The San Francisco Call

THURSDAY.....DECEMBER 10, 1896

AMUSEMENTS.

BALDWIN THEATER.—"Moliere" and "Captain Bob."

COLUMBIA THEATER—"The Cotton King."

MOROSCO'S OPERA-HOUSE — "The Promised Land."

ALCAZAR THEATER.—"Alabama."

TIVOLI OPERA HOUSE.—"The Brigands."

ORPHEUM—High-Class Vaudeville.

CALIFORNIA THEATER.—"Rival Queens," Saturday afternoon.

DE CHUTES AND SKATING RINK.—Daily at Haight street, one block east of the Park.

SUTRO BATHS—Bathing and performances.

PACIFIC COAST JOCKEY CLUB.—Races to-day.

MECHANICS' PAVILION—Annual Horse Show.

HOPKINS' INSTITUTE—Winter Exhibition.

AUCTION SALES.

BY MADIGAN & CO.—This day, December 10, Wagons, etc., at 1122 Mission street.

BY FRANK W. BUTTERFIELD—This day, December 10, Agateware, at 422 Kearny street, at 11 o'clock.

BY INDIANA AUCTION CO.—This day, December 10, Millinery, at 1211 Stockton st., at 2 o'clock.

BY L. H. BURD—This day, December 10, Furniture, at 211 Larkin street, at 11 o'clock.

BY KILLIP & CO.—This day, December 10, Horses, at Van Ness avenue and Market sts., at 11 o'clock.

BY F. S. SPEAR & CO.—Friday, December 11, Flags, Banners, etc., at 31-33 Sutter street, at 11 o'clock.

BY EASTON & ELDRIDGE.—Monday, December 14, Oriental Rugs, at Golden Gate Hall, 625 Sutter street, at 2:30 and 7:30 P. M.

CITY NEWS IN BRIEF.

Divorce suits are keeping the Judges of the Superior Court busy.

Reports made at the Health Office show that diphtheria is spreading.

Increasing cloudiness Thursday, threatening at night, is the weather promised to-day.

A garnishment was placed on Dr. Marc Levingston's interest in the Fair estate yesterday.

The Council of the Associated Industries of California elected officers and adopted a constitution yesterday.

L. F. Kramer, a German gardener, 45 years of age, living at 613 Pine street, was found dead in bed yesterday.

The hearing of the libel suit against Benjamin F. Hudelson was continued before Judge Campbell yesterday afternoon.

Inspector River of the Board of Health caught Joseph Biagini bringing immature veal into town on Monday morning.

Two murder trials are now going on in the Superior Court. Joseph A. Mitchell and Arthur Jackson are the defendants.

Angelo Berretto's suit for divorce from his wife, Delia Berretto, is being tried in Judge Seawell's court behind closed doors.

Yesterday the Supreme Court refused to give a new trial to Dennis McCarthy, who killed George Fox. The plea was insanity.

The Morgue officials were aroused to indignation yesterday by an influx of Chinese in search of a supposed defunct celestial.

Charles H. Murphy was named for principal of the new Mission High School at the meeting of the Board of Education last evening.

A warrant was issued in Judge Campbell's court yesterday for the arrest of Rev. Father Peter C. Yorke on the charge of criminal libel.

The Sixteenth-street Improvement Club met last evening and took preliminary steps toward the lighting of Sixteenth street with arc lights.

Mrs. Elizabeth J. Finnican has sued M. T. Ward for alleged fraud in securing a contract for the development of a mining claim in Oregon.

The deposition of Mrs. Marie Viola Keller, to have taken place in S. M. Shortridge's office yesterday, went over by consent until this afternoon.

The Canadian Pacific has chartered the New Zealand Steamship Company's Aorangi and in future she will run between Vancouver, B. C., and Australia.

Charles Cox, the boy tramp from Colorado, escaped from the Newsboys' Home Monday night after stealing several articles belonging to other inmates.

Yesterday was "ladies' day" at Ingleside track. The winning horses were: Imp. Miss Brummel, Candelaria, Captive, Candor, Toano and Sport McAllister.

Secretary Carlisle recently issued an order to all officials and employes in the Treasury Department that they shall neither borrow nor lend money to each other.

John A. Hoey has filed a contest to the election of John W. Powers, who holds a certificate of election as a member of the Legislature from the Thirty-second Assembly District.

John S. Inglis, contracting freight agent of the Union Pacific railway in this City, ran away with his little son Sunday to avoid giving up the child and paying alimony to his wife.

Local single-taxers were delighted yesterday on receiving news in detail from Scotland that Glasgow had gone for single tax, and will hereafter have no taxation other than on rents.

Harvey Jacobs and George Niedever secured four otter skins off Yaquina Bay in six weeks. They are well-known hunters and were high hooks on the sealing schooner Herman last season.

Corbett says he will meet Fitzsimmons under the auspices of the Olympic Club, and all that is needed now is for Fitz to respond to assure a contest here on Washington's birthday.

The Grangers' Bank, which closed business and went into liquidation November 30, 1896, states that it will pay depositors in full by January 1, 1897. It has already paid 50 cents on the dollar.

Over 100 of the workmen of the Pacific Rolling Mills are out on a strike because of a reduction in their wages. It is believed that the differences will be compromised to-day. No trouble is expected.

J. T. Gove, the widely known miner, has returned from a visit to the Slocan, Trail Creek and other districts of British Columbia. He does not have a great opinion of the new British Columbia mines.

Wong Gim, one of the defaulting witnesses in the Dick Williams extortion case, was sentenced to one year's imprisonment in the County Jail for contempt of court by District Judge Morrow yesterday.

The report of the special administrators of the estate of James G. Fair was filed yesterday. It is in the form of a book, and comprises no less than 640 typewritten pages. The estate is valued at $16,600,000.

The Grand Jury and the heads of the departments of the City government held a conference last evening to devise a means of curing the extraordinary system of collecting taxes imposed by the new law upon this City and County.

The new steamer Humboldt was moved to Fulton Iron Works yesterday. Her new engines and boilers and her deckhouses and staterooms will be put in simultaneously, so the new boat will be ready for sea the first week in January.

The art drawing of the Association of California Art Patrons will be held this evening under the supervision of the Mechanics' Institute trustees in the library on Post street. Paintings of local artists will then be distributed among members of the association.

Christian von Meyerhoff, 409 Pacific street, fell downstairs at 528 Pacific street Tuesday morning and was taken to the Receiving Hospital in the ambulance. He had a wound in his scalp and appeared to be suffering from concussion of the brain. He is an old man.

The dogcatchers of the Public Pound have gone back to the rista for catching dogs, instead of using the humane act, and there will be an investigation by the Society for the Prevention of Cruelty to Animals, which manages the Pound under the Board of Supervisors.

The demurrer of Kitty Morrison to the decision of the trial court in the matter of the marriage brokerage fee, which she claimed as compensation for bringing about the marriage of Elizabeth A. Paterson, was overruled yesterday by the Supreme Court, which affirmed the judgment of the lower court.

At the meeting of the Railroad Commissioners yesterday Commissioner Stanton proposed that an investigation be made of the Southern Pacific Company's affairs with a view to reducing rates all along the line, but action was delayed until a conference could be had with the Attorney-General and his associates.

The Pacific Coast Endeavorer, suspended since June last, will be reissued December 17, Professor J. Wharton James having purchased the mail list and the good will. Professor James proposes to issue a paper that will be a distinct credit to the Society of Christian Endeavor and the convention City of 1897. The first number will be an illustrated number, devoted largely to the convention City, which will be sent out as a sort of introduction of the new editor and his plans. These illustrated editions will be a feature of the paper from now until the convention of next July. Eight pages, illustrated with handsome half-tone cuts, will be devoted to the San Francisco article.

PROFIT OUT OF THE SEA OTTER

A Successful Shot Means a Quarter of a Thousand.

Two Men Secured Four Skins off Yaquina Bay in Six Weeks.

Several Schooners Will Start Out Next Saturday to Hunt the Seals on the Coast.

Harvey Jacobs and George Neidever are in luck. In six weeks they have taken four sea otters, and as the skins are worth at least $1000, the hunters must be classed as among "those favored by the gods." The hunters were among the two most successful men during the cruise of the sealing schooner Herman, and on their return pooled their issues. They had enough money to purchase a whaleboat and fit her out. From here they went to Yaquina Bay and there hired a third man to row the boat. One day Jacobs would steer and Neidever would do the gunning, and the next day it would be vice versa. Latterly it has been unusually rough on the coast and the waves have run mountains high. Nevertheless the men have gone out day after day and on nearly every occasion the sea otter was shot when the boat was in the trough of the sea and the mammal on the crest of the wave. The above picture is drawn from a sketch sent to John Oppenheim, the well-known clothier, and is marked "a $250 shot."

Jacobs and Neidever are now off Yaquina Bay and they intend staying in that vicinity for another two months. Should they do as well in that time as they have during the past six weeks there will be no necessity for them making a trip to Bering Sea next season. Many a schooner has spent months in the Arctic and never took an otter, but here two men go out in an open boat and secure four of the valuable furs in less than six weeks and think nothing of the feat.

The schooner Eppinger went out a couple of days ago and incoming coasters report her with fifty seal and "all the boats out." In consequence the Kate and Anna and the Louisa Dare are being put in commission in a hurry and both vessels will sail next Saturday for a cruise in chase of seal.

The news from London is not encouraging, however, as according to a private cable received yesterday skins are selling at 10 per cent less than last year. The supply is not large, but then money is tight and the demand is not great. Still the sealers have confidence that McKinley's administration will improve matters and that next year will see a big advance in prices and a general improvement in business.

The new steamer Humboldt was taken from Third and Berry streets to the Fulton Iron Works yesterday. Her new engines and boilers will be put in as speedily as possible and in the meantime Bendixen is here and will at once begin work on the deckhouses and internal fittings of the vessel. Max Kalish, the popular agent of the Humboldt, says the steamer will be ready for her trial trip early in January.

Meat Inspector Jordan seized a whole carcass on the steamer Tiburon yesterday. The stuff was shipped from San Rafael by a prominent butcher to Tong Sing, 20 Washington alley. The smell from it was so great that the crew of the ferry-boat had to put it on the after part of the vessel in order to save the passengers from inhaling the odor. There were 705 pounds of the stuff and had it not been for the vigilance of Jordan the chances are that some of the meat would now be gracing the counters of some of the cheap downtown restaurants.

Captain Hansen will go out in command of the North Fork to-morrow. For some weeks he has been compelled to remain ashore in order to look after his sick wife. The good lady is now on the road to recovery, so the skipper will again resume his regular run up the coast.

The Czarina is now ready for sea. The vessel that is to carry house coal from the Beaver Hill mines will probably have her trial trip to-morrow. In the morning she will go into Mission Bay, and her compasses will be adjusted. In the afternoon she will go over the measured mile and will have a cruise around the bay. John D. Spreckels and a party of friends will be aboard, and the expectations are that the collier will beat her own record. She has been fitted with one of the new patent corrugated wheels from which so much is expected.

The steamer Wellington took a dozen mules up to the Wellington colliery yesterday. At Nanaimo the animals give out very quickly and the Messrs. Dunsmuir have a standing order for twelve of the animals to be delivered every six months. There was considerable trouble getting them aboard the steamer yesterday and a couple of the longshoremen will not forget the experience in a hurry. One got a rather severe kick and the other had a mouthful taken out of the slack of his pants. The animals were not put in boxes, but were turned loose in the hold of the ship and there they will have to shift for themselves until the ship reaches British Columbia.

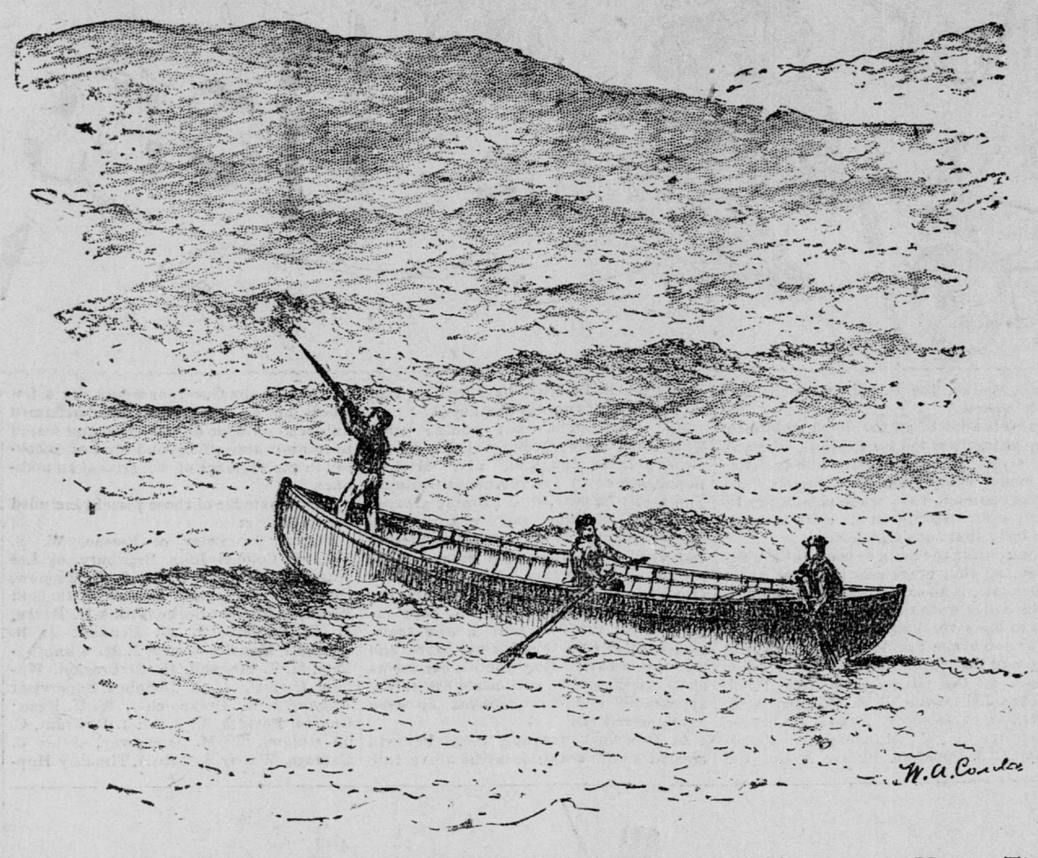
Captain Backus left last night to bring the bark Colusa from Puget Sound to San Francisco. She was to load coal for John Rosenfeld's sons, but as the vessel was leaking Captain Kalb refused to take the risk of bringing her to this port with a load of coal. Captain Backus was at work transforming the Eastern Oregon from a steamer into a four-masted barkentine, but he at once quit the job and started last night for Port Townsend. On his arrival he will assume command of the Colusa, and will load her with coal for San Francisco. The Colusa took a cargo of sugar from Hawaii to the sound.

The Canadian Pacific Steamship Company is to have an addition to its Australian fleet. The business has grown during the past year and the company has chartered the Aorangi from the New Zealand Steamship Company. She is a splendid vessel of over 4000 tons burden, and is fitted with all the modern improvements. The captain of the Miowera will leave Vancouver in a few days for Liverpool to take command of the Aorangi. He will leave for Sydney as soon as all the preliminaries are arranged and from there will sail on schedule time for the sound. The increase in the company's business has necessitated the addition of an extra vessel.

The Dutch ship Nederland sailed yesterday with a remarkable record. She lay in port forty days and not a man deserted. The crew evidently had a good time, for as the boat got under way they manned the yards and gave three cheers for California. The Consul went out as far as the whistling buoy on the ship and came back in the tug.

The following notice has been issued to mariners by the branch hydrographic office:

California—San Francisco Bay—Mare Island Strait—Decreased depth.—A recent survey by Lieutenant A. P. Osborn, U. S. N., commanding coast survey steamer Gedney, from the lighthouse to the upper end of the navy-yard, Mare Island, shows numerous changes in the channel, especially in the vicinity of Commission Rock, where it has shoaled, so that only 16½ feet can now be carried through at low water.



While the Waves Have Been Rolling Mountains High Along the Coast Two Hunters Making Their Headquarters at Yaquina Bay Have Been Out on the Deep Constantly for Six Weeks and Have Secured Four Sea Otter Skins Valued at Over $1000. They Intend Hunting for Another Eight Weeks.

A LADY'S BONANZA IN SNOWY OREGON

M. T. Ward Sued Because He Failed to Develop a Mine.

Sharp Words Used by the Plaintiff in Describing Her Wrongs.

Mrs. Elizabeth J. Finnican Denounces a Contractor as "a Schemer and a Rogue."

Elizabeth J. Finnican, by her attorney, J. N. E. Wilson, has sued Michael T. Ward for an annulment of contract by which he holds possession of a certain valuable gold-mining claim known as the Bohemia lode in the mountains of Douglas County, Oregon.

The claim is the separate property of Mrs. Finnican, the same having been located and posted by her according to the local mining regulations and the United States mining laws. Her husband, James P. Finnican, is named as co-plaintiff as being a party in interest.

Mrs. Finnican speaks her mind very freely in her complaint, and does not mince her words or disguise her sentiments in the slightest degree when denouncing the author of her troubles. She accuses Ward of fraudulently retaining possession of the property contrary to her desire, though he has failed to keep any of his promises in regard to the development of the mine.

As a basis for the suit a contract is set out in which it is agreed by Mrs. Finnican that in consideration of $1 Ward shall for ten years have the exclusive privilege to operate and crush the ores from the Bohemian lode, and he is to pay Mrs. Finnican 25 per cent of the gross proceeds of the mine. On his part it is agreed that he shall sink shafts and run such tunnels, cuts, stopes and winzes as may be necessary to develop the property. He is also to erect the buildings and to put up the machinery required for the operations in contemplation, it being understood that Ward was a man of means and experience and that he could secure all the backing needed by big capitalists.

Mrs. Finnican and her husband aver that since the making of the contract they have discovered that all the representations made by Ward are false and fraudulent and known by him so to be; that he induced them to enter into the agreement with him for speculative purposes only, well knowing that in no respect could he fulfill any part of his agreement; that in truth he had no experience as a mining man; that he did not employ any one to work or develop the mine, and that he was not worth $500,000 or any sum of money whatever.

The further charge is made that Ward had no backing by wealthy men of Chicago or elsewhere, and that he never intended to erect any machinery for the purpose of working the ore.

It is stated in the complaint that, although the snow melted from the mountains of Douglas County, Or., in May, 1896, and the condition of the property was such that Ward could have proceeded with any prospecting or developing work he might choose to do, yet he did no such work and never intended to.

The most bitter allegation is near the close of the complaint, when the following words are used: "It has come to the knowledge of these plaintiffs since said contract was entered into that the said Ward is nothing more nor less than a schemer and a rogue, who induced these plaintiffs to enter into said contract that he might use said agreement and contract upon innocent third parties, not for the purposes for which the contract was made, but to further his own selfish and criminal ends."

Judgment is demanded to the effect that the contract be declared null and void; that Ward be compelled to surrender possession of the original contract for cancellation, and that he be compelled to pay the costs of suit, and for such other relief as may be just in the premises.

A TRAVELING EXPOSITION.

Novel Schemes Submitted to the State Board of Trade.

At the State Board of Trade meeting on Tuesday afternoon various matters of interest to the State were considered, among them the request of the fruit-growers of Porterville for the loan of 100 exhibition jars for use at the coming Fresno fair. It was understood that at the close of the fair the jars and their contents should be forwarded to San Francisco and placed among the exhibits of the board.

The board was favorable to the proposition, but a difficulty was found in the fact that not more than a dozen jars are now available for the purpose in view. Nothing definite, therefore, could be done at the time.

A proposition was made to get the Legislature at its coming session so to amend the county government bill as to fix the maximum sum which may be spent annually for advertising purposes in counties of the first, second, third and fourth class at $5000 instead of the present figure, which is $2500, and in all other counties at $2000, instead of $1000, the present figure.

On motion, Colonel John P. Irish was empowered to represent the board at the Business Men's Conference at Indianapolis, January 12, 1897. Irish's selection was regarded as opportune, as he is going East about that time, anyway.

The committee appointed at the last meeting of the board to investigate the possibilities of tobacco culture in California formally submitted its report, which has already been published in full in THE CALL.

Mr. Gilman of Boston, who has a scheme to form a train of perhaps fifty cars laden with the products of every State in the Union, and run it all over the country as a sort of itinerant exposition, was granted a hearing. He said each State could have one car and that he had made arrangements with the Pullman Company for such cars as would be necessary at $2000 each.

Gilman stated further that he intended to carry livestock, which would be exhibited in the open air at stations where the cars stopped. He would charge an admittance fee, and from the profits derived at the end of a year or so, buy the cars and the exhibits from the respective States and conduct the show in his own behalf.

The scheme met with favor, but the board could not see its way to taking immediate action, on account of the time they require to make proper representation at the Nashville, Guatemala and Hamburg expositions.

UNION LEAGUE CLUB.

Committee to Nominate Officers for 1897—Talk of Moving the Club to the Claus Spreckels Building.

A regular meeting of the members of the Union League Club was held Tuesday evening for the purpose of selecting a committee to nominate officers for the year 1897. The attendance was large. Colonel George Stone, president of the club, presided, and announced the object of the meeting. A nominating committee consisting of the following members was chosen: A. P. Williams, T. K. Stateler, J. C. Currier, J. F. Sheehan, J. C. B. Hebbard, D. E. Miles and J. A. Waymire.

The committee is charged with the duty of nominating eleven directors and designating of that eleven a president, two vice-presidents, a secretary and treasurer.

The committee will meet in due time, nominate a ticket and post the same in the club as the regular ticket to be voted for at the annual election, to be held on the second Tuesday of January. If the ticket so nominated and posted does not give general satisfaction members may put an opposition ticket in the field. At the last election the opposition ticket embraced the names of quite a number of candidates on the regular ticket.

The subject of moving into apartments more ample and desirable was discussed at the meeting Tuesday evening. The meeting authorized the president to appoint a committee to look for suitable rooms, and report the result of their investigation to the club.

General Robert A. Friedrich, who was been active in his efforts to raise money to build a monument in memory of the late General John McComb, has secured the sum necessary, and the monument will soon be designed and placed in position.

TWO MURDER CASES.

A. Mitchell and Arthur Jackson on Trial for Their Lives.

Two murder trials will be closed in the Superior Court to-day, and it is expected that verdicts will be reached in both cases before to-morrow morning.

Joseph A. Mitchell, charged with the murder of E. T. Hicks, is having the question of his guilt or innocence investigated in Judge Bahrs' court. He testified in his own behalf yesterday. He admitted the killing, and said that he acted in self-defense; that Hicks frequently assaulted him, at one time knocking him down with a pair of brass knuckles. The Deputy District Attorney opened the argument for the prosecution. This morning Attorney J. N. E. Wilson will reply, and the case will go to the jury in the afternoon.

In Judge Belcher's court yesterday the time was occupied by Attorneys Carroll Cook and T. V. Eddy in arguing for the defense in the case of Arthur Jackson, charged with the murder of August Florentine. Jackson also admits the killing, and also pleads self-defense.

Deputy District Attorney Hosmer closes for the prosecution this morning, after which Judge Belcher will deliver his charge to the jury.

For Benevolent Britons.

The British Benevolent Society of 604 Merchant street has issued an appeal for contributions to aid Britons in need. The institution is worthy of support, as is vouched for by the names of its officers, Rev. W. W. Bolton, W. Doxey, J. C. Woodward.

A PUBLIC VIEW IN PRIVATE ROOMS

Peculiar Decision of the Hanging Committee of the Art Institute.

A Picture Rejected Because It Had Been Exhibited at the Bohemian Club.

Disgust Over a Ruling Which Classes a Club Function as a Public Affair.

Clubdom has received something of a surprise at the recent decision of the hanging committee of the Art Association as to just what is a club exhibition.

Chris Jorgensen had a picture in which he had put his heart, and called it "Ben Lomond"—a very pretty thing, acknowledged to be well within all the essentials as to merit. But it was not accepted, does not hang in good or bad light, high or low, on the line or off, anywhere upon the walls of the institute. Instead, Mr. Jorgensen was in receipt of one of those little notes from the committee advising him of its rejection and asking what disposition might be made of it.

The reason given in this case, however, has stirred up a row among more people than the immediate friends of Jorgensen.

The rule of this exhibition is that all works of art offered must come there as wholly new to the public—must never have been publicly exhibited before.

Now, Mr. Jorgensen's "Ben Lomond" had hung upon the walls of the Bohemian Club, together with a select few of the works of other local artists, which had been taken there at the express wish of certain of the Bohemians, and, being there, the Bohemians had sent out cards of invitation to other Bohemians, members of the club and otherwise, to come and enjoy it. For a time the picture was thus on view within the sacred precincts of the club.

The hanging committee, for this, declared that Jorgensen's picture offended, according to the law forbidding pictures previously exhibited to the public, and the committeemen declined to hang it.

For this Mr. Jorgensen complains, and so do the members of the art committee of the Bohemian Club. Horace G. Platt, once president of the institute and now chairman of this committee of the Bohemian Club, especially denounces the decision as unjust. It is particularly shocking to clubmen to have it said that an exhibition within the club is a public exhibition. That is enough to set a Bohemian Club man's teeth on edge. Mr. Platt says that he considered the pictures in the hands of the club as merely having been loaned to friends. He is very sorry that the act of courtesy on Jorgensen's part should have resulted in barring his picture out of the institute, but he is shocked beyond measure at the ruling of the institute that a club function is a public affair. The ruling will probably be resisted.

NEW TO-DAY.

A. QUADE & CO

636 Market, Opposite Palace.

Telephone Main 1333.

Three Days' Special Prices!

Thursday, Friday, Saturday.

Sweet Brier Sugar Corn, $1.50 per dozen cans, regular $2. Our own brand, the finest Maine Sugar Corn in the market. Above its usual standard this year.

Coffee, our special blend.....30c, regular 37½c

Pennsylvania Pure Buckwheat Flour.....

.....6c per pound, regular 7½c

Chocolate Menier, ½-lb packages, a general reduction.

Chamois Wrapper Vanilla.....15c, regular 25c

Pink Wrapper Vanilla.....20c, regular 30c

Blue Wrapper Vanilla.....25c, regular 35c

Green Wrapper Trip e Vanilla....25c, regular 35c

Premium, Unsweetened, Vanilla..15c, regular 20c

Whiskey....75c, 3 bottles $2, regular $1 per bottle

1 Star, Taylor Distillery Label.

We have imported a fine assorted stock of Havana Cigars for the holidays. Our assortment of Key West consists of new sizes and shapes put up handsomely in Gold Foil.

Christmas Tree Ornaments and Candles at reduced prices.

Open Evenings for the Next Two Weeks.

KITTY MORRISON WILL GET NO FEE

Money Cannot Be Collected for Aiding a Marriage.

Justice Harrison Defines the Law for the Supreme Court.

Elizabeth Rodgers, Formerly Mrs. Montgomery, Owes Nothing for Marriage Brokerage.

"The freedom of choice essential to a happy marriage, and the voluntary selection by each spouse of the person who is to be his companion for life, with all that is implied in the relation of marriage, are as fully prevented by seeking, through the influence of one who is governed solely by mercenary motives, to induce one of the parties to an agreement for marriage to carry it into effect, if he has once been disposed to abandon it, as to endeavor to bring about such an agreement between parties who do not sustain any relation to each other."

In these emphatic words the Supreme Court has just placed itself on record concerning the manner in which matrimony should come about. The case was that of Kitty Morrison against Elizabeth A. Rodgers and Arthur Rodgers. The real defendant was Elizabeth A. Rodgers, wife of Arthur Rodgers. Kitty Morrison brought a suit to recover a certain sum of money from Elizabeth A. Rodgers, on the allegation that Mrs. Rodgers had promised to pay her this sum if she would use her influence to secure her marriage to Alexander Montgomery, her first husband. The complaint also sets up that the plaintiff worked to bring about the wedding, and that she was instrumental therein. The marriage took place, but, according to the allegation, the defendant failed to keep her promise, and has not paid the money which she agreed to pay.

The Supreme Court took the ground yesterday, in affirming the judgment to which Kitty Morrison demurred, that the rule that a marriage brokerage contract is invalid is an elementary proposition.

"The rule that a marriage brokerage contract is invalid," so reads the opinion by Justice Harrison, "as being contrary to public policy, and that the services rendered under such contract are without legal consideration and are incapable of forming the foundation of an action for their recovery, is so elementary that but very few cases involving the question have found their way into the reported decisions, but whenever the question has been presented the courts have invariably declared that the action could not be maintained."

The court could not distinguish any difference between the case in question and those in which the rule has been laid down. The fact that in this case there was an existing agreement for marriage between the parties, and that the agreement with the defendant was only for the purpose of promoting the carrying out of that agreement, was not found to be sufficient to take the case out of the rule.

"The basis of the agreement," so reads the opinion further on, "with the plaintiff in the present case is alleged to be the fact that the defendant became apprehensive that the person who had agreed to marry her would not keep his agreement, and it was for the purpose of inducing him to forego whatever purpose he had to abandon such contemplated marriage that the plaintiff rendered the services for which the action is brought.

"There can be no difference in principle between services rendered under such an employment and those rendered for the purpose of inducing one to marry another whom he did not previously know." Justices Garoutte and Van Fleet concurred.

NEW TO-DAY.

Musical Gifts

Sure to be appreciated by every one. Pianos, Mandolins, Guitars, Banjos, Music Boxes—these are some of the things you will find in our immense stock. Our prices are positively the lowest possible for high-grade goods.

Accept our invitation to look around.

KOHLER & CHASE,

28-30 O'Farrell St.

NEW TO-DAY—AMUSEMENTS.

Columbia Theatre

FRIEDLANDER, GOTTLOB & CO. LESSEES AND MANAGERS.

NOT EVEN THE AIRSHIP CREATES THE FUROR THAT JOSEPH GRISMER AND PHŒBE DAVIES Do in the Great Melodramatic Success,

—THE COTTON KING!—

Calico Mill in Full Operation.

Jolly Picnic Scene, Filled With Songs, Dances and Merrymaking.

Startling Elevator Scene—The Specially Engaged Cast.

Next Attraction—THE FRAWLEY COMPANY.

MOROSCO'S GRAND OPERA-HOUSE.

WALTER MOROSCO...Sole Lessee and Manager

The Funny Western Comedy Drama,

THE PROMISED LAND!

A THRILLING SENSATIONAL PLAY

By Harry Meredith, author of "Ranch 10," etc.

Wonderful Mechanical and Scenic Effects.

Startling Situations; Side-splitting Humor.

Evening Prices—10c, 25c and 50c.

Matinees Saturday and Sunday.

THE CHUTES.

Pirri, the Chute Coaster, and Richards, the Wonderful Diver, Every Evening—FREE!

DE GEAR'S FAKE AIRSHIP!

The Greatest Humbug of the Century!

NO EXTRA CHARGE.

—BOB FITZSIMMONS SUNDAY.—

NEW TO-DAY.

That Pleasing Paralyzing Pie!

How good it looks! How good it is!..... And how it hurts. Why not look into the question of Pill after Pie? Eat your pie and take Ayer's Pills after, and pie will please and not paralyze.

AYER'S Cathartic Pills

CURE DYSPEPSIA.

NEW TO-DAY.

Coffee and peanuts are not good unless they are fresh-roasted.

Same way with tea; and so we roast *Schilling's Best* in San Francisco—not in Japan and China and Ceylon.

A Schilling & Company
San Francisco. 477

NEW TO-DAY—AMUSEMENTS.

BALDWIN THEATER.

AL HAYMAN & Co. (Incorporated).....Proprietors

Last Four Nights and Matinee Saturday

MR. WILTON LACKAYE

And his Great Company, assisted by

MARIE WAINWRIGHT

Presenting the Successful Unique Double Bill.

MOLIERE. A drama in one act. CAPT. BOB. The beautiful comedy.

Last Performance Sunday Night.

YAW Next Monday and her Concert Co. One night only. Seats now selling.

SEATS READY TO-DAY

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