

WELLS-FARGO MUST DISGORGE

Knock-Out Blow to Its Portland Bank.

PAYMENT FOR STOCK SOLD

DECISION SUSTAINS CLAIMS OF THOSE FROZEN OUT.

Confiscation of Over Sixty Thousand Dollars' Worth of Stock Declared to Have Been Unlawful.

Special Dispatch to The Call.

PORTLAND, July 22.—Wells, Fargo & Company's bank got a knock-out blow in a decision rendered to-day by Judge Alfred F. Sears, Jr., in the State Circuit Court, in the case of George H. Williams, Henry Weinhart, Cleveland Rockwell and others versus the Commercial National Bank, which is the predecessor of Wells, Fargo & Company's bank in Portland.

Judge Sears' decision gives compensation to stockholders who were frozen out two years ago by the Commercial National Bank (practically Wells, Fargo & Company, who owned a controlling interest).

The suits were brought to recover the value of stock sold because of the non-payment of an assessment of \$50 per share. The assessment was levied because the bank alleged that the stock was impaired. The plaintiffs contended that the assessment was levied contrary to law, for the reason that it was not first authorized at a shareholders' meeting.

The bank, in its answer, claimed the plaintiffs were estopped for the reason that at the meeting of the shareholders, held January 12, 1897, a report was made to the meeting that the directors had made a levy on the stock, and no protest was made by the stockholders; that if a protest had been made, plaintiffs' stock would not have been sold. It was also alleged that no claim was filed by plaintiffs after the bank went into liquidation, and that the bank assets had been sold to Wells, Fargo & Company for \$500,000, and the money distributed to the stockholders.

To these answers, the plaintiffs filed a demurrer, and Judge Sears to-day sustained the demurrer, holding that these answers are no defense, and that the bank is liable for the value of the stock. The value will have to be ascertained by a jury.

Between \$60,000 and \$70,000 of the stock was confiscated by the bank at the time mentioned, and though the suit just decided does not include all of the stockholders who lost their stock, yet all who were frozen out will get the benefit of the decision.

WHITTIER TRUSTEES.

Dr. Walter Lindley Elected President of the Board.

LOS ANGELES, July 22.—The Whittier Reform School board of trustees to-night for the first time in the past three years came under Republican rule. Dr. Walter Lindley of Los Angeles was elected chairman of the board, and Mrs. Edin A. Mitchell vice chairman. Mrs. Mitchell will have charge of the department of the school. Other officers elected are: P. A. Maginnis, commissary; W. G. McMullen, farmer; J. S. Wood, made captain of company; A. H. Jones, Pasadena, night watchman; W. J. McDonald, Alhambra, night watchman; R. Longfellow, Riverside, night watchman.

A resolution introduced by Dr. Lindley commending the administration of Mrs. Mitchell was adopted.

MANGLED BY A TRAIN.

Intoxicated Man Goes to Sleep Between the Rails.

SANTA BARRERA, July 22.—Engine 3219, drawing the regular evening train, ran over and horribly mangled the body of Henry Page this evening near the Chaparral street depot. The man, who was intoxicated, had fallen between the rails, and was struck by the engine. He was found lying on the track, but thinking it a black dog which usually gets up and goes up the train, he approached, he paid no attention to it. When the train struck the body he realized that he had gone over something, and on reaching the depot, a block away, he went back and found Page's mangled body. An autopsy will be held to-morrow, and it is believed arrests will be made. Page was 32 years old and a native of Santa Barbara. He was a gardener by trade.

SPREAD OF THE PLAGUE.

LONDON, July 22.—The Colonial Office announces that the bubonic plague has spread from Hongkong and Mauritius to Reun. There were thirty-six cases at Mauritius during the week ending July 20, of which twenty-nine resulted fatally.

FOUND ALMOST FAMISHED.

Missing Girl Discovered by a Mountain View Constable.

SAN JOSE, July 22.—Martha Munson, a 14-year-old girl, who mysteriously disappeared from the home of Mrs. H. Gilson at Mount Park last Tuesday, was to-day in a famishing condition near Mountain View by Constable Martin. She had packed up her clothes and was walking toward the depot, saying a word to any one. The girl was in a dazed condition, and it is thought she wandered off while suffering from slight dementia. She could give no account of herself, except that she had been three days without food and was very hungry.

REMNANT SALE.

EXTRA! EXTRA!

DRESS GOODS. COTTON GOODS.

REMNANTS OF FANCY NOVELTY SUITINGS. 44 inches wide, colored grounds, with black figured effects; wool and mohair. Regular value 35c yard. Only 15 Cents.

REMNANTS OF COLORED DOTTED SWISS, Plain and Figured DIMITIES, Plain Colored CREPON And Figured ORGANDES. Were 15, 20 and 25c yard. On sale at 5 Cents.

REMNANTS OF ENGLISH COVERT CLOTHS. 28 inches wide, hard finished; the regular 60c kind. Only 25c per yard.

REMNANTS OF SILK-FACED VELVETS. In a great assortment; formerly sold from 25 to 35c a pair. WILL CLOSE OUT THESE GOODS DURING THIS SALE AT ABOUT Half Regular Price.

REMNANTS OF ENGLISH STORM SERGES. Navy and black, the only colors left; 42 inches wide; sold usually at 30c. Only 19 Cents.

THESE GOODS ON SALE AT MARKET STREET STORE ONLY. SEE WINDOW DISPLAY.

KOHLBERG, STRAUSS & FROHMAN, 1220, 1222 and 1224 Market Street.

ITALY MAY ASK FOR INDEMNITY

Investigation of Lynching in Louisiana.

STATE DEPARTMENT ACTS

NO FEAR OF ANY INTERNATIONAL COMPLICATIONS.

If the Five Victims Are Found to Be Italian Subjects This Government Will Make Reparation.

Special Dispatch to The Call.

ROME, July 22.—The Fanfulla, commenting upon the lynching of the Italians at Tallulah in Madison parish, Louisiana, yesterday, recalls similar cases which have occurred in the past, and while stigmatizing such savage acts, deplores the indifference of the United States Government, which, the Fanfulla says, has not strength to renounce fratricidal propensities and some times, as in the case of the shooting of miners at Hazelton, refuses all explanation of and satisfaction for the lynching.

CALL HEADQUARTERS, WELLINGTON HOTEL, July 22.—With the assurances already informally made by the State Department, coupled with expressions of regret, that the United States will take proper action relative to the lynching of the five Italians in Louisiana there is no reason to fear any serious international complications between this country and Italy.

No formal demand has been made by the Italian Government, and none will be made until all the facts are known. If investigation proves that the men who were lynched, or any of them, were Italian subjects Italy will undoubtedly make a demand for indemnity. The only official information Count Vinchi had to give the department, but he expressed the hope on behalf of his Government that the United States would as speedily as possible take steps to investigate the case and to punish the offenders. Later in the day he called to inquire for any further information the State Department had received.

It was assumed that prompt steps had been taken to ascertain the facts, and with this assurance the Count returned to his office and called his Government that proper reparation might be expected. Count Vinchi this afternoon stated that some of the men had applied for naturalization papers. Copies of the court record will be called for by the department and it is found that any of the men are Italian subjects the department will probably follow the same course as in the Mafia cases in New Orleans in 1891. In these cases recommendations were made to Congress for an appropriation to indemnify the families of the deceased men. The United States Government paid the indemnity without admitting the right of Italy to demand it, but as a mark of friendship.

INTERESTS THE PEOPLE OF THE PACIFIC COAST

Officers Ordered to Various Departments to Aid in Buying Cavalry Horses for the Philippines.

WASHINGTON, July 22.—The Postoffice Senator, San Diego County, will be discontinued after July 31. Mail should go to Yuma. Oliver C. Gilson has resigned as Postmaster at Terminal, Cal., appointed Postmaster at Terminal, Cal. by direction of the Secretary of War acting Assistant Surgeon Carl H. Anderson, United States Army, will proceed from this city to San Francisco and report in person to the commanding general, Department of California, for assignment to duty. Acting Assistant Surgeon Guy G. Barb, will proceed from San Francisco, Mich. to San Francisco and report for assignment to temporary duty.

The following officers of the medical department, now on duty in the Philippine Islands, are relieved from further station and duties in the Department of California: Captain Paul F. Straub, assistant surgeon, from station at Fort Wrangell (camp); First Lieutenant Franklin M. Kemp, assistant surgeon, from station at Vancouver barracks.

Private Owen Whittier, Fourth United States Cavalry, and recruits Ed Carlson, Joseph L. Coppeland, Hugh L. Davie, Albert H. Eber, Joseph J. Barron, Frank X. Fees, Fred Fisher, John C. Fulton, George H. Gannon, Elmer W. Jarrett, Robert E. Gilroy, Joseph H. Hays, Haskett, Rudolph W. Haase, Frank Himebaugh, Lucius L. Knight, Carl D. Letts, John J. Lindsey, Ben F. Mathies, Gale S. McCarty, Robert McCollough, Chris A. Miller, Frank B. Nixon, Martin O'Connor, Adalbert J. Peckham, Louis C. Rise, Charles Shumate, Isidor Sonnabend, James Sorahan, Alexander Stanton, Arthur Waite and James H. Wiley, general service, unassigned, now at the Presidio, are discharged the service of the United States.

The telegraphic instructions of July 7 directing the discharge without honor, by reason of fraudulent enlistment of recruits Charles Huber, William Weinrecht, Andrew Gaddis, Presidio, are confirmed.

Private George W. Halstead, Battery O, Third United States Artillery, now at Fort Windefield, Scott, Presidio, is, upon his own application, transferred to Battery K, Third United States Artillery. He will be sent to the station of that battery at Manila on a Government transport.

The telegraphic instructions directing the discharge of Private Lewis Becker, Company D, Nineteenth United States Infantry, Presidio, are confirmed.

The following officers and employees will proceed at once to the headquarters of the departments specified and report in per-

CODE COMMISSIONER NAMED BY GAGE

FREEMAN, DENIS AND VAN FLEET

The Call's Prophecy Is Fulfilled.

PLACE FOR W. F. FITZGERALD

APPOINTED SUPERIOR JUDGE OF LOS ANGELES.

His Elevation Causes a Sensation, as He Had Not Been Regarded as a Friend of the Governor.

Special Dispatch to The Call.

The Governor has named A. C. Freeman, W. C. Van Fleet and George J. Denis to be Code Commissioners, and The Call begs to submit that one more of its prophecies concerning the action of Mr. Gage has come true.

LOS ANGELES, July 22.—Governor Gage, who is in this city, to-day announced the following appointments: W. F. Fitzgerald to succeed the late Judge W. H. Clark as Superior Judge of Los Angeles County; A. C. Freeman, W. C. Van Fleet and George J. Denis to be Code Commissioners.

Governor Gage cast a bombshell among the local lawyers by appointing ex-Supreme Justice Fitzgerald. Although the Governor for ten days had his mind made up to appoint Fitzgerald there was scarcely a lawyer outside of the favored circle who was even so much as aware that Judge Fitzgerald's name had been suggested. The general opinion among the attorneys of this city was that the ermine was about to be thrust on the shoulders of Bradner W. Lee. Judge Varrel could have had the position, but his private practice is so large that he would not have been justified in accepting.

In fact, in the race there were twelve Los Angeles attorneys. It is conceded here by Fitzgerald's friends that he has never been one of Governor Gage's friends and has been regarded as a bitter enemy of Dan Burns since 1895. Some think that Gage wishes to show his gratitude to Fitzgerald for having retired from the gubernatorial nomination. A few others think that George Denis, Colonel Tom Lewis and R. B. Carpenter turned the trick for their friend Fitzgerald. But the lawyers of this city say that Gage would hardly slap the local bar in the face to do a kindness to three friends. The rumored reason for the appointment that is abroad to-night, and one that finds more adherents, is that it is an attempt to placate Harrison Gray Otis of the Times and bring him into line to support the present

administration, for it is known that Otis favored Fitzgerald and that his relations with Gage have never been of a Pythian nature.

Some local politicians declare that Gage intended to show his independence of Colonel Burns, but those who came over from Catalina to-night say that Burns had given his consent to the appointment. They declare Burns has been aware of every move that Gage has made, and that the coming to the southland was seventeenth political and one-eighth personal.

Some time ago Judge Fitzgerald was approached and asked if he would accept the place if it were tendered him. The offer was made to him on behalf of Governor Gage by George J. Denis at San Francisco a few days ago. Mr. Denis having gone north at the Governor's request for that purpose. He arrived home yesterday afternoon, and Judge Fitzgerald's appointment was made public this morning.

Governor Gage when seen to-night said that he did not know when Judge Fitzgerald would assume his new duties.



W. F. FITZGERALD, Appointed Superior Judge of Los Angeles County.

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NEW CODE COMMISSION.

Hon. A. C. Freeman is one of the best known lawyers in the State. He was a member of the second Constitutional Convention in 1879-73, being elected to the same in 1880. He is the author of "American Reports," a standard work, and is at the present time a member of the law firm of Freeman & Bates.

Hon. W. C. Van Fleet has but lately stepped from the Supreme bench of the State, having served some years as Associate Justice. He was Assemblyman from Sacramento in 1881, Prison Director in 1883-84 and Superior Judge of Sacramento County from 1884 to 1890.

Hon. George J. Denis, who is in this city, to-day announced the following appointments: W. F. Fitzgerald to succeed the late Judge W. H. Clark as Superior Judge of Los Angeles County; A. C. Freeman, W. C. Van Fleet and George J. Denis to be Code Commissioners.

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DEWEY TO STAY ON THE OLYMPIA

Will Not Visit Austria's Emperor.

HARRIS GOES TO VIENNA

TO RETURN IN TIME TO SAY FAREWELL TO ADMIRAL.

Then the Hero of Manila Bay Intends to Proceed on the Cruiser to Naples and Genoa.

Special Cable to The Call and The New York Herald. Copyrighted, 1899, by James Gordon Bennett.

TRIESTE, July 22.—Admiral Dewey came ashore this morning for a drive with United States Minister Harris. It is stated authoritatively that the admiral will not meet the Emperor at Trieste, nor go to Vienna to-morrow with Minister Harris, but will remain on the Olympia during her stay here.

To-morrow Captain Lambertson of the Olympia and some of the cruiser's officers will go to Venice for a few days' visit. Mr. Harris will go to Vienna, but will return at the end of the week to bid farewell to Admiral Dewey, who will then go on the Olympia to Naples and Genoa.

LEVEE CAVING AWAY. Serious Situation at a Point on Feather River.

MARYSVILLE, July 22.—The condition of the levee along the Feather River at the lower part of Nicolaus is becoming serious. For several hundred feet the embankment and levee are gradually caving in. The water is rising and at that place sets into the bank with considerable force and the lower strata of sand soon breaks out, causing the top crust to cave. This has been going on for some time. An effort has been made to get the Government engineers to take hold of the matter, but with little success.

In the interests of navigation and the preservation of the river, the Government or State should repair the damage done and put the bank in good condition. Several plans have been considered, such as piling the bank, building the levee around the place or putting in wing dams to turn the current in another direction; but any of these would be too costly for the local levee district to be asked to defray the expense, and it is earnestly hoped substantial aid can be obtained to repair the damage done the bank and levee before the winter season.

STRUCK BY LIGHTNING. Two Men Narrowly Escape Death in Modoc County.

MARYSVILLE, July 22.—J. H. Brockman, a cattle buyer, who recently returned from a trip to Modoc County, gives an account of a singular experience his party had in a thunderstorm last week. Four of the men had gone out after a band of sheep, leaving at the camp one of the drivers and another man.

A thunderstorm came up. The camp was under a large tree, and the two men were seated near the trunk, when lightning struck it, burning the trunk and scattering the bark in all directions. A wool sack which covered some mutton was hanging in the tree and was burned, with about twenty feet of rope. Leaning against the tree was a spade and the handle was shattered and broken in many pieces. A dog lying near the spade was instantly killed. The two men were stunned for several moments, and they consider themselves lucky to have escaped with their lives.

ACQUITTED A SECOND TIME. Special Cable to The Call and The New York Herald. Copyrighted, 1899, by James Gordon Bennett.

MONTEVIDEO, July 22.—A jury has for the second time acquitted Rollino Aredondo in the murder of President Bartolome Bordaberry. Among the arguments brought forward in the prisoner's behalf was one that it was not proved that the shot, as no autopsy had been held on the body.



All-wool ready-made suits \$8.00

A man's appearance has a great deal to do with his success in every way.

These \$8 suits have a tip-top appearance—they look almost as well as suits for twice the money. Of course, they will not wear as long as the higher-priced suits, but they wear long enough to warrant our guaranteeing them.

They are worth \$8 to any one; yet we will give the \$8 back to any customer who does not think so.

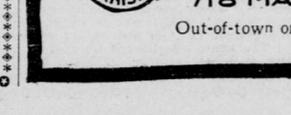
Remember our guarantee—we protect you: Money returned if you want it; or Suit kept in repair free for one year.

BOYS' SAILOR SUITS.

Blue material—Serges and Chevots—some with green collar and shield, many rows of soutache braid; others with red linin collar trimmed with white soutache; some made up plain—the only trimming, stars on collar and shield; others with white or red soutache braid. Ages 3 to 10 years. We have heretofore sold these suits for \$4 and \$5, but they are now cut to \$3.00.

S. N. WOOD & CO. 718 MARKET ST.

Out-of-town orders filled—write us.



MORE SURGEONS NEEDED AT MANILA

Thousands of Soldiers in Hospitals.

OTHERS NOT FIT FOR SERVICE

MANY ON DUTY WHO ARE TOO SICK FOR WORK.

Recommendation Recently Made by Chief Surgeon Woodhull for an Increase of His Staff Vetted.

Special Dispatch to The Call.

MANILA, July 19, via Hongkong, July 22.—Chief Surgeon Woodhull considers that the increase in the military force in the Philippine Islands will necessitate the employment of forty additional surgeons. Surgeon Woodhull's recommendation to that effect has been disapproved by Major General E. S. Otis, commanding the United States forces here. There are nearly 300 soldiers in the hospitals. The official report last week shows 180 in hospital in Manila and there are several hundred at San Fernando and other garrisons. There are also 25 sick in quarters in Manila. The regimental surgeons report that large numbers of soldiers on duty are unfit for service.

GERMAN COMMENT ON THE CAMPAIGN

BERLIN, July 22.—The Philippine campaign has been alluded to frequently this week in the newspapers. The Kreuz Zeitung says the Americans are making no progress in spite of exertion.

The Boersen Courier, referring to efforts made in Washington to raise new troops, says: "The United States is apparently developing into a military state, after the example of European countries." Newspapers here print a letter from a German at Manila giving the following account of things there:

"American officers hold brilliant receptions in private houses and in the Casino at Malate, to which they invite prominent Filipinos. The last week in June there was a great festival and which ended with a ball and fireworks. Four-fifths of the guests were Filipinos. All the ladies were invited to appear in picturesque native costumes. But while the American civil officials are leading the Filipinos into fraternizing and feasting the two armies are constantly fighting. Everywhere the Filipinos have strong corps pushed close upon the American lines, and wherever a patrol leaves the main body it finds itself in the presence of the enemy and threatened with being surrounded."

"The Americans take revenge by having ships fire upon Filipinos wherever a few show themselves in order to bathe. How helpless are the Americans outside of Manila is shown by the capture of two vessels of the coast ship Belier. This vessel took a short sail under the protection of the cannon of the warships off Faramaque, and was suddenly surrounded by native boats, and the natives captured them."

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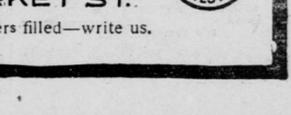
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S. N. WOOD & CO. 718 MARKET ST.

Out-of-town orders filled—write us.



Electric Belts for 5 Cents.

We manufacture electric belts, and, as a matter of fact, could furnish them for five cents apiece, if we chose to do so and thus throw away money; but of course we don't do it. We do, however, sell electric belts as low as \$3.00 each, and similar in quality to those sold by certain druggists and electric belt quacks at much higher prices. We also make the BEST Electric Belt on earth, which we sell at REASONABLE PRICES, and if this is the kind of a belt you want please make a note of our advice: BUY NO BELT TILL YOU SEE "DR. PIERCE'S."

Call at the office or send 2c in stamps for "PAMPHLET NO. 2." Address: PIERCE ELECTRIC CO., 620 Market Street (Opposite Palace Hotel), San Francisco.



The following officers and employees will proceed at once to the headquarters of the departments specified and report in per-