

SAN DIEGANS BRIBED.

Clifton Mayne's Startling Disclosures at Los Angeles.

TOLD IN AN AFFIDAVIT.

Councilmen Said to Have Partaken Liberally of a Corruption Fund.

AIDING BABCOCK'S SCHEME.

Gold Spent With a Lavish Hand to Secure the Support of City Officials.

LOS ANGELES, CAL., Dec. 28.—The taking of Clifton E. Mayne's deposition before United States Commissioner Van Dyke in the San Diego water companies' imbroglio was resumed this morning in Sheriff Burr's private office. E. S. Babcock, against whom Mayne's allegations were directed, was an interested spectator during the proceedings. Oscar A. Trippe, the solicitor for the Flume Company of San Diego, conducted Mayne's examination in chief, and questioned him with a copy of Mayne's affidavit in his hand. The questions related to the charges of wholesale bribery by Mayne of the City Councilmen of San Diego and other people having influence, in the interests of E. S. Babcock and his associates in the Southern California Mountain Water Company.

Mayne has allowed his beard to grow recently and does not look like a man with "one foot in the grave." He related additional details of how he "worked" the Councilmen in San Diego for Babcock's water scheme, giving the different amounts paid to individuals and the circumstances under which they were paid in a matter of fact manner, as if the extraordinary corruption of the city officials of San Diego were a matter of ordinary detail. If his story is true, San Diego's officials during the time specified were a most cheerful body of bribe-takers.

In the course of his examination Mayne gave a description of how he formed a combination of the alleged corrupted officials after they had been "seen" to keep them in line for Babcock and see that they did not play any tricks and go back on their bargain. In carrying out this delicate scheme, he said, he employed George H. Corey as a spy to see that "his men" did not talk with the opposition forces, and reported his proceedings to Babcock from time to time.

When Mayne was turned over for cross-examination by Mr. Hunsaker he was questioned about his health and all about his hemorrhages. Finally he was asked when he first told the story of bribery and corruption and to whom. He replied that it was about two months ago. He then gave his attorney, Colonel Copeland, some memoranda about it. He said he had made up his mind that he would give the facts to the public of San Diego, because E. S. Babcock did not keep his agreement with him.

Mayne became very energetic in his statements about Babcock. He stated that he ascertained that the latter had tried to shift the odium and share of the bribery onto his shoulders, and had been persecuting him in the Shipton case when he knew he was not guilty. When asked how Babcock knew he was not guilty of wronging Elsie Shipton, Mayne replied that Babcock was well acquainted with him and any one who was, knew he was innocent of that charge.

The climax of the morning came when Mayne was asked who told him that Babcock had been persecuting him. He declined to answer the question, saying that it had nothing to do with the case. Mr. Hunsaker appealed to the Commissioner, who ordered Mayne to answer, and he persisted in his refusal. Mr. Hunsaker then asked that the matter be certified to Circuit Judge Ross and that the taking of the deposition be continued until the day of the opposing counsel strenuously objected to the postponement, but it was finally granted an adjournment being taken until Tuesday morning at 10 o'clock.

BREAK FOR LIBERTY.

Thirteen Members of a Chain Gang Make Their Escape.

LOS ANGELES, CAL., Dec. 28.—Within a block of the police station this morning thirteen prisoners serving sentence in the city jail made a bold break for liberty, and up to-night but two of them had been recaptured. There were forty of them all told, loaded in wagons headed toward the First street cut. As they were crossing Broadway one of them shouted the word "Now!" and in an instant thirteen pairs of legs were taking leg bail in many different directions.

The move was so sudden and unexpected that it was impossible for the warden to accompany them, and from work to make even an effort at pursuit, for if they did the balance of the gang might follow suit.

SEATTLE REJOICING.

The Safety of the Steamer Miowera Now Seems Assured.

SEATTLE, WASH., Dec. 28.—Cables received by the Canadian Pacific officials in this city to-day indicate that the vessel which Captain Sorrensen sent to the schooner Compeer sighted on the 23d inst., being outward bound and about sixty miles northwest of Cape Flattery, was the M. O. wera, for the safety of which so much fear had been entertained of late. The Compeer's master believed the craft, from her rigging and general appearance, to be one of the Canadian Pacific's China liners.

Meanwhile an investigation had been going on, with the result that messages led the Canadian Pacific officials to the firm belief that the vessel sighted could have been none other than the Miowera, which had continued on her course to Australia after the parting of the hawser with which she was towing the Strathnevis.

noon of the 23d, while Captain Sorrensen is of the opinion that it was earlier in the afternoon when he sighted the vessel in question.

There is as yet no news from the rescuing party which left the Strathnevis in a small boat, hoping to effect a landing on Destruction Island.

OF INTEREST TO THE COAST.

Judge Williams Talks About the Durrant Trial.

WASHINGTON, D. C., Dec. 28.—Isaac G. Atwood of Honolulu is at the Elbitt House. "The people of Hawaii, at least a large portion of the white people who live there, do not take so much interest in the annexation question as some people suppose," said Atwood to THE CALL correspondent. "There are many things that interest them more than that."

A. D. Baldwin, from Honolulu, is at Willard's. Baldwin is here to urge his Pacific cable scheme through Congress. "I have grave objections as a lawyer to the manner in which Theodore Durrant was tried," said Judge Williams of California, at Willard's. "That the fellow guilty of murder of Blanche Lamont and Minnie Williams there seems hardly a doubt. Never did circumstances weigh about a man such a network of incriminating testimony."

"But whether Durrant is hanged or not is matter of little importance as compared to the other question—a question of infinite importance—since it involves the rights of a defendant to fair play and an unbiased jury. Durrant was tried and convicted by the newspapers of San Francisco."

"They molded public sentiment against him; they focused upon him a concentrated spirit of revenge of an entire community. Add to this the adroit charge of Judge Murphy, which all the way through a direct order to the jury to convict, for by an indirect mode of imputation he made the jury see what his belief was as clearly as if he had been one of the prosecuting attorneys."

Six months ago our Supreme Court reversed a capital case on the ground of a charge almost identical with that of Judge Murphy. It might be reasonably expected to reverse the Durrant case for the same reason, but hardly anybody expects such a result."

Among those present at an elaborate dinner given by Mrs. Senator Brice last night was Mrs. J. J. Brice of California. All the Pacific Coast Congressmen voted against bonds to-day, except Maguire, and he being absent was paired against the bill. Maguire is making single-tax speeches in Delaware. Loud returned from Massachusetts in time to vote to-day.

The following named California post-offices will become Presidential on January 1: Azusa, Monrovia, Perris, South Riverside and Whittier.

Senator White has been appointed to serve on the following committees: Commerce, Finance, Territories, Irrigation, Coast Defenses and Transportation Routes to the Seaboard.

The Postoffice Department has ordered the branch postoffice station D. Oakland, to be removed to 1154 East Fourteenth street.

Pensions have been granted as follows: California: Original—Robert Welsh, Soldiers' Home, Los Angeles. Original widow—Ella V. Hannum, San Francisco.

Oregon: Original—Albert Francis, Mount Angels. Fergus L. Mintie, Oswego. Additional—McCollum Russell, Independence.

CRY LOUDLY FOR HELP.

Letters Tell of the Horrors in Armenia and Cruelties to Christians.

Survivors Who Are in Danger of Perishing From Exposure and Starvation.

WASHINGTON, D. C., Dec. 28.—The following letters, containing the first news from natives of Armenia to have just been received here. The names, which are omitted in publication for prudential reasons, are given in the original letters:

HARPOOT, ARMENIA, Nov. 20, 1895.—Having passed through many an ill, some of us live, though in extreme destitution. Moslem plunderers and murderers stripped us of everything, so that we have been in need even of a morsel of bread, since we are wounded. A young girl of 16 years was cut to death because she would not yield to them; her brother-in-law was shot.

Speedy help, bed, coverlets, etc., everything gone. We hardly found a little herbage to live upon in Armenia to Mohradistan. In a village with 600 Armenians, a mile off from the city of Harpoot, seventy-five persons fell in the massacre. It is very dangerous to get out.

The Turks threaten death. Churches, schools and many houses are burned. Many have turned to Mohammedanism by force. The streets are filled with corpses. There has not been a village left unburned. Oh, help us, for Christ's sake. The loss of the missionaries here has exceeded 25,000 Turkish pounds (equal to \$100,000) and the number of Christians is being exterminated. Their houses and domestic animals have been taken away from them. The Armenians in Sar Valley were attacked and plundered, and most of them put to the sword. Every village is destroyed. Everywhere governmental instructions are given to Moslems secretly to kill and exterminate the Armenians.

There is no doubt that unless there should be an effective and immediate intervention from Christian powers, Christian Armenians would not be found, as every one of them will be a victim to the sword of the fanatical followers of Mohammed.

In Marash the first two martyrs were the most holy, wealthy and very prominent men. The massacre in Marash was terrible. Thousands of them were indiscriminately slaughtered—men, women and children. Many Christian women and children who were sheltered in the massive church buildings were attacked and killed, and youngsters between the ages of 12 and 20 were seized and left merclessly in the hands of their captors.

Many provinces of the country are in this condition, and those who are spared need the help of money and prayers of Christian countries. The loss of the missionaries, though great (\$50,000), is confined only to property. They who live cannot leave their hiding-places either day or night.

We dare not write things in detail on account of fear as our sisters and brothers and the writers punished. If help does not reach us soon we will perish of starvation in the cold winter.

LONDON, ENG., Dec. 28.—A dispatch from Constantinople to the Central News says that the United States has demanded from the Porte the payment of a large indemnity for the losses sustained by American missionaries through the action of the mobs in Asia Minor.

To Travel With Rich Ore.

DENVER, COLO., Dec. 28.—A large party of prominent Colorado business men will accompany an escort to I. B. Porter of this city, who has been chosen president of the New York Mining Stock Exchange, when he goes to that city to fill the office. The party will travel in a special train of unladen cars, and will carry \$1,000,000 worth of ore, besides a big load of pure gold, protected by armed guards. The party will attend the first call on the New York Exchange.

MIDDLEMISS' ALIBI.

He Told the Truth When He Offered to Prove an Alibi.

HELPED BY A POLICEMAN

Not Among the Bold Bad Robbers on the Ingleside Car Line.

PAT WELCH WAS ALSO ABSENT

Officer J. L. Stoddard, Wearing Star No. 415, Comes to the Rescue of the Prisoners.

John F. Bronner, a resident at the Palace Hotel, is in thorough accord with Captain Lees of the Police Department and believes that the three men now in custody are the villains who nearly scared him to death last Wednesday night, when they shot Cashier Clark and carried away the day's receipts of the Ingleside track bar, as they were being conveyed to the City on the new electric road.

Bronner, like a score of other people who were taken before the prisoners' cell, could not recognize them by their features, because on the night of the hold-up the robbers had their faces covered by handkerchiefs; but the general make-up of the men, together with the fact that they were in detention, gave him the impression that they must be the real culprits.

In pursuance of this and at the suggestion of the police, Mr. Bronner yesterday swore to a complaint charging Fred Gardner, Patrick Welch and Joe Middlemiss with robbery. The men were regularly booked in the City Prison and Judge Conlan placed them under \$20,000 bonds each. This they have been unable to secure and they are still in durance vile.

Captain Lees feels morally certain these men are guilty; that they deliberately planned the robbery, and that they were intent upon being successful in it, even at the cost of one or more lives.

Chief Crowley agrees with Captain Lees in this belief, and most of their subordinates make it a point to keep mum on the subject, or else agree with their superior officers. There are a few, however, who manfully declare their belief that at least one of the accused men is innocent.

This Ingleside robbery furnishes one very pointed case which illustrates the amount of wrong and hardship that can be done by the fear of placin' one's self prominently in opposition to the dictum of a superior. Here are three men thrown into a dungeon, under heavy bonds, and heralded to the world as accused of a most outrageous crime. At the same time, one of these men—Joe Middlemiss—has as clear an alibi as if he had been in the Police Commissioners' room, with these gentlemen present. Still, he suffers the ignominy of incarceration, without an effort being made to liberate him and right him in the eyes of the public.

Captain Lees stated yesterday afternoon to a CALL reporter that he did not propose to discuss the case through the newspapers. He had caused complaints to be filed and he would rest the cases with the court. Captain Lees should know now, for he has been told by one of his own men, that Middlemiss could not possibly have been one of the men who held up the Ingleside car when nearly \$2000 was stolen and two men shot.

In explanation of this it must be said that Middlemiss, not Gardner, as erroneously published yesterday, is the man who claimed to have come in town from the track on Wednesday afternoon some time prior to the robbery. He said in a straightforward manner that he was quite drunk and had been put off the car. He waited until the next one came along and essayed to get aboard. His condition was very apparent and the conductor was inclined to wave him off. At this juncture, so Middlemiss claimed, when cross-questioned by Captain Lees, a police officer told the conductor to let him alone and he (the officer) would see that no harm came to the "drunk."

Middlemiss felt very grateful for this act of kindness and in his muddled brain decided to remember the name, or at least the number, of the kind officer who saw him safely as far in town as Fourth street. All he could remember was officer 413. He was sure that was the right number.

Captain Lees sought out No. 413 and found that Officer Rourke bore that star. As Rourke was entirely away from the Ingleside, working in the North End, and as he has ceased wearing his star or uniform since he has been hunting by the North Beach fiends, the conclusion was immediately reached that the prisoner was telling a falsehood.

This impression went abroad, and to nearly everybody Middlemiss and his friends who were captured on the ocean beach by a dozen clever detectives last Thursday night, were guilty beyond any reasonable doubt.

Besides the actual culprits in the robbery, there were a number of men who knew differently. One man especially—Officer Joel L. Stoddard—of Captain Gillen's Seventeenth-street Station, knew positively that Middlemiss had absolutely nothing to do with the case and should be liberated.

Yesterday he called on Captain Lees and told him what he knew, and it was concerning this story that the Captain was adverse to giving out any information on the ground that the case was in court and he did not want to discuss it in the newspapers.

The story told by Officer Stoddard is plain and corroborates Middlemiss in every respect excepting the number of the star he wore. Middlemiss claimed the friendly officer wore star No. 413 and Officer Stoddard's star bears the number 415—surely not a very grave mistake for a drunken man to make.

Stoddard saw the effort Middlemiss was making to be accepted as a passenger on the car. He saw that the bemuddled fellow was far from the center of town, and that he was likely to get hurt trying to board rapidly moving cars, so he kindly volunteered to take charge of him, keep him quiet and land him safely at Fourth and Mission streets, which he did. During all the trip the policeman had Middlemiss safely pinioned up against a stanchion of the car, and that very same car is the one which left Ingleside track twenty minutes before the robbery occurred.

An odd feature in connection with the Middlemiss affair is that on the same car which brought him and Officer Stoddard

in town was Assistant Secretary Cullen of the Pacific Coast Jockey Club. He had a sack like the one stolen by the robbers, but containing about \$6000, the receipts of the association for that day, counting the gate receipts and those from the book-makers, who pay \$100 for each day's privilege to sell pools.

Cullen carried the sack, and as he is a particularly careful observer he noticed the drunken Middlemiss and the kind attention of the policeman.

Right alongside of Cullen was another man—big, burly and of determined men. This man, who is known commonly as "Billy," but whose real name is A. W. Detwiler, is one of Harry N. Morse's choice guardians of the commonwealth.

It has been his duty ever since the Ingleside track opened to escort Mr. Cullen and the association's funds safely into town. This special officer also saw Middlemiss and Officer Stoddard on the car, and he stated yesterday to a CALL reporter that the car they were on left Ingleside fully twenty minutes before the robbery occurred.

As to Patrick Welch, the red-mustached fellow who is still regarded by the police as the captain of the robbers, it seems to have been established fact that he could not have been in the hold.

Tuesday night he rode into town from the track on the same car as Charles Stevens and Frank McLean, two barkeepers now employed by Joe Parker of the Bay District track. This is the night before the robbery took place. Welch was very much under the influence of liquor, and fell from the car, receiving numerous scratches about the hands and bruises about the body, which the police regard as evidence that after escaping with the stolen money he ran into untold barbed-wire fences and posts.

The next day Welch was still drinking heavily and at night, when the robbery was taking place, Stevens and McLean again were mainly drinking off the fumes of the liquor in a comfortable seat at the People's Palace. Thursday morning and afternoon, twelve hours after the robbery had been committed, Welch attended the reopening of the California Jockey Club's races at the Bay District track. He was still under the influence of liquor, and, as Stevens puts it, "dead broke." It is not likely that, as treasurer of a gang of robbers who had captured nearly \$2000 and who had abstracted nearly \$750 from the sack before burying it, he would be around his usual haunts and asking stable-boy friends for small loans to buy more liquor.

As to Fred Gardner, he is a simple-minded lad, and his inability to enter into any scheme so violent as is contemplated is vouched for by Attorney George A. Knight and Senator McGowan. Both these gentlemen know him well. There is absolutely nothing to connect him with the robbery, and he explains that the only reason he and Middlemiss were out on the beach when they were arrested is that "Joe," as he calls his friend, was ill after his debauch, and they had taken one of many like trips under similar conditions, as "Joe's" only idea of a good thing to sober up on was a good breath of cool salt air.

Gardiner's two sisters from Alameda learned for the first time yesterday morning of the robbery, and his brother learned himself. They are highly respectable young women and came over to offer the lad what consolation they could give.

Secretary Leake, as well as other officers of the Pacific Coast Jockey Club, is of the opinion that the real robbers are not in custody. He stated yesterday that the reward of \$1000 offered by the association for the capture and conviction of the robbers still held good.

It is likely that at the next meeting of the board it will be decided that the book-makers at the track will hereafter have to pay their privilege fee in at the secretary's office in the Palace Hotel, instead of at Ingleside. This has been suggested by Captain Callundun of Morse's Patrol, who is in charge of the policing of Ingleside. This will eliminate the element of temptation to commit highway robbery where custodians of money have little chance to defend themselves.

SHUT OUT UNION MEN.

Why a Boycott Was Placed on the American Tobacco Company.

ST. LOUIS, MO., Dec. 28.—The National Tobacco Workers' Union yesterday set forth in a circular to the public the causes that led to the boycott placed upon the products of the American Tobacco Company. The circular states that the trouble arose in the J. G. Butler factory in this city when it was purchased by the trust.

The trust, organized in 1883, had in the possession of the factory, and had all through maintained its integrity as a corporation while claiming rightful possession of the mines.

George A. Hill, the secretary, stated yesterday that the trust had had a long condition for entering at once into the trust at law in Mexico, and in the course of a week, or at most two weeks, legal papers would be filed. Thomas M. Osmond is attorney for the company, and he is the assistance of counsel in the interesting contest. Their contention is that Daniel M. Burns obtained possession of the Candelaria mines through representing to the Mexican Government, and the people here, that he was the owner of the mines. He was acting as superintendent and operating the mines for Columbus Waterhouse with at least twenty-five men. This the company's counsel assert was an unlawful proceeding, and therefore, Burns did not secure rightful ownership of the fabulously rich silver mines in Durango.

HONORED THEIR CHIEF.

Improved Order of Red Men Hold a Banquet at Golden Gate Hall.

The Improved Order of Red Men gave a banquet at Golden Gate Hall last night in honor of the visit of Andrew H. Paton, the great incohonee or head of the order in the United States.

The occasion also witnessed the exemplification of the improved ceremony connected with the first degree given by the order. For several years an attempt has been made through friendly rivalry of the different tribes to produce an ideal ceremony, and last night representatives of five local tribes took part in exhibiting the best results yet attained.

During the banquet the following toasts were responded to: "The Great Council of the United States," A. H. Paton; "Grand Council of California," H. Chase; recitation, Colonel A. Lichtenstein, Timothy Lynch, Johnson Loren; "Our Order," J. G. Smith; "Endowment," F. Brandt; "Our State," A. K. Stevens; "Our Sister Reservation," T. B. Eckman; "The Judiciary and the Order," George Campbell; "The Press," C. H. Kimball.

During his remarks on the press C. H. Kimball referred in complimentary terms to THE CALL, saying it has been a great aid to the order in the character and scope of news furnished, the Red Men particularly.

DAN BURNS MUST FIGHT.

A Legal Battle to Be Started in the Federal Courts of Mexico.

FOR THE RICH LA CANDELARIA

Stockholders of the Old Corporation, in Annual Meeting, Decide on Prompt Action.

The long deferred contest over La Candelaria mines in Mexico has at last passed the contemplation stage and those directly interested declare that the fight for ownership will be commenced immediately.

As is generally known to people in California the Candelaria mines are now in possession of Colonel Daniel M. Burns, who is fast accumulating incredible riches from those mountains of silver in Durango, Mexico, and it is quite as widely understood that these selfsame mines have a history bristling with infamy, the equal of which may not be found in the records of any other mining or land scheme on the whole Pacific Coast, Mexico included.

It has its Monte Cristo. It is a romance stranger than fiction, with wealth—almost untold wealth—above all else, for the motive and intrigues and machinations for the hopelessly tangled plot.

And now at this late day, after more than thirty years of desultory conflicts, political as well as legal, with all that the world political in these things signifies, a general and final effort is about to be made by a band of determined men, backed with ample capital and able legal talent, for possession of the celebrated mines.

Such action is not altogether a thing of yesterday, though it was more definitely taken up and decided yesterday. The Candelaria Mining Company held its annual meeting in the morning at 530 California street, the directors, Thomas M. Osmond being used for that purpose. At this meeting the stockholders were largely represented and undertook for that reason to discuss the question of a suit at law against D. M. Burns for possession of the mining property, and they determined to go ahead with the battle.

Calvin Brown was elected president for the ensuing year and George A. Hill secretary. A board of trustees of five stockholders was also elected, but for reasons given by counsel their names will not be made public, and probably will not until the fight is begun.

The contest has progressed almost as far last April as it has done now, but at the "critical moment" A. Powell, its president, died rather suddenly. His death put the whole matter of law proceedings back. He was one of the few wealthy men left in the country who was not afraid to risk his private capital in a great contest, nor to back his money with his own personal leadership. And he was absolutely determined to enter the lists against Burns on behalf of La Candelaria Mining Company and in what he profoundly believed to be right and a just cause.

The loss of Powell was a serious setback for the company, which saw but little hope for his plans and schemes without just such another man as its president. And so the contemplated contest was temporarily allowed to lapse, although the proper papers were all in readiness for filing.

The stockholders, however, reviewed the situation carefully and elected E. A. Fraser as president to fill the vacant chair. Fraser proved to be an active officer, for everything was going along smoothly in the direction of a fight in Mexico when he followed his predecessor December 19 into the world beyond.

Affairs were in such complete order at the time of Mr. Fraser's death that little or no delay was caused, and consequently when the stockholders met yesterday they found the prospects fair for immediate procedure, and Calvin Brown was enabled to assume control of the company.

The legal battle will take place in the highest courts of Mexico, and in the federal capital itself—the City of Mexico. Notwithstanding the fairly well-known fact that various mining and corporate laws have been claimed to the Candelaria mines since they were discovered and secured by Dr. Green, the brother of Colonel Green of the Mexican army, in 1862, or around there, this corporation, which met yesterday on California street, organized in 1883, has all through maintained its integrity as a corporation while claiming rightful possession of the mines.

George A. Hill, the secretary, stated yesterday that the trust had had a long condition for entering at once into the trust at law in Mexico, and in the course of a week, or at most two weeks, legal papers would be filed. Thomas M. Osmond is attorney for the company, and he is the assistance of counsel in the interesting contest. Their contention is that Daniel M. Burns obtained possession of the Candelaria mines through representing to the Mexican Government, and the people here, that he was the owner of the mines. He was acting as superintendent and operating the mines for Columbus Waterhouse with at least twenty-five men. This the company's counsel assert was an unlawful proceeding, and therefore, Burns did not secure rightful ownership of the fabulously rich silver mines in Durango.

RAISING THE FUNDS.

Cincinnati's Efforts to Get the Democratic Convention.

CINCINNATI, OHIO, Dec. 28.—The finance committee appointed to take active steps to raise money for the purpose of securing the National Democratic Convention held a meeting in the directors' room of the Chamber of Commerce to-day.

E. O. McCormick was selected chairman, and Julius Dexter made some remarks to the effect that the committee must have \$50,000 guaranteed on which to go to work. An assessment was arranged to raise the amount, and it was estimated that it would give \$1000 and leading hotels \$1500 each.

J. M. Chesbrough, general passenger agent of the Baltimore and Ohio headquarters at St. Louis, regards Cincinnati's chances as excellent.

Many Firms Indicted.

CHICAGO, ILL., Dec. 28.—The Grand Jury to-day voted true bills against thirty-six firms and individuals, either druggists or owners of department stores that sell drugs, the indictments in each case alleging violation of the State pharmacy law, chiefly in poisoning, not registered, pharmaceuticals, and in selling them to minors. Many of those indicted to-day are prominent druggists, wholesale and retail, and Siegel, Cooper & Co. are among the department store firms which have to stand trial. The purpose of the indictments is to suppress the sale of drugs except by licensed pharmacists in a legal manner.

Steen, C. Johnson, E. Johnson, R. Smith, J. Hein, O. Jacobsen, P. S. Seymour, H. N. Hall, Henry Hoey, H. B. Sutto, C. E. Eslinger, T. E. Cochrane, J. Brenjords, Urban A. Lewis, Joseph Malone, Gus Bastienke.

SECRETARY HOLBROOK OBJECTS.

How a Society Had Its Name Taken in Vain.

Secretary Holbrook of the Society for the Prevention of Cruelty to Animals, received a communication yesterday which opened his eyes to the fact that for the last two years the name of the society has been taken in vain for advertising purposes.

And the worst of it is that the name has been used to advertise what the secretary considers a cruel and useless invention for tormenting horses.

The communication referred to came from Miss C. W. Holden of Los Gatos. The lady stated in her note that she had ordered two automatic bits recommended by the society, but having sold her horses in the meantime, she would let the society have the bits at a reduction.

Fuzzled by this communication, as the secretary recommended no bits, Secretary Holbrook turned the letter over and discovered that it had been written on a sheet, presumably sent round as an advertising pamphlet.

The sheet had one of the letter-heads of the San Francisco Society for Prevention of Cruelty to Animals. The printed letter was dated "September 23, 1893," and it ran as follows:

Dr. L. P. Britt, 57 Colgate Place, N. Y.—Dear Sir: Enclosed please find a bill for which I send me two five-inch driving bits same as last ordered. I have given the bit one trial. I used it on a confirmed puller that required two strong men to drive, they alternating as they became exhausted. After a few minutes the animal succumbed and I could drive him with slack lines. YOURS, NATHANIEL HUNTER, Secretary.

"It is true enough that Nathaniel Hunter was once our secretary," said Mr. Holbrook. "He died just six months before the date of this letter, however, if Dr. Britt got an order from him at all it came from another world."

"The thing is a forgery on the face of it, and has only been made up to advertise the bits. Mr. Hunter had a sample bit sent to him; here it is," and Secretary Holbrook displayed a three-pound arrangement of iron and rubber.

"We have had that in the office for over three weeks. Mr. Hunter tried it once, and found it cruel and useless. I remember his telling me so at the time. The fact is our name has been used merely for trade purposes, and the whole letter from Mr. Hunter is a forgery."

The matter will be brought before the board of the Society for the Prevention of Cruelty to Animals at its next meeting.

WILL OPEN MANY CELLS.

Judge Bahrs Decides It Is Not a Crime to Carry Burglars' Tools.

An Important Superior Court Decision That Seems to Be Contrary to a Federal Law.

Judge Bahrs' decision releasing James Gleason from the penalty imposed upon him in the Police Court for having burglar's tools in his possession, if sustained by the Supreme Court, will be the means of opening many a jail and prison door throughout the State. It will also place one more obstacle in the path of the police department and make the way of the house-breaker far safer.

Judge Bahrs yesterday decided that the law making it a crime to have burglar's tools in one's possession is unconstitutional and void.

This was in the case of James Gleason who was tried before Judge Low on a charge of having burglar's tools in his possession, and on his conviction Judge Low sentenced him to six months' imprisonment in the County Jail. A. B. Treadwell, his attorney, secured a writ of habeas corpus from Judge Bahrs, and upon that writ he has been released.

The law under which Gleason was arrested makes it a crime for a man to be found with burglar's tools in his possession unless he can prove they came to him honestly, and that he has no intention of putting them to their peculiar and illegal use. This state of things, Judge Bahrs ruled, is unconstitutional because it reverses the statutory presumption that a man is innocent until he is proved guilty, and also that it throws the burden of proof of innocence upon the defendant instead of the burden of proof of guilt upon the State.

The law is the same as that making the possession of lottery tickets and the possession of gambling implements a crime, and they are all claimed to be unconstitutional for the same reason.

Local authorities differ on this subject, many of them holding that Judge Bahrs' decision is wrong and in direct conflict with the Federal law which makes the bare possession of counterfeit coin or bills or counterfeiting casts and dies a crime. Many of them deplore Judge Bahrs' decision, and express the hope that the Supreme Court will not sustain his view of the law.

Notwithstanding Judge Bahrs' decision, or perhaps in ignorance of it, Judge Joachimson yesterday reconsidered his previous view of the same law, and took a stand directly in opposition to the Superior Court decision. This was in the case of Charles H. Davis