SUICIDE AND WILL MYSTERIES CROWD THE PROBATE COURT

Judge Coffey Hears a Noted Case Alive With Dark Problems for the Tribunal to Solve.

HOW JOHN S. CAPRON DIED.

Three Shots Fired in a Room, Unheard by Attendant Kearney.

A NEVADA JURIST CLAIMS ESTATE.

A. L. Fitzgerald, a Contestant, Against the Stepdaughters of the Late Capitalist.

Judge Coffey and a jury are testing the validity of a Coroner's judgment of suicide in the case of Capitalist John S. Capron, who was adjudged to have ended his life by a bullet on June 29. He was shot, but a will contest now in progress will cause a thorough investigation into the question of his demise. Attorneys for one of the contestants discredit the verdict and hint at a deep mystery in the unfortunate old man's last hours. The case was on all day yesterday.

Both Judge and jury are now engaged in trying to unravel the mysteries that surrounded the last days of the old man's life. His two wills and strange letters are now under close scrutiny. The will under which the stepdaughters make claim was dated March 13, 1896, the other one April 16, 1897. John S. Capron was well known all over the West. He was found dead at his home, 1319 Devisadero street, early on the morning of June 29. He left several wills, an estate worth $150,000, three stepdaughters, who claim under one of the wills, and a name for spotless integrity.

District Judge A. L. Fitzgerald of Eureka, Nev., an old friend of the deceased, claims the bulk of the dead man's fortune under a holographic will dated April 16, 1897. Under this instrument the stepdaughters are each remembered for about $10,000. The well-known Nevada jurist is now in the city making a fight for the share named in his friend's last will.

The other interested persons engaged in the great legal battle are three stepdaughters—Mrs. Hattie M. Kearney, Mrs. Margaret Manion and Miss Mamie Grear. Their contention is that their stepfather was insane in his last days; that he was unduly influenced by Judge Fitzgerald, and that the will propounded by the Judge does not express what was the dead man's real intention.

In opposition to this view, Judge Fitzgerald stands by the will of April 16, 1897, denies undue influence or any influence save the proper one of friendship, and alleges that the stepfather despised his stepdaughters before he died, and thought they had treated him cruelly. The story of the contest is quite interesting, and the striking points naturally group themselves in chapters.

Chapter 1 brings the world face to face with the sudden and tragical death of John S. Capron. His body was found in his bed; cause of death, a bullet wound. James Kearney, nephew of the husband of one of the stepdaughters, who is contestant in the case, was sleeping on the foot of the bed where the capitalist was killed. There were three shots, some of which went high and wild, plowing through the headboard of the bed and through a picture hanging high on the wall. It is in evidence that the attendant—for such was Kearney's office in the sick room—did not hear the shots. They were heard by a policeman and others, who had some difficulty in rousing the household.

The inquest was held July 2. The Coroner's records are very brief. The following are the entries on the books at the Morgue:

Inquest of John S. Capron, July 2, 1897.

James Kearney, machinist, 1319 Devisadero—Well, about ten minutes past 2 last Tuesday morning my aunt woke me, and she wanted to know who was making that noise. She wanted me to get up, and I did not wake. I am a very hard sleeper, and I turned over and went to sleep again. The next thing I heard was a shot, and I got up and ran to the bed. I saw the revolver in his hand. I took it out of his hand (Capron's) and I woke up the rest of the family, and then the police officers came in. That is all I know about it. Don't know any reason for his committing suicide. He had made statements that he would commit suicide; was in no financial or domestic trouble that I knew of. He was sick, and when he got blue he said he would kill himself.

Mrs. Joseph G. Kearney, aunt of the witness and stepdaughter of Capron—Capron was sick eighteen months. Heard him make a statement that he would commit suicide.

John Gallagher, M.D., autopsy surgeon—(by juror)—Q.—Did the evidence of the wound appear as though it was self-inflicted.

A.—Yes; it was a self-inflicted wound. There is no question about that.

Verdict—Self-inflicted.

One of the things that made it appear as if the wound was self-inflicted was the fact that deceased had often threatened to end his life. Judge Fitzgerald was away at the time of Capron's death. He is here now, and his attorneys will ask many more questions of those who were around the dying man than Coroner Hawkins ever dreamed of propounding.

The next step in the story unfolds itself in the appearance of Mrs. Nellie McDermott of Natoma street, this city, with a holographic will made by Capron on April 16, 1897. It grants most of the Capron estate to Judge A. L. Fitzgerald and his family. The Judge's father-in-law had been a friend of Capron and had granted him favors and given him situations by which he laid the foundation of his fortune.

Capron was a great friend of Mrs. McDermott and her mother. In the hours of his deepest loneliness and desolation he visited their modest little home on Natoma street, told them his sorrows, partook of their chicken dinners, and made them his most confidential friends.

When Mrs. McDermott produced the will Judge Fitzgerald lost no time in having it offered for probate. Some of the reasons that impelled the old man to change his mind and annul the provisions of the first will, favoring the stepdaughters, appear in the testimony of Mrs. McDermott.

Judge Fitzgerald offered the will for probate on July 1. On the same day, by advice of his counsel, Henry Maynebaum, he got an order from Judge Slack appointing him special administrator of the Capron estate. With this he got power to take possession, in the name of the court, of all bonds, notes and personal property. These effects were at once transferred to a private box in the office of the Union Trust Company.

Chapter three opens with a move on the part of the girls in the case. They hired the following attorneys to do battle for them: Reddy, Campbell & Metson, John H. Durst, Jacobs & Wolff and E. P. Mogan. They at once began to checkmate the legal moves of Attorneys H. E. Highton, Henry Maynebaum and E. S. Pillsbury, who represent Judge Fitzgerald.

The first thing these attorneys did was to offer their will of March 13, 1896, for probate, asserting that all other wills were invalid and worthless.

That meant the beginning of the strategies that culminated in the battle now on before Judge Coffey. Yesterday was one of the most important days in the case, as Mrs. Hattie M. Kearney was on the stand. She testified concerning her stepfather's last illness and told of the affection she and her sisters bore him.

These statements are all bitterly contested by Judge Fitzgerald, who introduces letters to show that the dead man despised his stepdaughters in his declining days and regretted that he could not cut them off without any money at all. Letters to the effect that he suspected their desire to see him dead were introduced. Extracts from a letter to Judge Fitzgerald complete one phase of a chapter of an old man's sorrow. He seemed to be infinitely sad and annoyed, in spite of his wealth, going hunted to his grave. The following is an extract from the last letter he ever wrote. It is dated June 28th:

The girls have treated me most shamefully the past two months. In fact, I may say that I believe they have tried in more ways than one to shorten my unhappy life, and I know what I will be obliged to suffer when I get helpless. Life is now miserable to me. I am too nervous to tell you all that I am obliged to put up with. I do hope you will see to it that they get no more than I have left them in my will. I wish I could have cut them off without a dollar, but thought it best not to do so under the circumstances. I am glad I did not adopt one or either of them.

The old man suffered a great deal in his declining years and often longed to dash the burden of what he called his "unhappy life" from his shoulders. The depth of his sorrows and disappointments was seen in letters wherein he threatened to end his life. These threats were so frequent that his friends ceased to worry much about them. The following extracts from a letter written in April shed light on the unhappy man's domestic troubles and general grief:

SAN FRANCISCO, April 29, 1897.

Judge A. L. Fitzgerald—MY BEST FRIEND: When you receive this I will be in my grave. I have left a package, containing my will and the McCoy note and mortgage. I have made about the same will as the one you saw.

In the same letter the following expressions occur:

Judge, these girls have at times used me cruel, and I truly believe they have tried to keep me in a nervous state in order to hasten my end, hoping then to revel in my hard earnings. I believe Hattie would have been better to me had it not been for her sister Madge. * * * I am sorry I left Mamie as much as I did, and I am almost tempted to open the will and change it. I hope you will deal with them just as they deserve, for Madge and Mamie have been cruel to me.

I wish I had left them only $5. When they find I have left a will they will try to hide things. There is a book in my desk that has an account of everything. Make them produce everything, and if they attempt to break my will fight them to the bitter end. Your old friend, JOHN S. CAPRON.

A strange phase of the case came to light yesterday in the evidence of Mrs. Kearney. She swore that, though her stepfather was divorced from her mother in 1885, she never knew it until after Capron's death. These sidelights all make the case intensely interesting, and the courtroom is crowded with spectators at all times when the case is on.

The contention of Judge Fitzgerald is that the will made in favor of the stepdaughters was never anything more than a declaration of trust. They say Capron consulted Attorney Maynebaum about a year ago relative to suing the girls to break the will. The attorney advised his client to make a demand for a revocation. The girls were consulted and all agreed, so Capron reported, to sign the instrument at any time the formal demand was made. First one thing and then another deterred Capron from his purpose. He seemed to fear the women, who, he said, made him nervous, and he decided to reach the matter by making another will. It is that will which is now under fire.

Much interest attaches to the case from the fact that Judge Fitzgerald is a well-known jurist. He was formerly president of the Methodist college at Santa Rosa and is as well known throughout Nevada and the West as any man on the Pacific Coast. On the other hand it may be said that there is no blemish on the characters of any of the contestants. The evidence thus far offered by the contestants is practically undisputed by the opposing forces.

The court and jury will therefore simply have to say whether the well-known capitalist and money-lender was insane when he made the will giving the bulk of his fortune to the son-in-law of the man who laid the foundations of his fortune, or whether his disposition of his estate, under the belief that he was being harassed and hounded by those whom he had befriended in their helpless infancy, was the act of a sane mind.

CAPITALIST CAPRON'S BITTER LETTER.

My Dear Madge: When you receive this I shall be laid away to rest—at least it shall be a rest from the abuse of your tongue. You will have the pleasure of knowing that you can revel in the hard-earned wealth of the old man. For what I did for you and the rest of the Mormons of the family was enough for you to try to make my life a little more pleasant, but I might have known that you would not do so, for any woman that would forsake her poor old grandma and her own Mormon father and sisters and three brothers has nothing out a corrupt heart.

I found you and your mother in a horrible condition, glad to get the crumbs that George Sundgrem brought you from his restaurant, with your feet almost on the ground in the snows of Eureka. I it was that saved you from frozen feet and placed you where you had all the comforts of life. I furnished you with a house and a stove to keep you warm, and wood to burn, and even had it sawed and split for your mother. All this one would have thought would have made you a little more kind to your own mother. You have also begged me to keep the secret of your Uncle Oremus Ney's stage-robbing and State's-prison life, and also the life of your sister and your Mormon brothers, and your father, who is still living. But I have no reason now to keep the secret longer. Your treatment since I have been sick has made me feel very different to what I did when I made the deeds and signed the mortgages and notes and gave them in trust to you. I hope that every dollar of my money that you touch will burn your fingers, and were it not for poor little Loretta I would send you out of the world before I shut out my own life.

(Signed) OLD MAN CAPRON.

Not dated, but supposed to have been written about April 16.

To Cure a Cold in One Day

Take Laxative Bromo Quinine Tablets. Druggists refund the money if it fails to cure. 25c. *

MAGUIRE'S EARLY BIRD CAMPAIGN

Max Popper Quietly Opening It Through the State With Clubs.

PLANTING DISTRICT WORKERS.

State President of the Iroquois League Starts General Organization.

SULLIVANITES ARE FOR MAGUIRE.

Wiseacres See in the Governorship Fight the Hope and Goal of the Dictator's Faction.

Congressman Maguire's gubernatorial campaign is getting along nicely and quietly, like an early bird on a fresh and peaceful morn, but there is a low and swelling accompaniment that is being played on whetstones hereabouts, for the keen joy of knifing "The Little Giant" already blesses in anticipation the hearts of a host of Democratic anti-Maguires.

Max Popper, president of the State League of Iroquois Clubs, has actively in hand the great work of organizing one or more Democratic clubs under Iroquois auspices in every district in the State, and as Mr. Popper is one of the most ardent of Maguire's supporters, it is being freely charged that he is using the Iroquois organization to get up a big Maguire machine.

The scheme which President Porper has been authorized by the league to carry out contemplates the appointment in each district of one man, who shall in turn take unto himself four or five other Democrats. These shall, if possible, organize a club or clubs, but if not they shall remain agents for the distribut on of campaign literature, etc., and the doing of concerted political work. Mr. Popper has not formally appointed these Democratic nuclei, but he has made up his mind as to a majority of them and all will be named and notified soon.

The operation of the new primary law is to be one of the first things to be pressed on the attention of these club fathers, and each one will receive with his appointment a copy of the new law with instructions to see that Supervisors et al. do their duty promptly and properly in January. It is said that they are mainly Maguire's friends who are being named, but however that may be this is the list so far as Max Popper has decided on it:

Alameda County—Postmaster Obermiller, Haywards; T. C. Stoddard, Alameda; Alex Rosborough, Oakland.
Alpine—Treasurer J. d'Arcy, Markleville.
Inyo—A. W. Eibeshutz, Independence; Judge R. Minor, County Clerk D. J. Hession.
Mono—C. L. Hayes.
Amador—A. Caminetti; C. L. Culbert, County Clerk.
Butte—J. H. W. Montgomery, Chico; S. H. Wilson, W. P. Lynch.
Calaveras—T. T. Lane, District Attorney John J. Snyder.
Mendocino—J. C. Ruddock, Ukiah.
Merced—County Clerk E. Hicks, T. C. Law.
Shasta—H. C. Brainerd, Redding.
Modoc—District Attorney J. E. Baker, Marion Hughes.
Monterey—District Attorney T. J. Riordan, B. V. Sargent, V. P. Wilkins, Salinas.
Napa—District Attorney Theodore Bell, Henry Hogan.
Nevada—Senator C. H. Prisk, Grass Valley; County Clerk John J. Greaney.
Orange—Charles Edelman, Orange.
Placer—J. Hamilton, Auburn.
Riverside—Mark Plaisted, County Clerk A. J. Condee.
Kern—William Pushell, Alfred Harrell, Bakersfield.
Kings—Editor Dewey, Hanford; District Attorney M. L. Short, County Clerk F. Cunningham.
Lassen—District Attorney W. J. Barry.
Plumas—County Clerk H. C. Flournoy.
Sierra—District Attorney F. R. Wehe.
Los Angeles—John P. Moran.
Marin—R. P. Troy, James E. Manney.
Mariposa—District Attorney J. J. Trabucco.
Tuolumne—District Attorney J. B. Curtin.
Sacramento—J. C. Gorman.
San Benito—County Clerk G. M. Foote.
San Bernardino—James Boyd.
San Diego—Oscar A. Trippett.
San Joaquin—William M. Gibson, Frank Nicoll, District Attorney W. B. Miller.
San Luis Obispo—William Graves.
San Mateo—Judge George H. Buck.
Santa Barbara—County Clerk T. C. Bradley.
Santa Clara—Victor Scheller, Sam Rucker, H. A. Pfister.
Santa Cruz—William Casson.
Solano—Raleigh Barcar, Vacaville; J. M. Minnehan, Vallejo.
Sonoma—District Attorney Emmett Seawell, R. A. Thompson.
Yuba—Sheriff S. E. Inlow, D. A. Ostrom.
Sutter—Sheriff Thomas L. Smith.
Tehama—District Attorney H. P. Andrews.
Trinity—County Clerk R. L. Carter, John McMurray.
Tulare—W. H. Alford.
Ventura—Assemblyman T. A. Toland.
Yolo—Sheriff G. W. Griffin, Byron Ball.
Madera—County Clerk C. J. Eubanks.
Colusa—County Clerk W. F. Ford.
Glenn—R. H. Long, F. Geis.
Lake—R. H. Lawrence, G. W. Mustell.
Contra Costa—A. C. Bailey.
Del Norte—Judge J. E. Murphy, L. F. Cooper.
Siskiyou—Treasurer R. H. De Witt.
El Dorado—A. S. Bosquit, Prentiss Carpenter.
Humboldt—F. A. Cutler.

The Maguire campaign looms up in the future of the local war between the Raineyites and the Sullivanites, and gives it a significance beyond that imparted by the charter and the issues of local politics. It is observed that the Sullivan committee of 110 is composed by a large majority of the friends of Maguire, who will remain able to run the affairs of the faction in his interest.

When the Rainey Democracy gets around to State politics after the charter election it will be anti-Maguire from stem to stern. Political speculation is thus easily forecasting a Maguire and an anti-Maguire delegation to the Democratic State Convention, and therein appears the only hope of the Sullivan Democracy of securing any dominance in the local party in the end. The hope that there will be a Maguire majority in the State Convention that will seat their delegation and pronounce them the regular machine gives them a goal to work for, whatever woes may betide them here below, in the city of ever-warring Democrats.

A CENTENARIAN DEAD.

Lucy Evans, Formerly a Slave of Thomas Jefferson, Died Yesterday.

A Remarkable Woman Who Did Much Good During Her Long and Interesting Life.

Aunt Lucy Evans, a colored woman, 100 years old, died at the home of her daughter, Mrs. Julia A. Harris, at 1608 Jones street, yesterday afternoon.

Mrs. Evans was a typical "down-South" negro, and during her life told many interesting stories of slavery times. When a girl of about 25 she was owned by Thomas Jefferson, and was housekeeper in his family. She had a remarkable memory, and told friends of the visits of George Washington and Andrew Jackson to the house of her master. Among the treasures she has a picture of Jackson and Jefferson taken together.

She lived with the Jeffersons at about the time the daughters of the ex-President were being educated, and often spoke of the wonderful fact that the girls were sent to Europe to school.

After the death of Jefferson she and her husband were sold to a doctor, who took them to Galveston, Tex., where they remained until 1857, when they were again sold to a man who brought them to San Francisco.

In those early days, versed as she was in the art of preparing herbs for medicinal purposes, her services as a doctor and nurse were greatly in demand, and many of the early pioneers owe their lives to her careful nursing.

Until recently, when her increasing age prevented her, she has been a ladies' nurse, and is well known among some of the wealthiest families in the city, who will greatly miss her in time of sickness.

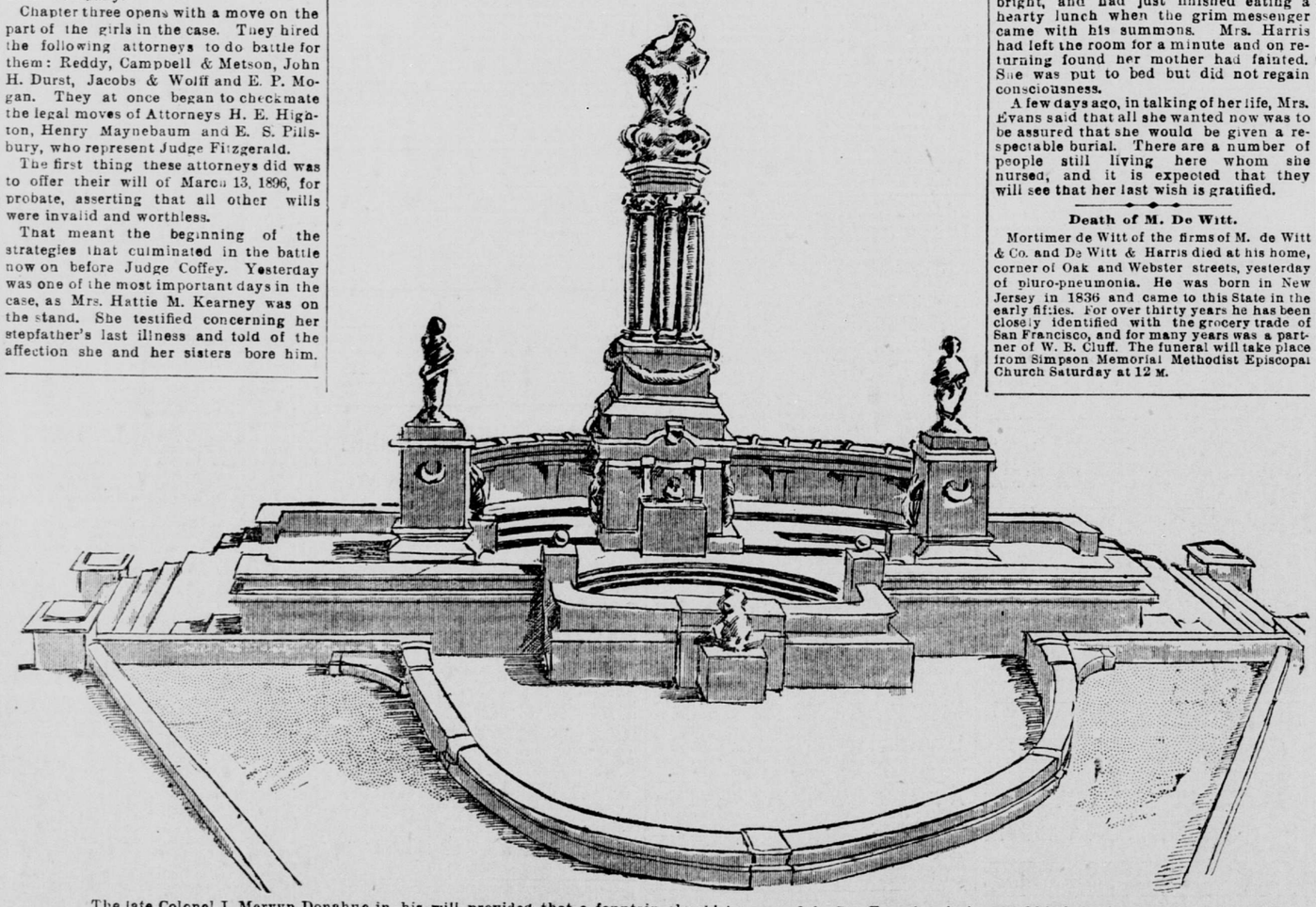
The death of Mrs. Evans was caused by old age, and was as peaceful as the burning out of a candle. The past few days she had not been feeling as well as usual on account of the fact that she was cutting her second set of teeth.

Yesterday she seemed particularly bright, and had just finished eating a hearty lunch when the grim messenger came with his summons. Mrs. Harris had left the room for a minute and on returning found her mother had fainted. She was put to bed but did not regain consciousness.

A few days ago, in talking of her life, Mrs. Evans said that all she wanted now was to be assured that she would be given a respectable burial. There are a number of people still living here whom she nursed, and it is expected that they will see that her last wish is gratified.

Death of M. De Witt.

Mortimer de Witt of the firms of M. de Witt & Co. and De Witt & Harris died at his home, corner of Oak and Webster streets, yesterday of pluro-pneumonia. He was born in New Jersey in 1836 and came to this State in the early fifties. For over thirty years he has been closely identified with the grocery trade of San Francisco, and for many years was a partner of W. B. Cluff. The funeral will take place from Simpson Memorial Methodist Episcopal Church Saturday at 12 M.



The late Colonel J. Mervyn Donahue in his will provided that a fountain should be erected in San Francisco in honor of his father's memory, and that it should be dedicated to the mechanics of this city. The sum of $25,000 was devised for the erection of the fountain.

An effort was made in the courts to set the provision aside, but the executors of the estate—Peter McGlynn and J. F. Burgin—insisted that the desire of the testator should be fulfilled, and the court decided in their favor.

An order was adopted by the Board of Supervisors setting apart ample space at the intersection of Market, Battery and Bush streets on which to erect this fitting monument to the memory of Peter Donahue.

The executors, having $25,000 in hand and perceiving that the sum would procure a fountain graceful in design as well as massive and enduring, were exceedingly anxious that the work should reflect credit on the artistic taste of California. There was no thought of having the mechanical work done elsewhere, but the question of inviting world-wide competition for the design was discussed.

The genius displayed by Douglas Tilden in his design for the Phelan fountain at the intersection of Market, Mason and Turk streets convinced the executors that it would not be necessary to look beyond this city for a beautiful and artistic design. Mr. Tilden was therefore commissioned to submit a design and erect the fountain in accordance with the model.

It was stipulated by the executors that the design should be acceptable to them. He began the work and may in his first effort please the executors.

The accompanying illustration is from a sketch in clay of a design from which Mr. Tilden will, within the next ten days, make a finished cast and present it to Messrs. McGlynn and Burgin for their approval.

MORE WORK, CRY THE WORKERS

City Hall Park Commissioners Out for Improvement.

A PETITION TO SUPERVISORS.

They Will Not Stop at Securing the Market-Street Pleasure-Ground.

ARE READY TO BRANCH OUT.

Other Works May Be Undertaken if the Proper Sanction Be Given.

The members of the City Hall Park Commission, while sure of the success of their enterprise, seem to have a slight objection to devoting their time exclusively to securing the park, but desire also to do something else for the good of the city at the same time.

The park is a sure thing, there is no doubt of that, but many other improvements are badly needed, and the Commissioners think these can be secured at the same time as the park if the matter be left in their hands.

This was suggested by Mr. Dohrmann at a meeting of the commission held in the Mayor's office yesterday afternoon, and it at once became popular, and the following communication requesting further jurisdiction will be presented at the next meeting of the Board of Supervisors,

To the Honorable Board of Supervisors of the City and County of San Francisco—GENTLEMEN: The following resolutions have been unanimously adopted, and are herewith submitted to the earnest consideration of your honorable board:

WHEREAS, This committee was appointed at the request of the Board of Supervisors with special instructions to investigate and report upon the advisability of the reacquisition by San Francisco of the former City Hall lots for park purposes; and whereas, after careful consideration of this proposition, your committee believes that a report upon this subject alone would neither do full justice to the views of the members of the committee nor be satisfactory to the voters and taxpayers of San Francisco; therefore, be it

Resolved, That your honorable board is hereby respectfully requested to include within the province of this committee such other necessities and contemplated improvements as are also desirable, but cannot be provided for in the regular tax levy of the city and county.

Permit us to mention among the matters of absolute necessity the following subjects: (1) Suitable buildings wherever necessary for hospitals and for school, police and fire department purposes; (2) An improved system of sewerage and drainage; (3) Modern pavements upon a number of our principal streets.

This committee should also be authorized to consider any propositions for improving and beautifying this city, so as to add to its desirability for residence and business.

Hoping that the foregoing conclusions will commend themselves to the favorable consideration of your honorable board we remain, very respectfully yours, THE COMMITTEE.

THEY WILL BE PLEDGED.

Candidates for Freeholders Must Stand By Civil Service Reform.

The charter convention decided last night that their candidates for freeholders should be pledged for the three principles of home rule, economy and civil service reform, but it was not until after some very warm discussions that it was so decided.

The matter came up after the special order of the evening, which was for the nominating and electing candidates for the Board of Freeholders.

Osgood Putnam staved off the election part of the programme by introducing a resolution postponing the election until next Thursday. The resolution provided that the nominations be made on the floor of the convention last night and to-night and by the chairman of the committee of five sending in the names of eligible citizens before noon next Monday.

It also provided that those eligibles whose names were presented after next Tuesday night shall have consented to serve, and it also gave power to the committee to present the full list of nominees in printed form, showing to what National party each candidate belonged. The six Democrats and six Republicans and the three of other parties receiving the majority of votes polled should be declared elected.

The resolution was adopted.

There was a warm debate over the question of pledging the candidates, J. J. Dwyer and others contending that the men should go unpledged, for there were many things in the charter which even the members of the convention did not approve.

Gavin McNab and others said that the candidates should be pledged to the basic principles of the charter.

O. Putnam moved that candidates be pledged to home rule, economy and civil service reform, but the opponents of the pledge sought to nullify the motion by amending so as to embody all the principles in the charter.

The matter was finally disposed of by adopting the original motion.

It was decided to appoint a committee of five to prepare an address to the public.

But five names had been placed in nomination before adjournment.

Interstate Coursing Meet

Forty-eight crack dogs of the State will compete Saturday and Sunday at Ingleside Coursing Park for a purse of $270 hung up by the Interstate Club. After the course many of the fleet-footed hounds will be taken to Merced for the big interstate meet there. Following is the draw:

Grace & Deane's Lassagoerey vs. J. P. Dickson's Premier, C. D. Taylor's Winnie vs. W. E. Tompkins' Victor, P. Cooney's Right Bower vs. Maher & Lynch's El Dorado, J. Quane's Fireman vs. J. Quane's Cap. n Morse, Montezuma kennel's Garden City vs. Pasha kennel's Kittie Scott, Cronin & McDonald's Fannie H vs. D. Hooper's Coollawn, J. Menzies' Master McGregor vs. J. McCormac's Black Prince, D. Scott's Lord Byron vs. D. Leonard's Bendalong, H. Wilson's Laska vs. F. Murphy's Lady Grace, Newman's Red Cloud vs. D. Shannon's Swinnerton, J. J. Edmonds' Goldey W vs. D. Hooper's Bean Brummel, J. Sater's Hercules vs. M. Micklasky's Ta Ra Ra, Montezuma kennel's Dr. Norman vs. J. Sexsmith's Vigilant, P. Sullivan's Snow vs. M. Tiernan's Valley Maid, F. Brown's Alurer vs. James McCormac's White Lily, J. Anderson's Little Pete vs. J. E. Cohn's Oakwood, Norton & Trieger's Mary R vs. J. J. Edmonds' Forget, D. Ward's Speculation vs. George Watson's Don Caster, James Byrne's Occidental vs. Mt. amonte kennel's Grazer, S. Regan's Black Baby vs. Miramonte kennel's Better Stone, Pasha kennel's Arapahoe vs. Montezuma kennel's Magic, Ed Heaney's Harkaway II vs. R. G. Easkin's General Burnaby, R. Strahle's Jinny Cork vs. Kay's Port Costa Lass, S. A. Portel's Our Baby vs. Larckey & R ck's Emerald.

IMPROVED ITALIAN OPERA.

Last Night's Performances of "Cavalleria" and "Pagliacci" Were Largely Different.

The Italian Opera Company at the California Theater went another long stride to the good last night in the double bill of "Cavalleria Rusticana" and "Pagliacci." Apart from instances of valliant individual singing the operas were given with intelligent attention to dramatic unity.

The casts were tactfully made up, and the singers seemed to find their best moods in these passionate minatures of the newer Italy.

Mascagni's melodrama was well done. The acting, both in stage business and spirit, the tempi of the music, and that portentious, sultry atmosphere, which attends only on a skillfully directed performance, were brought out with faithful identity.

For some strange reason the chorus was not up to its usual unanimity in "Cavalleria," and its average tone was too heavy to admit of graceful shading. But in "Pagliacci" it was lythe and even. There must have been a few choice Italian remarks from the chorusmaster between pieces.

Montonari was again victorious. She sang and acted Santuzza with beautiful appreciation. It was a strenuous characterization, without, I am glad to note, one banal tour de force to mar its meaning. Agostini, too, sang Turiddu with pleasing legitimacy, although his action might have been more galvanic. The quavering Signor Francesconi showed a disposition toward doing the best he could in the part of Alfio, and Adelina Fauton illumined Lola with a stout affability that was not out of place.

Vallini and his band were in the pink of form throughout both performances. To say that he was compelled to repeat Mascagni's intermezzo would mean nothing. All leaders are always compelled to repeat it. But Vallini made you forget that it ever had been worn soiled and shiny. He gave to it rhythm, peculiar accentuation and versatility of touch that were absolutely new.

"Pagliacci" introduced Cioni, the company's stellar barytone, as Tonio. He has a wide, splurging voice, that is warmly magnetic, but handicapped by more or less vibrato. He acted the part enthusiastically and well, and there were many times when his voice came without a waver.

The sensation of "Pagliacci" was Collenz, who in Canio seems to find an outlet for the very best that is in him.

Collenz's voice is not of even purity, but his top notes are true and polished, his humor distinguished and his presence alert and plausible. He made of the Punchinello a strong and satisfying impersonation.

Last night's work was good enough to prove the man who planned the "Gioconda" opening with that wobble-throated cast to be entirely deserving of whatever hard luck may attend the profits of the season. ASHTON STEVENS.

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