OWING THE CITY YET.

The Bay View Railroad Did Not Pay Its Car License.

A DEBT OF MANY YEARS.

A Sum in the Aggregate of $100,000 Is the Amount Said to Be Due.

THE LAW REGARDING THE CASE.

Peter Seculovich Says That He Will Get to the Bottom of the Affair in a Short Time.

"The Market-street Railway Company owes the City of San Francisco something in the neighborhood of $100,000," said Peter T. Seculovich yesterday, "and aside from that the line running from the intersection of Post and Montgomery streets, along and upon Post street to Dupont, on Dupont to Market, to Fift , to Townsend, from Townsend across Mission Creek on Kentucky street, and over Kentucky street to the San Francisco and Bay View racecourse, belongs to San Francisco, according to an act passed at the sixteenth session of the California State Legislature, an act approved April 2, 1866, and amended in parts in 1868.

"I have made this statement many times and on s veral occasions had taken advantage of legal advice and find that the law is clear on the point involved. Section 8 of 'An act granting to certain persons therein named the right to lay a railroad track along certain streets in the City and County of San Francisco,' reads:

Sec. 8. The owners of said railroad are required to sell, transf r and convey the same, together with the cars that may be employed thereon, to the City and County of San Francisco at any time after the expiration of fifteen years after the completion of the same upon a demand being made to that effect by the said City and County, and upon the payment to said parties of said City and County of the appraised value of the same, said appraisal to be made by five commissioners. * * *

"No demand was made upon the road by the City and County of San Francisco, and the franchise, which was given for twenty-five years, therefore expired. The road was completed in 1870, so the franchise had run its existence out in July, 1895, and to-day that line and its entire assets belongs to the City of San Francisco.

"That is not the least of the debt. There was a $50 license upon each car imposed in the same act, and not a cent of it has ever been paid. That section touching upon the license reads:

Sec. 10. The owners of said railroad shall pay to the City and County of San Francisco the sum of $50 per annum as a license upon each car used by them upon said railroad, which payment shall be made quarterly to the said City and County.

"There are certain ways of collecting this money, and it is the duty of the officials who are drawing salaries from the City and County of San Francisco to attend to the matter as soon as it is possible to do so. I am of the opinion that a great deal of money would be found to be due the City if some of the old statutes were gone into and something like this would be cropping up all the time.

"When the City reserved the right to purchase it was probably done so merely as a matter of form, and in such cases such rights are seldom taken advantage of. During all the years that the line has been in operation it has made a handsome thing out of it, and yet the company has never seen fit to pay the license imposed upon it by the law of California. There were not many cars on the line when it first began operations, but that part of the City has been settling up fast and it has become necessary to add more rolling stock. In the regular order of things the City's revenue would naturally be increased had the provisions of the law been complied with.

"It has been claimed that no one came to collect the money, but that does not remove the debt, and it is still due the City of San Francisco. If at any time, as I have said before, the Supervisors released the road from the debt, they had no right to take such steps, and the action would be illegal.

"I do not propose to let this matter rest until I have sifted it to the bottom and found out just what this City has coming. I am a heavy taxpayer and help to pay the officials of San Francisco; therefore I will insist upon seeing that there is some money in sight except that which is taken from the individual taxpayers. I have been in San Francisco nearly forty-two years, and feel just interested enough to fight for it until the taxpayers get their rights. It is not just that big corporations and companies should be released from their debts while we are expected to put up annually.

"If the Bay View road by any hook or crook has been released from its obligation I intend to find it out, and also who engineered the job and how it was done. If they were not released I intend to see that they pay what they owe. In either event something like a clear explanation must be forthcoming. Citizens have certain rights t at are due them, and I will get all the attention I demand when the time comes to have this matter settled. It is more serious than one would suppose at a glance, and on behalf of thousands of other taxpayers I want to know what is to be the result. There is more yet to come of this question and I have got plenty of time to fight it out to a finish."

NEW MOVE BY STATELER.

Counter-Suit Against Trustee Chetwood in the Federal Court.

Asks That Himself Be Declared Agent and That the Bank's Affairs Be Wound Up.

A new move has been made by Agent Thomas K. Stateler in the California National Bank case. Not very long ago Special Trustee John Chetwood Jr. of the bank brought an action in the United States Circuit Court to enjoin Stateler from acting as agent. To this a voluminous answer was filed by Mr. Stateler, averring that Mr. Chetwood was conducting the litigation for his own personal interests and not those of the bank. Reply affidavits were filed by Mr. Chetwood in self-vindication.

Now Mr. Stateler has begun a countersuit in the same court to have himself judicially declared the bank's agent and to wind up the affairs of the bank and make a distribution among its stockholders. A bill in equity to this effect was filed yesterday.

The incorporation of the bank in 1886 with $200,000 capital stock and its failure two years later, the action of Comptroller Eckels in declaring the bank insolvent in in 1889, the election of Mr. Stateler as agent at the July 6 meeting in 1894 and the various phases of litigation through which the bank and its ex-president, R. P. Thomas, the soap king, have gone, are all gone over with precision as to details in the document.

According to the bill the old board of directors consisted of President R. P. Thomas, Vice-President R. A. Wilson, R. R. Thompson, George E. Whitney, William K. Vanderslice, Charles H. Holt and B. Noyes. Thomas held 960 shares of the stock; Thompson, 555 shares and Wilson 70 shares, aggregating a value of $158,500.

The litigation is gone over to support an allegation that Mr. Chetwood was turning it to good account for his own benefit. In July, 1890, Mr. Chetwood brou t suit in the Superior Court against President Thomas, Directors Thompson and Wilson and Receiver S. P. Young for a judgment of $400,000 damages for negligence in conducting the bank's affairs. By the referee's report in August, 1894, it was shown that the bank had lost through the manipulations of Cashier C. E. Ramsden $197,092 91.

The charge is made that M. Chetwood withdrew as against Directors Thompson and Wilson in consideration of a judgment from them of $27,500, though they held 625 shares between them of the bank's stock, and the bill says that both Wilson and Thompson were men of large means, Thompson being worth $1,500,000, and that the judgment of $166,919—the balance as against the three joint feasors—could have easily been collected from Thompson alone, whereas Thomas was a man of doubtful means. The charges frequently made that Chetwood, unknown to Stateler and the bank's directors, managed to obtain $560 16 for expenses and $8000 as attorney's fees on orders from the court and subsequently another $1000 out of the judgment against Wilson and Thompson, leaving only a balance of $16,939 84 for the bank, are reproduced in the document.

By the court findings of November, 1894, the net loss to the bank, after deducting the judgment of $27,500, was figured out to be $139,419, for which judgment was rendered against Thomas, an appeal from which is now pending.

The Thomas insolvency proceedings in the Alameda County Superior Court are not overlooked, nor the suits against Thomas for his $40,000 homestead and against the Standard Soap Company. T e suit to collect the Ramsden note of $2431 85 is also mentioned.

The purpose of calling the court's attention to all this litigation is to endeavor to show that Chetwood has constantly opposed Agent Stateler in the courts. Stateler once applied to the Superior Court of this county to have the funds of the bank turned over to him, but the court refused to do so. In nearly every case appeals have been taken to the State Supreme Court.

OAK-STREET CARS CEASE.

The Market-Street Combine Abandons a Portion of the Cable Line.

Electric Cars From the Park to Fillmore Street—No Chance for Opposition.

No more cable-cars are to run on Oak street.

The last car finished its trip into the carhouse yesterday morning at 1 o'clock. A gang of men was at once put to work converting that portion of the road lying between the Haight-street entrance to the park and Fillmore street into an electric line. That part lying between Fillmore and Market streets will, however, probably be abandoned.

This action on the part of the Market-street combine will not affect its income. Lines run on Haight and Hayes streets, either of which can accommodate the travel.

There is little danger of any competition. All the available streets have been closed, while the cross lines at Fillmore and Devisadero streets connect the lines running to the ferries, and further obstruct the construction of any n w lines. This makes the combine sure that it can do away with the line and save itself expense at the cost of the convenience of the riding public without danger of having new lines come in.

The retention of a portion of Oak street makes this still more certain. Haight street is controlled by the combine its full length. Page street is controlled from the park to Devisadero street. Fell street is occupied for several blocks at each end. Hayes street is controlled through its entire length. With a line on Oak street, from the park to Fillmore, any new line is barred from coming in to furnish convenient transportation for those living along the street.

Superintendent Vining was not inclined to be communicative on the subject of the cessation of travel on Oak street.

"I can't say whether the line will be converted into an electric line from Fillmore street on to Market or not," he said last night. "We are going to make an electric line from the park to Fillmore street, though. In this way we will connect with the Fillmore-street electric line.

"Men are at work there now and traffic will not be stopped long. If you want to know whether the line is to be continued from Fillmore street east you will have to see Mr. Welsh, who superintends construction."

Mr. Vining was also not sure as to transfers. He thought the Oak-street cars would transfer with the Fillmore-street cars. He was not prepared to say anything as to the probability of the franchise on Oak street, from Fillmore to Market, being abandoned, because he did not know whether the electric-cars would run the full length of Oak street or not.

A GREAT SUCCESS.

O'Brien's Midwinter Clearance Sale Is Sweeping Everything Before It.

Yesterday J. J. O'Brien & Co.'s great midwinter clearance sale commenced its second week with a crowd that taxed to the utmost the vast capacity of the firm's mammoth establishment at the junction of Market, Jones and McAllister streets, any single aisle of which exceeds in area an ordinary dry-goods store.

These annually recurring sales of "O'Brien's" have become an established feature of the dry-goods trade of San Francisco, and are eagerly looked forward to and waited for by shrewd buyers as opportunities to replenish supplies at a great saving over ordinary prices.

That the present sale outrivals any of its predecessors in this respect all CALL readers are fully aware, for the firm's immense advertisements quote reductions that are simply astounding, and those of last Sunday seemed almost incredible when the styles and qualities offered were taken into consideration.

But though "almost incredible," it was evident that the thousands who responded found the advertised reductions fully substantiated in the bargains offered, for when the store was visited in the afternoon it was almost impossible to get near a counter so great was the rush of buyers.

During a few moment's conversation with Mr. J. J. O'Brien, the genial head of the firm, it was learned that the sale to date has been the most successful of any yet held; but, as he said, this success is fully warranted by the unusual attractions offered, for there is not a single article in any department that has not been marked down to sacrifice prices in pursuance of the firm's determination to make a clean sweep of all surplus stock before taking their annual inventory.

Street lighting costs $2,800,000 in London, $3,500,000 in Paris and $800,000 in New York. Gas was introduced in London one year in advance of Paris. Eight years later it was introduced in New York.

THE RATE WAR OPENED.

Beginning of the Contest Between the People and Railroad.

PONDEROUS AFFIDAVITS READ.

The Southern Pacific and the Commissioners Now Before Judge McKenna.

After numerous delays and an extraordinary amount of difficulty over legal technicalities the injunction suit of the Southern Pacific Railroad Company against the Railroad Commission in the matter of a new freight-rate schedule was begun in the United States Circuit Court yesterday morning before Judge McKenna.

The matter, already so widely published and discussed and involving affairs of tremendous moment to the people of the State, brought out a distinguished gathering of le al lights and a comfortable crowd of others, who were also interested in the issue. Few expected that the case would begin without some more preliminary skirmishing, but they had an agreeable disappointment in store. Everything ran along from the start with admirable smoothness, although Robert Y. Hayne tried unsuccessfully to secure a brief delay. The request was denied and the great contest was soon well along in its first stages.

The proceedings were begun in the room usually occupied by the United States Court of Appeals. Attorney W. H. Herrin was early on th ground prepared to show what sort of rights the railroad company desires acknowledged. With him were Lawyers Garber and J. C. Martin. Attorney-General Fitzgerald was supported by W. W. Foote, Robert Y. Hayne and John C. Daly.

H. S. Foote, the United States District Attorney, was present representing the Government as intervenor. The only member of the Railroad Commission who appeared was Chairman La Rue.

When court had been convened Attorney Hayne of counsel for the Railroad Commissioners addressed Judge McKenna upon the matter of a continuance.

"If the court please," he said, "we must ask that this amended bill of complaint be stricken from the record if we are to proceed with the case to-day. It was not filed until last Saturday and we have not had a reasonable time in which to prepare ourselves in regard to it. If it is admitted at this juncture we must ask your Honor for a delay of at least two weeks."

"There have been quite a number of delays already," Judge McKenna replied, "and none further can be granted. The court has accommodated its business to this case three times and cannot further inconvenience itself and other litigants who have a right to be heard in their proper order."

Attorney Herrin explained that, so far as the complainant was concerned, there had been no intention of introducing into the case any new matter with which the defendants were unacquainted. There was nothing of a new character in the amended bill of complaint, he said, for, in effect, it was simply a compilation or combination of the points in the original complaint and in the amendment previously introduced. It was designed to show the financial condition of the lines operated in California as apart from those in the system outside of the State. Mr. Herrin also reminded the court that the amendment to which there now was objection had been submitted in due legal course and in proper order, and to the manner of its introduction there had been no protest.

At this time the court suggested that the amended bill might be withdrawn for a time without any prejudice to the privilege of the complainants to introduce it again. Mr. Herrin was not disposed to adopt this suggestion and asked if it might not be permitted to remain with the agreement that he would make no use of it in proceeding with the suit until the defense should have ample opportunity to become familiar with its features.

The Railroad Commission lawyers vigorously objected to this proposition, and Judge McKenna again suggested that the best thing to do would be to withdraw the amended complaint for awhile. While upon this subject the court hinted rather pointedly that it might be a wise thing if the attorneys for the railroad complainants acted upon his suggestion. He declared that if it were not withdrawn he was not sure that he had the right to order it stricken out, but he did know that he could dissolve the temporary injunction which he had already granted the complainants. This put a new aspect on the matter and the amended bill of complaint was promptly withdrawn.

The case began with the reading of the plaintiff corporation's original bill of complaint by Mr. Herrin. The bill was a paper of ponderous proportions and the reading consumed a good part of the morning session. The bill set forth the amount of the railroad company's bonded and other indebtedness, the interest paid annually, the cost of operating the system, and innumerable other items affecting the financial condition of the corporation. This was followed by a recital of the various reasons because of which the court is asked to restrain the Railroad Commissioners from reducing the freight rates to an extent that would, it is alleged, materially injure the business of the railroad company.

The complaint then went on to tell that the roads now being operated by the Southern Pacific Company, including besides its actual property its various leased lines, are being conducted, and have been for years, on the most economical plans possible. Particularly had a very great regard been manifested for the rights, convenience and safety of the traveling public. The proposed reductions, the complaint reads, would reduce the income of the company to such an extent that its lines could not be conducted properly.

The number of miles of road and the statement of the company's bonded indebtedness, the annual interest and operating expenses, were also touched upon in an amendment to the complaint proper. In the amendment it was also set forth that the receipts of the system in California for the year 1894 showed an excess over the expenditures of $434,497 05. Had the proposed reduced rates been in force, however, during the year 1894 the total receipts would have been reduced by at least $1,775,000, which would, of course, have made a deficit of over $1,300,000.

The company's legal representative then referred to the charges made some time ago to the effect that Railroad Commissioners La Rue and Stanton had taken a pledge before their election to reduce railroad freight rates. This action on their part, he declared, had disqualified them from acting as members of the Railroad Commission. The objection was also made to Commissioner La Rue that he is a heavy shipper of freight, and has a personal interest in the reduction of railroad rates. The conclusion of the bill was the formal application for a writ of injunction forbidding the Railroad Commissioners from interfering with the rates as now scheduled.

The bill of complaint was supported by a number of affidavits signed by officials of the plaintiff company. Among them were Assistant Secretary Klink, Assistant General Manager Curtis and General Freight Agent Smurr. When these were finished a recess was taken.

The afternoon proceedings were barren of any enlivening incidents. The session was entirely devoted to the hearing of a few more long and ponderous affidavits. Attorney Herrin first read affidavits from the company's officials, principal among them being Vice-President Stubbs. All of these papers set forth that there has been no appreciable increase in the company's business during any recent period, and that the rates charged for the transportation of grain and other commodities are scheduled to meet the actual cost of such transportation. There had been frequent deficits and a generally discouraging condition of affairs. The charges for the carrying of passengers, like those of freight, were just and reasonable, and any sort of reduction at this time would work an incalculable injury to the complainant in the action.

Attorney-General Fitzgerald next began the reading of a long series of affidavits. The first, and in fact the only one so far read, was that of Railroad Commissioner La Rue. It was generally designed to controvert the statements which had been made in behalf of the Southern Pacific Company, and was an elaborate denial of the assertions made by the complainants. It was denied that a reduction of rates would work any hardship, but would rather relieve the people of California from an unjust and unreasonable tax. Referring to the affidavits of the company's officers, Mr. La Rue declared that they were speculative and problematical in statement, and were based upon no substantial facts. They were not based upon the past, present or future conditions of the railroad, and were unworthy of consideration as evidence.

He declared further the statements that freight rates had been scheduled by the company with regard to fairness and consideration were untrue. In many cases charges were far in excess of the cost of transporting. If at times, he said, the company had made reductions, it was invariably for the purpose of crushing out threatened competition. Special rates had been made in favor of persons and places, and were unjustly fixed for the masses of people in California.

The affidavit then went on to explain that the Railroad Commissioners had jurisdiction in this case and had fixed the rates, not arbitrarily, but after careful investigation and discussion. La Rue denied that he had subscribed to any pledge to reduce rates, but asserted that he had acted fairly and conscientiously. Proceeding, he explained numerous features of the business management of the railroad company and its financial condition. He said that he had extensive knowledge of the farming and shipping interests, and that on account of the general depression in 1894 it is not proper to take that period by which to judge of the company's income. If, he declared, the present rates are allowed to stand the people of California will suffer the loss of $1,500,000 annually, which would be the excess over reasonable charges.

A second affidavit of Mr. La Rue was begun, but before it was finished the court adjourned until 10:30 o'clock this morning.

AT HOME AND ABROAD.

Work of the Missions Considered at Preachers' Meetings.

A Japanese Who Sold All He Had and Gave It to the Poor.

Rev. G. W. Lyons of Haywards addressed the Presbyterian Ministerial Association yesterday on "Methods of Evangelization," his remarks having especial bearing on the methods of the Board of Home Missions.

The speaker stated that the present methods of the board are not conducive to the highest development of the work. Particularly in California did he consider that a beneficial change would be made if the local synod took charge of its own home mission work.

Rev. Dr. Minton, in discussing the paper, said: "Out here we are Presbyterian paupers. New York is pouring money in here every year. It would be a grand thing if we could pay our own expenses, but we cannot."

Rev. Dr. Mathena indorsed Mr. Lyons' suggestion and repudiated the imputation of pauperism on the grounds that the Presbyterian church is one of the richest denominations on the coast.

"It does not matter how rich we are, I refer to what we put down for our work," said Dr. Minton. Dr. Mathena said that the church had squandered millions of dollars in this State, and he gave it as his opinion that with the aid of the Young People's Society for Christian Endeavor the California synod would become self-supporting.

Rev. Dr. Shearer explained the working of the Home Missionary Society, saying that the central committee distributes the money subscribed by the whole church.

The following officers were elected for the coming three months: President, Rev. E. E. Clarke; vice-president, Rev. H. N. Bevier; secretary and treasurer, Rev. James Woodworth. Executive committee—Rev. T. R. Farrand, Rev. H. N. Bevier and Rev. G. W. Lyons.

Baptist Ministers.

An informal meeting of the Baptist Ministerial Association was held yesterday morning, at which reports of the different churches were given by Rev. Mr. Boynton, Rev. Dr. Sunderland, Rev. F. L. Lawrence, Rev. W. H. Latourette, Rev. H. L. Dietz, Rev. George Duncan, Rev. W. E. Adams, Rev. D. L. Ward and Rev. T. M. Hill.

A report on the progress of Baptist Sunday-schools was made by Rev D. F. Ward, State superintendent of Baptist Sunday-schools. The progress reported was extremely satisfactory; twelve new Baptist Sunday-schools were reported to have been founded throughout the State during the last three years.

An announcement was made of a missionary conference to be held in the First Baptist Church, Oakland, on the 30th and 31st inst. Rev. James Sunderland will manage the conference, missionary topics will be discussed and the women's missionary work will be presented. The conference will be assisted by Rev. R. R. Williams, president of the Theological Seminary at Ramapatam, India, and Rev. T. M. Foster of China.

Methodist Preachers.

At the Methodist Ministers' Association Rev. S. Hongo of the Mishima Orphanage, Shimozuke, Japan, told in the Japanese language how he became converted in 1878, and at once became possessed of the idea that he must found an orphanage. Rev. Dr. Harris translated and stated S. Hongo was a wonderfully saintly man, who gave all his property to the orphanage.

It was also stated that he is dying of consumption.

THORNTON'S FEES.

His Case Against I. G. Wickersham Submitted to Judge Seawell.

The case of Crittendon Thornton against I. G. Wickersham to recover a fee of $3500 for services was submitted to Judge Seawell yesterday.

Arguments were made during the morning hours of court, Thornton speaking for himself and S. M. Shortridge for Wickersham. The point involved was whether Thornton was hired under under Wickersham's contract or was he simply of counsel and his fee due from Barclay Henley, the principal attorney in the case. Henley had called in the firm of Lippitt & Lippitt, and they had withdrawn in Thornton's favor.

Very Rich Indeed

In the elements that supply the human system with bone, muscle and brain substance is a circulation fertilized with the supreme tonic, Hostetter's Stomach Bitters, which begets thorough assimilation and digestion, and gives a healthful impulse to every function of the body. Dyspeptic and weakly persons give strong testimony in its behalf. So do those troubled with biliousness, malaria, rheumatism, constipation and inactivity of the kidneys.

ALONG THE WATER FRONT

Exciting Adventures of Three Yachtsmen on Larkspur Creek.

ONE WAS NEARLY DROWNED

The Harbor Commissioners Visit Dundon's Tramway and May Order It Torn Up.

Three well-known yachtsmen had an exciting experience at Larkspur yesterday. One of them nearly lost his life and the other two escaped with a ducking. Irving Graham, Frank Hines and Harry Varney may know something about sailing a yacht but what they do not know about handling a small dingey would fill a book. They all met at Corte Madera yesterday and after discussing a number of incidents that happened during last season they moved on to the boathouse at Larkspur. There Graham challenged the others to a sailing race as far as the bar and back. The challenge was promptly accepted and after the little boats had been made ready a start was made.

Before fifty yards had been sailed a puff of wind capsized Graham's boat and his friends on the bank went to his assistance. His craft was righted and he insisted on sailing out the race. He was apparently "clean out of it" until while attempting to round a bend in the slough Hines' and Varney's boats collided and both of them capsized. By the time they were ready to get under way again Graham had caught up and a pretty race from the bar home ensued. About two hundred yards from home Graham and Varney were leading but Hines was coming up fast.

In their eagerness to win the race the two leading men did not watch each other, and another collision and another capsize followed. Before assistance reached them Graham was so exhausted that he had to be hauled into the boat with a rope. Varney was none the worse for his ducking. Hines was an easy winner. All three yachtsmen have had all they want of sailing dingeys in a slough, and say that in future they will confine their efforts to the waters of the bay.

The old bark Don Carlos, owned by the late N. Bichard, was sold at auction by United States Marshal Baldwin yesterday. When Bichard died there was about $1500 due the crew, and as they could not get their money they libeled the vessel. The price paid was a surprise, as it was not thought that the vessel would bring more than $2000. Lorenzo Foard started the bidding at $1000. Cashier Brown of the Bank of California raised him $250, and after that the price rose by $100 jumps until $2500 was reached. Then Foard withdrew and Joseph Hume took up the running. When $3600 was reached the bark was knocked down to Hume. He purchased her for R. D. Hume & Co., and they will refit her and put her in the cannery trade.

There was a little excitement around the Merchants' drydock yesterday over the steamer Bonita. When on the ways it was seen that her keel from the stem forty feet aft was out of plumb, and at first it was thought her back was broken. The dock people said that it had not happened while the steamer was being put on the ways, and Superintending Engineer Cosgrove of the Pacific Coast Steamship Company said it had. Captain C. Miner Goodall, on behalf of the steamer, and Captain Thayer, on behalf of the Merchants, made an examination and came to the conclusion that the damage had been done some time ago. About nine months ago the Bonita ran on the rocks near Carpenteria, but was got off. It was not thought that she was damaged, but Captains Goodall and Thayer are of the opinion that it was on that occasion that the keel was injured.

R. Gerlich, who keeps a saloon at 237 East street, got into trouble with the harbor police. Just as the Oakland passengers were landing from the 1:45 P. M. boat he got out on the sidewalk and began cursing and swearing in a most foul-mouthed manner. Officer Charles Callaghan heard him and attempted to place him under arrest. Gerlich showed fight, and soon he and the policeman were rolling in the street. Finally Callaghan got the handcuffs on his man, but he could not get him to move. Officer P. A. Mahoney came to his assistance, and between them they got Gerlich started for the Harbor police station. Crossing Market street the prisoner swung his arms and struck Mahoney in the face with his handcuffs. He made another swing and struck Mahoney on the hand, lacerating the thumb and almost breaking the first finger. At the station he was charged with vulgar language, disturbing the peace and battery.

The Oceanic Steamship Company's Alameda will not get away until Friday next at 2 P. M. The English mails are a day late and the steamer will have to await their arrival.

Captain Johnston of the steam schooner Whitesboro says his vessel has the best record of anything in the coasting trade. During the past year the steamer made fifty-two round trips, principally between Port Los Angeles and Whitesboro.

The American ship Benjamin F. Packard secured a crew yesterday and will probably sail to-day. Captain Allen was compelled to pay $20 a month and $40 advance, as none of the men on the "beach" would sign for less. The Independent Boarding-masters' Association put the sailors aboard and not a cent of shipping-masters' fees were paid.

The Harbor Commissioners paid a visit to P. F. Dundon's tramway yesterday. They are not at all pleased with it nor with the manner in which the ex-Supervisor has taken the law into his own hands. As stated in yesterday's CALL Mr. Dundon is likely to have a bad quarter of an hour today. The cars to be used are V-shaped and in consequence the space between the rails cannot be filled in. President Colnon thinks this a fatal objection and the chances are that the rails will be ordered torn up.

At the usual weekly meeting to-day the Commissioners will open the bids for the tearing down of the outer 260 feet of Powell-street wharf. It has been found to be a menace to navigation and useless as a place for docking ships.

HELPING THE FALLEN.

Touching Example of Christian Charity Manifested at the Beulah Home.

The Salvation Army Rescue Home in Beulah was the scene of a peculiar assemblage last Saturday night. The officers had invited the friends of the institution to spend the evening socially with the inmates of the home, whose lives have banished them temporarily from society. A very enjoyable evening was spent and some affecting scenes were witnessed.

To see pure, refined and delicate ladies mingling in cordial fellowship with their fallen sisters and without affectation rendering a helping hand to restore them to a useful and happy life is a sight that inspires confidence in humanity. Among the guests was Mrs. Mills and several of the teachers of Mills College, who pledged themselves to assist in carrying on the school that Mrs. Carrie Judd Montgomery said should be started.

As some of the girls were but 12 years old when they entered the home, and as others who are older have not had the advantages of a common-school education, it has been thought best to establish a school for teaching the simpler branches, such as reading, writing, etc.

A committee was appointed to arrange for a regular course of instruction. Captain Wagner, who is in charge, said the results of the rescue work have been very gratifying. But few of those who have passed through the home have returned to their lives of vice and many have become Christians. Among t e latter some have gone out to work for the salvation of those from whose ranks they so recently came, and others are planning to do missionary work.

A MISSIONARY SCHOOL.

A New Organization to Spread Evangelical Work.

A missionary extension school for city, home and foreign missions will be opened on the 8th inst. in the Y. M. C. A. building.

The organization has secured a large room in the building for headquarters. The school is interdenominational, its object being to train all young men and women of evangelical churches for Christian service. Miss Mindora L. Berry is the president, and among those who will give addresses are the following well-known speakers: Rev. E. S. Chapman, D.D., Rev. E. R. Dille, D.D., Rev. J. Sunderland, D.D., Rev. W. W. Case, D.D., Rev. Robert Mackenzie, D.D., Rev. Robert Whitaker, Rev. J. S. Carroll, D.D., Rev. William A. Gardner, Mrs. Carrie Judd Montgomery, Rev. H. N. Bevier, Mrs. M. P. Ferguson and others.

The superintendent and all the lecturers will give their lectures gratis.

TRIED TO HANG HIMSELF

The Desperate Deed of Samuel Thompson, the Aged News-Dealer.

He Is in Prison Waiting a Hearing for Felonious Assault Upon Little Girls.

Samuel Thompson, the old news-dealer charged with felonious assault upon girls of tender years, attempted to commit suicide in his cell in the City Prison, early yesterday morning, but like that of Eugene Pardini, the attempt was unsuccessful.

Thompson was arrested on Decembsr 23, and five charges were registered against him. He was to have been arraigned in Judge Conlan's court yesterday morning, but the cases were continued.

He had been acting queerly for some days, and Captain Robinson specially instructed the "trusties" to keep a careful watch over him. On Sunday afternoon, while members of the Salvation Army were conducting services in front of his cell, he suddenly made a rush at the iron bars with lowered head, but was seized by the other prisoners and soon regained his composure.

About 4 o'clock yesterday morning, while the other prisoners in the cell were asleep, Thompson tore up his under garments and tied and twisted them into a rope with a noose on one end. He tied the other end to the bars above the cell, adjusted the noose round his neck and jumped from his cot. His heavy breathing attracted the attention of the "trusties," and they soon cut him down. In order to insure his safety from further injury he was strapped to a cot in a cell where he could be seen by the desk sergeant.

He succeeded in breaking loose from the straps that bound him and wrenched off the gas bracket in the cell, permitting the full flow of gas to escape. This was soon detected and the damage quickly repaired. He was again strapped down, but in a few hours was put back in the felony cell on his promise to behave himself.

Thompson talked in a rambling way about his attempt and his past life. He said he would not have attempted to end his life had it not been for the reproaches of the Salvation Army lassies, who told him he would be punished for his sins not alone in this world, but in the next, unless he repented.

He said that in his early life he was master of the steamer Northern Light on Lake Superior. Afterward he went to New York, where he made a great deal of money as proprietor of a dancehouse until the police closed the place and drove him out of the city. He next opened a place in Cincinnati, where he lost nearly all his money. Then he drifted to San Francisco and b gan selling newspapers. He imagines that he is a poet, and has spent most of his time writing poetry.

INNKEEPERS' LIABILITY.

Reduced to a Minimum at the Last Session of the Legislature.

JUSTICE KERRIGAN'S DECISION.

Guests Cannot Recover for Loss Unless Through the Negligence of Proprietors.

An interesting decision involving the liability of innkeepers to protect the belongings of their guests was rendered by Justice of the Peace Kerrigan yesterday in the case of Charles Freundschuh vs. Mrs. J. Villmeur. The plaintiff sued to recover the value of a dress suit and other articles of wearing apparel stolen from his room while he was residing in the lodging-house of the defendant. He relied for a verdict on the provision of the Civil Code which, previous to the last session of the Legislature, provided that innkeepers, hotel-keepers and proprietors of lodging-houses were liable for any loss sustained by guests unless by the act of God.

The last Legislature, however, in a quiet way amended this provision to such an extent that the liability of hotel-keepers has been reduced to a minimum. The section, as amended, reads as follows:

The liability of an innkeeper, hotel-keeper and boarding and lodging house keeper, for losses of or injury to personal property, other than money, placed by his guests, boarders or lodgers under his care, is that of a depository for hire; provided, however, that in no case shall the liability exceed the sum of $100 for each trunk and its contents, $50 for each valise or traveling-bag and its contents, and $10 for each box, bundle or package and contents, so placed under his care, unless he shall have consented in writing with the owner thereof to assume a greater liability.

If an innkeeper, hotel-keeper or boarding and lodging house keeper keeps a fireproof safe and gives notice to a guest, boarder or lodger, either personally or by posting up a printed notice in a conspicuous place in the office or in the room occupied by the guest, boarder or lodger, that he keeps such safe and will not be liable for money, jewelry, documents or other articles of unusual value and small compass, unless placed therein, except so far as his own acts shall contribute thereto, for any loss of or injury to such articles, if not deposited with him to be placed therein, nor in any case more than the sum of $250 for any or all such property of any individual guest, boarder or lodger, unless he shall have given a receipt in writing therefor to such guest, boarder or lodger.

The evidence in the case, which was heard several days ago, showed there had been no negligence on the part of the defendant, though it certainly was developed that the articles had been taken from the room of the defendant.

As this was the first case brought up under the new law the Justice took the matter under advisement until yesterday, when he rendered a decision in favor of the defendant in accordance with the facts.

It is said that the Southern Pacific Company, which had to pay out many thousands of dollars to guests for losses occasioned by the fire at the Hotel del Monte several years ago, as well as a number of large hotel-owners, were responsible for the passage of the amendments.

DEATH OF DANIEL MALONEY.

A Trusted Employe of the Assessor's Office Passes Away.

Daniel Maloney, who for many years past has had charge of the personal-property rolls in the Assessor's office, died suddenly yesterday at his home, 1753 Howard street, of heart disease.

Deceased was one of the best-known of the municipal officers and one of the most trusted emyloyes of the Assessor's Department. He entered the office under Alexander Badlam, and after serving that official eight years was retained by the next incumbent, Assessor Holtz. Under Nealon's administration he was deposed, but was reinstated by the present Assessor. He leaves a widow and one child as well as a host of friends.

Bohemia is so called because it was settled by the Boii, a tribe of Germans.

NEW TO-DAY.

Kelly and Siebes
Cloaks and Suits
120 Kearny St.

Gigantic Clearance Sale—Cloaks Suits—Furs.

The Annual Cape, Coat and Suit event of San Francisco. A deliberate destruction of regular prices to clear out the balance of winter stocks.

DOUBLE CAPES, Kersey or Cheviot, all wool, velvet collars, blue or black, length 24 inches, were $7, now only.. $4.00

DOUBLE CAPES, like cut, blue or black Kersey cloth, 6 rows braid and cloth straps on top cape; were $9, now only $6.50

DOUBLE CAPES, fine Boucle, 4 rows braid around collar and top cape, black or blue, 24 inches long; were $9 50, now only $6.00

DOUBLE CAPES, fine Curly Boucle, trimmed with band of stitched satin, length 26 inches; were $10, now only. $6.00

FINE KERSEY JACKETS, black or blue, the very latest styles: were $8 50, now only $5.

FINEST ROUGH-CLOTH and BOUCLE JACKETS, latest styles sleeves, fronts and buttons: were $12 50, now $7 50.

VERY SPECIAL.

150 FINE CLOTH JACKETS, big sleeves, good materials: were $15, your choice now $3 50.

200 FINE ALL-WOOL CLOTH JACKETS, black or colors: were $20, choice now $4 50.

Kelly and Siebes
Cloaks and Suits
120 Kearny St.

Gigantic Clearance Sale—Cloaks Suits—Furs.

Not "Back Numbers," but the newest, nobbiest garments in the city, reduced one-third to one-half from beginning-of-season prices.

FINE CHINA SEAL FUR CAPES, look and wear like real seal, silk lining throughout, length 24 inches; were $19, now only $13.50

27 inches, were $22 50, now $15 00
30 inches, were $27 50, now $16 50

Any of above with Black Marten Collar $2 extra.

BLACK BALTIC SEAL FUR CAPES, 24 inches long: were $13 50, now only $7.50

WOOL SEAL CAPES, Opossum edged, silk lined, 24 inches long; were ; now only $12.50

27 inches, were , now $15 00
30 inches, were , now $17 50

HEAVY TAILOR'S SERGE DRESSES, box fronts, jackets and skirts fully lined, black or blue; were $22 50, reduced to $15.

ROUGH BOUCLE-CLOTH DRESSES, box fronts, skirts and jackets fully lined, many different color effects; were $29, reduced to $16 50.

VERY SPECIAL.

275 FINE CLOTH DRESSES, box-jacket styles and full skirts, the $15 grade; choice now for $7 50.