

BRIGHT PHOENIX BEATEN.

Third to Imp. Star Ruby and Installer in a Stake Event.

LOGAN REGAINS HIS SPEED

The Flood Hurdle Stake Gathered in by Cicero, a 15 to 1 Shot in the Betting.

When early risers awakened and saw more rain falling they thought how kind Providence is to the rich, and in their minds pictured Millionaire Walter Roberts' great mud horse, Bright Phoenix, galloping in for the Rancho del Paso stake. He didn't do anything of the sort, and his failure to do so cost the race-going public, as well as his owner, thousands of dollars. The stake mentioned was one of the two special attractions offered by the California Jockey Club on its programme yesterday. It was for three-year-olds of 1895, over a mile and a sixteenth, with a guaranteed value of \$1500 to the winner. The other, the Flood stake, was for the jumping-horse division, two miles over eight hurdles, with \$1200 as the prize to the fortunate horse.

The downpour of rain again left the track in a sloppy condition and the scratches were numerous. The attendance, considering the threatening aspect of the weather, was good, and the betting livelier than for some time past. The usual reverses followed in the wake of the favorite, but three out of seven betting to the wire in the lead. Middleton, winner of the last race, was backed down from 50 to 1, and those "in on the know" made a mild "killing." Although shouldering 127 pounds, the favorite looked upon Bright Phoenix in the matter of a handicap. He backed down from 50 to 1, and when even money was posted against him in the opening betting his friends flooded the ring with coin. Gradually the price was swayed to 10 to 1, and a rumor gaining credence that he had warmed up lame in his preliminary gallop, again sent his odds back to even. A second plunge was made, and 7 to 10 were the prevailing odds around post time. A well-known jockey, who had backed the odds against Imp. Star Ruby down from 4 to 3 to 1. The Elmwood stock farm were in some demand at 4 1/2, with a straggling play on the other starter, Armetie, at 12 to 1 and 15 to 1. The race was little description, for it was virtually an end to "end affair. Doggett on the imported horse made play for the lead from the flag, and passing the stand the first time was slightly behind Installer with Doggett riding him hard. At the first turn he gained his point, and turned into the back stretch a length clear of the Brutus horse. From this on, there was practically no slight change in the positions. Star Ruby maintaining his advantage throughout and passing the wire a good length ahead of Installer, who had held on to second place throughout the running. The favorite, who seemed to lack his usual speed, and on which Miller was seen to be urging before half the distance had been covered, was a fair third. Sam Doggett rode the winner in his usual masterly fashion, being praised on all sides by the critics. The Flood stake resulted in a grand upset. Most of the coin went on April, Star Brandon, Carmel and Janus, the latter horse being a slight favorite in the betting. The chances of many of the starters were killed off at the post, there being a tedious delay of over half an hour, during which the spectators manifested their disapproval by various sorts of demonstrations. Gold Dust headed the field for over a mile, when Carmel showed in the lead. The latter horse piloted the way until nearing the bend for home the second time, when J. Owens on Cicero assumed

"THE CALL" RACING CHART.

Twenty-First Day of the Winter Meeting of the California Jockey Club. Weather Fine. Track Muddy. Day District Track, San Francisco, Saturday, February 1, 1896.

Table with columns: Index, Horse, age, weight, st., 1/4, 1/2, 3/4, Str., Fin., Jockeys, Betting, Op., Cl. Includes entries for 627, 628, 629, 630, 631, 632.

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Table with columns: Index, Horse, age, weight, st., 1/4, 1/2, 3/4, Str., Fin., Jockeys, Betting, Op., Cl. Includes entries for 641, 642, 643, 644, 645, 646, 647, 648, 649, 650.

Table with columns: Index, Horse, age, weight, st., 1/4, 1/2, 3/4, Str., Fin., Jockeys, Betting, Op., Cl. Includes entries for 651, 652, 653, 654, 655, 656, 657, 658, 659, 660.

Table with columns: Index, Horse, age, weight, st., 1/4, 1/2, 3/4, Str., Fin., Jockeys, Betting, Op., Cl. Includes entries for 661, 662, 663, 664, 665, 666, 667, 668, 669, 670.

Table with columns: Index, Horse, age, weight, st., 1/4, 1/2, 3/4, Str., Fin., Jockeys, Betting, Op., Cl. Includes entries for 671, 672, 673, 674, 675, 676, 677, 678, 679, 680.

Table with columns: Index, Horse, age, weight, st., 1/4, 1/2, 3/4, Str., Fin., Jockeys, Betting, Op., Cl. Includes entries for 681, 682, 683, 684, 685, 686, 687, 688, 689, 690.

THE BRIGHT PHOENIX BEATEN.

Judge Beatty's Important Decision in the North Star Case.

MR. LINDLEY GAINS A POINT.

Defendant May Back Up Its Claim of Extra Lateral Rights With Its Patent.

A decision of great importance to mining interests was rendered by United States District Judge Beatty of Idaho yesterday, sitting as a Judge of the United States Circuit Court at San Francisco. It was in the case of the Carson City Gold and Silver Mining Company against the North Star Mining Company. The suit is for \$25,000 damages taken out by the North Star people from beneath the surface area of the property of the Carson City Company during the three years preceding September, 1894.

Both companies own adjoining properties in the Grass Valley district, Nevada County. Evidently the Carson City company has proceeded on the theory that its property rights extended downward in a perpendicular line regardless of the natural course of veins. It seems, however, that Congress was providing for extra lateral rights, which permit mine-owners to follow from the apex the natural course of their ore-bearing veins even though it may incline beyond the perpendicular of the boundary line of another's property.

In this case the question of extra lateral rights, however, was somewhat obscured by the question of whether the owner of the extra lateral rights should be permitted to introduce his mineral land patent as evidence of those rights. When the suit came up before Judge Beatty for hearing last Wednesday Attorney Hills and Dickson of Salt Lake City on behalf of the Carson City company, objected to the admission of evidence offered by the North Star Company to show that it had simply followed the natural course of a vein.

The inclined shaft of the North Star mine extended downward to the 2400-foot level and from there quite a number of minor shafts and drifts were tunneled. The North Star people represented that in sinking their shaft they had struck more than taking advantage of their extra lateral rights by following their vein. The shaft developed into a veritable network of burrowings beneath the surface area of the old American mine, which had become the property of the plaintiff.

The evidence was in the nature of a series of elaborate models, charts and diagrams made from surveys of Charles Beatty, the defendant's attorney. Judge Beatty rejected the objection of the attorneys for the plaintiff, and allowed the evidence to be introduced. It was a great victory for Curtis H. Lindley of this city, principal attorney for the North Star people, and it may indicate that the suit will terminate favorably to his corporate client.

But apart from the question of lateral rights which is yet to be definitely determined the value of a mineral land patent is a matter of absorbing interest to the host of miners and other land-owners. Judge Beatty settled this point yesterday. He remarked in commenting his oral opinion that the patent in question was a novel one and he had no direct guiding precedent to follow.

The North Star mine's title was based on a patent of consolidation applied for in 1869 under the law of 1872, but not issued until the act of 1873 was passed. This patent covered 3140 feet of the North Star lode, with surface ground of irregular form, covering an area of about sixty-five acres. The act of 1872 gave the holder of an original claim on a lode to the extent of only 3000 feet it was manifest that the company had secured title to numerous claims by purchase and had included them in the patent. The act of 1873, and the patent was issued for the entire property without specifying the component parts. In deciding the patent to be conclusive evidence of the facts involved in the case, Judge Beatty said:

In view of the considerations as to the invulnerable character of a patent, I will avoid the appearance of egotism by any lengthy discussion of the subject. It is well known that the act of 1872 has opened up very few open avenues for successful assault upon a patent. It is itself an open and indisputable fact that the act of 1872, in those respects and of the performance of all those acts which the law declares are the conditions of its extension, has resulted in the fact that the holder of a patent under the act of 1872 is not entitled to the surface of the lode, and the patent was issued for the entire property without specifying the component parts. In deciding the patent to be conclusive evidence of the facts involved in the case, Judge Beatty said:

NEW TO-DAY-DRY GOODS.

Our GREAT MIDWINTER CLEARANCE SALE begins the month of February with some ASTOUNDING CUTS IN PRICES, in presenting a few examples of which we feel that we cannot too strongly impress the importance of this sale on the purchasing public, as IT IS TOTALLY DIFFERENT FROM THE ORDINARY RUN OF CLEARANCE SALES inasmuch as it is NOT A SALE OF OLD, UNSEASONABLE GOODS, but is a BONA-FIDE CLOSING OUT OF OUR ENORMOUS SURPLUS STOCK OF FALL AND WINTER DRY GOODS at a sacrifice that has caused our thousands of patrons to unanimously unite in pronouncing it

THE GREATEST BARGAIN-GIVING SALE EVER HELD!

- HOSIERY AND UNDERWEAR! At 20 Cents a Pair. MISSES' FINE RIBBED BLACK COTTON HOSE, double knees, heels, soles and toes, warranted fast black, worth \$4 a dozen, will be closed out at 20c a pair; all sizes, 5 to 8 1/2 inch. At 25 Cents a Pair. CHILDREN'S BLACK RIBBED FINEST UNBLEACHED HOSE, extra heavy, double heels and toes, warranted fast black, worth \$6 a dozen, will be closed out at 25c a pair. At 15 Cents a Pair. LADIES' COTTON HOSE, black boot and colored top combinations, spliced heels and toes, worth \$3 a dozen, will be closed out at 15c a pair. At 33 1/2 Cents a Pair. LADIES' BLACK EGYPTIAN COTTON HOSE, unbleached feet, high spliced heels and toes, Hermsdorf black, regular value 60c, will be closed out at three pairs for \$1. At 35 Cents Each. LADIES' JERSEY RIBBED BLACK CASHMERE WOOL VESTS, high neck, long sleeves, regular price \$1, will be closed out at 35c each. At 50 Cents Each. LADIES' JERSEY RIBBED UNION SUITS, unbleached feet, high neck, long sleeves, cream and natural color, regular value 90c, will be closed out at 50c each. MEN'S FURNISHINGS! At 8 1/2 Cents. 162 dozen MEN'S FANCY BORDERED HEMSTITCHED HANDKERCHIEFS, extra large sizes, neat designs and fast colors, worth 12 1/2c, will be closed out at 8 1/2c each. At 35 Cents. 96 dozen MEN'S AND BOYS' UNLAUNDERED WHITE SHIRTS, with double backs and re-enters all-line fronts, extra value for 65c, will be closed out at 35c each. At 75 Cents. 25 dozen MEN'S EXTRA FINE PERCALE LAUNDERED SHIRTS, with two collars and one pair cuffs to each, will be closed out at 75c each. At 10 Cents. 76 dozen MEN'S EXTRA HEAVY FULL FINISHED COTTON SOCKS, with double spliced heels and toes, in tan and brown shades, worth 20c, will be closed out at 10c a pair. At 15 Cents. 122 dozen MEN'S EXTRA FINE CASHMERE WOOL SOCKS, in sanitary gray and fancy mixed colors, extra good value for 25c, will be closed out at 15c a pair. At 75 Cents. 55 dozen MEN'S CAMEL-HAIR UNDERSHIRTS AND DRAWERS, extra well finished, worth \$1.25, will be closed out at 75c each. At \$1.00. 45 dozen MEN'S EXTRA FINE UNDYED SANITARY LAMB'S-WOOL UNDERSHIRTS AND DRAWERS, warranted thoroughly shrunken, extra value for \$1.50, will be closed out at \$1 each. CORSETS. CORSETS. At \$1.00. LADIES' SATEN CORSETS, extra long waist and high bust, firmly and closely boned, perfect fit guaranteed, black and drab, regular price \$1.50, will be closed out at \$1 each. SLIGHTLY SOILED! This week we will close out the residue of the lines of goods recently DAMAGED BY WATER in our basement, most of which are almost perfect. They consist principally of FINE BLANKETS, TURKISH TOWELS, CANTON FLANNELS and 36-INCH UNBLEACHED SHEETINGS.

MANUFACTURER'S SAMPLES! At 75 Cents. 100 dozen KID AND UNDRRESSED KID GLOVES, 4, 6 and 8 button lengths, colors and black, plain and embroidered black, regular prices \$1.25, \$1.50 and \$1.75, choice of lot 75c a pair.

Advertisement for J. J. Murphy Building, Market and Jones Streets. Includes logos for 'J. J. Murphy' and 'Waverley'.

Table titled 'Following are the highest prices during the past week.' Lists various stocks and their prices, including Alpha, Alca, Andes, Best & Belcher, Bodie, Bullion, Bulwer, Caledonia, Chalco, Chiles, Con. Cal. & Va., Confidence, Crown Point, De. Cal., Hale & Norcross, Mexican, Nevada, Ophir, Overman, Potosi, Seg., Sierra Nevada, Utah, Yellow Jacket.

BOARD SALES. Following were the sales in the San Francisco Stock Board yesterday: REGULAR MORNING SESSION COMMENCING 9:30. 100 Belcher, 27,250 Chollar, 53,300 Justice, 1,000 Andes, 18,000 Union, 100,000 200 82,200 C&V, 2,400 S. Nev., 600 Bulwer, 15,200 Exchgr., 67,000 Union, 11

THE STOCK MARKET. The past week was uneventful in mining stocks. Today, however, there was a decided reaction, showed incipient rallies, but on the whole business was quiet. Yesterday was like the rest of the week, being quiet at practically unimportant prices.

Table titled 'SATURDAY, Feb. 1-12.' Lists various stocks and their prices, including Alpha, Alca, Andes, Best & Belcher, Bodie, Bullion, Bulwer, Caledonia, Chalco, Chiles, Con. Cal. & Va., Confidence, Crown Point, De. Cal., Hale & Norcross, Mexican, Nevada, Ophir, Overman, Potosi, Seg., Sierra Nevada, Utah, Yellow Jacket.

Advertisement for Waverley Bicycles. 'Don't Expect To Learn' slogan. Includes an image of a bicycle and text about the Waverley Bicycles Co. and J. S. Conwell, Manager.

Advertisement for 1896 Ramblers. '1896 Ramblers Have Arrived.' Includes an image of a bicycle and text about the Y. M. C. A. Victoryious and the football team.

Advertisement for Ely's Balm. 'COUGHS AND COLDS' slogan. Includes an image of a person and text about the balm's effectiveness for various ailments.

Advertisement for Moffat Chemical Co. 'BLOOD-POISON' slogan. Includes text about the company's products and location at 632 Market St., San Francisco.