bag punching, turned like a flash on his heel, sent out his right fist on a business trip, and in a second afterward, a man-o-war's-man was sprawling in the street. Miller was not satisfied. His "dander" was now thoroughly aroused, and grabbing the seaman by the coat collar, he yanked him to the edge of the wharf and would certainly have pitched him overboard had it not been for the interference of some of the members of a yacht club who were watching the affair.

When the climber of masts regained his senses he changed his mind about the result of this evening's fight and bet all the small change he possessed that Miller would whip Sharkey in four rounds. He was accompanied.

NEW TO-DAY-DRY GOODS.

Lively Selling Goes on at the Big Store all the time. DO YOU ASK WHY? Our Customers Always Get What Is Advertised Every Day—and Good Bargains Make Eager Buyers, You Know.

THURSDAY SPECIALS. BLACK-FIGURED SILK, heavy quality, new designs, worth 75c a yard. SPECIAL, 60c yard THURSDAY ONLY. FRENCH SERGE, all wool, full line colors. SPECIAL, 22 1/2c yard THURSDAY ONLY.

FRIDAY SPECIALS. FANCY HEAD RESTS; an ornament for a parlor chair; indispensable; 12c each. SPECIAL, 12 1/2c each FRIDAY ONLY. LEACHED TURKISH TOWELS; job lot; close at about half regular price. Size 17x33.....10c each. Size 20x30.....15c each. Size 21 1/2x36.....20c each. Size 25x34.....25c each. FRIDAY ONLY.

WHAT LAWYER TOBIN SAYS. Claims to Have Been Acting in a Legal Capacity for Mr. Sanders. Milk Inspector Dockery Will Enforce To-Day the New Skim-Milk Ordinance. The story published in THE CALL of yesterday concerning what purported to be an attempt to bribe Milk Inspector Dockery has attracted widespread attention.

Mr. Tobin, the young attorney mentioned by these three gentlemen as figuring in the case, denies emphatically and in vigorous language that he was guilty of any wrongdoing.

"I was simply acting as an attorney for Mr. Sanders," he said yesterday, "and deny emphatically that I was guilty of any attempt to 'reach' Mr. Dockery, either directly or otherwise. Sanders paid me \$20, merely as a retaining fee. I must decline, however, to go into any further details until I know just what he intends to do, though I don't mind adding that Sanders was brought to my office by Mr. Root of the Can and Bottle Association."

Mr. Root is even more indignant than Mr. Tobin. He denies Dr. Creely's statement in toto, laying particular emphasis on that part of Creely's statement concerning the chance