# CORONER'S DUTY IN THE NEWMAN WRECK

## Truth Touching the Railroad Disaster May Come Out.

### Fearless, Unhampered Inquiry by the Jury Should Establish the Personal Responsibility for the Sacrifice of Human Life.

THE duty of fixing the responsibility for the recent railroad disaster at Newman seems to rest with the authorities of Stanislaus County. If the subject matter should be left with the Southern Pacific managers no doubt the unfortunate ladies who were crushed to death in the wreck would be blamed, but the usual railroad method of putting the responsibility on those who cannot speak for themselves will not be acceptable in the approaching inquiry.

Practical railroad men assert that Hartwell, the operator at Newman, cannot be implicated by any fair line of reasoning. It is contended that he obeyed rule 390 of the revised regulations, which fits the case at Newman. While the special passenger was an irregular train, the orders on which it was running gave it certain rights. Train 245, the freight, had notice of the running of the special when it received copies of the double order. To make the matter clear, here is an illustration of the system:

The special, which may for example be designated No. 1, came from Sacramento to Tracy under the supervision of a dispatcher who has nothing whatever to do with the line from Tracy to Mendota, that line being under charge of dispatcher No. 2, who is advised of the time that the special will reach Tracy from Sacramento. Dispatcher No. 2 arranges his business so as not to delay the special and put out an order in this form:

To conductor and engineer No. 245—Tracy.

To conductor and engineer extra 1721—Tracy.

Engine 1721, Fassett, will run extra from Tracy to Mendota and will pass No. 245, engine 1414, where overtaken.

This is signed by the conductor of No. 245, and he is given two copies—one he keeps, the other is given to his engineer. The conductor of the special likewise signs it and gets two copies for himself and engineer. In this way train 245 is advised to be on the lookout for the following train and the same order is the authority of the special to pass No. 245. Now if this order was used—and it is about 100 to 1 that it was—No. 245 should have been prepared at any station to let the special pass. If the order was not given in the form as above, then the dispatcher at the superintendent's headquarters is culpable. Assuming that the double order was in the hands of both crews, then No. 245 should have protected not only the rear of their own train, but have been on the alert to facilitate the movement of the special by having the switch thrown so the special could pass through the siding. The results do not show that this was done.

The facts so far gleaned establish the belief that Operator Hartwell at Newman properly changed his signals as the regulations require—from white to red and back to white again. His signal was answered by Engineer Allen. The answer to the signal shows that the engineer of the special was not asleep. It was not Hartwell's duty to go out in the yard and ascertain if the switch was placed to permit the special to pass, but it was somebody's duty to adjust the switch.

The track is straight for two miles west of Newman. Allen, the engineer of the special, could see the white light in the semaphore signal. He had no notice that the signal was to be at white. He must see it red and see it changed to white, else he must stop. There is one point raised against Allen and that is that he violated the rules in not having his train under control in approaching a station. He had signals, however, that the track was clear.

The inquiry by the Coroner of Stanislaus County should bring out all the facts regarding the display or non-display of red tail lights on the freight train. The testimony of the crew of the special may be important on this point. Freight trains usually have a caboose on the rear. Train 245 did not, but instead had a coach. The question may be asked, "Where is the difference?" Here it is: A caboose has a cupola that exhibits a bright red light, showing both forward and backward, at an elevation of fourteen feet from the rails, and in addition there are two side lights hung on either side of the caboose. On a coach there are usually two side lights at an elevation of eight feet from the rails and sometimes a red light placed on the platform on a level of the car floor.

It appears that No. 245 goes to Fresno as a fast freight and returns to Oakland pier as a passenger train on daylight runs, where lamps and lanterns are not needed.

Practical railroad men maintain that the conductor of the special is not blameless. He should have known exactly where his train was. If the speed was too high approaching the station he should have checked it by using the air-brake appliance just inside the door of the sleeper.

The Coroner's jury of Stanislaus County should see that all the facts are brought to light, regardless of the favor or disfavor of the Southern Pacific. The day has gone by in California for the railroad company to prepare in advance decrees for the courts to sign and verdicts for the juries to bring in.

The jury to investigate the causes of the loss of life at Newman should find out:

First—Where was the conductor of 245 when the accident occurred—whether in the telegraph office or elsewhere?

Second—What part of the train was the conductor of the special in; where were his brakemen—in the cars or out on platforms?

Third—What instructions did the conductor of 245 give to his rear brakeman in regard to this special; why was it that he did not have a red lantern to flag with instead of a white light?

Fourth—How far was it from the rear of car No. 245 to the switch leading to the side track that the special should have been run into? Did the brakeman pass this switch in his efforts to flag the special? If he did, why did he not throw the switch to side track? If Operator Hartwell could see or hear the special, why could not the rear brakeman of 245, whose duty it is to always be at rear car of train, see or hear it?

If these questions cannot be satisfactorily answered it would be well to inquire just how many hours elapsed from the time the crews of the two trains arrived at Oakland and Sacramento before they were called to come out on their respective trains, for if they did not have a sufficient time to rest, then it is easy to see how hard it is for men to keep awake in the "small hours" of the night.

A question some one in authority at the yellow building should be asked is this: Why are special passenger trains run past Lathrop over to Tracy, thence to Fresno via Mendota, when time and mileage can be saved on a road going direct from Lathrop to Fresno and on a line where a train seldom runs at night? Possibly the reply to this question will be satisfactory to the manipulators of the traffic, but it may not give satisfaction to the patrons of the road.

Perhaps the Pacific Improvement Company owns the bridge across the San Joaquin west of Lathrop, and if it does the inside managers may get a head tax on each passenger, the same as they do for traffic over the bridge across the Colorado River at Yuma. Collis P. does not often get left, as was shown a few years ago, when Sir Rivers Wilson was out here on a supposed inquiry into Central Pacific affairs. Then the company had men working day and night to change the initial on every car possible in West Oakland to read "C. P.," and for this purpose several hundred empty flatcars were hauled in and labeled, only to be changed back to original designation when Sir Charles was gone. He was properly attended to by the Piedmont president of the Central Pacific while here.

Such is railroad life, and it is such truckling work as that that leads up to results like that at Newman. If the special had run from Lathrop to Fresno it would have had a clear track from all trains in either direction from before the time it left Sacramento until 5:30 a. m. On the Tracy-Mendota line it was due to meet between 1 o'clock at Tracy and 5 o'clock at Fresno one regular freight, two regular passenger and several extras, besides two regular freights to overtake and pass. The wear and tear on a man's "gray matter" is quite different on the two routes. Possibly after the consolidation of the Central Pacific with the Kentucky corporation lines that are owned by the Central Pacific will get their dues.

Meantime the people will wait and see what the verdict of the Coroner's jury will be in the inquest of the Newman sacrifice.

### HOSTETTER BITTERS SUIT.

**Action Taken Against Merchants for Infringing Upon the Trademark.**

E. Edgar Galbreth, a prominent attorney of Los Angeles, filed equity suits yesterday in the United States Circuit Court on behalf of the Hostetter Company of Pittsburg, Penn., against persons and firms for substituting spurious mixtures in place of Hostetter's bitters; for selling the spurious mixtures in bulk and for refilling genuine Hostetter bottles with the mixtures named, thereby defrauding the public. The defendants are: E. P. Modry & Co., E. Martinini, Ahrens, Pein & Bullwinkle, G. Rottanzi and Jesse M. Levy & Co. of this city, and Cronin & Weisseman, George S. Dierssen & Co. of Sacramento, as well as Theodore Gier & Co. and W. M. Watson & Co. of Oakland.

### KNIGHTS REFUSED TO PAY.

**Question Arises on Policies Held by Soldiers Killed in Action.**

Mrs. Louisa Richter, widow of Captain R. Richter of the First California Regiment, who was killed in battle at Manila, has sued the Knights of Pythias to recover $3000 upon a life insurance policy held in the order by her husband. Plaintiff states that the lodge refuses to pay on the ground that the by-laws of the order prohibit the payment of life insurance moneys upon a policy held by a member who voluntarily goes to war and is killed in action. Mrs. Richter claims that the by-laws mentioned does not act against the policy in her hands, as her husband joined the order in 1891, prior to the enactment of the by-law in question.

## BOND ASSESSMENTS NOT STRICKEN OUT

### BOARD OF EQUALIZATION DENIES BANK PETITIONS.

**Protests of Corporations and Property Owners Considered—Many Reductions to Small Holders.**

The Board of Supervisors met as a Board of Equalization yesterday to consider the applications of banking and other corporations for reductions of assessments arbitrarily raised by Assessor Dodge. The banks wanted their assessments reduced in sums varying from tens of thousands to millions. They based their protests on the claim that the various bonds—railroad, municipal and otherwise—were not subject to taxation, though the Attorney General recently rendered an opinion that these bonds can be taxed. On this question of the assessment of bonds the board promptly disposed of petitions by denying them. The matter is now in the courts and the board stated that it did not desire to assume judiciary powers.

The Contra Costa Water Company's assessment of $700,000 came up and Supervisor Lackmann moved that it be reduced to $500,000. The motion was lost and Supervisor Algeltinger moved that the corporation pay only on its franchise or on $1000. A strong effort was made by the majority to pass Algeltinger's motoin, but through the tactics of Perrault, who moved to amend by reducing the assessment to $499,000, it failed. After a motion to indefinitely postpone, the matter was laid over until 10 o'clock on Monday, when all the corporations will be given a hearing.

The Stockton Gas Company requested that its assessment be reduced from $105,000 to $1000. It was proved to the satisfaction of the board that the company pays on $163,229, and on this showing the application was granted unanimously.

The following applications for reductions in assessments were granted.

D. J. Tallant from $15,000 to $12,500; Robert Mills, $9000 to $6000; Eugenia Cole, $10,500 to $7000; J. A. Piel, $2250 to $2075; W. P. Kane, $2250 to $2000; C. C. Pernau, $4640 to $3630; M. A. Fritz, $11,650 to $10,050; M. A. Fritz, $42,390 to $36,400; Annie Affolter, $2500 to $2000; Sarah Taylor, $1500 to $1200; M. Mattson, $1500 to $1000; Hannah Ryan, $2500 to $2000; Auerbach & Newbauer, $30,000 to $25,000; Achille Paladini, $13,000 to $12,000; A. M. Skelly, $19,500 to $18,000; George Wendel, $3250 to $2750; Thomas G. Andrews, $810 to $770; Hugh Klennan, $3250 to $2500; Alfred Davis, $3500 to $2500; A. E. Davis, $13,500 to $12,500; A. Winterberg, $1000 to $750; Jeannette May, $1500 to $1000.

C. D. Salfield appeared before the board and charged Deputy Assessor Miesages with incompetence and favoritism in assessing certain Western Addition blocks. The subject will be taken up this morning, as will also applications of small property owners.

The San Francisco Gas and Electric Company has also petitioned for a large reduction in its assessment.

### Town Talk.

Two timely topics are discussed editorially in Town Talk to-day: "Should a woman who marries give up her independent career?" and "May an actress be a Christian?" The subjects are treated from a practical point of view and provide food for further discussion. There are two bright bits of fiction in the issue, a story by Irene Connell and one entitled "A Sausalito Episode." Old-timers will be interested in a chapter of reminiscence in which the names of Sallie Hinckley and Susie Soule appear. The Saunterer has his usual bright budget of personalities, stories about people we know in society, at the clubs and in politics. In the dramatic columns "Lord and Lady Algy" is dissected at length, its weak points being exposed; and the Frawley opening is also touched upon. A Supreme Court decision is made the keynote of a clever series of paragraphs in the World of Law. Alfred Metzger writes of musical matters and gives a hit back at one of our local critics. Town Talk only 10 cents at all dealers.

### Farewell to Commodore White.

There was an unusually large attendance at the California Commandery of Imperial Knights on Thursday evening at their hall, 32 O'Farrell street, to extend farewell to the commander, S. A. White, who is about to depart for the East on a visit to the National Commandery at Minneapolis.

No work of art surpasses the plate pictures given away with to-day's News Letter.

# WM. F. WHITTIER SERIOUSLY ILL.

### Fell and Ruptured a Blood Vessel in His Head.

WILLIAM F. WHITTIER.

WILLIAM F. WHITTIER, the capitalist, is lying seriously ill at his home on the corner of Jackson and Laguna streets. He is suffering from a ruptured blood-vessel in the head, and the family physician is constantly in attendance.

The illness of Mr. Whittier is due to an accident that seemed very trivial when it happened. When the season opened he went trout fishing on the McCloud River, and met with splendid success. Every day he secured a basket of the speckled beauties, and in consequence prolonged his stay. Toward the end of his outing he went to a favorite fishing ground in a wagon, and while he whipped the stream a driver remained in charge of the rig and followed Mr. Whittier in his wanderings. Toward evening the fisherman returned to the wagon, which was on the side of a hill. In getting in, Mr. Whittier had to climb past the driver to reach his seat, and in doing so his feet caught in the reins and he fell to the ground on his face.

Mr. Whittier was somewhat confused by his fall, but at once got to his feet and proceeded to stop a slight nose bleed. He felt heavy-headed all that evening and the next day, but thought nothing of it. Not feeling like indulging in any more fishing, Mr. Whittier came home and resumed his regular business. A couple of days later, however, he became so ill that he had to take to his bed and the family physician was summoned.

It was then ascertained that the fall he had received on the banks of the McCloud River had ruptured a blood vessel in his head and that his condition was precarious. Last night he was improving, but his doctor does not yet consider him out of danger.

# THE TREND OF AFFAIRS AT THE MANILA FRONT

### The Grasp of a Firm General Needed.

### TRUTH NOW BEING LEARNED

**RETURNING SOLDIERS DISCUSS THE REAL SITUATION.**

**Too Much Clemency Is Shown to a Treacherous Foe—A Large Army Only Can Subdue the Filipinos.**

The whole truth regarding the situation of affairs in the Philippines will soon be presented to the American people. Officers of sound judgment and keen intelligence are convinced that a colorless statement of fact will convince the country that the management of affairs on the island of Luzon is not commendable from a civil or military point of view.

Returning officers who are about to assume again the obligations and privileges of citizenship are relieved of military constraint in the expression of opinion concerning the management of the campaign. One officer who had an excellent opportunity to form correct judgment wrote his sentiments yesterday. He presented the situation in this style of comment:

"The rapid flight of events in the Philippines, resulting in the insurrection, has called for two kinds of material that has been very scarce in the United States for some years, viz., statesmanship and generalship. Strange as it may seem, these poor half savages, for whom we went to war out of humanity, have not only beaten us at every turn in diplomacy, but have outgeneraled us in war. The fact that we have defeated them is simply due to the valor and shooting ability of the American soldier.

"The writer, arriving on the islands with the first expedition, has seen much of the Philippines and their people, and believes that a plain, unvarnished statement of the facts as they exist is due to the American public. Through the hundred years of our constitutional government we have faced some grave problems, but they have all been settled for the best interests of all the people, and let us hope that the intelligence of the country will again assert itself, throw the searchlight of investigation on our colonial policy and provide the proper remedies. In morals, as in medicine, there is no antiseptic like the sunlight of Almighty God.

"What is our policy as to the Philippines? The question is easily answered. We haven't any. We have adopted the Spanish colonial system, leaving out its greatest essential—firmness. Our customs are payable only in Spanish money, which appreciates the "doby" Mexican dollar to the discredit of American gold. We have shown much clemency to a treacherous foe. This policy, in my opinion, has been disastrous to us. General Otis is too weak. His method of warfare has given the enemy courage to continue the fight. What is needed is the strong, firm hand of a great general, along with at least a hundred thousand well equipped men. Our present force is entirely inadequate to our needs, and we are not in a position to occupy a one-hundredth part of the islands.

"In the event of subjugation what benefits will the American people obtain? What advantage can we derive from the cheap labor of eleven million islanders? The American laborer cannot compete with the native. When the natives have been educated to the American standard of civilization the products of the several islands will be required to support the population of the archipelago."

### THE RELIEF BOARD.

**Officers of the Current Term—For the Native Daughters' Home.**

The following named have been elected officers of the relief board of the Native Daughters of the Golden West: President, Mrs. Tina L. Kane; vice president, Miss Mae B. Wilkin; secretary, Miss Clara K. Wittenmeyer; treasurer, Mrs. Carrie R. Durham; assistant treasurer, Miss Jennie Green; directors—Miss Marian Bertola, Miss Mollie B. Johnson, Mrs. W. S. Leake, Mrs. Louise P. Morris and Mrs. Julia A. Steinbach.

Of these officials those who were selected as the board to manage the Native Daughters' Home on O'Farrell street, near Van Ness avenue, are: The vice president, secretary, assistant treasurer, and directors, Miss Bertola, Mrs. Leake, Mrs. Morris and Mrs. Steinbach.

The reports that were presented showed that the home is in good condition and that since the recent session of the Grand Parlor at Stockton it has been brought into more prominence by reason of the fact that the delegates to that grand body, on their return to their respective parlors, have fully explained the objects for which it was instituted and the benefit that it will be to those members who desire to come here and, being comparative strangers, will find a place that will be a family home.

Mrs. Alice Walsh of Lodi and Mrs. Carniff of Stockton are guests at the home at this time.

**Maurice Grau Wants Grand Opera in English, and Tells Why, in next Sunday's Call.**

### Printer Blakeley Guilty.

J. M. Blakeley, alias M. Day, job printer, pleaded guilty in the United States District Court yesterday of having sent an immoral letter to a young woman who had advertised for employment. He was ordered to appear for sentence next Monday morning.

### WAS WELL BELOVED IN LIFE.

**The Funeral of Patrick Kervin Brought Mourners From Near and Far.**

Nothing could better attest the estimation in which the late Patrick Kervin was held by the community in which he lived than the number and standing of the friends who yesterday morning congregated at the Palace Hotel to accompany the remains to their last resting place.

The floral pieces were numerous and beautiful and the cards accompanying them bore the names of such magnates in the mining world as John W. Mackay, James L. Flood and H. M. Levy, while others attested the regard in which the deceased was held by the officials and employes of nearly every big mine in the entire West.

From the Palace the funeral proceeded to St. Mary's Cathedral, where a requiem high mass was celebrated, after which the body was taken to Mount Calvary for burial.

Among those who came from Virginia City especially to attend the funeral were Rev. Father Tubman, Joseph R. Ryan, Heber Holman, B. J. Haas, G. McM. Ross, Thomas Halley, John Butler, Thomas Blake and a number whose names could not be ascertained.

The pallbearers were: James E. Walsh, Heber Holman, A. C. Hamilton, Captain Thomas, J. D. McKenzie, Messrs. Maher and Stinson of Grass Valley, Captain P. J. Dunne, H. M. Levy, Herman Zadig, Alex McCone and Joseph R. Ryan.

### KABISH WAS ROBBED.

**He Was Poor and Left Nothing of Value Behind Him.**

There were no new developments of importance yesterday in the matter of Max Kabish, the young grocery clerk whose body was recovered from the bay last Thursday. The dead man's trunk was taken possession of by the Coroner. Nothing of value was found. It was learned that Kabish had been out of work for three weeks before his disappearance, and that as he received only $25 per month in wages he could not have had much money on his person at the time of his disappearance unless he had borrowed it for the purpose of going to Eureka. The loss of the watch points to robbery before death or spoliation after death.

***Given away with each cash want advertisement ordered in next Sunday's Call, a magnificent portrait of Admiral Dewey, printed in ten colors, size 14x21 inches, ready for framing.***

# A BOY CRUSHED IN AN ELEVATOR

EDWARD GUIOT, THE VICTIM.

EDWARD GUIOT, a messenger boy for Thomas E. Kent, was badly crushed in Neustadter & Co.'s elevator yesterday. A cut ten inches long was inflicted on his neck and he was injured internally. He was taken to the Harbor Hospital, where Dr. Morrison attended to his injuries, but later was removed to the Waldeck Sanitarium.

Guiot was sent to Neustadter's to deliver a parcel, and in order to save time used the sidewalk elevator on Pine street. He went down all right and was coming up again when a porter began moving cases toward the elevator. One of them toppled over and fell down the shaft. Guiot saw it coming and attempted to get out of the way, but failed. The box knocked him down, and then, before the elevator could be stopped, he was caught between the elevator and the wall and crushed.

Guiot is 15 years old and lives at 729 Broadway. He admits that he had no right to use the elevator, but says he had done so on many an occasion before and thought there was no danger. The boy will probably recover.

# DR. WHEELER WILL ACCEPT THE DIGNITY

### Will Be President of Berkeley.

### ALL DIFFICULTIES VANISHED

**THE CORNELL MAN'S CONDITIONS ASSENTED TO.**

**All Signs Show That on Tuesday the Regents Will Be Officially Notified of His Acceptance.**

The regents will meet next Tuesday to confer with President Benjamin Ide Wheeler, the recently elected president of the university.

All doubt as to Dr. Wheeler's acceptance of the presidency has vanished. The members of the board are unanimous in requesting him to take the leadership of the university.

Personal interviews convince the regents that the requests contained in Dr. Wheeler's letter are just and reasonable.

In fact his demands or requirements are assented to and therefore it is regarded as certain that he will formally notify the board next Tuesday of his acceptance.

### A MOTHER'S DEBAUCH.

**Maggie Peterson Neglects Her Child and Steals a Roll of Bedding.**

Another case of a mother's cruelty and depravity came to the knowledge of the police last night and the mother in question, Maggie Peterson of 229½ Sixth street, is now in the City Prison, charged with petit larceny and cruelty to a child. The infant daughter of the prisoner is being cared for by the matron of the City Prison and may be sent to some public institution.

Police Officer M. T. Cooney was summoned by the proprietor, James Tann, to the house in which the Peterson woman lived, who said Mrs. Peterson had stolen some bedding. The officer went to her room and found Maggie in a drunken stupor. In her arms a baby girl, hungry, unkempt and crying at the top of its weak voice, was found. The baby was removed from its unpleasant position and then the officer and proprietor of the place spent half an hour in a fruitless effort to arouse the woman. Failing to accomplish their undertaking mother and child were removed to the prison.

The arresting officer said that Maggie had been drinking heavily for a week and hence no one knows what must have been the baby's suffering during that period.

### The Oregon Troops

Would be glad to visit El Campo to-morrow if they had the time, but other entertainment offered will doubtless deter them. However, there will, as usual, be several thousand happy-hearted people at the resort and the soldiers will be welcome if they can get away. The Ukiah will make four round trips and the hours are convenient for everybody.

Go to El Campo once and you will go again and again.

### MRS. ADAMS ON THE STAND.

**Prosecuting Attorney Fails to Break Her Down on Cross-Examination.**

Mrs. Minnie Adams, charged with the murder of her infant son, John Richard Grey, was again on the stand in Judge Lawlor's court yesterday. Her direct examination was concluded, and Assistant District Attorney Soloman took up the cross-examination. He covered the testimony published in yesterday's Call at length, in fact, going into the minutest details of the prisoner's life the few days before the child's death. His questions were calculated to tax the best memory, but Mrs. Adams wavered but little from her original story.

Up to the present she has defied the efforts of the prosecuting attorney to break down her story.

# DISCRIMINATOR KRUTTSCHNITT'S DOUBLE DEALING

### How He Keeps Promises to Petitioners.

### WOULD STRADDLE THE FENCE

**MAKES A COMPLETE FAILURE OF THE ATTEMPT.**

**He Tried to Please Every One in the Liquor Order Matter, With the Result That He Is in Trouble.**

When the Southern Pacific directors, in compliance with the wishes of C. P. Huntington, passed the order prohibiting the sale of liquor at the stations along the lines of their road they raised a hornet's nest about their ears. Through the efforts of the Commercial Travelers' Protective Association, every large liquor house in the city was prevailed upon to take the matter up and protest against the action. These protests carried enough weight to compel the directors to reconsider their action. They could not openly rescind the order in its entirety nor could they allow it to remain in force without bringing upon themselves a responsibility which they were not prepared to face.

They therefore passed the burden to General Manager Kruttschnitt, placing him between themselves and the people. At the same time they gave him a neat turndown by adding a kitetail to the order, which provides him with full discretion in the matter, that says liquor shall not be abolished at those stations where meals are regularly served to the traveling public.

Had Kruttschnitt been a real wise man he might have overcome the difficulty by taking a firm stand either on one side or the other, but he tried to carry water on both shoulders and got thoroughly soused for his pains. As the matter was left to his own judgment, he began to discriminate and his discrimination has in every instance been founded on selfishness, not on justice. Those men who had influence with the company or who, for reasons of policy, the company did not care to antagonize, were allowed to run on in the old way, while others who were doing a legitimate business based on nothing but their industry and integrity were given notice to shut up.

Thus Ben Steinman, who for twenty-eight years ran the eating place at Sacramento, was obliged to step out to give Lewis Hanchett an opportunity to step in. Mr. Steinman is an ex-Mayor, Mr. Hanchett is a brother-in-law to one of the directors. The traveling men had to be placated. Mr. Kruttschnitt wrote to their president telling him that the order had been rescinded and, to use Kruttschnitt's own words, that "In the future the traveling public will be able to enjoy the same facility in purchasing liquor at the eating stations that has been enjoyed heretofore."

The following interview obtained from Owen Rooney, who conducts the eating house at the Oakland pier, and who is one of those without a pull, tells the story of the double cross that Kruttschnitt has attempted to give the Commercial Travelers' Protective Association:

"I have received a letter from Manager Kruttschnitt," said he. "It is an answer to one I sent on June 25. It informs me that the order forbidding the sale of liquor need not be obeyed by me until September 1. After that date I can sell nothing but wines in bottles to guests at tables. The first order came weeks ago and named July 1 as the date I was to cease selling liquor. I wrote on June 25, telling the general manager that it would ruin the business, and received no reply till yesterday. On July 1 I closed down all liquor selling. I then had three barrels of wine, which I had bought from the California Wine Association, but having no use for it I sent it back.

"I have now received a letter from Mr. Kruttschnitt telling me that they have reconsidered the order and that I can keep open till September 1, but after that date I shall sell only wine by the bottle to guests when they are actually seated at table. This is all nonsense and will, of course, mean that no business can be done at the pier. That is all there is in the letter."

After comparing the treatment he has received from the company with the indulgence it metes out to Sacramento, Redding, Castroville, Los Angeles and San Jose it is not strange that Mr. Rooney should imagine he has a grievance. When the public read this article they also can get some idea of the Kruttschnitt idea of justice and the faith with which he keeps his implied promises to the merchants who got up the petition. The manner in which Mr. Kruttschnitt has carried out the discretion allowed him by the directors it is expected will cause those gentlemen at their next meeting to give their shifty general manager a bigger bump than he could get on one of his own "teacher specials."

### PREPARING A WELCOME.

**San Francisco Fusileers to Receive Their Comrades Now in Manila.**

At a meeting of the members of Company I, San Francisco Fusileers, National Guard of California, last night at California Hall, 620 Bush street, it was decided to begin active preparations for the reception of members of the company now serving with the California regiment in Manila. Forty-seven members were present and a great deal of enthusiasm was displayed. Captain Ludwig Siebe, ex-commander of the company, spoke feelingly on the subject, and was empowered to appoint a committee of arrangements to the end that a fitting welcome be accorded to the returning comrades.

Lieutenant J. B. Barber, who acted as secretary, was instructed to issue a call for a special meeting as soon as the news of the regiment's departure is telegraphed.

### Death of Mrs. Catherine Henning.

The death is recorded of Mrs. Mary Catherine Henning, a pioneer lady, who arrived in California in 1854, having crossed the plains in a wagon drawn by her own team. She was accompanied on her long journey by her husband, John P. Henning, and their three sons, Irving P., Addison D. and Abraham P. The husband had, however, made a trip to California in 1849, but returned for his family. He died in March 1892. Mrs. Henning rounded out the good old age of 75 years when she left to join him with whom she dwelt in love and affection for a number of years. The family settled in San Mateo, where the lady died last Sunday. She was buried on the 11th in Oak Hill, near San Jose. Surviving her are two daughters—Mrs. Mary E. Hall and Mrs. Sarah Frances de Rome—besides two sons, Irving and Abraham.

# MRS. LUNG ON HAND TO URGE HER DEFENSE

### Divorce Scandal Is Now on Hearing.

### JUDGE MURASKY PRESIDES

**SURGEON OF THE PHILADELPHIA TAKES THE STAND.**

**Testifies to the Charges in the Complaint—Spicy Deposition Which Will Be Read During the Trial.**

Domestic fury and the strife of battle are rapidly hardening the heart of Dr. George A. Lung, surgeon of the United States cruiser Philadelphia. Yesterday Dr. Lung forgot his deeds of valor in Samoa, took the stand in Judge Murasky's court and prepared to defeat his wife in a fight for divorce. How he will succeed is a matter of speculation and his efforts the matter of endless gossip.

When Judge Murasky called the action of Lung vs. Lung, all preliminaries having been heretofore disposed of, the army surgeon was called to the stand. He began his story on the lines laid down in his complaint charging his wife Elizabeth with habitual intemperance. His attorneys—Philip G. Galpin and Charles S.

MRS. LUNG, the Defendant in the Divorce Scandal.

Perry—in their interrogations went into the various details of the alleged escapades in which Mrs. Lung was the principal, covering the various dates named in the complaint, the places being from Honolulu to Port Royal on the Eastern coast. At the time of adjournment Dr. Lung was still on the stand.

The fun of the trial is expected when the various depositions secured on behalf of the plaintiff are read. In these the testimony of the deponents is varied and spicy. Mrs. Lung is charged with having been guilty of imbibing too much at Honolulu, with having disturbed the dignity of all on board the Philadelphia at that place and ending up one day by driving to the home of Mrs. A. S. Humphries, before her marriage Miss Maria Afong, and saying, addressing Mrs. Humphries, "You are a d——d flat nosed Chinawoman, by G——d!" Then come the depositions of Charles H. Rockwell, connected with the United States naval station at Port Royal; John Surman of the United States Marine Corps, Patrick Wall of Yemassee, S. C.; W. A. Mackenzie of Scroon Lake, N. Y., and various other friends of the plaintiff in all the evidence in a measure sustaining the charges contained in the complaint. A letter accompanying the deposition of Charles H. Rockwell, however, is in Mrs. Lung's defense, and in it are the first direct charges of misconduct on Dr. Lung's part.

The letter was written by one Barnes to Rockwell. Just who Barnes is has not yet developed, but will before the end of the trial. In this letter Barnes, in part, says: "Last July Mrs. Lung joined her husband on this coast and was requested by him to visit at Honolulu, where the Philadelphia was stationed. Dr. Lung was in Honolulu about two weeks, when stories began to come to Mrs. Lung that her husband was associating with a notorious woman. When questioned Dr. Lung admitted his association with the woman, but put Mrs. Lung off, saying: 'I will tell you all about that some day.'

"Mrs. Lung has had similar experiences during the past nine years, which, together with her husband's neglect and cruelty, caused her to threaten to divorce her husband on her return to the United States.

"Shortly after her arrival here in San Francisco Dr. Lung, fearing that she would carry out her threat and anticipating the consequences, immediately had papers served on her for intemperance. Such a diabolical act has no parallel in the history of the American navy. He knows that he cannot prove her a drunkard by you, but has taken advantage of some personal dislike he thinks you have for her to help his case. I am thoroughly satisfied that Mrs. Lung is the victim of a conspiracy. He also knows of a little conflict with Mrs. Moore which he also wants to take advantage of, well knowing, however, she is no longer at Port Royal. Mrs. Lung is averse to airing her domestic troubles in court and is prostrated with grief.

"If Mrs. Lung is compelled to vindicate herself she can, by showing the closet door in the little room over the kitchen, which shows the marks of her having to force it open after being thrown into the closet by her husband and nearly suffocated.

"I have tried to induce Mrs. Lung to let me inform the department and ask for a court of inquiry; but the poor woman hopes for a reconciliation."

Manifestly Mrs. Lung's hope was falsely placed, but, assisted by George D. Collins, her counsel, she will fight to the end for a judgment vindicating her on every charge.

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