THE UNEMPLOYED MAY RAISE VEGETABLES ON VACANT LOTS

Hundreds of Deserving Idle Men Now Eager to Do Anything to Earn a Simple Livelihood.

Several Plans Suggested for Relieving Their Pitiable Plight.

THEY WANT WORK, NOT ALMS.

Big Mass-Meeting Y sterday—Collections for Temporary Shelter Begin To-Day.

This City is now confronted with the urgent and serious problem of finding work for a large number of deserving persons who are out of employment and are eager for an opportunity to earn a livirg.

Three possible solutions are suggested. One is to adopt the so-called Pingree plan, very successfully employed in recent years by Mayor Pingree of Detroit, by which vacant city lots, through the privilege accorded by their owners, are given over temporarily to the unemployed to be used as vegetable gardens. Another is to provide a regular municipal fund, to be used in carrying on public works. Another is to adopt the Australian plan of finding men work in the placer mines. Still another is to form agricultural colonies on tracts of cheap land in far outlying districts of the State. And another yet will be forthcoming before some definite action is taken to-morrow by the conference, to be held in the Mayor's office.

Ex-Mayor Sutro said yesterday that he heartily indorses the Pingree plan as one of practical value to the City, where all the land on the peninsula can be made to produce vegetables. He cited the cases of Italians to whom he has rented a large number of acres, and who, he is assured, are making a very decent living from their vegetable gardens.

The use by the unemployed of vacant land within a city is not, he said, a proposition peculiar to the East. He himself advocated it here about eight years ago.

"What I have long contended for," declared Mr. Sutro, "is the establishment of a public fund to be expended annually upon works calculated to improve and beautify the City. Let it be a half million dollars the first year. It might be increased later if necessary. Let only the unemployed be given this public work.

"It is not right—it is not humane for this City to permit men and their families to suffer for food. There are people starving here, and I know it. During the last few months that I was in the Mayor's office I received hundreds of pleas for work and for assistance. Some are impostors, I know, but many are deserving and want nothing but a chance to support themselves.

"A work that could be undertaken by the City and that would give employment to hundreds of men would be a permanent seawall along the ocean beach as an improvement and protection to the whole west side of Golden Gate Park.

"European cities have been made beautiful by work put upon them, and there is no reason why San Francisco may not be when only a little tax upon the property-owners would provide the public improvements, and what is most important, prevent deserving people from starving for the want of a chance to earn a bare living."

Labor Commissioner Fitzgerald proposes to find work in the mines for the unemployed of this City.

"The solution of the problem of the unemployed," said he yesterday, "lies in taking advantage of the mining field. It would not be necessary to raise any large fund to do this, and the Labor Bureau and Mining Bureau, by co-operating, could attend to all the details of placing the men. The Mining Bureau has field surveyors at work, who could give information as to the best locality for the men, and my office would attend to the rest. Since I opened the free employment bureau I have sent over 10,000 men into the country and all have raised their own fares. It has at times been necessary to get reduced rates for them, but they were never found destitute.

"I think there would be no trouble about sending them to work in the placers. I have been instrumental in placing several men at work, and they have done well. There are claim-owners in the mining districts who are very anxious to get men to work them and ask in return only that the men sell them whatever gold may be taken out at $17 an ounce. Chinamen have for years been making a good thing out of the placers. I had opportunities in the Mint to see the results of their labors, even on placers that had been worked and abandoned by white men, and know what can be done there.

"The mining field here is the proper one to do such work in, as the farming business is overdone. The employment of men in that way would be a good thing for the State, as it would give permanent employment at fairly good returns to a great many more men than corporations. Should this idea be favorably received I can send a party of twenty or forty men out within forty-eight hours."

The unemployed have no definite plans as yet. They are willing to do anything that will provide continuous employment, but they are emphatically opposed to being made objects for temporary charity from societies providing food and shelter. They do not wish to be placed in the category of alms-seekers. They want work.

A mass-meeting, attended by over 300 unemployed men, was held yesterday in the Turk-street Temple. The situation was discussed and several addresses were made by persons interested in helping the unfortunate men.

A commodious building on Howard street that had seemed within their reach as a common shelter and co-operative economical boarding quarters was, upon special investigation by Chairman Leffingwell, found unrentable for the purpose because of the objections of neighboring property-owners.

During the absence of the chairman for an hour while investigating this proposed shelter J. Fabe acted as temporary chairman. Addresses were made by Delegate Alsop from the wageworkers of New Zealand, by Rev. J. E. Scott, by E. J. Saville and by J. Fabe, Jones, O'Shea and others of the unemployed.

Alsop, citing the process of a similar movement in Auckland, New Zealand, suggested that the executive committee of the unemployed pursue the co-operative plan and ask also that the City give the organized unemployed the preference as workmen upon all public contracts. Such a scheme would free these poor men from the necessity of competition with persons in a less distressing position and would do away with a hopelessly unemployed class.

The sense of the meeting was expressed as strongly opposed to accepting temporary relief from any charitable organizations. The men seeking honest work do not wish the movement to degenerate into a system of soup kitchen relief. They want a chance to earn their food and to earn it not only now but during some time to come. A constitution was adopted embodying these sentiments.

After the meeting the executive committee decided to issue proper credentials to persons that will begin to-day to collect from private persons contributions of old bedding, old clothing, dishes and like articles to be used by the men as soon as a temporary shelter shall be provided where they may begin housekeeping on a cheap co-operative plan.

Persons having things to contribute are requested to notify G. B. Wright, secretary for the unemployed, 117 Turk street, stating their name, address and what they wish to give, so that it may be known whether or not it will be necessary to send the wagon for the contribution. In any event persons are warned against giving to men not possessed of properly indorsed certificates from the secretary of the unemployed.

A part of Mayor Phelan's cash contribution of $250 was spent yesterday upon tencent-meal tickets, which were issued to alleviate the immediate sufferings of the very hungry, penniless men.

DECLARATION OF THIS CITY'S UNEMPLOYED.

The San Francisco unemployed, in mass-meeting assembled, yesterday afternoon adopted the following as a preamble to their constitution and by-laws:

"It is our determination to stand shoulder to shoulder in a compact and orderly organized body, to obtain employment at a compensation sufficient to keep a family and to avoid falling back a dead weight on the community, as it is our desire not alone to provide temporary subsistence for the unfortunate and starving people in the City, but principally to endeavor to put them in the way of obtaining something tangible and lasting in the shape of employment, so as not to be calling for help again in a short period of time."

NEW TO-DAY—DRY GOODS.

REDUCTIONS That Will ASTONISH Shrewd Buyers.

THOSE BEST POSTED ON REAL VALUES WILL BE MOST ASTOUNDED at this week's tremendous reductions, for SPRING IMPORTATIONS are so crowding us for room that EVERY PIECE AND YARD of Fall and Winter Goods MUST BE CLEARED OUT AT ONCE, consequently the final days of our Great Sacrifice Clearance Sale resolve themselves into THE GREATEST CUT-PRICE CARNIVAL OF THE AGE, our sole aim being

TO FORCE OUT EVERYTHING WITHOUT DELAY!

COLORED DRESS GOODS. 122 pieces 37-INCH FANCY MIXED DRESS GOODS, stylish colorings, fine value for 50c a yard; Clearance Sale price..... 25c

113 pieces 40-INCH HEAVY ALL-WOOL DRESS GOODS, in checks, mottled, boucles and figured, good value for 60c a yard; Clearance Sale price..... 35c

91 pieces 43-INCH FINE ALL-WOOL HIGH-CLASS FRENCH FIGURED SUITING, extra value for $1 a yard; Clearance Sale price 50c

52 pieces 50-INCH ALL-WOOL ENGLISH NAVAL STORM SERGE, value for $1 a yard; Clearance Sale price..... 55c

47 pieces 43-INCH ALL-WOOL AND SILK-AND-WOOL HIGH-GRADE FRENCH NOVELTY SUITING, latest colorings, worth $1 and $1 25 a yard; Clearance Sale price..... 75c

BLACK GOODS. 25 pieces 39-INCH BLACK ENGLISH MOHAIR, worth 60c a yard, will be closed out at.. 35c

50 pieces BLACK ENGLISH STORM SERGES, Mohair finish, in three different wales, regularly sold for 75c a yard, will be closed out at... 50c

2 cases ENGLISH CHEVIOTS, 58 inches wide, regular value $1 50 a yard, will be closed out at..... 75c

SILK DEP'T. 30 pieces BLACK SATIN BROCADES, medium and large designs, regular value 85c a yard; Clearance Sale price 60c

20 pieces 24-INCH BLACK DUCHESSE SATIN, extra heavy, regular value $1 50 a yard; Clearance Sale price.... $1.00

35 pieces BLACK BROCADED DUCHESSE, rich, handsome designs, regular value $1 50 a yard; Clearance Sale price.... $1.00

CAPES, JACKETS. LADIES' DOUBLE CAPES, in black only, made of plain Cheviot and neatly trimmed with Mohair braid, former price $3 50; Clearance Sale price..... $1.75 Each

LADIES' TWO-TONED ASTRAKHAN CLOTH CAPES, lined with silk serge, fronts and storm collar edged with black Thibet fur, former price $10 each; Clearance Sale price.... $6.35

LADIES' TAN KERSEY JACKETS, half lined with silk, slashed collar inlaid with velvet, fly front, former price $12 50 each; Clearance Sale price..... $7.50

KID GLOVES. 50 dozen 5 and 7 HOOK FOSTER KID GLOVES, colors and black (odd sizes), slightly imperfect, worth regular $1 50 and $1 75 a pair; Clearance Sale price..... 50c

98 dozen 4-BUTTON GENUINE FRENCH KID GLOVES, embroidered backs and large buttons, colors tan, mode and brown, also black, regular price $1 50 a pair; Clearance Sale price..... $1.00

MEN'S WEAR. 75 dozen MEN'S HEAVY FULL-FINISHED MERINO SOCKS, with double spliced heels and toes, in assorted colors, regular price 25c a pair; Clearance Sale price.. 12½c

38 dozen MEN'S UNDYED SANITARY LAMB'S-WOOL UNDERSHIRTS AND DRAWERS, warranted thoroughly shrunk, good value for $1 25 each; Clearance Sale price..... 75c

UNION SUITS. LADIES' JERSEY RIBBED EGYPTIAN COTTON UNION SUITS, high neck, long sleeves, ankle length, heavy weight, worth $1 25 each, on Special Sale at.. 90c

LADIES' JERSEY RIBBED UNION SUITS, high neck, long sleeves, ankle length, warranted two-thirds wool and non-shrinking, natural color, worth $2 50 a suit, on Special Sale at..... $1.80

CORSETS. CORSETS. LADIES' SATEEN CORSETS, extra long waist, high bust, two side steels each side, handsomely embroidered with colored silk flossing, black and drab, regular price $1 50; on Special Sale at..... $1.00

EMBROIDERIES. CAMBRIC GUIPURE EMBROIDERY, regular price 10c a yard; Special Clearance Sale price..... 5c

CAMBRIC GUIPURE EMBROIDERY, regular price 20c a yard; Special Clearance Sale price..... 10c

LINENS. LINENS. We have always prided in our Linen business, because it has been large and satisfactory to our customers. There is good reason for it. We choose our goods from the best European makers, and handle them at a close profit. That is why we are confident we can give, at all times, best values, largest varieties and good satisfaction. For this week a few extras.

BLEACHED DAMASK, 58 inches wide, a new line of patterns; this week at.....yard 22½c

AN EXTRA GRADE CREAM PURE LINEN DAMASK, solid weave, 63 inches wide; this week at.....yard 50c

A CLOSELY WOVEN BLEACHED IRISH LINEN 3-4 NAPKIN (21 inches square); Special this week.....dozen $1.15

BLEACHED HUCK TOWELS, nice borders, size 19x37 inches .....dozen $1.35

CHECK GLASS LINEN, 18 inches wide, Irish make, the 10c a yard grade; this week's price..... 7½c

WASH GOODS. JUST OPENED—The choicest lines of FINE PRINTED DIMITIES, FRENCH ORGANDIES, SCOTCH PRINTED LAPPETS, ENGLISH PERCALES, DENTELLE FRANCAISE, AMERICAN BATISTES, Etc., in rich, stylish and exclusive effects, and at prices almost as low as the common fabrics.

J. J. O'Brien & Co. Murphy Building, Market and Jones Streets.

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L. H. REICHLING'S WILL IS CONTESTED

Allegations by a Brother and a Sister of the Testator.

Bitter Attack Made on Miss Lillie H. Theurkauf, the Residuary Legatee.

It Is Asserted That She Induced the Old Man to Falsely Believe She Would Marry Him.

Albert H. Reichling and Mrs. Bertha Martins have filed a notice by their attorneys, Adams & Adams, that they will contest the probate of the will of the late Louis F. Reichling.

The estate thus placed in dispute is valued at $100,000, and according to the terms of the will the greater part of the property is devised to Miss Lillie H. Theurkauf, who was in New York City at the time of the testator's death, but who has since returned to this City.

The contestants are the brother and sister of the testator, Louis F. Reichling, and claim that they would have been more liberally dealt with if his mind had not been unduly swayed by others, and particularly by Miss Theurkauf.

In support of their position in this regard, the contestants have presented a document giving their side of the question. Primarily they assert that at the time decedent signed the instrument which purports to be his will he was not of sound or disposing mind. Then follows this statement:

In September, 1895, the decedent became seriously and dangerously ill, suffering (among other ailments) with an enlargement of the spleen and liver, and he also had typhoid pneumonia, in consequence of which he was confined to his bed until about the 15th of November, 1895.

Continuing from that date to the time of his death, on the 24th of January, 1897, said decedent suffered continuously from the diseases mentioned, from the effects of which he finally died. Ever after he arose from his bed of sickness in November, 1895, he was continuously abnormally morose, irritable, impulsive and capricious and groundlessly suspicious of those around him. He suffered from loss of appetite, insomnia and from vague fears of purely imaginary evils.

Such mental and physical conditions, the contestants allege, affected his mind to such an extent that he was not on the 27th day of June, 1896, the date of the will, capable of making a valid will.

Then is presented to the court the second allegation in the contest, being in substance as follows:

At the time of the making and signing of said will the said decedent acted under undue influence and misrepresentations, in this, to wit:

That one Lillie H. Theurkauf, for a long time prior to the date of the signing of said will, had implanted in his mind a belief that she would eventually become his wife, whereas, on the contrary, she did never intend to marry him, and only induced him to believe she would marry him for the sole purpose of unduly engrossing his thoughts and unduly influencing his mind generally in her behalf.

The contestants in conclusion ask that the will be refused admission to probate as the will of Louis F. Reichling, deceased.

Miss Theurkauf, who was in Judge Slack's court with her attorney, ex-Judge John F. Davis of Amador County, was quietly attired and is a modest-appearing, good-looking young lady. She is a cousin of the deceased and it appears has been residing in New York City for nearly a year and was residing there at the time the will was made. Another cousin of the deceased, named Cornelia, who is also a cousin of Miss Theurkauf and resides in Cincinnati, is also a legatee under the will, but no mention of her is made in the contest filed. The brother and sister, who make the contest, were left a large estate by their father a short time before the death of their brother.

When asked for a statement of the other side of the case the young lady's attorney declined to discuss the matter. "The allegations in the opposition are beneath contempt," said Judge Davis, "and are merely another instance of the inability of relatives to respect the wishes of the dead when in his will he leaves his property where his heart dictates instead of to themselves."

WIFE MURDER AT MAZATLAN.

The Mexican Officials Believe That the Husband Fled North to This City.

According to advices received by the last Panama steamer, the Mexican officials are on the search for a man, F. Hermanns by name, who is supposed to have recently murdered his wife in the outskirts of the town of Mazatlan, and who is supposed to have fled to either this City or New York.

The victim of the tragedy is supposed to have once been Miss Mouldern, a former California girl. Some years ago she drifted on the stage in Portland, and there met Hermanns, who represented himself as the outcast son of wealthy parents.

The couple upon arriving in Mazatlan took up their residence in a small cottage, about seven miles from the town. For a time they entertained lavishly. Hermanns disappeared from his usual haunts suddenly, and after a time the officials made an investigation.

Upon breaking into the house they found the wife's remains on the bed in an advanced state of decomposition.

An effort was made to locate the husband in vain. The Mexican police learned that he came north and rumor has it that they learned that he was seen in this City about a month ago.

NORTH PACIFIC ELECTIONS.

Jesse W. Lilienthal Was Made Director and A. Markham Vice-President.

The annual meeting of the officers and directors of the San Francisco and North Pacific Railroad was held yesterday. Jesse W. Lilienthal was elected director to take the place of John L. Howard, and A. Markham was made vice-president, succeeding P. N. Lilienthal. A. W. Foster was re-elected as president and general manager, and Jesse W. Lilienthal was continued as general counsel.

The directory stands as follows: A. W. Foster, A. Markham, P. N. Lilienthal, George A. Newhall, Jesse W. Lilienthal, A. Borel and J. B. Stetson.

"No other business was transacted," said President Foster; "we took up nothing else, and when we were through with the election there was an adjournment."

Ex-United State Senator Dolph in Town

Ex-United States Senator J. N. Dolph of Oregon arrived here yesterday and is at the Palace. He said that he had come down in connection with some cases in the United States Circuit Court and would remain only a day or two. He did not desire to say anything about the Oregon struggle over the senatorship.

TO CURE A COLD IN ONE DAY.

Take laxative BromoQuinine Tablets. All druggists refund the money if it fails to cure. 25c

CARSON RATES ARE NOW FIXED

Those Who Want to See the Big Mill Can Figure on It.

They Can Now Tell Exactly How Much It Will Cost Them.

A M Ardery Arrives From Carson and Arranges for Sidetracking the Pullmans.

General Passenger Agent Goodman of the Southern Pacific has completed a full list of rates from points in California to Carson during the battle between Corbett and Fitzsimmons. He has also made rates for Portland, Ogden, El Paso and other places. The rates, aside from the round-trip rate of $16 40 between San Francisco and Carson, as hitherto published, are in almost all cases new.

"To Carson and return from San Francisco," said Mr. Goodman, "the rate will stand at $16 40.

"From Sacramento the round-trip rate will be $12 40, from Monterey and Santa Cruz $20 40, from Los Angeles and San Bernardino $30, from Maricopa $43 65, from El Paso $55, from Ogden $38 40. This last is not the basic rate, which I have no doubt will be arranged. This will be $35. The rate from Portland will be $42.

"As for the railroads East which desire to co-operate with us, we have received a proposition from one line which would make the rate from Chicago to Carson and return $84 80. Another line offers a rate of $76 50, which is a little more than one fare; $75 50 would be one to Carson.

"However, nothing is settled yet. Other propositions will be received, and we will hear the arguments of different kinds.

"As to the many Pullmans that have been reported engaged, some of them have been really engaged and some not. The best way to engage them is to put up the money, or else they may find when they want them that somebody else has got them."

It is said that twenty Pullmans, each capable of holding twenty-four persons, and the whole with a capacity of 480 persons have been secured by different parties from the Southern Pacific Company. The supply of Pullmans, it is believed, will be too light for the demand. For over a week the road has been collecting the Pullmans that could be spared from various places in the West and on the coast.

"Every little puny station is telegraphing and wanting a Pullman," said Mr. Goodman. "From one place the other day we got an inquiry asking what rate we would give for forty people. I have no idea they can get fifteen there.

"It is very important for us to know whether Stuart is going to give this three days' tournament at Carson in connection with the big fight. If he can get his talent together, and it is known in time, probably a good many would remain till Sunday or Monday. The big contest takes place on Wednesday."

A. M. Ardery, who has been with Stuart at Carson for several days past, has returned here and yesterday called on Manager Fillmore. He wanted to arrange for all the Pullman trains to go straight to Carson and be switched there on sidetracks. Considering this in the highest degree necessary for the comfort of those who were to go he wanted to know if it could be done.

Mr. Ardery was at once assured that it could not only be done but would be. It is the idea to run the cars over the Virginia and Truckee track from Reno to Carson, a distance of thirty-one miles. The Reno and Truckee conductors and brakemen will take charge of the trains on their arrival in Reno, but the original engineers will continue with the trains.

The Virginia and Truckee track is said to be strong and the curves all right for any cars, however big.

PASTORS' STANDING.

Congregationalists Discuss With What Denominational Body the Ministerial Position Shall Rest.

An executive session of the Bay Association was held yesterday at the First Congregational Church, the subject under discussion being the question of whether the standing of Congregational pastors is to rest with the Bay Conference or the Bay Association.

Rev. Dr. Hallock read a paper, the object of which was to prove that the ministerial standing should be held in the Bay Association, as it is a body composed of ministers exclusively, whereas the Bay Conference is composed of ministers and two lay delegates from each church.

Dr. Nash read a paper showing that, according to Congregational usage, the pastors' standing should rest with the conference.

In the discussion most of the pastors took the view upheld by Dr. Nash. The papers had been so lengthy, however, that the conference adjourned without arriving at any decision.

The following pastors were present: Rev. Dr. Hall, Rev. G. C. Adams, Rev. Mr. Bailey, Rev. Mr. Galloway, Rev. W. Dixon, Rev. W. H. Cross, Rev. E. Saratogay, Rev. H. H. Wikoff, Rev. C. F. Nash, Rev. Dr. McLean, Professor Lloyd, Dr. Hallock, Dr. Willey, Rev. W. Crawford, Rev. Dr. Moar, Knodell, Lucas, Anderson, Philip Coombe, Professor F. H. Foster, Rev. B. Hatch, Rev. B. F. Perkins, Rev. W. C. Pond, D.D., Rev. J. Cruzan, D.D., Joseph Rowell, W. W. Scudder.

CANVASSING FOR FUNDS.

Meeting of the Vestry and Parish Committee of St. Luke's Church

The vestry of St. Luke's Episcopal Church met in joint session with the committee recently appointed on the raising of funds to build a new place of worship, last evening.

There were present of the vestry: A. N. Brown, Dr. H. C. Davis, Theodore E. Smith, Henry L. Davis, Dr. George H. Powers, W. D. Clark, Robert B. Forman, L. F. Monteagle, J. C. Hall and R. H. Elliott. The parish committee present were O. S. Phelps, Captain Simpson, J. R. Langhorne, R. C. Daniels and A. C. Field.

The list of church members was carefully gone over, and the members of both committees were assigned various ones to see and ascertain what they would give to swell the fund of $20,000 that has already been subscribed. The belief is freely expressed that if $50,000 is found necessary for the new edifice it can easily be raised.

To Ward Off Danger.

The following notice is published at the request of the Sisters of Charity:

Notice—Visiting days at the Roman Catholic Orphan Asylum, N street south, will be suspended until measles and kindred diseases now prevalent in the City have passed off. The children in the institution are well.

SISTERS OF CHARITY.

Roman Catholic Orphan Asylum, Feb. 16, 1897.

BUTLER TRIED ON THE COAT

An Interesting Episode During Yesterday's Hearing.

Further Evidence in the Preston Case From the Same Witnesses.

Captain Petrie of the Olivebank Tells of His Acquaintance With the Prisoner.

The hearing on the application for extradition in the case of Richard Ashe, commonly called Butler, accused of murdering one Preston, was resumed yesterday afternoon in the Circuit Court, before Commissioner Heacock. There was a much smaller attendance than heretofore.

The earlier portion of the proceedings was monotonous, owing to the amount of repetition involved in the evidence of witnesses who had previously testified in the Lee Weller case. The prisoner seemed more alert and interested than usual, however, and was in constant consultation with his counsel, Attorneys Black and Pidwell, Leonard Stone being absent for the nonce. Mr. Black himself fairly beamed upon his client, whose sunburnt neck he at one time during the hearing affectionately encircled with his right arm. The British Consul-General, J. W. Warburton, went rapidly over the same ground as before, with the only material difference that Preston's name was substituted for that of Captain Lee Weller.

Marshal Barry Baldwin and his deputy, Thomas J. Gallagher, deposed to the serving of the warrants, in the face of a running fire of objections and motions to strike out from the indefatigable Mr. Black.

Constable Conroy, recalled, repeated the story of his brief connection with the prisoner in Australia. Conroy's version of the historical scene on the deck of the Swanhilda evoked a smile. "I asked him if he knew me," said the witness, "and he said he didn't. Sergeant Bunner told me to remove the whiskers, and the prisoner then said, 'I have seen your face,' and afterward he admitted knowing me and giving me a map of the Aubrey mining district." The witness said he had given the defendant his brother-in-law's address at the Race Club Hotel, near Aubrey, at his request, and that the defendant wrote it down upon a small piece of paper. The address in the checkbook was in his sister's handwriting.

The checkbook was produced and Mr. Cormac continued his examination. Conroy insisted that the prisoner was called Harwood when he knew him, and that Harwood told him of his proposed trip to the Blue Mountains.

Mr. Black began his cross-examination, and induced the witness to state that he was positive it was not so late as October 28 when he last saw the prisoner with the checkbook. A few questions addressed to the witness by Mr. Cormac showed that he had never seen the checkbook in Australia.

"So," said Mr. Cormac, "you must have been mistaken when you stated that you saw the checkbook in the prisoner's possession before October 28?"

Conroy explained that he thought he had been asked if his sister wrote down the address before that date. He was sure his sister never saw the prisoner after September 10, 1896, because she was with the witness during that period.

The court allowed the depositions in the Lee Weller case to be admitted and the reading dispensed with, except in the case of witnesses present, who might be examined orally.

Detective Eagan gave evidence to the effect that the prisoner when asked by the witness in the Marshal's office, "How about this young man Preston?" replied that he had met him at the railway station. "Then," continued Eagan," I asked him how about the old English miner? He knew, I said, too much about prospecting for you."

"I object," cried Black, "to the admission of evidence about the old English miner."

The objection was allowed.

Detective Eagan gave way to the Australian detective Roche, who swore to the depositions taken before the magistrates in New South Wales and the chief consular officer of the United States. He assured Mr. Cormac, albeit Mr. Black objected, that he was familiar with the penalty of murder provided by section 9 of the New South Wales criminal law amendment act. He described the search for Preston's body and its exhumation. Though he had never seen Preston alive he identified the body by means of a photograph. The body was carefully buried at a varying depth of two and three feet. The earth above seemed to have been smoothed over with a spade and some dry sand sprinkled over it. A towel, tightly knotted, was passed under one shoulder and over the other, and had presumably been used to pull it into the hole. The wound in Preston's head the witness attributed to a rifle bullet. The direction of the wound was downward from the back. No rifle was found near the locality at the time the body was exhumed. There was no indication that death had been suicidal.

Mr. Cormac, ignoring Mr. Black's protest, asked the witness if the articles found in the prisoner's possession were necessary evidence at the trial of the case.

"They are very material evidence," was the reply. He then identified, from descriptions furnished him, a coat and vest as having been Preston's property. "There is a piece set in the back of the vest," he went on, indicating the spot, "and the coat is much too small for the prisoner. Preston weighed 150 pounds."

Mr. Black suggested that it might be well for the prisoner to try on the coat. Ashe jumped up with apparent alacrity, and after divesting himself of his blue serge coat, put on the other, which was obviously an ill fit.

"Much too small in the chest," declared the witness emphatically. "That coat was never made for him."

At Mr. Black's request, Roche examined through a magnifying glass a loose piece of tweed cloth also found among the prisoner's effects, and expressed his opinion that the coat and vest were of different material.

Mr. Black asked that all the foregoing testimony concerning the identification of clothing be stricken out, as it was clearly shown that the witness' sources of information were hearsay. The court refused to grant the motion.

The witness, still replying to Mr. Black, stated that he obtained the prisoner's signature to the list of property without having told the prisoner that he wanted it as a check upon the clerk. The officers failed to find the bullet which killed Preston, and in his opinion the bullets found among the prisoner's baggage were not small enough to have inflicted the wound.

James J. Groom of Groom & Hogan, fashionable hatters, was called to produce an acknowledgment signed by the prisoner in the name of Butler, which the latter gave on receipt of a brand-new hat in exchange for the prisoner's old one. The witness informed Mr. Black that when signing the acknowledgment the prisoner remarked that Butler was the name he was known by in San Francisco.

Constable Conroy, recalled, said the prisoner was a little stouter than at present when he knew him in Australia and weighed, he thought, about 180 pounds. He would weigh now only about 165 pounds. When the witness knew him he wore a Scotch tweed coat.

Captain John Nicholson Petrie of the Olivebank deposed that he knew the prisoner very well. He was an A. B. and sailed with the witness from Rio Janeiro, February 17, 1893. The witness knew him as Richard Ashe. "We proceeded to Newcastle, N. S. W.," continued Captain Petrie, "where he was discharged. I saw him afterward in Newcastle a fortnight before November 19, when we sailed. He seemed then much stouter. I remarked when I saw him here that he had fallen away. I never knew him by any other name than Ashe."

Replying to Mr. Black, the witness admitted that it was a very common experience with captains to find sailors shipping under different names. This was often necessary when they deserted. The prisoner, when he met him in Newcastle, was wearing a dark suit, and "it struck me," continued the witness, "that he had a good appearance." I never knew him as Frank Harwood, nor as Butler, nor as Weller. Richard Ashe is the one name by which I knew him. He was a fairly good seaman, but when we got to Newcastle he laid up. He asked for his discharge and said he wanted to better himself. He told me he had a mate's certificate. I never had any row with him at sea. He was not disobedient nor insubordinate. I have nothing against his character."

Mr. Cormac, in the course of re-examination, elicited the information that a Dr. Eames, who visited Ashe in the forecastle when he complained of rheumatism, assured the witness there was very little the matter with him. "When I offered him a lotion for his knee," said Petrie, "he said to me: 'No you won't, captain, do anything of the sort. I will do for you as I did for the captain of the Star of Russia.' I then gave him in charge for threatening me on board the vessel."

"You told Mr. Black," said Mr. Cormac, "that it was a common occurrence for sailors to change their names. Is it not equally common for fugitives from justice to do the same?"

Objection sustained.

The hearing was then continued until Thursday afternoon at 2 o'clock, Mr. Cormac stating that it had been agreed between counsel to argue both cases in one.

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