

TO HEAR HIS DOOM ONCE MORE

Theodore Durrant Will Be Resentenced by Judge Bahrs To-Day.

SPECULATION ON THE DATE OF EXECUTION.

It Will Not Be Long, Say the Officers of the Law, Although No Undue Haste Will Be Shown.

The end is very near for Theodore Durrant. The man who has twice been sentenced to pay the death penalty for his crimes at the Emmanuel Baptist Church, nearly three years ago, was yesterday ordered to appear before Judge Bahrs, at 10 o'clock this morning, and for a third time have the sentence of death pronounced upon him.

This time it is expected that a very short shrift will be allowed the demon of the conjectures are rife as to the day that will be fixed for the execution. The hour when Durrant will pay the penalty for the murders of Blanche Lamont and Minnie Williams in the little church in the Mission will not be known until the Judge again sets the seal of death upon him.

It is believed that his time is short, and it is the opinion of many who have been instrumental in weaving the chain of evidence that brought conviction on the murderer that the execution will be set for Friday next. In any event, it is said by those who are familiar with the case, it will not be beyond a week from that day.

Judge Bahrs was the jurist who passed the previous death sentence, and he is consequently well acquainted with the curious merits of the appeals that have been advanced by the prisoner's attorneys, as well as the wishes of the prosecuting officers. District Attorney Barnes and the Attorney-General are anxious that the execution shall take place as soon as possible, in order to prevent Durrant's attorneys from resorting to more frivolous appeals to the Federal courts. Under the law Judge Bahrs may fix the time of death whenever he pleases. The sixty-day period between the date of sentence and the day of the execution is not required in the present phase of Durrant's case, for the original order of death has not been annulled but simply postponed by reason of the appeal for habeas corpus to the United States courts. The needs of the case are simple that the prisoner be brought before the court and have the day for death fixed without regard to time limits. When Theodore Durrant appears in court this morning Judge Bahrs could order that he be hanged immediately upon his return to San Quentin prison, but of course no such haste will be resorted to. The District Attorney is willing to allow the prisoner a day or so to prepare for death. It is customary to fix upon Friday as an execution day, and forty-eight hours more may see Durrant in the hands of the executioner. The time is allowed him the District Attorney says that the end will come on the following Friday. Evidently Durrant's chances for life are fleeing very rapidly.

The attorneys for the prisoner expect to have something to say in the matter of the hanging of their client. They have been taken by surprise with the rapidity with which the authorities have thrown the coil about the murderer again, but they are not going to allow the execution to be carried out without a protest on their part. They will hold a conference this morning, as soon as the day of death has been fixed by Judge Bahrs, and then they will appear in court this morning Judge Bahrs could order that he be hanged immediately upon his return to San Quentin prison, but of course no such haste will be resorted to. The District Attorney is willing to allow the prisoner a day or so to prepare for death. It is customary to fix upon Friday as an execution day, and forty-eight hours more may see Durrant in the hands of the executioner. The time is allowed him the District Attorney says that the end will come on the following Friday. Evidently Durrant's chances for life are fleeing very rapidly.

A precedent for the proceeding is found, so Dickinson says, in the case of Andrew Lawrence, who was sent to jail three times during his sentence in the last winter and obtained his freedom on as many appeals to the Federal courts.

The District Attorney believed that the prosecuting attorney would await the arrival of the transcript of the judgment of the Supreme Court from Washington before any definite action would be taken. Barnes, however, circumvented this expectation by invoking the aid of the United States Attorney-General. Attorney-General McKenna to instruct United States Attorney Foote to spread the remittitur on the records of the local Circuit court, and he received the following satisfactory reply yesterday morning:

WASHINGTON, Nov. 9, 1897. William S. Barnes, District Attorney, San Francisco: United States Attorney directed to necessary action.

JOSEPH McKENNA, Attorney-General.

Attorney Foote will see to it at once that a copy of the remittitur is sent him by wire, and it will be entered on the records of the courts immediately upon its arrival. This action will do away with at least thirty days' delay, the time that it would take for the document to reach this city.

As a matter of fact, it would not be necessary to await the arrival of this record, for Attorney-General Fitzgerald has already wired instructions from Washington to have the prisoner resented at once, thus intimating that he would shoulder the responsibility of the departure from the usual formal procedure. These instructions were conveyed to Attorney Barnes yesterday morning and prompted him to appear before Judge Bahrs at once and ask that the prisoner be resented.

The motion before the court was a formal one. Attorney Barnes informed the court that his motion was taken under section 1227 of the Penal Code, providing that where, for any reason, a judgment of death still in force and effect has not been executed, the court shall, on motion of the District Attorney, fix a day when it will inquire if any legal reason exists why the judgment should not be carried out, and if the court finds that no such legal reason exists it shall then and there fix a day for the carrying out of the judgment.

"I have, your Honor," said Mr. Barnes, "that your Honor do now make an order directing the Warden of San Quentin prison to bring this defendant, William Henry Theodore Durrant, into court on a day and at an hour to be fixed by your Honor, and that your Honor do make inquiry into any legal reasons that may exist for the non-carrying out of the sentence of death."

The attorneys for the defendant were

not present, and the District Attorney said he did not think it necessary to inform them of the step he took. The matter was purely formal. It was an ex-parte motion, and it was not necessary that Durrant should be represented.

Without comment Judge Bahrs granted the motion, and the following order was drawn up and signed by his Honor:

The People of the State of California vs. William Henry Theodore Durrant, defendant, murder.

On motion of the District Attorney and in presence of the court, the judgment of death heretofore pronounced against the defendant, William Henry Theodore Durrant, has not been executed, and that the same remains in full force and effect, it is hereby ordered that the Warden of the State Prison of San Quentin, California, in whose custody

the shadow of the gallows is now being repeated. Mrs. Durrant called to-day on the doomed son. The mother assured her son she would be at his side on the scaffold, and the condemned murderer thanked her in a formal way.

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Louis P. Boardman appeared for Durrant and G. N. Post for the Attorney-General's office for the people. It is expected that a decision will be arrived at soon after the receipt of the remittitur in the case of the appeal set aside yesterday by the Supreme Court of the United States.

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Jones in the Cold. Hu Jones of the law firm of Jones & O'Donnell has returned from a visit from New York City, and though he was absent but a month he found quite a change in political affairs in this city. When he left he considered himself a member of the Democratic party, but he finds himself outside the official organization

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DERAILED BY AN OPEN SWITCH

Serious Accident at Millbrae Averted by an Engineer's Coolness.

CARS BROKEN IN KINDLING-WOOD.

The San Jose "Flier" Ran Off on a Siding and Was With Difficulty Stayed.

PASSENGERS WERE BADLY SHAKEN UP.

The Track Strewn With Wreckage. A Purse Presented to the Locomotive-Driver.

An open switch nearly caused a serious wreck yesterday morning at the station at Millbrae. The morning "flier" from San Jose ran off on a siding, and before the train could be brought to a standstill the locomotive was badly damaged and two freightcars were broken into kindling-wood. The passengers on the train were badly shaken up, but they all fortunately escaped injury. That the accident did not prove more serious was due to the coolness of Engineer John McCarthy, who stood at his post and heroically worked to stop the train

part of the first car and crushed it like an eggshell. The train shivered and then came to a stop.

The passengers lost no time in getting out of the cars. The track behind them was strewn with pieces of wreckage from the broken freightcars, and the front of the locomotive looked as if it had run into a stone wall. The rear part of the first car struck was still resting over the pilot, and the forward part was jammed into the boxcar.

When the passengers realized that but for the prompt action of the engineer in reversing the lever and applying the airbrakes those in the forward coaches might have been killed, they raised a purse and presented it to McCarthy. When the train backed out from the wreck he found that his engine had been so badly damaged that it was useless. A dispatch was then sent to headquarters to remove the wreck, and the up train, which came along half an hour later, hitched on to the passenger coaches and brought them to this city.

OPINIONS DIFFER.

Dr. Bovard Reads a Reply to Dr. Urmey's Paper on the Millennium.

At the Methodist Ministers' Union Dr. Bovard read a paper reviewing Dr. Urmey's paper on the 25th of last month on "The Millennium."

Dr. Urmey held that this was the final dispensation, and that we would not see any more of Jesus Christ on earth. The judgment, he said, is coming on, and we are already in the pathway of eternal life. Dr. Bovard in his paper said: "There must be a future judgment and a final coming of the Lord Jesus, not to reign upon the earth, but to close the present era. We recognize a present coming of Christ, a spiritual subject taught pre-eminently in the gospel of John. There is also a present judgment, in which Jesus Christ is judge. But this gospel of judges does not contain the doctrine of a final judgment. I hold also that eternal life is bestowed upon us under the present dispensation, but it is germinal and not complete. On the whole, I think that the conclusion of Dr. Urmey's is too sweeping."

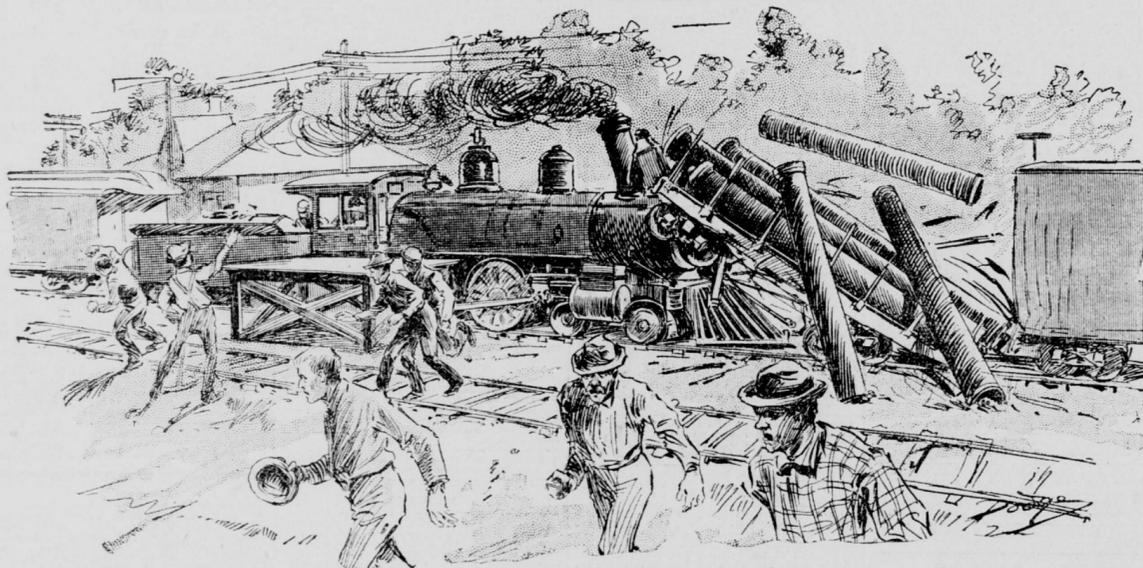
Most of the ministers present agreed with Dr. Bovard.

The following ministers took part in the discussion: Rev. Mr. Simmons, Rev. Mr. Mills, Rev. Mr. Pearce, Rev. Mr. Hammond, Rev. Mr. Harris, Rev. Mr. Wilson, Rev. Mr. Peck and Rev. Mr. Urmey.

Barry Will Not Serve.

The campaign committee of the Sullivan branch of the local Democracy met in the headquarters at 850 Market street last night and spent several hours in the discussion of matters relative to the special election for freeholders. Nothing definite was agreed on and the committee adjourned to meet again

CRASHED INTO THE CARS.



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TO STUDY THE BIBLE.

A Literary Society Formed in the Bush-Street Temple.

Intelligent Speaking and Reading of Hebrew Will Form a Portion of the Work.

A meeting was held at the Bush-street Temple last evening at which preliminary steps for the formation of a literary society were taken. The meeting was presided over by the Rev. Edgar Myer, who briefly explained its object.

"It is my desire," said Dr. Myer, "to form a literary society among the young people of the congregation. Weekly meetings will be held at which short addresses on Jewish history will be given by good speakers, and we will read carefully from some book of the Bible. This will be followed by the reading and discussion of original papers from members of the society."

"It is my desire to take for our subject the Bible, or what is more commonly known as the Old Testament, for as a literary work it ranks above all other books. Moreover, it is particularly desirable to study the Bible at this time, as it is now commanding an unusual amount of attention and study among the people of all creeds. At one time it was regarded in an almost superstitious manner, but since then a reaction has set in, and now both Jews and Christians are beginning to study it as it was never studied before, with the result that as to its value as a religious work it also has an unequalled literary value. The lyrical portions of it alone have never been equaled by any poet in our age."

The membership roll was then opened and about thirty people signed. It is intended first to take DeSauss' translation of the Bible, after which it will be studied in the original Hebrew. As many members of the congregation cannot read Hebrew, Dr. Myer has decided to open a class in which all who desire to learn will be taught gratuitously. Meetings of the society will be held Tuesday evenings and the Hebrew class on Thursday.

A literary society and Hebrew class similar to this were very successfully conducted by Dr. Myer in Montreal last winter.

Cure your cold with Low's horehound cough syrup, price 10c, 417 Sansome st.

when he discovered that it had left the main track.

The railroad company has for some time past had a force of laborers at work repairing the roadbed between Millbrae and San Mateo. In some places the track has been raised and in others lowered, so as to reduce the grade between those points.

In the course of the repair work it was deemed advisable to put in a new switch about 100 yards below the Millbrae station, so as to allow the up trains in case of necessity to take the siding. There are two sidetracks in front of the depot, and the west one is generally used for running off freightcars. It is but seldom that either of the sidetracks are used by passenger trains going either to San Jose or returning from there. The up and down trains are not supposed to meet at Millbrae, and never do unless one of them is delayed.

The San Jose "flier" is due in this city at 9 o'clock every morning, and stops are only made at the principal stations. A stop is never made at Millbrae, and when the train came up to the station, yesterday morning, it was traveling at a rate of fully twenty miles an hour. The workmen who were changing the switch got out of the way, but in their hurry they neglected to close it. The open switch led to the west siding and the engine had passed over it before Engineer McCarthy realized that his train was in danger.

About two hundred yards ahead of him was an open car loaded with iron water pipes. He at once threw on the airbrakes and reversed the lever, but it was too late to avert a collision. The pilot of the engine struck the rear of the car with sufficient force to almost throw it from the track. One of the iron pipes fell to the side of the track in such a position that it cut off the steps of the passenger car.

The putting on of the airbrakes was the first intimation the passengers had that they were in danger. Some of them jumped over their seats and ran toward the doors, but the crashing of the engine into the car threw them back. Then when the iron pipe commenced tearing off the steps they became wildly excited. The cooler-headed ones advised the others to remain quiet, as they would not benefit themselves by getting out on the platform.

The pilot of the engine threw up the rear of the open car until the end was just over the height. The engine had not yet lost its speed and kept on down the track, shoving the upturned car ahead of it. To add to the excitement of the moment the tender of the engine struck some obstruction and jumped the rails. The dumping of the tender wheels over the ties added to the excitement, and the passengers began to lose all hope. They momentarily expected that the cars would be telescoped and that certain death was staring them in the face. About 200 yards further down the siding from where the open car stood were three closed freight-cars. The train was losing its speed, but McCarthy knew that it would not come to a stop before driving the open car into the others. There was but a second or two between the two crashes. The open car struck the rear

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THE CITY GUARDS SHOOT

It Is to Be Held at Shell Mound on Thanksgiving Day.

The Reunion and Prize Competition to Be Followed by a Banquet on December 6.

The members of the City Guard, N. G. C., are making active arrangements for their annual reunion and prize shoot to be held on Thanksgiving day, the 25th of this month, at Shell Mound Park, Berkeley.

A notice, neatly printed and arranged, was issued yesterday afternoon, and will be immediately sent to all the honorary, ex and active members of the guard. Extracts are as follows:

In accordance with the time-honored custom of the City Guard, the annual prize shoot of the company will take place at Shell Mound Park, Berkeley, on Thanksgiving day, Thursday, November 25, 1897, between the hours of 8 A. M. and 4 P. M. All members, particularly honorary members of the company are earnestly requested to participate in the shoot.

It is needless here to discuss at any great length the purpose of these annual shoots. Suffice it to say that if their sole purpose was the mere winning of prizes then discontinuance would be a matter of no great moment, but they have a far deeper significance than this. They mean the lifting of the past with the present, the bringing into touch with the present active members those of the past who, though severe, in body from the company are nevertheless present in spirit.

It is expected that the coming shooting "shoot" will be the most successful thus far given by the company. Send in your prizes as soon as possible. Tickets for the shoot will be sent to R. S. Kearny street, or if word is sent there prizes will be called for.

Lieutenant Albert E. Ramm, Instructor Sergeant Arthur H. Cliff, William H. Siebers, Patrick E. Egan, Edward W. Jensen and the old vet. Leonard Townsend.

The City Guard was organized in 1854 in this city.

One Fined, the Other Not.

Judge Conlan presided yesterday in Judge Jochimsen's court to dispose of pressing cases, as the latter Judge is sick. The charge against Jesse G. Goley, saloon-keeper of running a banking game in the shop of a nickle-in-the-slot machine, was dismissed, but L. F. can be telephoned and that certain death was staring them in the face. About 200 yards further down the siding from where the open car stood were three closed freight-cars. The train was losing its speed, but McCarthy knew that it would not come to a stop before driving the open car into the others. There was but a second or two between the two crashes. The open car struck the rear

NEW TO-DAY-DRY GOODS.

LADIES' SKIRTS!

We direct special attention to an elegant line of LADIES' SILK SKIRTS, which we are exhibiting this week. These skirts are in Roman Stripes, Plaids and Checks; also in Plain Colors and Blacks.

We will also show a Very Large and Complete Assortment of LADIES' MOREEN SKIRTS, in Plaids, Blacks and Colors.

In connection with the above sale of Skirts we will show a full variety of

Ladies' Silk Waists,

Both Plain and Fancy, in the very latest styles.

TELEPHONE GRANT 124.

McDonnell, Moffatt & Co. INCORPORATED 1892.

111, 113, 115, 117, 119, 121 POST STREET.

ORATORIO AND OPERA.

"Elijah" Opens the Music Festival Season at Metropolitan Hall.

"Lucia" Presented by the Italian Company at the California Theater.

The second semi-annual season of the California Music Festival Association commenced last night at the Metropolitan Temple with the staging of the oratorio "Elijah."

The chorus was a large one, comprising singers from the Oakland, San Jose and Marysville Oratorio societies and the Harrogate Choral Club of this city.

The principal characters were distributed among Madame Genevra Johnstone-Bishop (widow), Miss Anna Miller Wood (angel), Rhys Thomas (Obadiah) and S. Homer Henley (Elijah). Henry Breibrick was the organist, Mrs. L. J. Murdock the pianist, and James Hamilton Howe conducted.

The rendition of the oratorio was successful only in spots. Madame Johnstone was suffering from a throatal disorder that seemed to make it difficult for her to sing in pitch, and several of the soloists' ensembles were loose and straggling.

The chorus was fairly well balanced, lacking most in sure-throated tenors. It sang with good volume and considerable precision, considering the length of time for preparation, but it missed many of the finer lights and shades of the music. In fact the performance was duller than it would have been under the baton of a more spirited and magnetic director.

Mr. Howe seemed not to consider the immense operatic—there is no other word for it—possibilities of "Elijah." His reading had little nerve and no excitement.

However, those chorus numbers that practically sing themselves—and there are several of these in "Elijah"—were sung willingly and well. The "Thine Eyes" trio was delightful, and Mrs. Johnstone-Bishop so far recovered herself in the second part as to sing "Hear Ye, Israel" with true intonation and potent dramatic effect.

Miss Wood was conspicuously successful in "O, Rest in the Lord." Her work all through was reliable, even if not sensational in nature. Mr. Thomas was one of his most barytone moods, and sometimes slighted the top tenor notes. Below those he did well, particularly in "Then Shall the Righteous." Mr. Henley's Elijah was neither ponderous nor light. His worst moments were when he sang too fast; in the lighter passages he was sympathetic and plausible.

These "aunts," "bills" and "aids" are not a critical compromise; they characterized the performance. The soloists were not at their best, and the conducting was not brilliant.