

PARDONED FROM OREGON'S PRISON

Convict Freed That He May Be Tried for Another Crime.

His Attorney Now Declares That He Will Remain at Liberty.

Is Wanted in Chicago for Killing a Politician on Election Day.

PORTLAND, Or., Jan. 20.—George Betz, alias John Bingham, convicted of robbery here and wanted in Chicago for murder, stands an excellent chance of being a free man to-morrow under unparalleled circumstances. Governor Lord pardoned him out of the Salem penitentiary apparently out of deference to the wishes of the Governor of Illinois and the Chicago authorities. The reason for this, it is claimed, was to remove all obstacles in the way of taking this noted criminal at once, but counsel for the defense will inaugurate habeas corpus proceedings in the morning and the lawyers declare they will succeed in freeing him. Betz is more than an ordinary criminal. He is wanted in Chicago for the murder of Gus Caltender at the election booth on November 6, 1894, a murder for which he is charged with complicity in which ex-Alderman O'Malley is now under indictment. Betz was under sentence of three years in the Oregon penitentiary for a theft of \$90 from the Johnson-O'Connell Company in this city. The Deputy District Attorney and the detective from Chicago will make every effort possible to return with their prisoner, but Detective Seiderberg realizes that the man is backed by influential friends and money. It is said that money has been sent to Portland to be employed in keeping Betz in Oregon.

HOW HE MADE MONEY.

Osmond Kelly Finds Himself Behind Prison Bars on a Charge of Embezzlement.

Osmond E. Kelly was booked at the City Prison yesterday by Detective Ross Whitaker and Policeman W. Coleman, on two charges of misdemeanor embezzlement. The complaining witness is H. S. Stedman, who has a music store at 769 Market street.

Kelly went to Stedman's store on January 12 and said he wanted to purchase a mandolin. He represented himself as a brother of D. W. Kelly of the firm of Kelly & Liebes, 120 Kearny street. He selected an instrument costing \$35, and asked to be permitted to take it home, as he would like to try it before concluding the purchase. Permission was granted, and he went straight to a pawnshop and got \$6.50 on the mandolin.

Next day he returned to the store and said he wanted a more expensive mandolin. He promised to return the first one, but when the officers went there they found he had tried the other. He got one worth \$35, and also pawned it for \$8.50. As he did not return the instruments, Stedman reported the matter to the police, and Detective Ross Whitaker and Policeman W. Coleman were detailed on the case. They soon recovered the two mandolins and got a description of the man who pawned them.

Complaints had been received at police headquarters that a man who had been obtaining money and goods by representing himself as the brother of D. W. Kelly, and it was suspected that the same man was the operator in each case.

Rev. Father Byrnes of St. Mary's Cathedral was victimized to the extent of \$10. George L. Boylston, 227 Leavenworth street, is out of \$5 worth of drugs, and druggist on Polk and O'Farrell streets is also a victim.

Kelly was located at 910 O'Farrell street, but when the officers went there they were informed that he had left a few hours before. A sewing-machine was delivered at the house for Kelly shortly after his departure, and a messenger had called with a type-writing machine, but refused to leave it unless the money was paid, so it was not delivered. Kelly was located yesterday and was promptly arrested.

Kelly was arrested about eighteen months ago for defrauding servant girls. He and an old woman posing herself Mrs. Kelly had an employment office in the Flood building and got deposits from girls wanting situations. They got notes to different houses, but on calling there found there was no vacancy. Complaint was made to the police and Kelly and the old woman were arrested. They got out of the difficulty by refunding the money.

Kelly went to Los Angeles and returned about six weeks ago. The police believe that he has victimized a large number of people who have not yet been heard from.

TO MARK THE VICTORY.

Prospective Reception in the Pavilion to Winning State Marksmen.

It is probable that the officers of the First Regiment, Second Brigade, N. G. C., will arrange an event to commemorate the victory of the California team of marksmen over the Hawaiian team.

The matter was discussed at a meeting of the board of officers held last Thursday night, and it was suggested that there should be some kind of an entertainment to be given to the winning team and friends of the regiment in honor of the success. Several propositions were presented, and it is likely that there will be a reception in the evening at the Pavilion by the regiment—an exhibition drill or review and the dance. These matters were discussed with a conditional "if the California boys win," and at a meeting at a future date not yet fixed a plan will be agreed upon.

Captain Michael J. Burke of Troop C, cavalry, came up from Salinas yesterday to take part in the inquiry to be made into the affairs of Troop A, cavalry, N. G. C., Captain Jenks commanding. The board of inquiry, composed of Colonel Frank W. Sumner, division inspector; Lieutenant-Colonel V. D. Duboce and Captain Burke, will hold its first session at the regimental armory to-night, when a full examination into the affairs of the troop will be commenced.

BOARD OF HEALTH.

Appointments of Ambulance Surgeons and Drivers.

Major Phelan presided last night at the meeting of the Board of Health; Drs. Han, Morse, Williamson, Fitzgibbon and Secretary Godchaux present. The Committee on Nuisances was called upon to investigate the matter of the pickle factory at 686 Brannan street, condemned by Health Officer Lovelace. Dr. Fitzgibbon was appointed to look into the matter of stagnant water reported



JOHN W. GAMERON, FOURTH CHIEFTAIN

GEORGE DAVIDSON, SECOND CHIEFTAIN & TREASURER

DR. McNEILL, CHIEF

WM. MITCHELL, 4th CHIEFTAIN & FIN. SEC.

JOHN REID, 1st CHIEFTAIN

SCOTLAND'S POET IN THE FAR WEST

Caledonian Club Officers to Form a Part of the Committee.

All Who Love "Robbie" Burns for His Genius Will Be Invited.

A Determined Effort Will Be Made to Erect a Monument Worthy of His Memory.

WILL DEFEAT THE BILL. The Southwest Convict Goods Measure Not Likely Ever to Be Reached.

There is considerable apprehension on the part of the Manufacturers' and Producers' Association that the Congressional bill that is intended to put a stop to the transportation of convict-made goods from one State to another and compelling the branding of such goods so that people will know what they are buying, will never be passed by Congress. The local organization has done all in its power to have the matter taken up in earnest at Washington, and while the entire Pacific Coast delegation is in favor of the measure it is still likely to fall by the wayside.

Not only are the Pacific Coast manufacturers keenly alive to the importance of the proposed measure, but New York has fallen into line and at its State prison all machinery for the manufacture of goods competing with free labor has been abandoned. The measure as it is being done is performed by hand. It is a New York Congressman, George N. Southwick, who introduced the bill in question, and he was in fear of its passage, as indicated by the annexed letter received yesterday by the President of the Manufacturers' Association:

WASHINGTON, January 15, 1897. Julian Sonntag, Esq., San Francisco, Cal.—BY DICTATED GOODS and INTERSTATE COMMERCE IN SAME, is prevented from passing the House, in view of my opinion that the bill, as it is, cannot secure from the speaker recognition. Privileged committees and privileged members of the House of Representatives. This condition is truly distressing, but it confronts us nevertheless. Evidently the rules of the House are such that a measure which facilitates legislation of the character of this bill. Truly yours, GEORGE N. SOUTHWICK.

WHAT IS A FUNERAL?

Novel Point Raised in the Case of a Shipwrecked Sailor.

Justice Carroll at the City Hall has a question to consider which is somewhat novel. It is this, What constitutes a funeral? Timothy Linehan went to sea and was drowned in a shipwreck. He was a member of Pohanachee Tribe No. 10 of the Improved Order of Red Men. Suit has been brought to recover \$100, the amount of funeral expenses as prescribed in the by-laws of the club, which he belonged. As he was shipwrecked there were, necessarily, no funeral services at sea. Was there any funeral on shore? Ex-Judge Lauterbach appeared before Justice Carroll yesterday to argue that there has been no funeral. "How can there be a funeral without the presence of a corpse?" he asked. He then argued that in any event, the heirs of Linehan were not entitled to recover for several reasons. The first was that there has been no funeral; the second was that under the by-laws of the order a suit at law was barred; then it was also argued that because the matter had not been appealed to the Grand Council the heirs had not exhausted out of court their means of recovery.

Elizabeth Linehan brought the suit. Her attorney argued that there really had been a funeral on shore. A requiem mass was held, and this he construed to be a funeral. The facts were agreed upon, and the decision of the law point was left to the Justice as to whether a requiem mass may be legally held to be a funeral.

Methodist Missionary Matters.

An all-day missionary meeting attended by several representative women from each of the Methodist churches in and about this city, was held Tuesday in the parlors of the Calloway-street Methodist Church. There were between thirty and forty women present. A large number of letters from foreign missionaries were read and discussed with a view to obtaining and later spreading interesting news from the Christian workers abroad. Part of the time was spent in prayer. Mrs. Bolla W. West presided. Luncheon was served in the church basement.

ety will have the entire management of the erection of the monument. While it is the desire of the Caledonian Club to have the honor of placing a suitable testimonial in this distant land to one of their clannishmen, yet who love Burns for his poetical productions will no doubt be invited to co-operate, as the monument will form an additional attraction of beauty in the people's pleasure ground.

BUTTE TEAM SUSPENDED. Amateur Association Demands Possession of Charity Game Receipts.

The disposition of the gate receipts of the Butte-Olympic football game for charity is still a matter of contention. Nothing has yet been done with the money, some \$1150, which is in possession of President Newhall of the Olympic Club. A long, animated meeting of the Pacific Amateur Association was held last night, when several representatives of the Olympic football team and Mr. Fitzgerald of the Alliance Club, as a representative for Butte, appeared and presented their side of the case.

They to further emphasize and define its position, the association adopted the following resolution: Resolved, That the game played on January 1, 1897, between the Butte and Olympic football teams, was for charity and that the proceeds, less the expenses of the grounds, labor and advertising, were to be entrusted to the board of managers of the Pacific Amateur Association, and that the same be placed in the custody of C. J. Bosworth, as trustee for the Pacific Amateur Association.

A committee consisting of Reinhardt of the University of California, Rothkopf and Sweet was appointed from the board of managers of the amateur association to examine further into the merits of the case and to report back to the main body. All concerned agreed that the proposition had been, as maintained by the president of the association, a game for charity with expenses allowed only for grounds and advertising, but as a matter of equity and financial hardship the Olympic Club representative asked for a considerable interpretation of the off-hand agreement made during the urgency of arranging for a game of some sort. The Olympic representative said that the football season meant a loss of from \$1000 to \$1500 to the club. A ban was placed on the Butte players.



The Burns Mausoleum at Dumfries.

of the Caledonian Club by Y. C. Lawson who had persisted in lining up with the two professionals. They were declared indefinitely suspended from amateur standing, the Olympic Club and the Dolphin Rowing Club alone voting in the negative, primarily, though, President Humphrey of the association voted no on the ground that the Butte men are deserving of more serious classification. The Acme Club's suspension was referred to a special meeting, as it was mid-night when the matter came up.

Consumptive Cows.

Herman Vogel, butcher, San Bruno road and Silver avenue, was convicted in Judge Conlan's court yesterday of violating the health ordinance by killing a cow outside of the prescribed limits, and was ordered to appear for sentence to-day. Vogel was arrested Tuesday night by Meat Inspector Davis and Policeman Butcherworth. They had been watching him for some time, and about dusk Tuesday night they saw his wife locking the door of the shop. They burst open the door and ran to the rear. Vogel heard them coming and blew out the light. Davis lit a match and ordered Vogel to throw up his hands, which he promptly did. They found that Vogel had just killed a consumptive cow for a man named Solomon, as he wanted to earn a dollar.

ON SCYLLA TO AVOID CHARYBDIS

Judge Paterson Criticizes a Judicial Reform Measure.

He Thinks Three Appellate Courts Means a Clash of Decisions.

Some Sledge-Hammer Comments on a Court of Discipline—Evils to Be Avoided.

The proposed constitutional amendment for judicial reform, which has the support of the California Bar Association, is coming in for a deal of criticism at the hands of many eminent legal practitioners.

The clauses relating to the formation of a court of discipline and three appellate courts, especially, are made to sizzle on the gridiron of criticism. Not that it is denied at all that there is urgent need of reformation in judicial affairs. That does not seem to constitute the bone of contention. It is, in fact, freely admitted.

The method of reform, however, cuts a good broad figure. Judge Van R. Paterson, whose opinions on points of law are given careful consideration, is one of those who disapprove of the measure championed by the Bar Association. His opinions, given in an interview yesterday, are as follows:

"We are all aiming at the same object, namely, the relief of the Supreme Court and a more speedy determination of cases appealed. We do not agree as to which one of the several schemes proposed is the most likely to receive the approval of the voters at the polls.

"My objections to the measure which meets with the most favor in the Bar Association are mainly threefold. First, there is to be a court of discipline, that is to say, a body of persons clothed with authority to discipline members of the bar, and all the Judges, including the Justices of our Supreme Court. Who are to discipline the members of this strange and powerful court we do not know. Of course, there will be no such person as the power to blot forever the reputations of our Judges and Justices, it seems, is to be placed in the hands of a tribunal known only in military affairs.

"How such a measure and such a tribunal would tend to bring about a more independent, fearless and honest administration of the law I am unable to see. If the court were to be organized for the discipline solely of members of the bar it would not be so objectionable, although to a great many it would seem an unnecessary and wasteful expenditure of right to earn a livelihood even in the hands of rival practitioners.

"But such a tribunal, if desired, can be provided for by a simple act of the Legislature without any constitutional amendment. That body has full control over the qualifications and discipline of the bar.

"Secondly, the system proposed provides for three appellate courts. This will result in either one or both of two evils: a clash of decisions, which will lead to great dissatisfaction among members of the bar and litigants, who lose their cases because of unfortunate enough not to be in some other district, and an additional burden upon the Legislature in trying to avoid or correct such clashes.

"Third, I object to the measure proposed for the reason that, in my judgment, regardless of its merits, no scheme providing for three new courts and the imposition of the additional burden upon the taxpayers of the State will receive the approval of a majority of the electors. The cry seems to be for retrenchment, and unless we can provide and offer the people an amendment which we can demonstrate to them will not, if adopted, materially increase the expenses of the State government it will be defeated at the polls.

"Have you any plan in view by which these objectionable features could be avoided?" "I think I have.

"First, I would have no man or set of men acting as monitors and holding disciplinary rods over Judges of our courts, either trial or appellate. I would have them act as the framers upon the Government intended they should act—under no obligation, save their oaths of office, individual honor and integrity.

"If we cannot get independent, fearless and honest administration of the law from our judicial departments under these conditions, we cannot get it at all, and our form of government is a dead failure, for the judicial department is the most powerful of the three.

"Secondly, I would have one appellate court composed of three or five Judges, with direction and authority to hold sessions at such times and places as the Legislature might provide. This would bring the court near to the State at large.

"Thirdly, such a court, even if composed of five Judges, would cost but very little more than the present commission of the Supreme Court, and it would do very much more effective work because its decisions would be final.

"There are many who believe, and argue forcefully, that there should be an appeal in nearly all the matters passed upon by the appellate court to the Supreme Court.



MRS. WILLIAM FISHER, Vice-President of the Emergency Home for Waifs.

MONEY-RAISING SALE THE LAST WEEK!

Don't lose the chance of getting some of the bargains. Each day brings you nearer to the end of the sale. It will pay to come around each of the remaining days, for money saved is money earned.

TO-DAY'S SPECIALS!

- At 29c Silk striped Glorias, light colored grounds, half silk, elegant Mozambique patterns, with vertical silk stripes. The latest stylish waist fabric.
At 49c All Silk Figured Louisines, for waists, dress skirts and full costumes. Ten lovely floral and figured designs, 20 inches wide. Regular 75c value.
At 35c All-wool Double-fold Scotch and Tartan Plaid Dress Goods, all the pretty red, blue, green and other color combinations. Wore in stock yesterday at 50c and 75c.
At 50c All-wool Heavy French Bourrette Cloth, full 48 inches wide. Makes the most stylish black costume a lady can wear. Sold earlier at \$1.25.
At 6 1/4c Fleece Back Wrapper Flannels. The kind that has the soft cashmere twilled surface; pretty striped and vine designs. Wore 10c.
At 25c Heavy Opaque Window Shades, different colors, 7 feet long by 3 feet wide, mounted on patent spring rollers. The shades will not be delivered nor put up. Not over half a dozen to a purchaser.
At \$1.50 Children's School Dresses, ages 4 to 12 years. There are all styles of plaids, fancy checks and mixed materials among them, some nicely trimmed and braided. Were sold up to \$3 apiece.
At \$3.95 Velour du Nord Capes. This season's latest style; trimmed around collar and down front with Baltic seal fur, embroidered with jet and braid, and lined with silk. Value \$7.50.
At \$9.95 Ladies' Tailor-made Suits, novelty designs, 1 to 3 of a kind; impossible to describe them, too many styles; all colors and makes of cloths and all sizes among them. Were sold earlier up to \$20 apiece.

SALE OF TOILET SOAPS.

Everybody can afford to keep clean with fine Soaps at such prices. AT 4c A CAKE—Pure Transparent Glycerine Oatmeal and Scented Bath Soaps. AT 5c A CAKE—Pure Olive Oil Castile, in white or green, oatmeal honey, glycerine, almond meal, brown Windsor, elder flower and sand soap.

The Hamburger Co. PROPRIETORS OF THE MAZE MARKET AND TAYLOR STS.

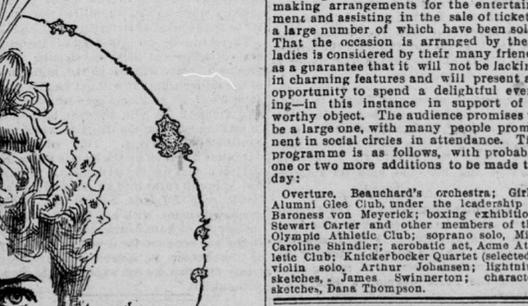
that are now visited by our Supreme Court but twice in each year, and would in a large measure accomplish one of the principal things aimed at in the plans which provide for three district courts of appeal. "In order to avoid a clash of decision I would give that court jurisdiction to hear and determine all criminal cases (except capital cases or those involving capital punishment), actions of forcible entry and detainer, cases of nuisance, divorce, maintenance, quo warrant, election contests, eminent domain, and in all actions not arising out of contract; also, authority to issue writs of procedendo, certiorari and prohibition to the Superior Courts in cases where it has appellate jurisdiction; also, authority to issue writs of habeas corpus to any part of the State.

"Such a court would take from the Supreme Court enough to leave the latter able to handle the balance of the appeals from the Superior Courts. There would be very few instances in which the decisions of the court could clash with the decisions of the Supreme Court.

"Whatever clashing there might be would arise chiefly out of matters of practice, but whatever difficulties might otherwise arise could be avoided by a provision requiring the appellate court to follow the rule of decision in all matters passed upon by the Supreme Court.

"Thirdly, such a court, even if composed of five Judges, would cost but very little more than the present commission of the Supreme Court, and it would do very much more effective work because its decisions would be final.

"There are many who believe, and argue forcefully, that there should be an appeal in nearly all the matters passed upon by the appellate court to the Supreme Court.



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KINDLING

Our prices and our methods are kindling quite a blaze among cash-paying buyers on the coast. No wonder, some things are being sold almost at kindling price.

CLOSING:

- Little Boys' Wagons, 9-inch body..... 7c
Little Boys' Carts, 9-inch body..... 5c
Bigger Boys' Wagons, 14-inch body..... 14c
Wheelerbarrows for little chaps..... 20c
Cotton Baskets used in moving..... 25c, 30c
Crockery from "as is" counter..... 1/2 price
French Castile Soap, Virgin brand..... 25c
6 lb. Bulk Starch..... \$1.00
2 1/2 lbs. Best Granulated Sugar..... 25c
15 lbs. Fine German Peas..... \$1.00
17 lbs. Taproot or Sagro..... 50c

SMITH'S CASH STORE.

New place, on Market St., near the ferry