

FITZ GETS AN INJUNCTION.

The Courts Will Decide the Ownership of the Purse.

WYATT EARP ARRESTED YESTERDAY.

The Referee Charged With Carrying Concealed Weapons Without a Permit.

SHARKEY'S HURTS REPORTED NOT TO BE SEVERE.

A Majority of Sporting Men Still Believe That Fitzsimmons Was Robbed of the Decision and the Purse—Lynch's Statement.

The lovers of fistic sport who sat about the ring at Mechanics' Pavilion Wednesday night and saw Bob Fitzsimmons put Tom Sharkey to sleep do not and will never believe that the Cornishman fouled the sailor, and moreover, the majority of them are outspoken in their belief that Bob was robbed.

The fight and its sudden and unsatisfactory termination were the talk of the town yesterday and the peculiar train of events that led up to the fight and what followed it were passed over on every street corner and in every cafe.

The sports recalled the declaration of Martin Julian that the referee was fixed

which the management had a perfect right to do, and turn the selection of the referee over to Sharkey and Lynch.

In this issue will be found the opinions of a large number of prominent citizens on the subject of that decision.

GIBBS' EXPLANATION.

The Manager Tells Why Wyatt Earp Was Selected as Referee.

Manager Gibbs of the National Club stated to a representative of THE CALL how he happened to select Earp to decide a question involving the payment of \$10,000.

"You understand," said he, "that the agreement was that in case Sharkey and Fitzsimmons could not select a referee, then the club should do so, and as time passed and they were far away from the decision we began to cast about for a man. Stepping into the Baldwin one day I saw Mr. Earp, and I told Mr. Groom, who was with me, that if we had to find a man, there was good material.

"I knew that Wyatt Earp was a cool, clear-headed person of an unimpeachable reputation, and one who would be perfectly fair to both fighters. Moreover, he had refereed about thirty fights and had the experience necessary for the position. The only desire of the National Club was to give Fitzsimmons and Sharkey an equal chance in the ring and for that purpose we wanted a just and able referee for the contest. Neither Mr. Groom nor myself spoke to Earp regarding the matter until noon on the day of the fight.

"Sharkey and Fitzsimmons had failed to agree upon a referee and the club must act. Groom and I hunted up Mr. Earp and informed him that we had selected him. We three sat in a small curtained apartment in the Baldwin Hotel. Earp thought over the matter for a few minutes and said that if it were agreeable to all parties concerned he would do his best to render a fair decision.

"Then we notified Julian and Needham and both gentlemen expressed themselves as perfectly satisfied. We congratulated ourselves that all these preliminaries had been settled, but when we got to the ring last night Julian informed us that he objected to the referee. He said he had been told that Earp was going to decide in favor of Sharkey.

"I then brought Needham and Julian together and said: 'Gentlemen, I haven't a word more to say in this matter; settle



Tom Williams Said There Was No Foul.

for Sharkey, Earp's peculiar action in not defending himself before the assembled throng and the fact that he was relieved of a gun in the arena.

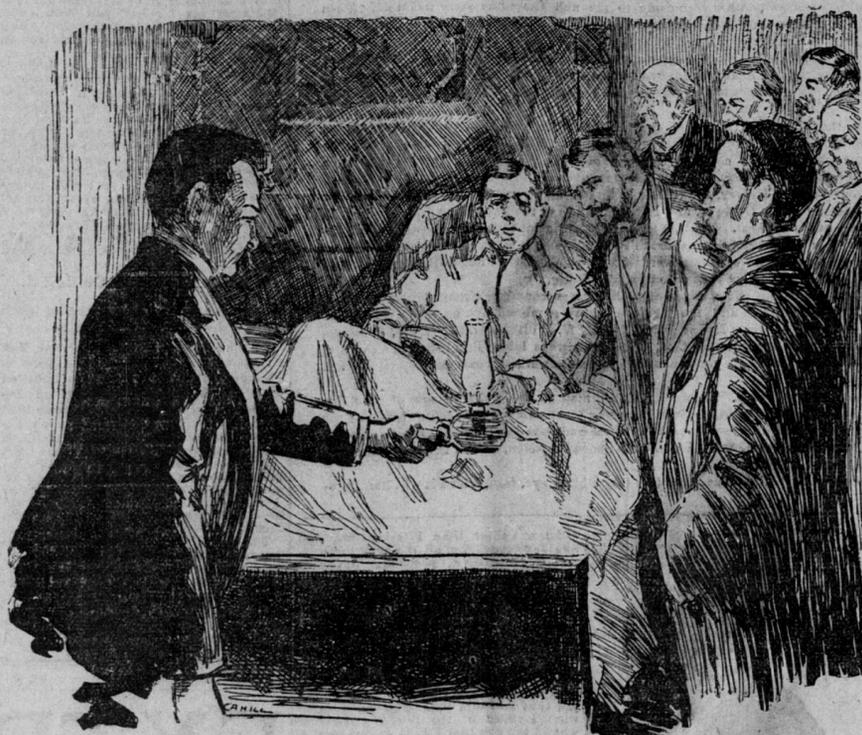
Then they told each other how foul Sharkey had fought and of Earp's apparent indifference to the sailor's tactics. Then Earp's sudden and precipitate disappearance from the ring were commented on and inferences drawn from that.

An incident that caused a great deal of talk was the refusal of the trainers and backers of Sharkey to allow the doctors to see the sailor. When Sharkey was carried out of the ring he seemed in a complete state of collapse and totally unable to walk. This, ring-goers think, was the time for a physician to be called. Yet, when Dr. Lustig, Dr. O'Brien, Dr. Rottanzl and others offered to attend him they were shut out of his dressing-room and no physician saw him until a man named Lee, an irregular practitioner, with whom the police are well acquainted, was called and with no one but Sharkey's people present at the examination pronounced him seriously injured.

His statement is heavily discounted in view of the subsequent reports of reputable physicians, made yesterday, that Sharkey's injuries are far from being severe enough to incapacitate him from having gone on with the mill. So long a time had expired that it was hard to tell when or how the hurts were received.

Messrs. Gibb and Groom, managers of the National Club, are coming in for no small amount of unfavorable comment for not withdrawing Earp as referee when Julian objected to him. Julian was willing to accept any one in the house outside of the bad man from Arizona.

An easy and honorable solution of the matter would have been to withdraw Earp,



THE DOCTORS GATHERED AROUND PUGILIST SHARKEY'S BED.

have a particle of preference for one over the other. I did not wager a cent and had no other interest in the matter than to have a square and fair contest, the better man to win the \$10,000 and the public to get an entertainment for their price of admission."

THE EXAMINATION.

Doctors Report Sharkey's Injuries to Be Not Severe.

Manager Groom was seen yesterday afternoon leaving the Chronicle office with a sack which contained in gold and currency \$5000, the amount of money the



"This is how he did it," said Major McLaughlin.

National Club had deposited as a guarantee to the pugilists that it would carry out its part of the programme to the satisfaction of the contestants.

When asked if the club intended to engage physicians of prominence to examine the maimed pugilist, Groom immediately answered in the affirmative.

"Yes, by all means," he said. "I want reputable physicians to examine Sharkey to-day in order that their testimony may clear the club of any cloud of suspicion that may be hanging over it in reference to this unfortunate affair. There will be a meeting for that purpose at 4 p. m. this evening at the Windsor Hotel."

Asked if the club would have any objec-

tion to THE CALL being represented by a physician at the examination, Mr. Groom replied that he would be only too pleased if all the papers were represented by medical men.

It was 4:30 p. m. when the following physicians met at the Windsor Hotel solely for the purpose of ascertaining the extent of Sharkey's injuries and if they were caused by a blow: Drs. Joseph Pesca, J. S. Barrett, D. F. Ragan, T. A. Rottanzl, Charles Shilling, Winslow Anderson and D. D. Lustig.

Doctor Ragan was the attending physician in behalf of Dan Lynch, who is Sharkey's manager. He was first to examine the fighter and turning to Doctor Lustig said in undertones that there was no doubt as to Sharkey's injuries.

The latter physician was next to examine the champion of the navy. He soon discovered that the injury to Sharkey's groin was not as bad as reports stated, and so informed Dr. Ragan.

"Yes," said Dr. Ragan, "that may be; but if you look into his eyes you will notice that they are affected by the injury.

"Oh, nonsense!" was the quick rejoinder of Dr. Lustig. "What on earth have the eyes to do with this case?" The physicians then had a happy exchange of words in reference to the question at issue when Dr. Ragan put a sudden stop to the exchange by informing Dr. Lustig that they would postpone further argument on this matter until after the physi-

DR. LUSTIG TALKS.

The Club's Physician Was Refused Admission to Sharkey's Room.

Dr. D. D. Lustig, the physician regularly attached to the National Athletic Club, was one of the very first men to go to Sharkey's relief when it was announced that he was injured. With him were Drs. Rethers, O'Brien and Rottanzl. They applied for admission into Sharkey's quarters and they received a point blank refusal.

"This refusal I consider as inexcusable," asserted Dr. Lustig yesterday afternoon, subsequent to the regular examination conducted by the corps of physicians.

"If Sharkey were injured in the way as was claimed he was in need of immediate attention.

"Our examination to-day, sixteen hours after the injury is supposed to have been suffered, is rather tardy and unsatisfactory. All we can say at best is that there is an injury—that's all. Whether the harm is an hour or seventy-two hours old cannot be determined.

"I do not believe that a man with the injury presented now by Sharkey would be incapacitated from continuing in the fight. Perhaps the injury was much greater last night, but we have no means of ascertaining that, and our report is based simply upon present appearances without saying when the injury was inflicted.

"Stripped of its medical verbiage, the report of the doctors was that Sharkey was not hurt so badly as to incapacitate him from fighting.

INJUNCTION GRANTED.

Fitz Brings Suit to Recover the Purse for the Big Fight.

Robert Fitzsimmons, the Cornish prize-fighter, yesterday began a suit in the Superior Court to obtain possession of the

\$10,000 purse offered the National Athletic Club and which was by Referee Wyatt Earp awarded to Thomas Sharkey last Wednesday night, alleging that Fitzsimmons delivered a foul blow in the boxing match then going on.

The action is directed against the Anglo-California Bank, which issued the certified check for \$10,000, Thomas Sharkey, John Doe and Richard Roe.

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Fitzsimmons recounts the circumstances of the making of the match, whereby it was agreed that the prize should be awarded to the contestant who displayed the greatest skill in training and boxing, and that he expected to have the matter decided on those lines. In this expectation he declares that he was sorely disappointed, for he avers that a corrupt understanding and conspiracy existed between

the National Athletic Club, Sharkey and Earp, whereby Sharkey was to receive the money under any and all circumstances.

To confirm this position Fitzsimmons alleges that the parties so conspiring refused to agree with him in regard to the choice of a referee, so that by the terms of the match the club had the privilege of choosing the referee at the ringside. The choice of Earp, Fitzsimmons says, was in conformity with the conspiracy, and that his decision awarding the money to Sharkey was its consummation.

Touching the outcome and actual result of the fight, the plaintiff avers that he discomfited the said defendant Sharkey so that said defendant was unable to further proceed with said boxing and

EARP'S PISTOL.

Why the Referee Was Not Put Under Arrest at the Pavilion.

"Why was Wyatt Earp not arrested last night for carrying a concealed weapon?" was asked Chief Crowley yesterday afternoon.

"It would have been a very impolitic action," replied the Chief, "to arrest him in the presence of 12,000 spectators. They would have said that the police were trying to stop the fight for a very trivial reason.

"He handed the revolver to Captain Wittman when asked to do so, and it is my belief that no judge nor jury would convict him in the circumstances.

"I have the revolver in my possession, but Mr. Earp has not called for it. I don't exactly know what I will do when he calls for it. I would hate to have to be compelled to return it to him.

"Has Earp a permit to carry a revolver?"

"I don't know, but whether he has or not, it was a most extraordinary proceeding for him to have the revolver in his pocket when he engaged the prize-fight."

An examination of the records failed to show that Earp has a permit, at least his name was not on the register.

EARP AND LYNCH.

Associates in the Running of Horses at the Racetrack.

Martin Julian, at the Baldwin Hotel, reiterated the statements he has made and which were published yesterday morning to the effect that his brother-in-law, Robert Fitzsimmons, was robbed of the \$10,000 purse.

"We will not give up without a fight," he asserted, "and our attorney has enjoined the money from being paid over to Sharkey. Through Commissioner Gunst and others I learned yesterday that Wyatt Earp was fixed to give the fight to Sharkey. His conversation with Joe Harvey and the subsequent flood of money put up on Sharkey when before that no Sharkey money was to be found, indicated there was something wrong.

"I have ascertained that Wyatt Earp, the referee, is closely allied to Dan Lynch, the representative and backer of Sharkey, in their racehorse business. That being the case, it would have been a right and proper thing for Earp to have refused to officiate as referee even if I had not objected to him as I did publicly before the battle."

DR. LEE'S CAREER.

An Illegal Practitioner and Arrested for Negotiating Stolen Bonds.

B. B. Lee, the man who was called in to attend Sharkey after he got his knock-out blow, is, according to the police, an illegal practitioner.

Lee is the man who was arrested about the beginning of this year on suspicion of being implicated in the robbery of a number of Kansas City bonds from a safe-deposit box in a bank in Kansas City, Mo. Lee had no connection with the actual robbery, but he was arrested while trying to negotiate one of the stolen bonds valued at \$1000 with the Market-street Bank, Spreckels building.

R. L. Loughridge was some hours later arrested as one of the three men who robbed the bank. Loughridge had some friends in this City and he came here with his share of the stolen bonds.

Loughridge was taken back to Kansas

"It's a fraud," said Mose Gunst.

sparing exhibition," which is the polite way chosen by Fitzsimmons for saying that he knocked out Sharkey.

Fitzsimmons concludes by asking that the bank be restrained from paying the check, that Sharkey and his agents be prevented from collecting it and that the check be ordered into court. After that the court is asked to adjudge that Fitzsimmons is the winner of the fight and consequently is the lawful owner of the money and that the \$10,000 check be delivered to him and his lawyers forthwith. The certified check, over which the

EARP ARRESTED.

The Referee Charged With Carrying a Concealed Weapon.

Captain Wittman, in handing the revolver to Chief Crowley yesterday morning, did so in the hope that Earp would call for it before noon, when he would be promptly arrested.

As he failed to show up the Captain detailed four of his men to search for him, while he personally spent the afternoon doing the same thing, but without success.

Policeman Frank W. Riley was detailed to watch the Pup restaurant on Stockton street, near O'Farrell, where Earp takes his meals. Between 6 and 7 o'clock last evening Earp entered the restaurant and Riley went up to him, telling him that Captain Wittman wanted to see him at the Central police station.

Earp accompanied the officer and when they reached the central station the captain asked him where he had been, as he had been looking for him all day.

"I have been out at the races since morning," replied Earp, "as there is so much talk in town about my decision that I wanted to get away from it."

The captain then informed him that he was under arrest for carrying a concealed weapon, and he escorted him to the City Prison, where the charge was booked against him. Earp put up \$50 cash bail and then took his departure, saying that he would be in court this morning.

The revolver is what is known as the "frontier Colt's," 45-caliber, single action, about twelve inches long, with eight-inch barrel. It has a round barrel and square cut-off handle.

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PLUNGED FROM A DIZZY HEIGHT.

An Airship Lying Helpless on the Twin Peaks.

IT LANDED SUDDENLY IN A DITCH.

Two Men Come to Grief in a Forty-Foot Mystery.

IT IS RUN BY GAS AND ELECTRICITY.

Speculation as to Where It Came From—The Owners Very Reticent.

An airship built of galvanized sheet steel, forty feet long, caused much excitement among the people on the Mission hills last evening. They saw it sail over the Twin Peaks and then getting out of order in some way it made a wild plunge into a gulch 200 yards south of the Corbett road, near what is known as Stanford Heights.

Its two occupants were turned out of the cockpit in which they stood and landed badly bruised in the bottom of the gulch.

When seen late at night by two CALL reporters the huge metal affair presented a pitiable appearance.

The propeller was twisted and bent; one elevating fan was ripped off and lay on the ground, while the other was badly twisted from the force of the shock.

A large hole in its side permitted the escape of a sickish smelling gas. The steering apparatus, rudder as it was called, which had been on the bow was also broken off.

As stated, the machine was about forty feet long and was of cylindrical shape, with both ends cone-shaped.

Near by stood one of the bold, but unlucky aeronauts, J. D. de Gear of 538 Fulton street.

He looked woefully at the wreck, and thanked his lucky stars that he was still alive. The other man, the inventor, had disappeared as soon as he found that no bones were broken.

Dr. Gear positively refused to reveal the name of the inventor.

Dr. Gear upon being pressed told in substance the following story of the airship and the accident:

"I am a tin-roofer and metal-worker, and the inventor who has the money is a well-educated man. Some time ago we decided to build an airship, and we built this one in the Mission. We put it together up the hill back of here in a clump of trees.

"This was our first attempt to make a flight. The hydrogen gas used is made from muriatic acid, and the fans and propellers are operated by electricity.

"This evening the inventor and I started out from the hill up yonder to see how it would work, but after we got started we failed to rise over ten feet from the ground, as the metal of the fans was too thin for the work they had to do.

"In a short time we saw we had trouble ahead, for we lost control of it and away we went.

"I can't describe the sensation better than to say it was a feeling similar to that one has when he has a nightmare and dreams that he is falling.

"You see we started high up the hill so our downward flight was very long, or so it seemed to us. But we were in for it and did not have very long to wait.

"When we struck we struck hard in the soft ground, and the force of our flight carried us over and into the gulch, where we were thrown to the bottom of the ditch.

"No, I will not tell who the inventor is nor where it was built. We are not discouraged, for we know we can fly when this is perfected. It needs strengthening."

"Is this one of the ships seen over the City with electric lights, etc.?" was asked.

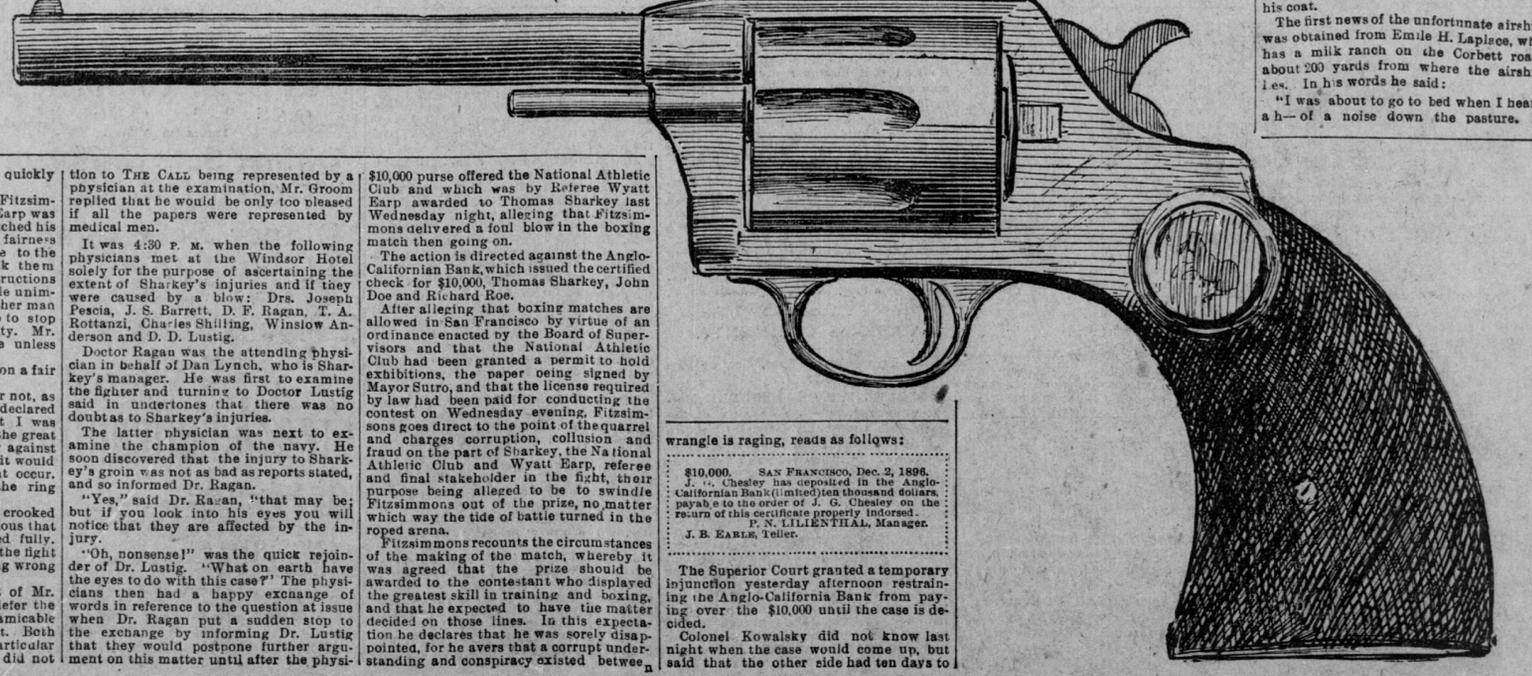
"No, it is not. We don't know any of the people connected with the airships the papers have mentioned.

"This is a private enterprise. D— the luck," and he scraped a chunk of mud off his coat.

The first news of the unfortunate airship was obtained from Emile H. Laplace, who has a milk ranch on the Corbett road, about 200 yards from where the airship lies. In his words he said:

"I was about to go to bed when I heard a— of a noise down the pasture. It

The Formidable Weapon Taken From Referee Earp at the Fight by the Police. It Is a 45-Caliber Colt's One Foot Long.



it yourselves. Make some choice quickly so that the contest can begin."

"After considerable discussion Fitzsimmons called off the debate and Earp was permitted to act as referee. I watched his work and saw that he acted with fairness and promptness. He stood close to the two men and would quickly break them apart when they clinched. My instructions to him were to overlook any little unimportant fouls on the part of either man as it was not the wish of the club to stop the contest on a mere technicality. Mr. Earp said he would not interfere unless absolutely obliged to.

"Do you consider Earp's decision a fair one?" was asked Manager Gibbs.

"I cannot say whether it was or not, as I did not see the blow, which he declared a foul, struck. At that instant I was looking up at the gallery, where the great crowd was pressing dangerously against the railing and I was fearful that it would give away and a dreadful accident occur. When I looked again toward the ring Sharkey was lying on the floor.

"I feel keenly this rumor of crooked refereeing and am more than anxious that the question may be investigated fully. The club did all it could to bring the fight off fairly and if there is anything wrong we want to learn that fact."

"This morning at the request of Mr. Julian I requested the bank to defer the payment of the check till some amicable settlement could be brought about. Both Sharkey and Fitzsimmons are particular friends of mine, and personally I did not

frustrate the National Athletic Club and which was by Referee Wyatt Earp awarded to Thomas Sharkey last Wednesday night, alleging that Fitzsimmons delivered a foul blow in the boxing match then going on.

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Fitzsimmons recounts the circumstances of the making of the match, whereby it was agreed that the prize should be awarded to the contestant who displayed the greatest skill in training and boxing, and that he expected to have the matter decided on those lines. In this expectation he declares that he was sorely disappointed, for he avers that a corrupt understanding and conspiracy existed between

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