

THRICE DOOMED IS THEODORE DURRANT

Again Is the Sentence of Death Pronounced Upon the Murderer of Blanche Lamont and Minnie Williams.

After Long Months of Waiting the Majesty of the Law Will Be Vindicated Tomorrow Morning at San Quentin Prison.

Again has the sentence of death been pronounced upon Theodore Durrant. Between the hours of sunrise and noon tomorrow he will be hanged "by the neck until dead," unless some further unforeseen law's delay steps in at the last moment and once more prolongs his life.

Tuesday he was told that his end was near at hand, yet he lost none of his coolness nor his faith in that fate which seems to have held him in its protecting grasp for so long. His reply was that his end was not as near as people thought it was.

There was no sigh of emotion on his face, no faltering in his step as he walked from the cell in Murderer's Row to the Warden's office, ready to take the trip across the bay to hear once more those words of such grave import.

It was a dismal morning, and a heavy fog obscured the landscape as he stepped forth from the prison gate in charge of the guards; but neither the lowering skies nor his impending doom affected him. He appeared brave, and even cheerful; and as the boat ploughed her way through the water and the rising sun dispelled the mists of the morning he talked—not of what the day might bring forth, but of a picnic which he had attended years ago near the penitentiary grounds.

A morbid crowd awaited the coming of the boat from San Quentin. Men and women thronged about the ferry depot, anxious to catch a glimpse of the man who has made one of the most memorable fights for life in the criminal annals of the State of California.

That physical fact formed no part of the record. Judge Bahrs said he would make no ruling on the objections until after he had called on the defendant to answer why he should not now be sentenced. At a sign from the judge Durrant stood up and Judge Bahrs said:

William Henry Theodore Durrant, you have been brought into court in pursuance of an order made by me, upon the application of the District Attorney of San Francisco, on the third day of April, 1895, in the city and county of San Francisco, state of California, of which crime you were in the commission on the third day of November, 1895; as appears by the remittitur from the Supreme Court of the State of California, now on file in this court, said judgment being the order denying you a new trial were affirmed by said Supreme Court.

Said judgment still remaining in full force, the law requires me now to inquire into the facts, to determine if any legal reason or reasons exist against the execution of the judgment of death heretofore pronounced against you.

Therefore, William Henry Theodore Durrant, I now ask you to state any legal reason you may have why the court should not proceed to make an order directing the Sheriff of the County of San Francisco to deliver you to the Warden of a State prison, and further directing said Warden to execute, at a time now to be fixed by me, the judgment of death heretofore pronounced against you.

Durrant sat down without uttering a word, and Mr. Dickinson arose to address the court. He made much the same argument as was presented in his opening remarks, adding that there is still an appeal to the Supreme Court of this State pending in this case, and in his opinion that operates as a stay in the execution of this court's order.

The court having fully inquired into the facts, and there appearing no legal reason or reasons why the judgment of death heretofore pronounced against you, and still remaining in full force, should not be executed according to law, therefore, in pursuance of law, it is now ordered that the Sheriff of the city and county of San Francisco, State of California, deliver you to the Warden of the State prison at San Quentin, County of Marin, State of California, and that said Warden, after such delivery, keep you in close confinement in said State prison until the execution of the judgment of death heretofore pronounced against you, and I do now order that the judgment of death be executed by said Warden within the walls of said State prison on Friday, the 12th day of November, 1897, between the hours of sunrise and noon of said day, by hanging you by the neck until you are dead, and may God have mercy on your soul.

The stillness of death pervaded the court-room. Hundreds of eager eyes were on the prisoner, but there was not a quiver of the lip, not a sign of emotion as he heard the fatal words. He calmly stood, nodding to the Judge in acknowledgment of the fact that he understood the dire purport of his sentence, but he uttered no word. As he sat down his father clasped his hand, but the young man showed no sign of weakness. He was as dignified as any one in the room and apparently more unconcerned than the most casual spectator. Whatever may have been his thoughts, his mental anguish, he hid them well from the throng that gazed as if at some spectacle prepared for their entertainment.

For the third time he had passed through the ordeal of hearing the death sentence pronounced upon him and he still believed in fate. The motions were taken by Durrant's attorneys to all the orders of the court, and within two minutes after the fatal words had been pronounced the appeal papers, taking the case to the Supreme Court of the State, were signed and completed. The old appeal in the case was argued before the State Supreme Court at Sacramento, Tuesday, but the decision has not as yet been handed down.

Court adjourned after the filing of the papers, and again the officers fought their way with the prisoner through the crowd of men and women who pressed forward in the hope of getting a glimpse of the doomed man. The record of the case was finally cleared and Durrant was started on his journey to the gallows at San Quentin.

THEY NOW AWAIT DEATH. Three Doomed Murderers Pass Through the Gates. SAN QUENTIN PRISON, Nov. 10.—Three murderers, doomed to die on the gallows, passed in today, the gates of San Quentin prison to-day, and all three will, according to the sentence of the courts, meet death on the gallows within a month.

Harvey Allender was the first of the trio to be brought within the gloom of the death chamber. He was brought from San Jose and on his way he met Durrant at Tiburon. Durrant was on his way to Judge Bahrs' court to hear the number of hours he had yet to live, and Allender was on his way to the murderer's cell to prepare for death.

for a writ of habeas corpus, an appeal had been taken to the United States Supreme Court, and the judgment denying the application for the writ had been affirmed by the court, and where, as soon as the judgment of the United States Supreme Court was rendered the State court, without waiting for the mandate of the United States Supreme Court to issue, proceeded to fix the day for the execution of Jngiro.

It was contended that this action of the State court, taken before the issuance of the mandate, was, under section 706 of the Revised Statutes, null and void. The Supreme Court, however, in passing upon this question, held the action of the State court valid and said after stating the contention and quoting from section 706:

The jurisdiction of the State court in the cases specified is restrained only pending the proceedings in the courts of the United States and until final judgment therein. This court, on the 24th of November, 1890, affirmed with costs the judgment of the State court denying the writ of habeas corpus.

That was its final judgment in the premises, because it determined the whole controversy involved in the appeal. Upon its reversal the action of the State court of the Circuit Court was no longer pending in this court. And nothing remained that was in process of being heard and determined. It was none the less the jurisdiction of the State court at a subsequent date, under the rules and practice of this court, a mandate should be sent down to the Circuit Court showing the fact of affirmance of its judgment.

It is perfectly clear to the most ordinary understanding that the Superior Court of the city and county of San Francisco can proceed at once to fix the date for the execution of Durrant's sentence, and the sentence can be executed without waiting for the mandate of the United States Supreme Court in the habeas corpus appeal.

I wish to add, however, that I have, of course, taken the necessary steps to have the mandate of that court issued at as early a date as possible. In making a motion for issuance of such mandate it is necessary to give notice to Durrant's counsel. This notice I have given, but cannot be heard sooner than next Monday morning, the 15th inst., and it is for that date that I have noticed it.

While I have done this out of an abundance of caution, still it is absolutely unnecessary for the District Attorney of the city and county of San Francisco or for the Superior Court of that city and county to delay proceedings against Durrant for a single instant because of the non-issuance of this mandate.

THE CALL correspondent saw Attorney-General of the United States McKennatnight. He said: "I know nothing about the case except that it is not a matter to come before the Department of Justice. District Attorney Barnes wired me to hasten the mandate, and I replied that the matter did not concern the Department of Justice, but the Department of the Interior."

Judge Fitzgerald received a number of telegrams to-night congratulating him on the outcome of the case. Among them was one from Governor Budd.

THEY NOW AWAIT DEATH. Three Doomed Murderers Pass Through the Gates. SAN QUENTIN PRISON, Nov. 10.—Theodore Durrant has lost none of his composure. To-night at 10 o'clock he was sitting in a rocking chair in the death chamber, reading the Bible and turning over the corner of the leaves in a book of passages. He had the same cool, calm demeanor he had when in the County Jail in San Francisco before the sentence of death was passed on him.

D'EVELYN NOT THE ONLY ONE

A Bitter Editorial Refers Additionally to Dr. Hirschfelder.

MANY WANT HIM EXPELLED ALSO. Certain Technicalities, However, Seem to Baffle Draco's Disciples.

EQUINE SALUTES OXYTUBERCULIN.

Individual Comments Made at Tuesday Night's Session—d'Evelyn Seems Not Worried.

"As physicians do we not desire the respect of our brethren, famous or obscure, in other States and other lands? Then let us deserve it. Either these oxytuberculin and equine methods must be stopped or the medical profession of California stands disgraced in the eyes of the medical world."

The foregoing paragraph, which will be seen to refer to Dr. Joseph O. Hirschfelder and Dr. Fred W. d'Evelyn as strongly as English can be made to without the actual mention of names, is an extract from an editorial in the Pacific Medical Journal for November, entitled "Consumption, Alcoholism and Quackery."

"Stamps show which way the wind blows" is a maxim of long standing. Dr. d'Evelyn has been expelled from the County Medical Society, and Dr. Hirschfelder, well, he is still a member, but in the language of Polonius, when his name is mentioned you can hear "words, words, words."

The action of the society in dropping Dr. d'Evelyn's name from the roll, while expected for some time in professional circles, is creating no end of discussion on account of the fact that it is well known that just as strong a sentiment prevails among members as regards Dr. Hirschfelder. But in the case of the latter disciple of Esculapius a few technicalities remain to be overcome not existing in the circumstances connected with the d'Evelyn affair. Dr. d'Evelyn was expelled on account of the fact that he was alleged to have violated the by-laws of the society by not revealing the "equine" treatment for a consumptive to the regular session and giving it to the medical journals for publication before it was divulged to the public through the medium of the daily press.

Dr. Hirschfelder took the precaution in the case of his oxytuberculin treatment for tuberculosis to read a paper on the subject before the society and to give it to the medical journals before the public could get it. Therefore, it is hard in his case to see why any animosity should be felt, unless it be on account of the fact that he has got considerable advertising. Another thing that might not be a considerable figure in the matter is that Cooper Medical College stands behind Dr. Hirschfelder, though nobody—in public—would be likely to admit this as having any weight. Dr. Hirschfelder himself has also been in the habit of giving his oxytuberculin treatment, so far as the daily press is concerned.

The members of the society are highly indignant over the fact that Dr. d'Evelyn's expulsion has reached the public, and threats of expelling the one who furnished the information which appeared exclusively in yesterday's CALL are being made on all hands, as it is claimed that such was a violation of the by-laws. The society took no special measures to keep Dr. d'Evelyn from getting any more advertising by permitting no discussion of the proposition at all on the floor. The matter had all been settled beforehand, and the fact is out that it is not a secret.

The bitter feeling existing against Dr. Hirschfelder is shown by the members' statements made while discussing in scattered groups the expulsion of Dr. d'Evelyn. Several of the members mentioned having openly stated that the professor of theory and practice of medicine in Cooper Medical College ought to be keeping his confere of St. Luke's Hospital Company. But it seems at present that they are powerless.

The only inconvenience Dr. d'Evelyn will suffer by having his name dropped from the roll of membership will be that he cannot be a member of any of the State societies and that his fellows cannot confer with him; that is, at least, members of the County Medical Society cannot do so. He is not in the slightest degree disturbed by the action taken night before last. He was not inclined to discuss the subject when seen yesterday, but he said: "I do not care to dignify the incident by a discussion of the matter. I have not been officially informed that any accusations were made against me or that my professional conduct was the subject of discussion. I was not informed of any complaints against me, and if it be true that action was taken which resulted in expelling me from the organization, then some member was guilty of violating the rules of the society in divulging the proceedings of the session."

gles and San Diego. Heretofore goods in that condition could be shipped only by the Southern Pacific Company's railroad between San Francisco and Portland and between San Francisco and Los Angeles.

JORDAN'S BAD DOLLAR.

His Laudable Efforts to Get Rid of It Were Not Appreciated in San Jose.

Reese Jordan, tin-horn gambler of San Jose, had a bad dollar on the 4th inst., and tried to drink it up in two saloons, but failing, was hailed before United States Commissioner Heacock yesterday on three charges of having attempted to pass counterfeit money.

The story as told by the witnesses looks bad for Mr. Jordan. On the morning of that unlucky day Jordan walked into the Pastime saloon and called for beer and a lunch, the tariff for which was 5 cents. Jordan plunked down a dollar, or more precisely, "the" dollar. Bartender Al Dahlgren tossed the dollar contemptuously back to him with the simple words: "That don't go, Reese." Reese took back the respiced coin and fished out a nickel and paid the bill.

At 4 o'clock in the afternoon of the same day he returned to the saloon, the proprietor, T. B. Williams, being on watch. He repeated the performance with the same bad dollar, took back the coin indignantly flung at him by the outraged saloon-keeper, and paid for his beer with a nickel. Then he went to the Boulevard saloon, where Bartender Joseph Spring refused the coin and tossed it back. Jordan had whisky this time, but did not bring forth his nickel. He took his dollar and walked away.

The defense was intoxication, but Judge Heacock ruled that the plea was worse than the dollar, and held Jordan to answer before the Grand Jury.

BEEF-SUGAR MEN COMPLAIN.

Charge Discrimination in Rates on Beets Carried to Chino Refinery.

The Railroad Commissioners, at their meeting yesterday, received a complaint from some beet-sugar growers near the refinery at Chino, alleging that they are being discriminated against by the railroad company, which is carrying beets from ranches 100 miles away at a rate as low as the local ones. In the absence of further evidence, Commissioner La Rue gave it as his off-hand opinion that the railroad company is doing this to encourage beet culture and that it has a right to make the special rate.

Schedules of freight and passenger rates were yesterday filed with the commission by the Corral Hollow Railroad, a line about thirty-five miles in length, and by the Sierra Railway, which has about forty miles of track.

Almost all railroad companies in California have filed their annual reports with the commission, as required by law. The Central Pacific alone of the Southern Pacific Company's system has not yet made its report, though it is known to be ready here, with a duplicate copy in the East, awaiting the word from the powers that be to file it as it is or to make certain changes thought advisable. The same policy, it is said, is pursued with the reports of the Southern Pacific, which Collis P. must sanction before they are given out.

A FRITZ SCHEEL CONCERT.

It Will Be Given for the Hahnemann Hospital Building Fund.

A grand orchestral concert by fifty musicians under the musical directorship of Fritz Scheel will be given at Metropolitan Temple Sunday at 2 p. m. for the benefit of the Hahnemann Hospital building fund. The purpose of the concert is to enable the board of trustees and the board of lady managers of the proposed hospital to start the work on the administration building, the laundry and the kitchen, simultaneously with the Fleet A. Hearst ward for sick and destitute children, the total expense of the latter being borne by the donor.

An entrance fee of \$1 will be charged and fifty cents extra for reserved seats. The advance sale of tickets has been large, a matter of much gratification to the ladies who have worked so hard to make the affair a success. From the list of names it is expected that in general a large attendance is expected.

Attaching a Sailor.

Frank Nylund, a sailor, yesterday procured the arrest of Mrs. Louisa Masatta, who keeps a sailor's boarding-house at 19 Drumm street, on a complaint for violating a Federal statute prohibiting the seizure of clothing or other personal effects of sailors without order of court. The lady, he said, had refused to allow him to take his clothes away from the house, she alleging that he owed her a bill. Her examination will be held before United States Commissioner Heacock next Monday afternoon at 2 o'clock.

NEW TO-DAY. All For You Ladies. The picturesque Puritan—10 cents—at news-stands.

JOE POHEIM, THE TAILOR. Makes the best fitting clothes at 25 per cent less than any other house on the Pacific Coast. See Prices: PANTS TO ORDER \$3.50, 4.50, 5.00, 6.00, 7.00, 8.00, 9.00. SUITS TO ORDER \$10.00, 13.50, 15.50, 17.50, 20.00, 25.00, 30.00.

PLUMBING. Gas and Electric Fixtures. GOOD WORK AND NEW STYLES.

ICKELHEIMER BROS., NEW STORE, 20 Geary Street. MADE ME A MAN. AJAX TABLETS POSITIVELY CURE ALL Nervous Diseases—Falling Memory, Impotency, Slothfulness, etc., caused by Abuse of other Excesses and Indulgences. They quickly and surely restore the Vitality in old or young and fit a man for study, business or marriage. Prevent Insanity and Consumption if taken in time. Their use shows immediate improvement and effects a CURE where all other fail. List, upon having the genuine Ajax Tablets. They have cured thousands and will cure you. We give a positive return guarantee to effect a cure. 50 CENTS per package or six packages (full treatment) for \$2.50. By mail, in plain wrapper, upon receipt of price. (Genuine free.) AJAX REMEDY CO., 25 Barbours St., Chicago, Ill.

DR. PIPER HEIDSIECK'S PIPER BACCO. CHAMPAGNE FLAVOR. Be sure to get the ENLARGED. New Five Cent Piece. (The size of the five-cent piece of Piper Heidsieck Tobacco has been enlarged forty per cent. Reduced cost of production permits this increase—quality and flavor better than ever.)

A Fake. My son, is a cheap, low grade coffee, mixed with other things and sold to the people for 'Cereal Coffee.' "Yes, this market is flooded with these fraudulent, adulterated concoctions." "No, my son, people do not like to be deceived, especially on articles intended for the human stomach." "A horde of hungry counterfeiters, desperate in their attempts to imitate the original POSTUM CEREAL FOOD COFFEE, and unable to prepare pure cereals for a beverage with palatable taste, have resorted to harmful drugs and cheapest coffee to give the concoctions a coffee taste." All Cereal Coffees with a coffee taste are either drugged, or they are simply old-fashioned, adulterated coffee, such as any self-respecting grocer avoids deceiving his customers with. There is but one exception to this array of fraud and deception, as shown by chemical analysis, and that is POSTUM CEREAL FOOD COFFEE, the only pure cereal coffee with a palatable taste sold on this market. Most of the prominent physicians know the ingredients of Postum and prescribe it in their practice. Many of the large grocers of the East have had Postum and some of the imitations analyzed, in order to know what they were giving their customers. A notable example is that of Cobb, Bates & Yerxa, of Boston, who have just purchased a carload of about 20,000 packages of Postum. If you can digest coffee, use pure coffee. If coffee acts unpleasantly, use Postum, and see that it is boiled full 15 minutes after boiling commences, but do not lend yourself to concoctions and harmful adulterations. POSTUM CEREAL CO., LIM., Battle Creek, Mich.