The San Francisco Call

SATURDAY.....AUGUST 28, 1897

AMUSEMENTS.

BALDWIN THEATER.—"The Heart of Maryland."
COLUMBIA THEATER—The Great Unknown."
MOROSCO'S OPERA-HOUSE—The Train Wreckers.
ALCAZAR THEATER.—"Jane."
TIVOLI OPERA HOUSE.—Il Trovatore.
ORPHEUM.—High-Class Vaudeville.
OBERON.—Grand Concert.
SUTRO BATHS.—Bathing and Performances.
THE CHUTES AND CHUTES FREE THEATER.—Great Vaudeville Company, every afternoon and evening.
MECHANICS' PAVILION—Mechanics' Fair now open.
STATE FAIR—Sacramento, commencing September 6.

AUCTION SALES.

BY G. H. UMBSEN & CO.—Thursday, September 2, Real Estate, at 14 Montgomery st., at 12 o'clock

CITY NEWS IN BRIEF.

Judge Wallace has set the trial of the case of George K. Fitch against the Supervisors for next Thursday.

Pierre J. Pecheu, a gardener who formerly worked for Mammy Pleasant, fell dead yesterday on California street.

Auditor Broderick sent a caustic letter to the Mayor yesterday on the subject of his action in signing stationery and printing warrants.

Mrs. Ine Stewart of Sacramento has asked the California Society for the Prevention of Cruelty to Children to assist her in finding a missing daughter.

Clinton Patrick's estate is in course of settlement in Judge Coffey's court. During his lifetime Mr. Patrick was known in this community as James S. Story.

Charles Kenny, who resided at the corner of Folsom and Spear streets, died in an ambulance yesterday while being taken to the City and County Hospital. He had heart disease.

Wheat steadily declined until advices from Chicago showed strength on the curb, and then there was a recovery of 2 cents, with a strong tone at the close of the call-board session.

The Mission pupils who were overridden by the Board of Education in their plans for the laying of the Mission High School cornerstone recently adopted resolutions vigorously arraigning the board.

Rogers' fantasie, "The Battle of Gettysburg," took so well at the Fair last night that it will be repeated next week. This will be baby day, and prizes are offered for all specimens of the rising generation.

Arguments on the admission of testimony as to Hoffman's family relations took up the entire session of the Figel case yesterday. Judge Campbell ruled to admit the evidence and afterward reversed his decision.

Twelve Deputy Sheriffs undertook to evict the landlord of the Pacific Coast House, 301 Montgomery avenue, yesterday afternoon. The landlord beat them by borrowing the rent from all his friends in the neighborhood.

Judge Hebbard has declined to dismiss the case of C. W. Bennett against the Board of Education to prevent the discarding of Prang's system of drawing in the public schools. The trial will be heard on October 4.

An interesting feature of last night's meeting of the San Francisco Labor Council was the encouraging reports of the representatives of the various unions. In almost every branch of trade prosperity's wave has made itself apparent.

The dead body of a male child about 15 days old was found yesterday in a vacant lot on the corner of Twenty-sixth and Army streets. Mrs. Moore of 3317 Twenty-sixth street made the discovery. The body was taken in charge by the Coroner.

The Coroner's jury in the case of the death of Mrs. Helene Schrader, who was run over by a train from San Jose, returned a verdict of accidental death, and advised the company to take precautions to keep people from attempting to cross the bridge.

G. Zicovich, whose distillery at Santa Clara was recently seized by the Government, has compromised the matter by paying a light fine, he having established the fact that the removal of some brandy from the winery to his residence was the result of the mistake of an employe.

The jury in the case of the Overweight Counterbalance Elevator Company vs. Mark Sheldon rendered a verdict yesterday in the United States Circuit Court in favor of the plaintiff and assessed the damages at $1. The suit was for damages for an alleged infringement of the patent.

United States Circuit Judge Morrow issued an order yesterday giving permission to Alphonzo B. Bowers to examine his former attorney, John L. Boone, as to the charges made by Boone against Bowers, the testimony to be used in the case of Bowers against the San Francisco Bridge Company.

The Merchants' Association at a meeting yesterday took decided steps to have at least a portion of the sidewalks in front of where new buildings are being erected kept in such condition that pedestrians may have at least one-half of the walk to pass over while the buildings are being put up.

Greatly to the chagrin of the California letter-carriers it has been decided that the National Association, which was to have met here September 6, will convene in Chicago. This is owing to high rates west of Missouri River points, or at least that is the excuse given by the National committee.

The Precita Valley Improvement Club of that district is determined in so far as it can to obtain what it considers the necessary betterment of the section within its boundary by a steady application to the Supervisors for a share of the public funds at their disposal for improving the outside sections of the City.

The Marechal Niel Hotel has been visited by room-prowlers during the past few months, much to the annoyance of the proprietor and his guests, as in every instance the thieves got away with some articles of value. Jewelry and clothing were the principal things that disappeared. The police are on the lookout for the visitors.

C. S. Bartlett, one of the witnesses for the defense in the Fair trial, was ordered into custody by Judge Slack yesterday, and will be charged with perjury. While on the stand several days ago he testified that he saw Senator Fair in Notary Cooney's office on the 27th of September, 1894, but yesterday he confessed he had not told the truth.

Argument in the case of the Penn Mutual Life Insurance Company against the Union Trust Company was begun before United States Circuit Judge Morrow yesterday afternoon. Lawyer Cannon, on behalf of Mrs. Theresa Abell, argued that the mind of the late General Dimond was unduly influenced by Dr. Rosenthal against Mrs. Abell.

FELL DEAD.

Gardener Pierre J. Pecheu, Who Worked for Mammy Plaisance.

Pierre J. Pecheu, an elderly Frenchman who used to oversee a ranch for Mammy Plaisance, fell dead of heart disease yesterday afternoon, in front of a French restaurant at 619 California street. He had eaten dinner there and complained that his heart pained him. He walked to the sidewalk and fell to the ground a corpse.

On the body was found a letter from Mammy Plaisance, 1661 Octavia street, addressed to him at Beltane ranch, Sonoma County, in which letter "Mammy" rakes him over the coals because the men were "soldiering." She says that some one named Albert told her that the men took three days to do one day's plowing; that they didn't get up until 8 o'clock in the morning, and that a large number of men had applied to her in San Francisco to go to work on the ranch at $20 per month. She orders Pecheu to have the men rise at 6 and go to work on schedule time, or discharge them and send them to her for their pay.

An inquest will be held by the Coroner.

NEW TO-DAY.

For one reason or another

the nervous system of women becomes impaired, and on account of what is termed "female complaints," life becomes a burden. Many think that these pains and aches that wear women's life down with nervousness and so rapidly age them must be endured. But this is not true. Headaches, sleeplessness, lack of energy, nervous prostration, despondency, weariness, neuralgia, are all dispelled, and nervous, ailing women are restored to health by

Dr. Miles' Restorative Nervine

Book free, address, DR. MILES MEDICAL CO., Elkhart, Ind.

CITY DADS HAD VERY HARD LUCK

They Lost Their Third Point in the Suit to Oust Them.

THE LAW SEEMS TO BE ADVERSE

Judge Wallace Orders Them to Go to Trial Next Thursday.

BECAUSE THIS IS A SUMMARY ACTION

Attorney McEnerney Discusses the Plan of Campaign on Behalf of the Defendants.

The Board of Supervisors have met their third defeat in the litigation instituted by George K. Fitch to oust them from office for alleged malfeasance.

The first victory for Mr. Fitch was in the order made by Judge Wallace overruling their demurrer to the complaint; the second was recorded in the Supreme Court proceedings, whereby it was held that the Superior Court has jurisdiction of the case, and the third setback came yesterday, when Judge Wallace ruled that the defendants were not entitled to delay beyond a few days to prepare for trial, and set the matter for hearing on Thursday, the second of next month.

When the case was called on Judge Wallace's calendar yesterday Attorney Garret McEnerney filed the answer of the defendants, as was required by the Supreme Court decision. He then requested that the matter be continued for several weeks in order that the accused men might have an opportunity to prepare for trial.

The court denied this motion, remarking that this is a summary proceeding and ought to be disposed of at once. He therefore set the trial down for the first day available on the calendar.

Mr. McEnerney disclosed the method of his defense in the formal answer that he filed in open court. The answer alleges that the Supervisors were not guilty of malfeasance in office, though they failed to fix in February the water rates to be charged by the Spring Valley Water Company. It is further set up that the statute does not require a specific compliance with the direction to fix the rates in February, but that it is intended to control the Supervisors in the discharge of their duty in such manner that they may best serve the interest of the community; that if the rates were not fixed in February it was because the Supervisors were making proper and necessary inquiries in regard to the business under consideration, and that in any event no one had been injured, since the rates have been fixed in a legal and legitimate manner, even though such action was not formally taken in the month specified by the constitution and statute.

Attorneys Schell and Baggett, representing Mr. Fitch, contend that the statute must be construed to mean just what it says, as it was enacted subsequent to the adoption of the constitution and in pursuance of provisions contained therein.

The trial next Thursday promises to prove a well-fought battle on both sides, and already politicians and other citizens are asking who will probably be appointed in place of the present board if it be decided that the Mayor has the power to name their successors, should they be ousted.

There seems to be a general opinion that the Supervisors have a hard fight on their hands and that the legal chances are against them, the constitution and statute being both adverse to their contention.

There is a difference of opinion in regard to the appointing power in case of a vacancy ensuing. The majority of lawyers appear to think that the Mayor will appoint the new board if the present board should be cast out, but there is a chance that a special election would be necessary to fill the vacancy. The consolidation act says the Mayor shall fill vacancies, subject to confirmation by the remaining members of the Board of Supervisors. If there be no remaining members, of course there could be no confirmation, and as they could not legally act before they were confirmed, the Mayor's power to appoint would seem to be a nullity. A few hold that the Governor would be the potent factor in the naming of the new members, so taken altogether there is a delicious uncertainty in the situation that is more interesting than pleasing to the politicians.

HAS CHANGED HANDS.

Norman's Cafe to Be Known as the Baldwin Grotto With W. Bogan as Proprietor.

The handsome Norman's Cafe, under the Baldwin Hotel, has changed hands and hereafter will be known as the Baldwin Grotto, under the management of W. Bogan.

The reputation of Mr. Bogan as a caterer is too well and favorably known to require commendation. For many years he was the proprietor of the Odd Fellows Grotto and for the past six years has been the proprietor of the Louvre, at the corner of Powell and Eddy streets.

It is a pretty place, this Baldwin Grotto, and something of a revelation in the convenience of its appointments. There is a sweeping double stairway of white marble leading down from the corner of Market and Powell streets to the main entrance, which is flanked by the fresh dark green of choice tropical foliage and small decorative palms, boldly set off by the panels of beautifully colored costly marble behind them.

Then on Powell street, immediately opposite the Columbia Theater, there is a smaller entrance for ladies, with a screened interior passage-way leading to the dining-room.

Mr. Bogan proposes to make the cuisine and service of the new grotto the finest in the City. *

W. E. Wicker Dead.

W. E. Wicker, contracting agent for the Chicago, Milwaukee and St. Paul Railway and one of the most popular railroad men in this City, died yesterday very suddenly at Reno, Nev., of apoplexy. The funeral will take place in this City probably Sunday at 2 P. M. and will be in charge of the National Union, of which deceased was a member. He was in the employ of the railroad company for nine years and previous to that worked for a time for the Southern Pacific. He leaves no immediate relatives. Mr. Wicker was 44 years of age and born in Vermont.

THE CRYSTAL SWIMMING BATHS. Physicians recommend the Crystal warm sea water tub and swimming baths, North Beach.

THE PROSECUTION WINS A POINT

Hoffman's Family Troubles Will Not Be Aired in Court.

Judge Campbell Reversed His Decision in the Matter Twice.

Arguments on the Admission of Lewek's Testimony Take Up the Day's Session.

In the preliminary examination of Figel yesterday the entire session of the court was taken up in argument as to whether the testimony of Solomon Lewek, in regard to the letter Hoffman had shown him and the conversation Lewek had with the deceased at that time, should be admitted as evidence.

Wednesday Judge Campbell sustained the objection of the prosecution to this testimony, but General Barnes renewed the argument on the subject yesterday morning and a heated discussion of the point of law resulted.

General Barnes and Judge Louderback contended that the testimony was competent, as showing that there was a skeleton in Hoffman's family over which he was constantly brooding, and that this would show that he had a motive for suicide.

For the prosecution Judge Murphy and Mr. Ach argued that this evidence would be hearsay and that Mr. Lewek's conversation with Hoffman did not take place near enough to the death of the latter to be of any use in showing his state of mind on the day of his death.

At the conclusion of the morning session Judge Campbell ruled that the defense should be allowed to introduce the testimony to rebut that of the prosecution which showed that Hoffman's family relations were happy.

The discussion was resumed by Judge Murphy at the afternoon session and continued the remainder of the day.

The prosecution cited a number of decisions to sustain their objection, and just before the close of court Judge Campbell reversed his decision given in the morning and ruled that the testimony would not be competent. He stated that he had been rather doubtful as to the law on the point, but from the authorities and cases quoted he thought that evidence along this line was incompetent, and that as he had erred in his former decision, he had no hesitation in reversing himself and sustaining the objection of the defense.

MASTER OF TWO SHIPS.

Captain Fordyce Has the Honor of Commanding Two British Vessels for the Present.

Captain Fordyce of the British ship Falls of Halladale is in a peculiar position. The Falls of Dee arrived here from Hongkong July 15 last. A cable from the owners awaited Captain Lock, informing him that he was relieved of his command and to turn the ship over to Captain Fordyce. The latter is therefore master of two vessels and will remain as such until a new captain for the Falls of Dee can be sent out from London. It is not given to every master to command two of the finest ships in port at one and the same time.

Mrs. Eliza Thorold was licensed as a pilot for the bay and tributaries of San Francisco by the Inspectors of Hulls and Boilers yesterday. She will now take command of her own tug, the Ethel and Marion. Mrs. Thorold's picture and that of the tug appeared in THE CALL at the time she announced her intention of applying for a license.

Captain Frank Murphy of the pilot-boat America came in from the outside station yesterday and says that there are shoals of salmon off Bolinas Bay. Fishermen were trolling for them and making big catches. Captain Murphy was high hook with a forty-pounder that kept the crew supplied with fish for two days. Besides the salmon there were big shoals of barracouta, so there should be lots of sport in Bolinas Bay just now.

WILL WORSHIP IN SWEDISH

Scandinavian Baptists Are Building a Pretty Church.

Will Probably Be Ready for Dedication About Christmas.

First Church of Its Kind in the City—A Central Location.

The Swedish Baptists of this City are building themselves a pretty church on Tenth street, near Folsom, and it is expected that by September 7 the basement will be ready to hold service in. The dedication of the entire church will not take place until Christmas.

There is only this one congregation of Swedish Baptists in this City, and hitherto the services have taken place in a hall on Tenth street, between Mission and Market. The flock has grown considerably during the last two years, and about a year ago it was decided that the congregation was of sufficient size to warrant the purchase of a lot, with a view to building. Early in the present year the site of the church that is now in the course of erection was purchased, and in June the building was commenced.

The new church is to be of wood, with a concrete foundation, and it will cover an area of forty-four feet by seventy feet. The basement will contain one large room suitable for Sunday-school or social purposes, as well as several small rooms, kitchens and a janitor's room.

The church proper will have a seating capacity of 450. There will be a gallery over the main entrance, as well as a small gallery behind the preacher's platform for the choir. It is not yet quite decided whether the building will be fitted up with pews or with opera-chairs. The interior will be finished off with natural redwood, and although plain it is expected that the general appearance will be very neat and pretty. Electric lighting will be placed throughout the building. The exterior will be principally of wood, painted, but across the front will be a wide paneling of terra cotta in raised relief. The architect is W. O. Peterson, one of the active church members.

The average attendance at the Swedish Baptist Church in its present quarters is about 100, but although not large the congregation is zealous, as the fact of its subscriptions testifies. The lot is entirely paid for, and the greater part of the money for the building is already subscribed. The cost of the church has not yet been exactly estimated, for some modifications and improvements will probably be made in carrying out the details.

The congregation has been in existence about eight years. Rev. Charles Palm, the present pastor, came here early in January from Evanston, Ill., where he had ministered to a Swedish Baptist flock for over seven years, and where he had been instrumental in building a church. He is a graduate of Morgan Park Seminary, Illinois.

No special services will take place when the congregation adjourns its services to the basement, early next month, but elaborate arrangements are already being planned for the dedication ceremonies at Christmas.

Still Popular.

The fog and cold weather are left entirely behind when one reaches the grounds at El Campo. The freedom from winds and fog has been a leading factor in establishing the popularity of the place, and the many attractions for the diversion and amusement of guests always insure a large gathering. To-morrow the usual trips will be made from the Tiburon ferry. As the season draws toward its close the patronage appears to be on the increase.

Wilson Acquitted.

John Wilson, charged with assault with a deadly weapon on Oscar Meldrum, was yesterday acquitted of the charge in Judge Dunne's court.

FRITZ SCHEEL, Who Expects to Return Here on September 7.

Fritz Scheel, the well-known conductor, telegraphed yesterday to his manager, Al Marks, that he would be in this City on September 7. His object in coming is to give symphony concerts, and the field will be pretty well his own, as Gustav Hinrichs, who conducted the symphony concerts last winter, will leave for the East at the conclusion of the Tivoli grand opera season to take charge of the orchestra class at the National Conservatory. Fritz Scheel became very popular during the Midwinter Fair, where he conducted the Vienna Prater orchestra and gave several concerts in conjunction with Sousa's band. He afterward gave a splendid series of symphony concerts at Metropolitan Temple, where the whole of Beethoven's nine symphonies were performed. Later on the Auditorium on Eddy street was fitted up especially for Scheel's orchestra, and the conductor gave a number of important works their first San Francisco performance there. His coming visit will no doubt arouse considerable interest in musical circles here. It is expected that he will bring several soloists.

HILL SAVED FOR A TIME

An Appeal Perfected to the United States Supreme Court.

Judge De Haven Denied the Application for Habeas Corpus.

Opinion of the Attorney-General as to the Legal Procedure Adopted.

Ben Hill, who shot his wife to death in Oakland, because she had taunted him with her own shame and perfidy, was not hanged yesterday although the gallows and all its ghastly paraphernalia were ready.

His lawyers, by adopting the procedure followed in the Durrant case, have been able to stay the execution for some months at least by perfecting an appeal to the Supreme Court of the United States. On Thursday afternoon Eugene Deuprey, W. W. Foote and M. C. Chapman called upon United States Circuit Judge Morrow in his chambers after the adjournment of court and applied for a writ of habeas corpus. Judge Morrow replied that he would not grant the writ because the facts stated in the petition were not sufficient. Then the attorneys asked him to grant them an appeal to the Supreme Court of the United States.

Judge Morrow informed the lawyers that an order of a Judge sitting in chambers could not be appealed from; that the order to be appealable must be made in open court. The attorneys asked that he open his court for the purpose of denying the application for the writ. The Judge refused, because he had already adjourned his court for the day and he could not legally reopen it.

Then the attorneys went to Judge de Haven and he denied the application for the writ, and in order to stay the execution of Hill until the necessary papers could be prepared he signed the necessary papers for that purpose. These were served upon Warden Hale before midnight.

Yesterday morning Warden Hale came over to this City and called upon Attorney-General Fitzgerald. In the meantime, certain telegrams had passed.

The following are copies of telegrams which passed between the persons named therein in reference to the matter:

SANTA CRUZ, CAL., Aug. 26.

To Hon. W. F. Fitzgerald, Attorney-General, 2226 California Street, San Francisco: Denied application to commute Hill. Should new facts be submitted to justify further hearing, would legal complications result from reprieve? Answer. WILLIAM T. JETER.

SAN FRANCISCO, Aug. 26.

To Hon. W. T. Jeter, Lieutenant and Acting Governor of the State of California, Santa Cruz, Cal.: I know of no legal complications that could arise from the reprieve of Hill unless it be the opportunity which such action would furnish to further delay the execution of his sentence beyond the day to which he should be reprieved by resort to the Federal courts. As these courts in San Francisco will not convene again until to-morrow at 11 o'clock his execution can only be stayed by your action. W. F. FITZGERALD, Attorney-General.

SAN FRANCISCO, Aug. 27, 1897.

To W. E. Hale, Warden San Quentin Prison, San Quentin, Cal.: I am of the opinion that the appeal from the order of the United States District Judge made in chamber denying the application of Benjamin Hill for writ of habeas corpus does not stay the execution of the sentence of said Hill. I have mailed to you written opinions giving my reasons.

The following is the opinion of the Attorney-General to Warden Hale:

Hon. W. E. Hale, Warden of San Quentin Prison, San Quentin, Cal.—DEAR SIR: I am in receipt of your request for an opinion as to whether or not the appeal in the matter of the application of Benjamin Hill for a writ of habeas corpus made to the Honorable J. J. de Haven, United States District Judge, at his chambers, which application was by him denied, and from the denial of which the attempted appeal in question is taken, operates as a stay of execution of the sentence of said Hill.

I am of the opinion that the appeal from the order in question does not operate as a stay of execution. The appeal purports to be taken direct to the Supreme Court of the United States. All appeals to that court from the inferior Federal tribunals are regulated solely by section 5 of the act of Congress of March 3, 1891, establishing the United States Circuit Court of Appeals (supplement to the Revised Statutes of the United States, Vol. 1, Second Edition, page 903), which section provides, among other things, "That appeals or writs of error may be taken from the District Courts, or from existing Circuit Courts, direct to the Supreme Court in the following cases." Among those enumerated, the ones that are or may be applicable to this case are as follows:

"In the cases of conviction of a capital crime."

"In any case that involves the construction or application of the constitution of the United States."

"In any case in which the constitution or law of a State is claimed to be in contravention of the constitution of the United States."

It will thus be seen that no appellate jurisdiction whatever is conferred upon the Supreme Court of the United States from an order made by a Judge of the United States District Court in chambers. The appeal lies only from an order of the court itself, and not from an order of the Judge.

Had an order denying the application been made by either the United States District or Circuit Courts, as was done in the Durrant and Worden cases, and not by the District Judge in his chambers, as was done in this case, then an appeal from such order would have operated as a stay of execution under the provisions of section 766 of the Revised Statutes of the United States. Respectfully,

W. F. FITZGERALD, Attorney-General.

Yesterday morning Attorneys Chapman and Deuprey appeared in Judge de Haven's court and made the application all over again in open court, in order to avoid any question as to the legality of the proceeding. The application was denied, leave to appeal was granted and Warden Hale was at once served with the necessary papers staying the execution.

WANT OPEN STREETS.

Precita Valley Still in Search of a General Line of Improvements.

The improvement club which looks after the interests of the Precita Valley District is determined to have that portion of the City improved if it can. This club has petitioned the Supervisors for a sidewalk on the east side of Precita avenue, from Alabama to Folsom street. It also requests the Street Superintendent to force the grading on Harrison street, between Twenty-sixth and Precita avenue, which has been let to Buckman Bros. for some time, but which has not been advanced as it should to meet the wishes of the property-owners.

Another demand is being made for the opening of Franconia (formerly Figaro) street. This would be a continuation of Bryant street if opened, and would give to the people on the eastern side of the hill an outlet to the main thoroughfare leading into the business portion of the City.

A petition strongly worded has been forwarded to the Supervisors requesting that body to either fill in Bernal Park or turn it over to the Fish Commissioners before the winter rains set in, as it will then be in fine condition to be used as a fish hatchery.

EJECT the "Solid Eight." Read to-day's Star, which will tell you all you ought to know. *

BRODERICK IS VERY CAUSTIC

Mayor Phelan Pointedly Invited to Mind His Own Business.

The Controversy Over the Signing of Stationery Warrants Grows Warmer.

The Chief Executive Accused of Impugning the Motives of Another Officer of the City.

The controversy between Auditor Broderick and Mayor Phelan over the payment of the bills for City printing grows warmer day by day, and the chances are that the matter will be settled by the courts before either is satisfied.

Mayor Phelan's criticism on the Auditor's action in signing a batch of bills has aroused Mr. Broderick to defend his position and to tell the chief executive of the City, almost in so many words, to stay within the confines of his own duty and not interfere where his official power gives him no right. He addressed the following letter to the Mayor yesterday:

AUDITOR'S OFFICE, CITY HALL.

Hon. James D. Phelan, Mayor of San Francisco—DEAR SIR: I inclose you a clipping from a morning paper, which seems, from the quotation marks, to be printed from statements made by you deliberately, and therefore such as you are ready to assume the responsibility of. In regard to the same I beg leave to say:

In your general argument as to what is contemplated by law in the matter of printing and stationery and how the same should be contracted for, I have no disposition to prevent you from publishing your views, if you find any pleasure therefrom.

For your published views and intentions you will be responsible to the public. If your views are erroneous and you fail to keep your promises, no doubt you will be able to give the public your reasons for both.

To my mind your argument and reasons given for your views on warrants that I have audited, and which you refer to in your letter to the Treasurer, smacks of a determination to have your own way, right or wrong. The argument may be good enough if you refuse to favor something that might be, but of no value as to the meaning of the law as it is. In the letter written by your clerk, Mr. Sullivan, you are credited with saying certain things which in effect imply that the Auditor of San Francisco (an office that I have the honor to hold by the grace of the people) is engaged in issuing illegal and invalid warrants upon the treasury, and that you wish the treasury protected against such irregularities.

It will not do for you to say, as you are credited under quotation marks, "Of course this is only the Auditor's interpretation." If you will give some attention to the consolidation act you will find that the Auditor's opinion as to the legality or validity of a claim against the treasury is paramount.

It is his sworn duty to determine the matter and your conduct is indicative of a desire to attack my integrity as an officer. You have heretofore, indirectly and without just reason, done the same thing, but not quite so flagrantly. I feel it my duty to inform you in this case that you have no license to assume the functions of an office to which you were not elected and to presume to publish such matter as is contained in the papers this morning.

To hold back demands and refuse to issue warrants upon the treasury in favor of stationers and others furnishing supplies to San Francisco, which in my judgment as Auditor of San Francisco are strictly legal and valid, because, forsooth, the Mayor may have a contrary opinion, without any of the obligations and responsibilities that attach to the office of Auditor, I respectfully suggest would call for a change of my nature and practices. If I esteem a demand legal and valid I will issue a warrant on the treasury. If I esteem it otherwise I will refuse, and no influence outside the properly authorized ones or the proof of my error will change that decision.

The oath of office of Auditor and the bonds for faithful performance of duty are mine, not yours. WILLIAM BRODERICK, Auditor.

SANBORN, VAIL & CO have a complete department for the sale of fine perfumery, combs, brushes, manicure sets, mirrors, soap, sponges, knives, scissors, etc. The best goods at popular prices. *

The regulation step of the British army is 120 to the minute.

NEW TO-DAY.

I CURE FITS

When I say I cure I do not mean merely to stop them for a time and then have them return again. I mean a radical cure. I have made the disease of FITS, EPILEPSY or FALLING SICKNESS a life-long study. I warrant my remedy to cure the worst cases. Because others have failed is no reason for not now receiving a cure. Send at once for a treatise and a Free Bottle of my infallible remedy. Give Express and Post Office address.

Prof. W. H. PEEKE, F. D., 4 Cedar St., New York.

HEALTH, STRENGTH —AND— GOOD CHEER —IN—

Enterprise Beer.

IN QUALITY IT LEADS THE MARKET

RUPTURE

POSITIVELY CURED.

A scientific treatment for all forms of Rupture. No knife, no danger, no interference with business. Cures effected speedily.

Terms reasonable and within the reach of any sufferer. Hundreds of patients cured. Names given you on application.

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Rooms 37 and 38 Columbian Bldg.,

916 MARKET STREET.

Correspondence solicited. Hours 10 A. M. to 3 P. M. Sundays 10 to 12.

COFFEE TO LARGE CONSUMERS

At Wholesale Rates.

ALPINE ROAST.....15c per lb.
HOTEL XX GROUND.....12½c per lb.
EUREKA COFFEE AND SPICE MILLS,
112 Commercial Street, bet. Davis and Drumm.

ANY MAN

WHO SUFFERS OR JUST BEGINS TO SUFFER from lost vigor, nerve-waste, weak back or any other weakness due to youthful errors, etc., can be entirely cured by DR. COOK'S Restorative. Call or write for FREE trial bottle. Address DR. H. COOK, Specialist for Men, 865 Market Street, San Francisco.

NEW TO-DAY—AMUSEMENTS.

Columbia Theatre

TRIEDLANDER, GOTTLOB & CO., LESSEES AND MANAGERS.

—THIS AFTERNOON AT 2!—
TO-NIGHT AND SUNDAY NIGHT
Will be Your Last Opportunities to See the Funniest Play of the Season,

THE GREAT UNKNOWN

—NEXT MONDAY—

The Frawley Company

In the Great Military Play,
"HELD BY THE ENEMY."
Seats Now on Sale.

BALDWIN THEATER.

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

—MATINEE TO-DAY!—
Extra Matinee Next Wednesday.
—TO-NIGHT AND ALL NEXT WEEK—
DAVID BELASCO'S
Great Success,
THE HEART OF MARYLAND.
Presented by
MRS. LESLIE CARTER and a Superb Company
Seats for Next Week Now Selling.

TIVOLI OPERA-HOUSE

MRS. ERNESTINE KRELING, Proprietor & Manager

—THE GRAND OPERA SEASON—
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