



AMUSEMENTS. BALDWIN THEATRE—'The Gay New York'...

AUCTION SALES. BY EASTON & ELDREDGE—This day, December 3...

THE SYMPHONY SEASON OPENS

Fritz Scheel and the Orchestra in 'Good Form—Severer Works in the Future.'

With an audience that outnumbered the seats in the Tivoli Opera-house, a first-rate band, Fritz Scheel at the conductor's desk and \$3000 on the subscription books...

So I was glad to hear from Mr. Marks that there is no danger of the first of the new series of symphony concerts being the last...

As for the programme of this opening, Mr. Scheel seemed to have selected it with the view of demonstrating to the leading operators that a symphony concert is by no means the 'company' business...

As soon as I knew the pieces were to be Raff's third symphony and Saint Saens's 'Finetto' with the 'Sakuntala' overture and the 'Midsummer Night's Dream' scherzo between them...

What I enjoyed most of everything was the Mendelssohn scherzo. I am still young enough not to find out that Mendelssohn was a second-rate composer...

NEW TO-DAY.

SALT WATER BATH. Most torturing and disfiguring of itching, burning, scaly skin and scalp humors is instantly relieved by a warm bath with CURTURA SOAP...

PASSING OF THE SEALER. A Graphic Account of the Death of a Great Industry. Next SUNDAY'S CALL.

HEROIC WORK OF SAM WALL

Thomas Magee Gives Praise to 'The Call's' Correspondent.

Faces Starvation in the Cold Arctic to Do His Duty as a Journalist.

Many Men Will Suffer From Hunger at Dawson Before the Winter Is Over.

Thomas Magee, the real estate dealer, returned to the city yesterday from the Klondike. He was at Dawson City for about six weeks, and he was one of the party that left that starvation threatened mining town in the middle of October for civilization.

HOME FROM KLONDIKE.



THOMAS MAGEE.

in camp, but that there will be much suffering from hunger before the winter is over he has no doubt. The men then will have to get down to the smallest possible allowance of food a day to drag through until relief can reach them, and when he left the miners were preparing for such an emergency.

"I do not say that there will be no deaths from starvation," he said. "That might be the end of many who are there now, but I think if proper care is taken of the food that was in the camp when I left such calamities might be averted. I believe some attempt should be made to take supplies to the Klondike. If it should not be required to save life it would, so long a way toward relieving suffering from hunger that was becoming apparent when I left."

"I did not intend to go to the Klondike for a long stay. My only real business was to get gold, and I intended to go with him on the steamer to where he started on the trail for Dawson. When I arrived there I thought it would be a holiday for me to tramp over the trail with him as far as the lakes, where he would start down the stream. There I helped build the boat, and when it was finished I came to the conclusion that it would be a good trip to take to Dawson and come home on one of the steamers bound down to St. Michael. I got to Dawson and waited for the steamer, but none came, and when THE CALL'S correspondent arrived in Dawson and brought word that none would set up the river, I began planning to get out of the famine-threatened camp."

"A dozen of us got together and bought a little steamer, hoping to get up the river as far as Fort Selkirk, where we would take the trail for Chilocho. The vessel was unable to go more than thirty miles against the current and ice, and we were forced to return. Then we got a canoe, and with Jack Dalton as a leader, we started again. It was a trip of great hardships, poing and fighting the ice up the stream. There was no rest, and we were in constant danger of the craft swamping under the load of ice that would form on the canoe. We were forty-two days on the trip. We had to keep in motion constantly or freeze. To stop to rest meant death, and on we pushed, and finally we reached the coast and the steamer more dead than alive."

"I learned on our trip in the canoe up the river to Fort Selkirk what it was to pole a boat against the current and through ice, and I can appreciate the hardships undertaken by Sam Wall. THE CALL'S correspondent to get to Dawson with the information that no dependence could be placed on the expected steamers reaching the camp with food. He was going to a camp to east his lot with hundreds of hungry men, with the full expectation of spending a long winter in a struggle against starvation. He had nothing to spur him on except a desire to do his duty as a journalist and to warn thousands of his fellow men of the fate that awaited them so that they could prepare to meet it. On my trip I was fleeing from the fat and warm and comfortable home in the midst of plenty."

PETER JACKSON AND JEFFRIES

The Great Heavyweights Will Fight in This City in February.

The Occidental Athletic Club Captured the Match Last Evening.

The Colored Champion Will Tour Through the Northwest Before He Starts to Train.

Peter Jackson, the colored heavy-weight champion of England and Australia, has at last secured a match. Last evening, Jackson's representative, 'Young' Mitchell, and Billy Delaney, on behalf of Jim Jeffries, met at Mitchell's saloon, and after discussing the proposition of a match between Jeffries and Jackson, Delaney said that he would not object to a 20 round contest between the big heavy-weights.

EBANKS MUST GO ELSEWHERE

Judge de Haven Washes His Hands of Him for All Time.

Decision That The State Supreme Court Has Granted the Relief Asked.

The Action of the Superior Court of San Diego Is Declared Null and Void.

United States District Judge de Haven took a common-sense view of the petition in habeas corpus on behalf of Murderer Ebanks and dismissed the writ yesterday. Warden Hale produced the prisoner in court in charge of a Deputy Warden, and the prisoner occupied a front seat behind Mr. Deuprey, whose collar was higher and whose manner was more impressive than usual. Ebanks is a coffee-and-milk-colored West Indian with straight hair and black, beady eyes. His crime was peculiarly atrocious, he having murdered in cold blood, with motives of robbery, an aged couple camped on the beach in San Diego County.

The proceedings began by the reading of the return of Warden Hale to the summons under the writ. The return was in the nature of a protesting argument on the line laid down by Mr. Carter on the day before. Mr. Deuprey followed with a statement disparaging the logic and deploring the lack of legal acumen in the return. Then he proceeded to say that the order of the Superior Court of San Diego, made on November 5, 1897, was illegal and void. He said that the preliminary hearing Judge de Haven's opinion goes on to say, substantially: Notwithstanding the pendency of the petitioner's appeal, the Superior Court of the county of San Diego on the 5th day of November of the present year made an order directing the Sheriff of said county to deliver the petitioner to W. E. Hale, Warden of the State Prison at San Diego, and directing the said Warden to carry into execution the judgment by refusing to pay him, on the 31st day of December, 1897, the sum of \$1000.

The validity of this last order only is assailed by the present proceeding, in which the petitioner seeks by habeas corpus to be discharged from imprisonment and other punishment directed by such order. As already stated, the petition and the petitioner's appeal from the decision of this court upon his former application for a writ of habeas corpus was to stay all proceedings in the state courts until the judgment thereon rendered by it until the matter involved in said appeal was disposed of by the final judgment of the United States Supreme Court, and it necessarily follows therefrom that the order of the Superior Court of San Diego County, directing the execution of the petitioner, while said appeal was still pending in the Supreme Court of the United States, was given without jurisdiction and is absolutely void, and if carried into effect would deprive the petitioner of the right to have the judgment of this court in the matter of his former petition for a writ of habeas corpus reviewed by the Supreme Court of the United States—a right which is guaranteed to him by the Constitution of the United States.

It is admitted by the attorney for the petitioner that the issuance of the writ of habeas corpus herein the Superior Court of this State, which is the subject of this appeal, is charged with the duty of guarding and protecting all rights secured to the citizen by the Constitution of the United States. The petitioner is not entitled to be restored to his liberty and the action of the Superior Court of this State, which is the subject of this appeal, is charged with the duty of guarding and protecting all rights secured to the citizen by the Constitution of the United States.

A BRILLIANT SUCCESS.

The Press Club Entertainment at the Baldwin Well Patronized.

A Good Sum Netted, Part of Which Will Be Devoted to the Actors' Relief Fund.

The Press Club benefit yesterday afternoon was a great success in every way, both financially and artistically. Perhaps the club has never presented so excellent a programme as that of yesterday. There was not one number absent; everybody was there, and in time, too; there were no unseemly delays. The sum realized by the souvenir programmes and the sale of tickets reached over \$4000. Twenty-five per cent of the money will go to the Actors' Relief Fund. Flowers were sold in the lobby by Miss Foster, Miss Crosby and Mrs. Bates of the Alcazar Theatre, and quite a neat little sum was realized in this way.

NEW TO-DAY.

\$200000. We don't mind telling you that Schilling's Best baking powder is simply made of best cream of tartar and soda. We won't tell you how we mix it. That's our secret.

EBANKS MUST GO ELSEWHERE

Judge de Haven Washes His Hands of Him for All Time.

Decision That The State Supreme Court Has Granted the Relief Asked.

The Action of the Superior Court of San Diego Is Declared Null and Void.

United States District Judge de Haven took a common-sense view of the petition in habeas corpus on behalf of Murderer Ebanks and dismissed the writ yesterday. Warden Hale produced the prisoner in court in charge of a Deputy Warden, and the prisoner occupied a front seat behind Mr. Deuprey, whose collar was higher and whose manner was more impressive than usual. Ebanks is a coffee-and-milk-colored West Indian with straight hair and black, beady eyes. His crime was peculiarly atrocious, he having murdered in cold blood, with motives of robbery, an aged couple camped on the beach in San Diego County.

The proceedings began by the reading of the return of Warden Hale to the summons under the writ. The return was in the nature of a protesting argument on the line laid down by Mr. Carter on the day before. Mr. Deuprey followed with a statement disparaging the logic and deploring the lack of legal acumen in the return. Then he proceeded to say that the order of the Superior Court of San Diego, made on November 5, 1897, was illegal and void. He said that the preliminary hearing Judge de Haven's opinion goes on to say, substantially: Notwithstanding the pendency of the petitioner's appeal, the Superior Court of the county of San Diego on the 5th day of November of the present year made an order directing the Sheriff of said county to deliver the petitioner to W. E. Hale, Warden of the State Prison at San Diego, and directing the said Warden to carry into execution the judgment by refusing to pay him, on the 31st day of December, 1897, the sum of \$1000.

The validity of this last order only is assailed by the present proceeding, in which the petitioner seeks by habeas corpus to be discharged from imprisonment and other punishment directed by such order. As already stated, the petition and the petitioner's appeal from the decision of this court upon his former application for a writ of habeas corpus was to stay all proceedings in the state courts until the judgment thereon rendered by it until the matter involved in said appeal was disposed of by the final judgment of the United States Supreme Court, and it necessarily follows therefrom that the order of the Superior Court of San Diego County, directing the execution of the petitioner, while said appeal was still pending in the Supreme Court of the United States, was given without jurisdiction and is absolutely void, and if carried into effect would deprive the petitioner of the right to have the judgment of this court in the matter of his former petition for a writ of habeas corpus reviewed by the Supreme Court of the United States—a right which is guaranteed to him by the Constitution of the United States.

It is admitted by the attorney for the petitioner that the issuance of the writ of habeas corpus herein the Superior Court of this State, which is the subject of this appeal, is charged with the duty of guarding and protecting all rights secured to the citizen by the Constitution of the United States. The petitioner is not entitled to be restored to his liberty and the action of the Superior Court of this State, which is the subject of this appeal, is charged with the duty of guarding and protecting all rights secured to the citizen by the Constitution of the United States.

The Press Club benefit yesterday afternoon was a great success in every way, both financially and artistically. Perhaps the club has never presented so excellent a programme as that of yesterday. There was not one number absent; everybody was there, and in time, too; there were no unseemly delays. The sum realized by the souvenir programmes and the sale of tickets reached over \$4000. Twenty-five per cent of the money will go to the Actors' Relief Fund. Flowers were sold in the lobby by Miss Foster, Miss Crosby and Mrs. Bates of the Alcazar Theatre, and quite a neat little sum was realized in this way.

HE CURES

NERVOUS DEBILITY and all its attending ailments of young and middle-aged men. The awful effects of neglected or improperly treated cases, producing weakness of the body and brain, impotency, falling memory, loss vitality, lack of energy, a full condition, vertigo, and other of the same symptoms, will be cured for study, business and enjoyment.

ALL persons who may be afflicted should consult him at once, as his attention in the past will be extended to every one kind, honorable and satisfactory treatment. Consultation and Advice Free at Office or by Mail.

DR. MEYERS, SPECIALIST FOR ENGLISH AND GERMAN EXPERT SPECIALISTS, 731 MARKET STREET, PHOENIX BUILDING, SAN FRANCISCO.

Coke! Coke! Coke! P. A. McDONALD 813 FOLSOM STREET, Wholesale dealer and shipper of the best brands of FOUNDRY AND FURNACE COKE.

NEW TO-DAY.

DEWEY STRONG & CO. PATENTS. I have on hand a large quantity of San Francisco superior to anything to be found elsewhere for use as fuel. This coke is made from the best Washington coal, and can be recommended to consumers as an A. 1. article.

Will deliver any amount from a sack to a shipper, and a bill of lading. Carload orders solicited. DEWEY STRONG & CO. PATENTS. 330 MARKET ST. S.F.

Benquet's Famous Turkish Eggs at Auction. H. Ephraim Benquet & Son have removed two doors above to 218 Post street, below Vacker's, to more spacious quarters. During next week they will sell at auction their stock of magnificent rugs, etc. This firm has established such a reputation for selling high-grade goods that this sale will be of such a great interest to connoisseurs that they will imagine they are on a pilgrimage to Mecca. Watch morning papers for particulars.

WILMERDING SCHOOL SITE.

Location on Block 138 of the Potrero Said to Be Good. The site upon which the Wilmerding School will be located is designated on the official map of San Francisco as block 138, Potrero division. It is bounded on the north by Santa Clara (now Seventeenth) street, Rhode Island on the east, Mariposa on the south and Kansas on the west, and is within two blocks of Jackson Park. The electric car line which connects with Sixteenth and Fillmore streets passes alongside of the site on Kansas street.

The lot has an area of 200x100 feet and was purchased from ex-Judge E. D. Sawyer for \$18 000.

TEA EXAMINERS.

Collector of Customs Jackson has been notified by the Secretary of the Treasury that C. C. Willis, S. B. Samuels, C. Tooley and C. Wright of San Francisco, G. Chapin of Chicago and W. G. Benner of New York had successfully passed the examination recently held for tea examiners.

NEW TO-DAY.



The great breakfast drink—the great health drink—the delicious morning drink—and more, too is Ghirardelli's Cocoa.

A sample cake of Monarch chocolate given with every can of cocoa.



YOU NEED NOT PAY DR. MEYERS, 731 MARKET ST., ONE DOLLAR UNTIL YOU ARE CURED.

He has cured thousands, and so confident is he of his ability to cure you that he makes the above offer.

WHY HE SUCCEEDS

He has had fifteen years' experience. He is provided with all the modern treatments. His methods are the latest and most scientific. He has cured you with all medical means, but his medicines are prepared in his own private laboratory, under the supervision of an expert chemist.



B. KATCHINSKI, PHILADELPHIA SHOE CO., 10 Third St., San Francisco.

ALASKA SEAL SHOES. Absolutely Waterproof. Stock soft and guaranteed for wear. Double Soles, Square or Medium Round Toes. Just the thing for winter wear.

EASTERN PRICES

WILL HEREAFTER APPLY TO CHAMPAGNE AT THE PALACE HOTEL Pints, \$2. Quarts, \$3.90

NEW TO-DAY—AMUSEMENTS. TIVOLI OPERA-HOUSE. MOROSCO'S GRAND OPERA-HOUSE.

WALKER MOROSCO, Sole Lessee and Manager. Initial Production of the Great Scenic Melodrama 'ON THE MISSISSIPPI.' By Win. Haworth, author of 'The Ensign.'

Say! You Boy! Come down here for your Christmas suit, and you will have lots of spending money left for other things. We save you all middlemen's profits by selling direct to you at wholesale prices. Double and Single Breasted Suits for large boys, with long pants and lots of pockets. Blue, black and fancy chevrons, cut in the latest New York styles. For ages 12 to 20. \$7.50. Reeler Suits for the little boy—wide collar, trimmed with braid; very dressy. Ages 4 to 10. \$2.50. Woollens made in our mills at Oregon City. Every stitch made in our own factory. Come to the BLUE signs, 2nd block from Market, and save money.

BROWN BROS. & CO., Wholesale Manufacturers Selling at Retail. 121-123 Sansome St.

Philadelphia Shoe Co., No. 10 Third St. STAMPED ON A SHOE MEANS STANDARD OF MERIT.

DO YOU WANT A BARGAIN? THE SPARKLES' FENCE IS DOWN. Come and see us. We are entirely re-stocked with new, show window and new goods, and as a special inducement for your visit we will offer Ladies' Extra Fine Vici Kid Lace Shoes, straight foot, low cut, in a and tip and double sole, for \$2 25 a pair, sold regularly for \$3.

ALCAZAR Prices—15c, 25c, 35c, 50c. LAST THREE NIGHTS. FAREWELL MATINEE TO-MORROW of the 'The Masque of the Red Death'.

INCOC! Every time a man is on MONDAY NIGHT. THE NOMINEE. First appearance at this Theater of FREDERICK PAULDING.

BUSH-ST. THEATER. Week Beginning MONDAY, Dec. 6th. Matinee Wednes. Saturday and Sun. Harry Martin's Realistic Southern Production, SOUTH BEFORE THE WAR!

ALCAZAR Prices—15c, 25c, 35c, 50c. LAST THREE NIGHTS. FAREWELL MATINEE TO-MORROW of the 'The Masque of the Red Death'.

INCOC! Every time a man is on MONDAY NIGHT. THE NOMINEE. First appearance at this Theater of FREDERICK PAULDING.

BUSH-ST. THEATER. Week Beginning MONDAY, Dec. 6th. Matinee Wednes. Saturday and Sun. Harry Martin's Realistic Southern Production, SOUTH BEFORE THE WAR!

OLYMPIA, Corner of Mason and Eddy Streets. 'A STRUTTING FAMILIAR' (OLD). BOSTON LADIES' MILITARY BAND. And Many High-Class Operatic Art. OBERON. GRAND CONCERT EVERY EVENING BY STAR'S VIENNA ORCHESTRA!

SUTRO BATHS. Same Graded Temperature all the year. Open Daily from 7 A. M. to 6 P. M. During the Winter Season. Admission 10c. CHLORINE, 50c. Bathing with admission, 25c. Bathing 20c.

THE CHUTES AND FREE FREE THEATER. Every Afternoon and Evening. Great Vaudeville Entertainment. Balloon Ascension Sunday. Admission and performance, 10c. Children, 5c.