

DRIFTED ON POINT DIABLO

Narrow Escape of the Lumber Schooner North Bend.

Collided With the Jennie Stella and Then Went on the Rocks.

Disastrous Ending to a Fast Passage of Seven Days From Grays Harbor.

Another fleet of coasters got in yesterday and two of them are in trouble. One schooner was not only in a collision, but also went ashore, and it will be some time before she will sail on another voyage.

The schooner North Bend and Jennie Stella both left Grays Harbor for San Francisco seven days ago, and both reached port last Friday night. They crossed the bar in company, and made fair progress past Point Bonita. Soon after that the trouble began. The wind fell light, and both vessels began to drift. The Jennie Stella came to anchor as Captain Krebs saw that there was no bettering his position with that tide.

The men on board the North Bend did not take the time to see what damage their craft had sustained, as she was rapidly drifting on Point Diablo. Everything possible was done to prevent the schooner from striking, but without avail, and about 11:30 p. m. on the 7th inst. she struck heavily, bow on. The tide soon swung her around, and her starboard side came against the rocky point. Captain Blum ordered a turpentine danger signal burned, and the Port Point light house responded. Word was sent to the life saving stations, and two boats were soon on the scene.

The tug could not get near the North Bend, so the life-saving crew carried the floating lines, and after nearly three hours' hard work the schooner was got off and towed to Howard-street wharf, where she was docked. While on the rocks the schooner lost her keel, had several holes knocked in her bottom, her starboard railing, and the rigging on the main and foremasts were considerably damaged, and the load of lumber was the only thing that kept the vessel afloat. As she now lies the water is over her main deck, and as soon as the deck load is removed she will have to go on the mud flats to discharge the remainder of her cargo. The schooner is straining in every load, and she will have to receive a thorough overhauling before she can again put to sea.

The little schooner Hercules, which had been built for the South Island trade, came down from Benicia yesterday. She will be taken to the Marquesas by Captain D. Schwartzing, who brought the old missionary boat John Wesley to San Francisco last Friday night. The latter vessel is now 45 years old, but still trades between the Marquesas and Tahiti.

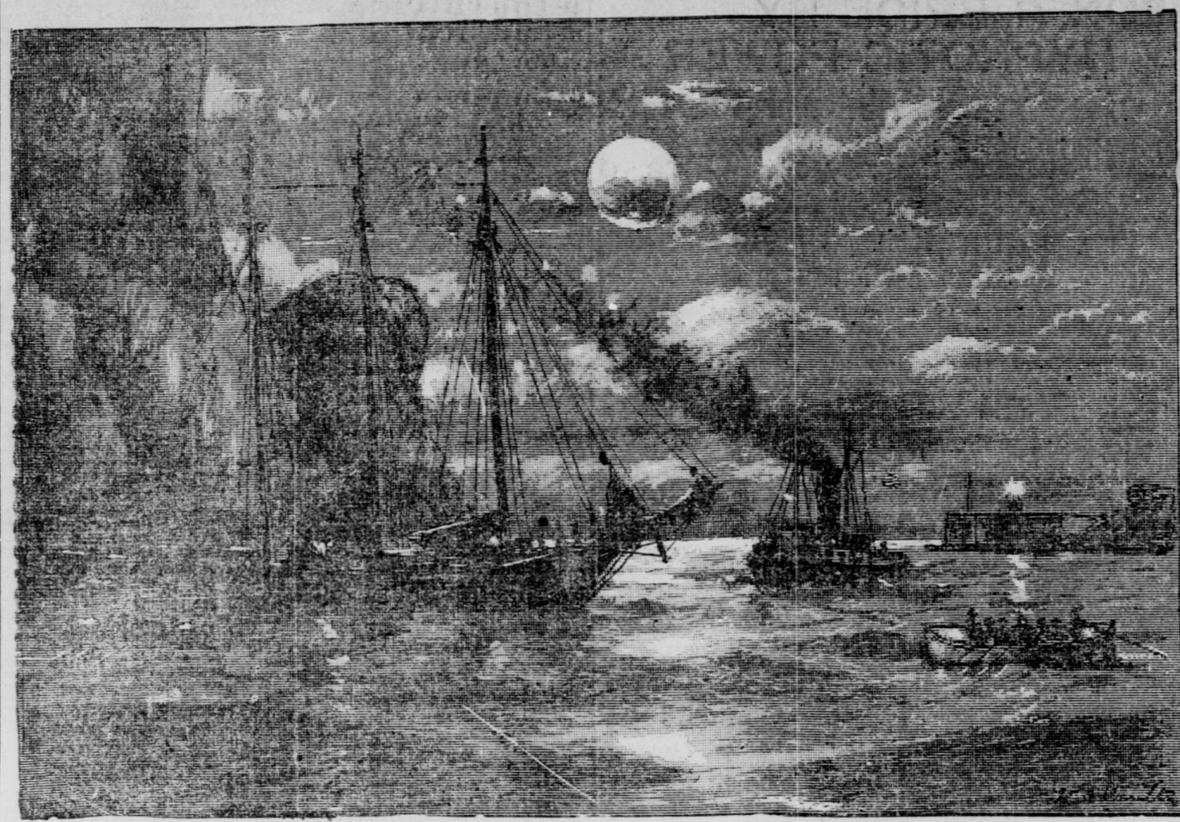
The new steamer Dirigo, for the Alaskan trade, was launched at Grays Harbor last Friday night. She will load with lumber and towed down here. On her arrival she will have her engines put in and fitted out. The Dirigo is 200 feet long, 32 feet broad, 14 feet deep and the contract calls for a speed of 15 knots an hour. She will be fitted with electric lights throughout, and will have accommodations for 200 passengers and 1000 tons of freight.

The British cruiser Phaeton got in from San Diego yesterday morning. The Sparrowhawk, which she is supposed to convoy, got in Friday night. Both warships will remain here a few days, and will then proceed to the Esquimaux (E. C.).

The following are the officers of the Phaeton: Captain, Francis Kirby; Lieutenant, George U. Cayley, N. Guy M. Marston, Christopher P. Metcalf, Junior R. Morant, Charles D. Graham, Junior R. Morant, Charles D. Graham, George Hamilton; Lieutenant marines, F. J. W. Harvey; staff surgeon, H. Harries; chief engineer, E. J. Flood; paymaster, Montague Stephens; assistant engineer, J. C. Jenkins; gunner, W. J. Crothers; boatswain, Tommie; cook, Thomas Hutcherson; carpenter, John N. Brown; clerk, Robert A. Jenkin.

The following Eastern vessels are on their way to San Francisco to take part in the rush to the Klondike next spring: From New York, the steamers Cottage City and City of Columbia; and brig Harriet G.; from Baltimore, the steamers Genia and Curacoa; from Boston, the schooner Stella Sherman, Abbie F. Morris, Julia E. Whalen; from Gloucester, the schooner Hattie I. Phillips; from New Haven, the schooner Thomas S. Hughes, and from Portland, the schooner Conroy. All these vessels are out from twenty to eighty days, and some of them should be heard from the latter part of this month.

The Oceanic Steamship Company's Moana sails for Sydney via Honolulu, Apla and Auckland to-day. She takes away a full cargo, among which is 2000 tons of barley, valued at \$2300. Among her passengers are G. F. Richardson, paymaster of the Southern Pacific; M. Churchill, a Grand Army officer of the Republic man from Ohio who is going to Honolulu on a holiday trip, and C. N. and J. S. Post and H. T. Weeks, who are going to Hongkong via Sydney. The other cabin passengers are: For Honolulu—George Anderson, John A. Buck and wife, W. J. Clifford, W. H.



WRECKED BY THE CURRENT.

The schooner North Bend narrowly escaped total destruction last Friday night. The wind died out and the vessel first of all collided with the schooner Jennie Stella. Then the current took control and carried her onto Point Diablo. She was battered on the rocks for over two hours and then the tug Vigilant—assisted by the life-saving crews, who carried the towing lines to the stranded vessel—got her off.

Cornwall, C. S. Desky, Miss Mabel Foster, George Goodacre, Mrs. George R. B. Hayes, J. D. Horan and son, T. V. King, Miss M. Lewis, W. H. Little, W. A. Lowrie, W. J. Lowrie, Mrs. L. L. McLaren and child, G. L. North, Miss Pratt, A. Reichling, Miss Grace Richards, James E. Tucker and wife, Miss K. Ida, T. C. Wells and wife, Miss Wells, F. S. Winslow, Mrs. Alexander Young.

For Auckland—Paul Bribosia, Duncan Scott. For Sydney—A. F. Clark, Frank Coffee, L. H. Cowles, F. Kane, W. Nelson, Herbert Parkes, G. J. Rohr, T. H. Ross, F. E. Vincent. Join at Honolulu for Sydney—R. H. Jeffrey, F. F. Prentiss.

A FOUR MONTHS' RECORD.

Sergeant Shea and His Posse a Terror in the Chinese District.

Without any desire on his part to make a public display of his official acts, Sergeant Patrick Shea of the Chinatown squad, has made as fine a record during the four months that he has been on duty in the Chinese quarters as any other officer who has had charge of that district in a number of years. Probably Sergeant Spillane outdid him in the number of arrests made, while this officer had charge, but with-out exception Shea has done more to stop gambling than any other officer. During the past four months over 1000 arrests have been made by the posse in charge of Shea. Those arrests were not made to swell the record, but were made when the perpetrators were caught in the act of violating the laws. The result has been that in the majority of the arrests made there were convictions.

As a result of this work gambling in Chinatown has been reduced to a minimum if not entirely stopped. Opium smoking, too, has received a conditional quietus at the hands of this officer, who is a hard and efficient fighter. He has acquired the habit of "hitting the pipe" have been forbidden to resort to the Chinese quarter for their accustomed solace.

Sergeant Shea expects to be relieved from his command in detail in the course of a few days.

"CAPPERS" ARE BUSY.

Attorney Frank P. Kelly After the Scalps of Some of Them.

Attorney Frank P. Kelly made a complaint to Judge Low yesterday about the actions of several "cappers" around the police courts and, if known, complaints will be sworn out for their arrest.

Kelly was employed by Mrs. Nellie Cook to defend her against a charge of assault with a deadly weapon upon Lee Wah, a Chinese, in Judge Low's court Friday. While Mrs. Cook was waiting outside the court room till her case was called the "cappers" came around her thrusting the cards of attorneys in her face and offering Kelly, who is a reputable attorney and is employed by the Southern Pacific to defend their cases in the police courts.

Mrs. Cook accompanied Kelly yesterday with the object of pointing out any of the "cappers" who imported her the previous day, but none of them could be seen.

The Judge promised to teach them a severe lesson if they were arrested and brought into his court.

One Dose Will Stop a Cough. Dr. Parker's Cough Cure never fails; try it; 25c. For sale by all druggists.

Newman Company Incorporates. The Simon Newman Company, organized for the purpose of acquiring the property and assets of the business carried on in the town of Newman, Stanislaus County, in the name of Simon Newman, incorporated yesterday with a capital stock of \$50,000, all of which has been subscribed. The directors are Simon Newman, Juda Newman, Sigmund J. Newman, Solomon Newman, Emil Wangelheim and Jacob Stern.

NEW TO-DAY.

METROPOLITAN DENTAL PARLORS, The best-equipped dental offices on the Pacific Coast.

ALL KINDS OF DIFFICULT DENTAL WORK DONE AND AT GREATLY REDUCED PRICES.

GOLD FILLINGS, FROM 75c. GOLD CROWNS, FROM \$3.50. PLATES GUARANTEED TO FIT FROM \$5.00. ALL WORK WARRANTED. Hours—9 to 6:30 and 7:30 to 10. Sundays till 4.

927 MARKET STREET, Emma Spreckels Building, Fifth Floor, Elevator.

THE LAW OF CRIMINAL LIBEL

A. M. Lawrence of the Examiner Is Held to Answer.

Judge Campbell Decides That He Labeled Claus Spreckels.

He Cannot Evade Responsibility by Pleading That He Was Not Aware of Its Publication.

Judge Campbell rendered his decision yesterday in the libel suit against A. M. Lawrence, managing editor of the Examiner, preferred by Claus Spreckels. Grove L. Johnson was present on behalf of the prosecution and Attorney Drum represented the defendant, as Garret McEnerney was engaged elsewhere. The defendant was also in attendance.

The Judge held the defendant to answer before the Superior Court in \$1000 bonds or \$500 cash. The cash was forthcoming.

The Judge's decision is as follows: This is an examination into a charge of criminal libel preferred by Claus Spreckels against A. M. Lawrence, managing editor of the Examiner, published in the Examiner of June 7, 1897, the day the article complained of and had been for some months published in the Examiner. The article was published in the Examiner of June 7, 1897, the day the article complained of and had been for some months published in the Examiner. The article was published in the Examiner of June 7, 1897, the day the article complained of and had been for some months published in the Examiner.

At the common law if a libel appeared in a newspaper the printer, the editor and the publisher were each liable, both civilly and criminally. All the text writers agree in this. The defendant admits he had the power to employ and discharge Aiken and other assistants on the Examiner. Do these circumstances excuse defendant and release him from the guilt of the crime of libeling Mr. Spreckels?

The common law rule has been pronounced in the law in many of the States of the Union. See Dunn vs. Hall, 11 Cal. 2d 100; Conroy vs. Mass., 129; Andrews vs. Wells, Williams (N. Y.), 129; Buckley vs. Knapp, 48 Missouri, 152; Com. vs. Moran, 29 W. N. C. 423 (Pa.); Quinlan vs. State, 26 Oregon, 272. Unless, then, the statutes of this State change the common law rule the defendant must be held to answer fully laid down in chapter 19 of title 3 of part 1 of the Penal Code, sections 245 to 257, both inclusive.

Section 253 Penal Code is as follows, viz: "Each author, editor and proprietor of any book, newspaper or serial publication is chargeable with the publication of any words contained in any part of such book or number of such newspaper or serial. The language does not contain any words that could make the meaning of this section plain. It means just what it says, viz: that each editor of a newspaper is chargeable with the publication of any libel appearing in such paper.

The section simply enacts the common law and does not weaken but rather strengthens it. I will remark that this section of the code changed sec. 120 of the old act concerning crimes and punishments and made the law stronger in California than before. Inasmuch as the law was changed by the codes we must assume the Legislature intended to change it, and to make it plainer and stronger against the libeler.

It is my duty to take the law as I find it, and to enforce it as it is written. The law makes the defendant guilty. The contention of defendant that a malicious intent must be shown in criminal libel by direct evidence of witnesses, because of the language of section 249 Penal Code avails him nothing because of the plain expression of section 250 of the Penal Code, which reads as follows: "An injurious publication is presumed to have been malicious if no justifiable motive for making it is shown. In this case we have: 1. A most infamous libel. 2. Its publication by de-

fendant. 3. No justifiable motive for its publication is shown or attempted to be shown. When the law says such libel is presumed to have been malicious. Our Penal Code defines what is malicious in subdivision 4 of section 7, which reads thus: "The words 'malice' and 'maliciously' import a wish to vex, annoy or injure another person or an intent to do a wrongful act, established either by proof or a presumption of law." Section 250 Penal Code, as we have seen, establishes what is malice in criminal libel and thus furnishes what section 7 says is all that is needed, viz: "A presumption of law."

Independent of this code provision it is true in criminal proceedings for libel that where the article is libelous per se—as in this case—it is not necessary to prove malice. See State vs. Brady, 24 Pac. Rep. 48, and Haley vs. State, 43 Ala., 83, and 3 Greenleaf on Evidence, 98, and 3 Mason, 26 Or., 272.

The case of State vs. Mason, 26 Or., 272, decided in November, 1887, is almost identical with the one now before me. In that case the same plea was made by the defendant as is interposed here, but the Supreme Court of Oregon in a very learned and exhaustive decision, written by Chief Justice Bean (one of the greatest legal minds in our country), brushed it aside as founded neither in law nor justice.

Under a statute providing that if any person shall publish or cause to be published in any newspaper, or in any other publication, any article, or any other matter, which is libelous, or defamatory, or which is calculated to injure the reputation of any person, or which is calculated to bring any person into public contempt, or which is calculated to excite any person to violence, or which is calculated to excite any person to crime, or which is calculated to excite any person to breach of the peace, or which is calculated to excite any person to breach of the law, or which is calculated to excite any person to breach of the public morals, or which is calculated to excite any person to breach of the public peace, or which is calculated to excite any person to breach of the public safety, or which is calculated to excite any person to breach of the public order, or which is calculated to excite any person to breach of the public tranquility, or which is calculated to excite any person 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