All the News of Alameda County.

WILL OF GENERAL KEYES.

Most of His Vast Estate to Be Held in Temporary Trust.

WANTS BUT A MODEST TOMB.

Should Any Contest Be Made the Contestants Will Lose Certain Privileges.

OAKLAND OFFICE SAN FRANCISCO CALL, 908 Broadway, Nov. 14.

The will of General E. D. Keyes, who died at Nice, France, October 14, was filed late this afternoon for probate by his sons, Winfield Scott Keyes, Edmund Lawrence Keyes and Alexander Darwin Keyes, the executors named in it. It is dated New York City, November 7, 1888. There are four codicils dated as follows: Oakland, February 7, 1893; Oakland, February 23, 1893; San Rafael, July 25, 1893.

The will provides for a trust which is to expire when the youngest child becomes of age, after which all the property, real, personal and mixed, is to be disposed of as directed. A deed of trust to certain real estate in San Francisco, dated October 17, 1883, made by him and his wife to S. H. Loughborough, her brother, is referred to as defining the manner of distributing his real estate in San Francisco to the heirs.

An agreement made in Le Vigan, France, in August, 1887, defines the estate which his wife is to have, and it is agreed to by the sons, "for a very valuable consideration."

Mary L. Bissell-Bighetti at the time of her marriage was given upward of $10,000 and an allowance of $50 monthly during her father's life, in consideration of which she renounced all claims to the estate of her mother and father.

"Of my children," he says in one clause of the will, "eight are now living; four were the issue of my first wife, and four the issue of my present wife. Of the deceased, Caroline was the wife of S. R. Franklin, now rear-admiral of the United States navy, and she left no issue. Bessie M. died in the sixth year of her age. My grief for the loss of those two is undiminished."

All real estate in San Francisco, with the exception of that in the trust deed, is to be divided between the eight children equally. He recommends that they shall let it remain in trust for eight or ten years. The lot at Davis street and Broadway, which he owns with his son W. S. Keyes, is to be sold to the latter for $19,000 if he so elects, the money to be reinvested for the benefit of the heirs in common.

The Oak-street property in Oakland, with improvements, constitutes a part of the life estate of his wife, and after her death it is to be divided equally among the eight heirs of their issue. The other Oakland property is his own separate estate and is bequeathed equally to Alexander D., Henry E., Agnes G. and Francis W. C. Keyes, to be distributed at the same time as the San Francisco property.

The tract of thirty acres in Monmouth County, N. J., held in common with his son, is to be sold to the latter if he so elects, at a valuation to be placed on it by three immediate neighbors within six months. If not sold it is to go into the trust to be equally divided among the eight heirs.

The shares of the Humboldt Savings and Loan Society of San Francisco are to be sold at the trustees' discretion and the proceeds reinvested in the improvement of the real estate or otherwise as they see fit.

The trustees are to select his burial spot and to erect a tomb at a cost ranging from $1000 to $2000, and no one but his wives and lawful descendants are to occupy the sepulcher with him.

No moneys paid to the heirs after they became of age is to be charged to them or deducted at the time of final settlement, provided they approve of the will and do not oppose its probate; but in case any one or more of the heirs shall begin an attempt to break the will by any process or suit he or she shall have charged against them all moneys received after reaching their majority, the whole amount to be deducted without interest.

All portion of the real estate allowed to the daughters is set aside as their own respective estate, and the same is not to be subject to the use, control or management of the husbands of any of them, present or future. Besides the Battery-street and Oak-street properties Mrs. Keyes is given all the personal property except half of the silver spoons and forks in the residence in Paris, which are to be divided equally among the four children by the first wife. All books, manuscripts, commissions, clothing and personal effects in California and New York go to the trustees to be disposed of. His gold watch goes to Alexander D. Keyes.

In the first codicil he fixes the annual income of his wife at $6000, and if it falls below the figure for ten years after his death, it is to be made up by the trustees from the estate. The property at Stockton and O'Farrell streets is placed in the trust to be divided with the eight heirs.

The second codicil directs that moneys received from the sale of the Broadway property shall be given: $2000 to Eleanor F. Chetwood, $2000 to Florence Adele Gibson, the two daughters, and $2000 to Alexander D. Keyes for care in his last illness. These sums to be above previous portions given.

The third codicil places his Montgomery and Sutter-street property in the hands of the trust, and shuts out any heir from all benefits in his estate who shall attempt to sell or incumber any lands, or bring suit to have the estate partitioned during the life of the trust.

The fourth codicil directs that all moneys paid to his daughter, Agnes Geraldine Prenezykowski, in excess of $100 a month from her marriage to his death shall be charged and deducted from her share, as $100 was all he allowed monthly to any one of his daughters. A commission was issued to G. P. Gordil of New York City to take the deposition of T. Bighetti, who was one of the witnesses to one of the codicils.

From the will it is learned that the wedding of his daughter to Lieutenant Bighetti cost about $10,000. The estate is supposed to be worth about $1,200,000.

ROASTS THE COUNCIL.

Mrs. Blake Resents the Refusal to Grant a Privilege.

Mrs. M. K. Blake, one of the oldest, wealthiest and best-known residents of Oakland, is very indignant at the action of the City Council in refusing to grant permission for the elegaat windows on the Washington-street side of her property to encroach one foot on the sidewalk. Mrs. Blake's letter is a long one, but the following paragraphs sufficiently express its nature:

I think the decision, under the circumstances, of stopping the work on the Blake block ten days before the Council could decide, was unjust. If objections had been made in the start, before the work had become so far advanced, this feeling of injustice would not have been felt. This work had been commenced in good faith, not dreaming of any wrong or objection being made. This trouble, it is generally believed, was made on account of mercantile jealousy, and it is thought those who cause this trouble will not gain in patronage by the good people of Oakland.

This injury done to a heavy taxpayer for more than thirty years, and who has responded to Oakland's calls when large enterprises were to be helped, and in contributing to the building of railroads and helping public and private institutions, as well as benevolent objects and various other work, will not soon be forgotten

To Elect Officers.

The Alameda County Law Association will hold its triennial election next Wednesday evening. The members have decided to have a warm contest and the following names have already been placed in nomination:

For president, B. F. Woolner, E. L. Lawrence, I. F. Chapman, A. P. Holland; vice-president, D. Kinsell, Phil M. Walsh, W. D. Powers, E. Coke Hill; secretary, Clarence Crowell, Burdette Cornell, A. M. Armstrong; treasurer, J. W. Stetson, Phil C. Dibert, J. M. Lewis and R. Romo.

Poker Players Fined.

Judge Wood fined a batch of poker players $25 each to-day. The game was raided Sunday night by the Chief of Police and six players were arrested. They were allowed to plead guilty and their bail was accepted for fines.

Danger in the Cup.

Rev. Marshal Law of East Oakland, the inventor of a patent communion cup, is preparing a communication to the Board of Health, showing the alleged danger of the old-fashioned method of celebrating the sacrament. The clergy some time ago refused to indorse the general use of the cup.

Charges Against Officers.

The charges against Officers Brown and O'Hare, preferred by the Chief of Police, were continued by the Commissioners to-day for one week, so that the Chief would make the charges more specific.

The Coming Exhibit.

A meeting of the Merchants' Exchange, Board of Trade and all interested in the exhibit of home manufactures to be made at the tabernacle in a few weeks, will be held Friday (to-morrow) night in the Council Chambers.

The Passing Show.

At the Macdonough to-night "The Passing Show" opened to a large house. It will be presented Friday evening and a matinee on Saturday.

HISTORY OF A DAY.

Alameda County Happenings Told in Brief Chapters.

OAKLAND OFFICE SAN FRANCISCO CALL, 908 Broadway, November 14.

The City Treasurer's office will, until further notice, remain open from 7 to 9 for the accommodation of taxpayers.

Superintendent of Streets Miller has petitioned the Council to give him power over the streets, independent of the Board of Works.

While J. M. Breen and wife were interested in their divorce case before one court, another entered a decree on foreclosure on their home.

Chris Cleary, the man found in a nude condition on Vernon Heights recently, was to-day declared insane and committed to the asylum at Ukiah.

William Cusick, the young farmhand who has been unconscious for several days at the receiving hospital as a result of his fall from a horse, is improving slightly.

An Irish-American Republican Club was organized in the First Ward Monday night with a membership of sixty-four, of whom sixty-three are said to be native-born Californians.

Vessels are at the long wharf discharging cargoes as follows to-day: The English ship Cardiganshire from Swansea, coal; the English ship Orphen from Newcastle, Australia, coal; the Danish ship Capley from Swansea, coke.

Mrs. Sarah A. Bassett of Logan City, Utah, has written a letter to County Clerk Jordan asking for information regarding the death of Thomas Blythe. She thinks she could establish the relationship if she could see a good photograph.

At the inquest on the death of George Quintelle last evening, Elzer Sorois and Joseph Lemoge identified the deceased and a verdict of death with suicidal intent was rendered without further comment. Mrs. Quintelle was not present at the inquest.

NEW LIBRARY BUILDING.

Trustee Fletter Gives His Views on the Much-Discussed Subject.

His Plan Is for Forty Citizens to Pay the Cost, the City to Pay the Interest.

ALAMEDA, Nov. 14.—The joint meeting of the Board of Free Library Trustees and city fathers which was called for last evening considered the advisability of removing the library to the new City Hall. Owing to the absence of Messrs. Allen and Magill of the library board no definite action was taken. An interesting discussion, however, arose. Trustee Lydecker thought that the City Hall was the proper place for the library. Library Trustee Mastick was of the opinion that a new building might be erected with that $17,000 levied for a salt-water plant. He thought the City Hall totally unfit for library purposes, and in case of removal predicted the loss of 75 per cent of the readers.

The practicability of building an addition to the room now provided in the City Hall was briefly discussed.

Ex-Senator Simpson objected to the City Hall, saying it would prove a dangerous place for girls to visit at night.

City Trustee Fletter remarked that a new building fund might be created, or a syndicate be formed by forty Alamedans, to organize for three years and issue 200 shares at $100 a share, at 5 per cent interest per annum. The Board of City Trustees would have to pledge themselves to levy a tax to pay off the interest and principal at the end of the time. The money would thus be borrowed, and the only fear one of the lenders might have was that in the case of the death of one of the Trustees, the new man might not indorse the tax-levy for the library fund.

New Officers Elected.

Orita Chapter No. 115, Order of Eastern Star, elected the following officers last evening for the ensuing term: Mrs. Louise Sullivan, worthy matron; Mrs. Leander Van Orden, worthy patron; Mrs. Theresa J. Merwin, associate matron; H. Sevening, treasurer; Anna B. Barber, secretary; Clara B. Chappelle, conductress; May B. McFarland, associate conductress. The officers will be installed on the second Wednesday in December.

Woodmen of the World.

The members of Spruce Camp No. 132 have sent out invitations for their next chopping bee, to be held November 20, when they hope to see all their friends around their stump in Foresters' Hall, corner of Santa Clara avenue and Park street.

Burned at a Furnace.

An employe of the Pacific Coast Oil Works named Walter H. Wright was burned about the hands and face this afternoon while working at one of the furnaces. He was removed to his home, 327 Railroad avenue.

Pupils Frightened.

Pupils in Miss Fish's classroom of the Porter school were badly frightened this morning. A workman, making some repairs in the attic, fell through the ceiling and falling plaster scared the pupils. Nobody was injured.

Alameda Orchestral Society.

The Alameda Orchestral Society will give a concert to-morrow evening in Armory Hall. Herr Vogt will wield the baton and an excellent programme is looked forward to by all lovers of good music.

Accidents from lightning are growing more frequent according to the Berlin statistical bureau. Within the city limits fires from lightning numbered 32 a year between 1833 and 1843, 52 a year from 1844 to 1865, 103 a year from 1866 to 1879, and 132 a year between 1880 and 1892.

FOR A COMPETING ROAD.

The Eureka and Sacramento Valley Road Is Now a Certainty.

VALUABLE TERMINALS GIVEN.

Citizens of Humboldt Will Take a Million Dollars' Worth of Bonds.

OAKLAND OFFICE SAN FRANCISCO CALL, 908 Broadway, Nov. 14.

The surveying engineers of the California, Oregon and Idaho Railroad will commence work next week. J. M. Bassett of this city, one of the prime movers in the new road, will leave Oakland Tuesday for the purpose of starting the surveyors.

"There is neither stock subscriptions nor donation party connected with the road," said Bassett to-day, "but everybody who puts up any money receives bonds for their coin. The road will be built by Eastern capital that is already put up, and there is no one soliciting money. We are being sought after by people who want the bonds instead of going around peddling stock like most new railroad ventures.

"The general route will be from Eureka across the Coast Range to some point in the Sacramento Valley. This point will probably be between Redding and Red Bluff, but the exact point is not yet decided. The line will run right across Humboldt County, pass through Trinity and just touch Shasta.

The start will be made from Collinsville, at the head of Suisun Bay, and then up the valley to somewhere above Red Bluff, across the Sacramento River to the east side, possibly at Pitt River Canyon. It will then bear eastward and may possibly connect with the Chicago and Northwestern at Cooper, Wyoming. It is not yet settled whether this connection will or will not be made, but probably it will.

This route will be almost true east from the Sierra Nevada Mountains.

"We have already received the deeds to splendid terminals at Eureka, with water twenty-two feet deep, that can readily be deepened to forty feet if necessary. The people of the Sacramento Valley have offered some very substantial assistance, both as regards the giving of right of way and promising support after the road is built. The people of Humboldt County have already subscribed for bonds amounting to $510,000 and are now preparing to raise another similar amount. In fact, it is almost certain that they will hold bonds amounting to a million dollars.

"They are protected from watered bonds and stock by a clause in the articles of incorporation, which provides that the road shall not be bonded for more than $15,000 a mile. Some of the Southern Pacific road is bonded at from $40,000 to $60,000 a mile.

"Already we have secured certain rights of way in the Sacramento Valley and for the first eight miles out of Eureka. Over the mountains, of course, we need no permission for a right of way, but after the first forty miles from Eureka, the mountains will have to be surveyed in many directions in order to ascertain the best route. We cannot do anything but preliminary surveying during the rainy season, but work will be continued all through the winter wherever possible. The first forty miles will be laid out within the next two weeks, and at the same time the survey will be commenced through the Sacramento Valley.

"The actual work of construction in the Sacramento Valley will be begun at once and be pushed as fast as possible. I go to Eureka on the 19th and will set the surveyors to work. Everything has been done as quietly as possible because when you say railroad in California there are a host of people ready to jump on you with both feet. It is astonishing the extent of opposition that we have met with from the Southern Pacific Company. They have had agents in the field who have made overtures to bond large tracts of land on the line of our proposed route and have, in ways known only to themselves, put all manner of obstacles in our way. But the capital is up and the road will be built and put in operation as soon as possible."

TO BEAUTIFY THE CAMPUS.

Regent Reinstein and Mr. McLaren Consider University Landscape.

The Elections for School and Wharf Bonds to Be Held on the Same Date.

BERKELEY, Nov. 14.—J. B. Reinstein, the newly elected regent, in company with John McLaren, superintendent of Golden Gate Park, spent the entire day at the university, devising ways and means of beautifying the campus.

When seen by a CALL representative, Mr. Reinstein stated that it was one of his fondly cherished plans to assist in every way possible toward giving the university grounds an imposing appearance. "We have," said he, "just as Mr. McLaren remarked to-day, one of the most beautiful sites of any university in the world, and we owe it as a duty to ourselves, as well as to our State, to at least attempt to rid it of its utter barrenness.

"At the last meeting of the Board of Regents Professor William Carey Jones stated that there was an obvious need for a number of settees for the grounds. Accordingly I secured from a gentleman who does not wish his name mentioned at this time 100 ornamental iron seats, or settees. The matter as to where they shall be placed has been referred to the committee on buildings and grounds. E. M. Wolff, '94, suggested that a fountain be secured, which I have also had promised gratuitously. This drinking fount is to be of such a character and to be placed on the grounds at such a place as the board decides; but we will have a fountain of some sort."

Mr. Reinstein said, also, that he had written a letter to Mr. McLaren, asking if he would give some suggestions as to what would be the best method to pursue in the matter of laying out the grounds, to which he responded that he would be glad to give his services at such times as his duties at the park would permit. And so to-day Mr. McLaren and Mr. Reinstein came over to look at the grounds.

Mr. McLaren suggests that the blacksmith and carpenter shops, now situated on the south side of the grounds, be moved back of the Mechanics' and Electrical building, so that power may be easily had, and also that then they will no longer be an eyesore to the campus. "The creek," said Mr. McLaren, "can be beautified its entire length through the ground by removing many of the unsightly objects along its banks, preventing the dumping of sewage in it, and by the use of a little rock and cement here and there.

"It would further be advisable to formulate a system of exchange between the botanical gardens and Golden Gate Park, so that duplicates might be transferred from one to another."

Professor Soule will furnish a topographical survey and miniature plaster cast of the grounds for the use of the board of regents at its next meeting, at which it is expected that Mr. McLaren will offer some further suggestions as to how the general appearance of the grounds might be improved.

School Bond Opposition.

For the first time since it was suggested the school bonds proposition met with open opposition last night. The objections came from Trustee Durrell of West Berkeley. Mr. Durrell made a speech in which he furnished figures of school taxes and said that he was opposed to building a high school to induce people to come to Berkeley for educational purposes, thereby causing a rise in school taxes.

Mr. Durrell spoke of the manufactories in West Berkeley and appeared to think that the board should devote their attention to the encouragement of them. Trustee Martin replied that Berkeley had thus far realized more good from being an educational center than from her manufactories, and said that to forego a high school or to build merely a cheap one, as desired by Mr. Durrell, would work harm to the town's reputation as an educational center.

Trustee Hoff, also of West Berkeley, did not take issue with Mr. Durrell, but said that he felt bound by the action of his constituents in asking at their mass-meeting for $120,000 worth of school bonds.

This was the signal for the expected battle over which election should be held first, that for the school bonds or the one for the wharf, which the West Berkeleyans all seem to want.

The West End delegation advocated holding the wharf election first, declaring that otherwise the school bond issue would not carry, but it was finally decided to hold both elections at once, Trustees Hoff and Durrell voting in the negative.

Architect J. B. Mathiesen submitted his report upon the cost of school-buildings as follows:

High School, $65,000; six-room Dwight way school, $13,700; four-room primary at Dwight way, $7000; eight-room school at San Pablo, $16,000; six-room school at North Berkeley, $13,500, and four-room school on the Ninth-street lot, $7000—a total of $122,000. Estimates formerly submitted to the board upon cost of sites and furniture foot up to $30,000, $15,000 of which is on the High School, so that the figures foot up to $152,000; $80,000 for a high school. A report on the cost of a wharf at West Berkeley was also made, estimating the cost at $72,728.

The Football Men Practice.

The university football players met the Olympics at Central Park this afternoon in their third practice game together this week. The college men will practice on the campus to-morrow afternoon as formerly. Simpson and Hall, both freshmen, have been declared ineligible to play in the Thanksgiving game by the athletic executive committee of the university on account of being specials and not having sufficient hours to their credit, as provided in the U. C.-Stanford five years' agreement.

Considerable anxiety has been created among the students during the last few days over the injuries which Hupp and Ransome have recently sustained. Ransome's knees are in bad condition just at present, but his trainers are hopeful that he will be on the field again in a few days. Hupp's ankle is in such a bad shape that his physician has forbidden him to play for the present. He seems to be particularly unfortunate in his football experience, having sustained injuries last year at a corresponding time which disqualified him from trying for the Varsity.

Reinhardt, '97, who played good football in his freshman year, but who has not been on the field since, donned his suit last evening and will try for center. He tips the beam at 173 pounds.

Crescents to Entertain.

The Crescent Athletic Club will give their grand annual entertainment at Shattuck Hall to-morrow evening, which will consist for the most part in music, recitations, tumbling, boxing and a bicycle race. The latter performance will be the feature of the evening. The race will be two miles, the wheels being stationary on the platform and the number of revolutions per minute registered by means of specially devised clockwork. Wilkins, Kastens, Putzker and Krooman will try conclusions in the race, the two winners of the first heat entering the final.

Advanced to Senior Standing.

The complete list of those advanced to senior standing in the colleges at Berkeley was posted to-day. It showed that only 129 out of the 256 who entered in the class of '96 will be granted an opportunity to graduate. By far the greater majority of those whose names do not appear on the senior list have left college. The proportionate increase in the number of those who entered and those who graduated with '95 is only slight.

Students Petition.

At the meeting of the Academic Senate this afternoon the petition from the student body in behalf of Robbins and Steele, the suspended members of the Josh staff, came up for consideration. The action of the faculty could not be learned, but President Kellogg stated that a communication bearing on the case would be sent to President Friend of the Associated Students to-morrow.

Dixey Will Lecture.

Henry E. Dixey, the comedian, will lecture on "The Art of the Comedian" at Stiles Hall to-morrow afternoon at 3:45 o'clock for the benefit of the Students' Aid Society.

TO RUSH THE INSPECTOR.

High School Students Retain Counsel to Test the License Ordinance.

Mr. Mitchell Is Warned Not to Go to the Girls' Play on Saturday.

OAKLAND OFFICE SAN FRANCISCO CALL, 908 Broadway, November 14.

The Oakland High School boys have decided to test the validity of the action of the License Inspector in demanding $5 tax for each entertainment given in a public hall. License Inspector Mitchell swooped down at their entertainment last week at the First Unitarian Church and demanded the tax. He has also given them notice that he will be in attendance at the entertainment to be given Saturday by the girls of the High School.

The students have determined to test the right of the Collector and have engaged Attorneys Earl, Fitzgerald, Cary Howard and Abe Leach. The students say they will attend to the "other matter."

"If License Inspector Mitchell shows up at the box-office Saturday, when our girl students are giving their entertainment for our benefit, he may wish he had stayed at home. In plain English, the students have arranged a rush for the occasion, should the license man appear, and he might, by accident, get in the center of the rushers. Of course we of the committee have discountenanced all such proceedings, but we cannot control a couple of hundred students who are out for fun. If Mr. Mitchell is wise he will not take in Saturday's show."

All the attorneys named are old High School boys, and some have said that the ordinance was never intended to apply to High School students. The students are giving the entertainments for the purpose of raising money for the trip of the athletes to the National games to be held at New York next year. They consider it a great hardship to be forced to pay a license of $5 each time they perform.

The matter of taxing entertainments given in public halls has been attracting considerable attention in this City since the License Collector compelled the manager at Miss Shorey's debut at the First Congregational Church to pay the license. All parties are anxious to have the matter settled, and the only way to do this is for the License Collector to make an arrest under the ordinance and have its validity tested. It is not thought, however, that Mr. Mitchell will make an example of the lady manager of the girls' entertainment Saturday night. The fraternity giving the play is called the "V. V's.," and the young ladies declare that if they see the Collector around, he will think their club letters mean "very vivacious."

AT OWNER'S EXPENSE.

Inspector Kinne of the Board of Health Begins an Important Fight Against Property-Holders.

Inspector Kinne, acting under an old law, began an important contest yesterday against property owners who refused to look after the sanitary condition of their premises when so notified. Mr. Kinne received his authority from section 3028 of the Political Code, which says:

Whenever a nuisance shall exist on the property of any non-resident or on any property the owner or owners of which cannot be found by either Health Inspector after diligent search, or on the property of any owner or owners upon which due notice may have been served, and who shall for three days refuse or neglect to abate the same, or on any City property, it shall be the duty of the Board of Health to cause the said nuisance to be at once removed or abated, and to draw upon the general fund for such sums as may be required for its removal or abatement, not to exceed $200.

Several days ago the inspector ordered certain work to be done on the property 123 Ninth street, owned by Mrs. M. J. Kehoe. Not the slightest attention was paid to his suggestions, whereupon Kinne looked around for a more potent weapon than a mere suggestion. He claims to have found it in the section quoted.

The expense attached to making such repairs as were ordered by the Board of Health shall serve as a lien against the property, which the City and County Attorney is authorized to sell, turning the difference, if there be any, over to the owner.

White Knocked Out.

The Supreme Court has denied the application of George E. White for writs of certiorari in the divorce proceedings between him and his wife. The writs applied for were to review, first the action of the lower court in allowing Mrs. White a lump sum of $100,000 and ordering a receiver to sell sufficient property to pay it; and, again, the order adjudging him guilty of contempt for having sold property when the court had ordered that he should not sell. The Supreme Court held that writs of certiorari were not the proper remedies in the case.

REAL ESTATE TRANSACTIONS.

Bank of California to Henry F. Fortmann, lot on NW corner of Gough and Eddy streets, N 120 by W 137:6; $10.

Joseph and Eveline I. Slye (nee Harrison) and Clemence E. Harrison to Albert Wilford, lot on S line of Vallejo street, 114:6 E of Webster, E 23 by S 113:6; $10.

A. and Rachel Beerman to John J. Wirtner, lot on N line of Clay street, 163:10¾ W of Cherry, W 25 by N 125; $10.

Peter G. Simpson to Phebe A. Hearst, lot on N line of Jackson street, 107:6 E of First avenue, N 65:8¾, NE 63:7¾, S 25:4¾, E 40:5½, S 40, W 100; $10.

William and Lizzie Hinkel to Helen A. Crocker, lot on E line of Clayton street, 203:9 N of Frederick, N 25 by E 106; $10.

William Kaiser to Henry Kahn, lot on N line of Twenty-eighth street, 266:8 E of Noe, E 53:4 by N 114; $10.

Jacob and Lina Heyman to Evening Post Publishing Company, lot on N line of Elizabeth street, 150 W of Hoffman (Ellen), W 25 by N 114, lot 203, Heyman Tract; $10.

Giovannie Filomio to Maria Filomio, undivided one-third of lot on E line of Kearny street, 114:7 S of Union, S 22 by E 103:1; gift.

Isaac and Helena Liebes to Charles J. Behlow, lot on E line of Powell street, 102:6 N of O'Farrell, N 35:1½ by E 137:6; $10.

George E. and Emmeline L. Bates to Elise Schultze, lot on E line of Texas street, 100 S of Nevada, S 41:6 by E 100; $10.

J. B. Haggin, Lloyd Tevis and Henry Wadsworth (trustees San Francisco and Point Lobos Road Company) to James McGrath, lot on E line of Twenty-eighth avenue, 250 N of Clement street, E 120 by N 25; $225.

Annie Guglielminetti (by R. I. Whelan, Sheriff) to Isaac Liebes, lot on E line of Twenty-first avenue, 275 N of Clement st., N 50 by E 120; $990.

Sarah J. Cheney to Peter Droge Sr., lot on E line of Twentieth avenue, 250 N of B street, N 25 by E 120, bargain and sale deed; $10.

Charles and Mary A. Forbes (trustees of estate of Alexander Forbes and Mary A. Forbes) to Wendell and Carrie Easton, lot commencing 100 S of K street and 127:6 E of Fifteenth avenue, S 166:8, E 44, N 165, W 28; $10.

Wendell and Carrie Easton to Charles and Mary A. Forbes (trustees of the estate of Alexander Forbes and Mary A. Forbes), lot on E line of Fifteenth avenue, 279:8 S of K street, S 20:4, E 127:6, N 34, W 128; $10.

Same to H. A. and Clara W. Jones, lot commencing 282:2 S of K street and 127:6 W of Fourteenth avenue, S 191, E 66:6, N 196, thence 41 to beginning; $10.

H. A. and Clara W. Jones to Wendell and Carrie Easton, lot on W line of Fourteenth avenue, 253:5 S of K street, S 28, W 86:6, NW 20:6, E 85:7; $10.

Patrick Sheridan to Mary Sheridan, lot on N line of Fairmount street, 92 E of Palmer, E 50 by N 125, block 19, Fairmount; gift.

ALAMEDA COUNTY.

Susan P. Fletcher to Lucy H. and Mary E. Fletcher, lot on NW corner of Adeline and Nineteenth streets, N 35 by W 108, Oakland; gift.

B. Kelsey to Ellen Fogg, lot on E line of Myrtle street, 151 S of Twenty-fourth, S 25 by E 125, being lot 31, block 636, map of Market-street lots, quitclaim deed, Oakland; $10.

Delin and George H. Albers to Miles Standish of Alameda, lot on N line of Seventh (or Railroad) avenue, 219 W from center line of Union street, W 25 by N 100, block 534, subject to a mortgage for $1500, Oakland; $10.

Pacific Improvement Company to Anna C. Ground of San Francisco, lot on S line of Buena Vista avenue, 273:11 W of St. Charles street, S 150 by W 35:6, being the east half of lot 10 and W 12 feet of lot 11, block 15, map of property of Columbus Bartlett, Alameda; $10.

Oscar S. and Lizzie M. Meysel to Minnie C. Mier of Alameda, lot on N line of Encinal avenue, since widened to 80 feet, 200 E of Willow street, E 25 by N 140, being the W half of lot 5 in W half of block E, Pioneer Homestead Association, Alameda; $10.

J. K. and Mary Orelup to Catherine Carmichael of Berkeley, lot on W line of Shattuck avenue, 210 S of Vine street, S 30 by W 135, being lot 8, block 8, Graves & Taylor Tract, Berkeley; $10.

P. A. and Alva B. Clute and Anna E. McIntyre lot on E line of Seventh street 1021. 68 S from N line plat 60, Rancho V. and D. Peralta, thence S if produced S in a straight line to S line plat 60, thence W 60, thence N to a point distant 1021.68 S from N line plat 60, thence E to beginning; also lot on E line of Eighth street, 1021,68 S from N line, plat 60, thence S along E line to E line of Eighth street, produced S in the same direction to S line, plat 60, thence W to a point distant 60 feet to E line of Eighth street, thence N to a point 1021.68 S from N line, plat 60, thence E to beginning; also lot on E line of Ninth street, 1021.68 S from N lineplat 60, thence S along E line of Ninth street produed S in the same direction to S line of plat 60, thence W to a point distant from E line of Ninth street produced 80 feet, thence N to a point distant 1021.68 S from N line of plat 60, thence E to beginning; also lot on E line of Tenth street, distant 1021.68 S from N line of plat 60, thence S along E line of Tenth street produced southerly in the same direction to the S line of plat 60, thence W to a point distant from E line of Tenth street produced 60 feet, thence N to a point distant 1021.68 S from N line of plat 60, thence E to beginning, to be used for extending Seventh, Eighth, Ninth and Tenth streets from 1021.68 S of N line of plat 60 to S line of subdivision of plat 60, Rancho V. and D. Peralta, Berkeley; $5.

Thomas and Annie Callahan to Celia and Sarah J. Callaghan, lot on N line of Second street, 75 E of Brush, E 25 by N 100, being lot 28, block 24, Oakland; $10.

H. F. and Abby F. Bickel, Carrie W. and W. O. Badgley to H. G. Kendall, lot on N line of Twenty-first (or Hobart) street, 310 W of Telegraph avenue, W 30 by N 100, being a portion of lots 11 and 13, Jones Tract, Oakland; $10.

George and Jane A. Wheeler to R. J. Brode of Alameda, lot commencing at the intersection of the N line of East Twenty-first street with the W line of Twenty-first avenue, N 77:6, W 102:6, S 77:6, E 102:6, being block 68, East Oakland; $5.

Mountain View Cemetary Association to Morcene Hopkins, lot 149 in plat 12, Mountain View Cemetery; $40.

F. E. and Margaret Seidel to Ralph W. Kinney of Berkeley, lot on W line of Claremont Tract, 140 S from S line of Ashby avenue, E 100, S 141.15, W 100, N 140.95 to beginning, being lots 34 and 35, block E, same, Berkeley; $10.

Ralph W. and Jennie T. Kinney to James H. Wright of Berkeley, lot on W line of Claremont Tract, 140 S from S line of Ashby avenue, E 50, S 141.15, W 50, N 140.95 to beginning, being lot 34, block E, Claremont Tract, Berkeley; $10.

Wallace Clark to Mary S. Carnall of Berkeley, lot on N line of Vine street, 60 W of Oxford, W 30 by N 120, being a portion of lots 37 to 40, block 3, resubdivision of blocks 3 and 4, Antisell Tract, Berkeley; $10.

Matilda A. Daly to Adelaide Tyack, lot on E line of Bassett street, 160 N of Washington, N 50 by E 125, being the N 25 feet of lot 1 and S 25 feet of lot 2, block 774, Levy Tract, Brooklyn Township; $10.

Emily K. Latham to J. A. Eastman of Brooklyn Township, lot 10, block D, Latham terrace, Brooklyn Township; $650.

Builder's Contracts.

Annie Kennedy with John Kennedy and George Leterell, to erect a two-story building on Baker street, between Greenwich and Filbert; $1940.

RYAN MADE THEM SMILE.

The Hale and Norcross Plaintiff Thinks the Leak Has Been Shown.

BATTERY SAMPLES INCORRECT.

The Superintendent of the Mine Gives Some Interesting Details About Assays.

Joseph R. Ryan, superintendent of the Hale & Norcross and the Andes mining companies, succeeded in imparting liveliness to yesterday's proceedings in the Hale & Norcross mining case.

Judge McKissick rubbed his hands together and smiled at Mr. Baggett, and Mr. Baggett replied with smiles approaching jubilance, while Mr. Fox, the plaintiff, could scarcely restrain himself. The look of deep solemnity that came over the countenances of Mr. Wood and Mr. Deal seemed to confirm the impression that had Mr. Ryan's testimony been different they would have done the smiling.

When Mr. Ryan came to the stand—after the reading of the depositions—he said he had been superintendent of the Hale & Norcross and the Andes mines since the middle of March, 1892. He has been connected with the mining business on the Comstock as assayer and in other capacities for twenty-one years. He testified that during the year 1894 there were extracted 719 tons of ore from the Hale & Norcross mine, and 568 tons in 1895, 180 tons at one time, and 388 at another time. The 180 tons were milled at the Brunswick mill in May, 1895, and the 388 tons at the same mill in October, 1895. These ores had been assayed from samples taken from the mining cars, and also from samples taken from the railroad cars.

"Have you certificates of the mining and railroad-car assays of the ores mined in 1894 and 1895?"

"I always aim to preserve the certificates of the result of assays from railroad-car samples and from battery samples, and while I may have the certificates of the mining-car assays, I haven't them at hand, although the results of the mining-car assays were entered in a book which I have here."

"How do you sample the mining-cars?"

"We use what is called a trier, which, driven into the ore at three or four points, brings out in the form of a core, from five to seven pounds of ore. These samples of ore, together with some taken from the top of the car are thrown into a box, and from this a sample is taken and assayed. Railroad-cars hold about eight tons, or about the contents of eight mining-cars. These railroad cars are sampled substantially in the same way, the samples being secured as the car is being loaded. The sampling of the mining-cars is mainly for the purpose of testing whether the ore taken out is paying or waste ore. I have kept a record of the assays of such samples, but, as I have said, I aim to preserve only the certificates of the railroad-car and battery assays. The samples were assayed at the Con. Virginia office, which was in charge of Mr. Phelan."

"Is your method of taking samples the one usually practiced?"

"I introduced the 'trier' system in 1892 on my own motion. I don't know if this method is used at the other mines on the Comstock."

"Were the two batches of ore mined in 1895, that of 180 tons and that of 388 tons, sampled by this method?"

"Yes."

"I object," said Mr. Wood, "to this testimony on the ground that the method is different from that employed during the time the 84,000 tons particularly involved in this case were mined, as it would be determining the results of assays then made by a process different from that actually followed."

"While I am not to be understood," said the Judge, "as forecasting the decision of the court, I desire to direct the attention of the counsel to a course that the discussion of the methods of sampling should pursue. That is to say, whether when a percentage is indicated in assays of car and battery samples the percentage refers to bullion product of the ore actually assayed, or indicates the value of the ore from which the samples were taken. I invite the counsel's attention to this in order that there may be no ambiguity on this point."

The attorneys on both sides expressed themselves that this course of argument was the proper one. The cross-examination of Mr. Ryan then began.

"From what part of the Hale & Norcross mine was the 719 tons mined in 1894 taken?" inquired Mr. Deal.

"From a winze below the 1300-foot level."

"Then, the 588 tons mined in 1895?"

"That came from a seam thirty feet below the 975-foot level."

"Was this seam a large one?"

"It varied from four inches to eighteen inches wide."

"Was it rich ore?"

"Yes, it was very rich ore—soft and easily milled. There was considerable clay, and it was inclined to slime."

Mr. Ryan then was asked various questions about the time occupied in milling the ore, and while he said that the lots mined in 1895 were each milled at one run, he could not indicate the time consumed in crushing it.

"Was not the mill cleaned thoroughly previous to the milling of this ore?"

"Yes."

"Is it not a fact that for the first few days assays of battery samples will indicate too low a valuation of the ore?"

"Yes."

"Why is that a fact?"

"Well, the free gold, to a considerable extent, stays in the battery and does not pass out in the pulp from which the battery assay samples are taken."

"To what extent will there be a difference in the results of samples taken from the pulp, called battery samples, and samples taken from the battery itself?"

"I have known samples taken from the battery to indicate a value as high as 150 per cent of the value of the ore—that is to say, ore valued, say at $100, would, from samples taken from the battery itself, indicate $150."

This was the point that made the plaintiff's counsel smile. It seemed to indicate that all percentages based upon battery samples were too low, as the free gold would to a large degree settle in the battery and not pass out into the pulp from which battery samples are taken.

There was then a protracted effort made by Mr. Baggett to have Mr. Ryan testify as to the general reliability of the method of securing samples from the mining cars. Mr. Ryan said that while employes were instructed to take samples according to the methods indicated, they sometimes did not do so, as they sometimes picked out rich pieces of ore and used the "trier" in parts of the car where the ore appeared to be rich.

"Assuming that the employes substantially did their duty as instructed," inquired Mr. Baggett, "would the percentage from mining-car assays be a reasonably true measure of the real value of the ore?"

"That would depend on circumstances," replied Mr. Ryan. "The ore might be coarse or fine, and that would make a difference."

"I renew my objection as to the relevancy of this testimony," said Mr. Wood.

"But the question is put hypothetically."

"That is not the question before the house," ejaculated Mr. Woods, and then everybody smiled audibly, and even Mr. Woods did so.

The objection was overruled. Mr. Ryan then read the book record of mining-car assays of the ore mined in 1894. The various assays averaged $15.53 of gold and $35.87 of silver. The 1895 ore averaged $18.79 of gold and $39.68 of silver. The railroad-car samples of the same ore averaged $19.38 of gold and $40.12 of silver. The witness said that the mining and railroad car samples afforded