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STEAMSHIP FOUNDERS IN A STORM AND NINE MEN PERISH

Alpha Crashes Upon the Rocks on the Eastern Coast of Vancouver Island.

Captain F. M. Yorke and Owner Samuel Barber Among the Victims of the Disaster.

Special Dispatch to The Call.

VANCOUVER, Dec. 17.—The steamship Alpha foundered off Yellow Island lighthouse, near Union Bay, Vancouver Island, at 7 o'clock on Saturday evening. Nine of her crew were drowned, including the captain, the purser and the managing owner, while the other twenty-five men who were aboard escaped to the shore as the result of a heroic rescue planned by the lighthouse-keeper and Hardy, one of the able seamen. Before midnight the vessel had gone to pieces. The dead are:

SAMUEL BARBER, owner, Vancouver and Victoria.

CAPTAIN F. M. YORKE of Victoria.

CHIEF ENGINEER MATTERSON, formerly of the tug Chehalis of Vancouver.

FIRST ASSISTANT ENGINEER THOMAS DUNN of Vancouver.

SECOND ASSISTANT ENGINEER MURRAY.

F. L. WHITE of Vancouver.

PURSER SULLIVAN.

SEAMAN CROSBY.

AN UNKNOWN STOWAWAY.

The bodies of Captain Yorke and Sullivan have been recovered.

The Alpha left Victoria at 5 o'clock on Saturday morning on her trip to Japan. She was heavily laden with 800 tons of salted salmon and was bound first to Union for 300 tons of coal. The steamship ran up the gulf during the afternoon in the teeth of one of the heaviest gales that has swept the coast this season. She tried to make the five-mile run into Union harbor, on the east shore of Vancouver Island, but at 5 o'clock in the afternoon pulled away again after several unsuccessful attempts.

Just after 6 o'clock she tried it again, but missed the main entrance opposite the light, being forced behind the island into a narrow cove. Before the headway given her by the impetus of the storm could be overcome she was against the rocks.

All on board realized that the steamer's end had come. The engineers stayed at their posts and no one saw them after the vessel struck. An attempt was made to lower a boat in the raging sea, and in trying to do this Captain Yorke and the purser, as well as Barber, the principal owner, were drowned. James Hardy, an American seaman, who had shipped at Victoria, then volunteered to take a line ashore and with the assistance of the lighthouse-keeper made it fast. It was only after repeated attempts that the plucky sailor reached the shore and was pulled up on to the rocks. Then some of the crew and the Japanese passengers were taken ashore by the line. Finally two more lines were passed ashore.

Several of the officers stood by in an endeavor to work the vessel into a better position, and while they could have been saved they worked until they were swept overboard and the lines parted.

What remains of the vessel is entirely under water at low tide and her cargo is strewn for three miles along the shore up and down from the lighthouse. The water poured through a half-dozen holes in her bottom while the work of rescue was going on. The crew stayed at the lightkeeper's house for the balance of Saturday night and all day Sunday until late in the afternoon, when it was brought to Union by a small steamer. The tug Czar brought the news of the disaster to Vancouver at 9 o'clock to-night.

The Alpha had no insurance and was valued at $30,000. She was built thirty years ago at Halifax and was for many years engaged in the trade to Bermuda. In the beginning of the Klondike rush she was brought out and sold to Genelle & Barber, the latter being former manager of the Imperial Bank of Canada at Calgary. The cargo was valued at $35,000 and was owned by Jan & Tamura of Vancouver and carried no insurance.

Since her return from her exciting experiences in connection with her Nome venture the Alpha's owners have had a succession of hard-luck episodes. For a considerable period she was out of commission. She engaged for a short time in the coasting trade, but this venture was not particularly profitable. The efforts of her owners to arrange to pay a fine to the United States Government for the Cape Nome affair were unsuccessful and as a last resort she accepted the commission to the Orient, intending after discharging her cargo at Yokohama to engage in the Japanese coasting trade. The cargo of salt salmon, amounting to 750 tons, was loosely packed and before she finally got away from this port with her completed cargo in addition to the fish the Alpha also carried 350 tons of coal, and there were many rumors of overloading. She had been out only three days from this port before she was obliged to return to Victoria. There was something wrong with her machinery and it was said her engines had been tampered with. Charges were laid against the staff of engineers and Chief Engineer Gordon, who had said that the Alpha was unseaworthy, received a ten weeks' sentence for desertion.

Only last Saturday the Alpha was pronounced seaworthy by Victoria inspectors and after more trouble in engaging a new complement of officers the ship started for the coal bunkers at Union Bay to replenish her exhausted fuel supply. This trip ended in the final disaster.

SEATTLE, Dec. 17.—The Pacific Coast Company's steamship City of Topeka is ashore on Lynn Canal with a strong prospects that she will become a total wreck. There was no loss of life. The Topeka left Skaguay in a blinding blizzard at 8 o'clock on Saturday morning, December 8. At 5 o'clock in the afternoon, after hours spent in seeking shelter from the gale and snow, she struck the beach of Sullivans Island, only two and a half hours' ordinary run from Skaguay. The passengers were landed on the mainland. The Alert on her way to Juneau picked up part of them and took them to that city. The Flossie was immediately sent to the scene of the wreck.

NEGRO MURDERER LYNCHED IN A COURTHOUSE YARD

Mob of Indiana Men Batter In the Wall of a Jail and Quickly Hang a Prisoner.

BOONVILLE, Ind., Dec. 17.—John Rolla, the third of the colored men implicated in the murder of Hollie Simons, was hanged to a tree in the courthouse yard by a mob of about 100 men from Rockport at 6:30 o'clock this evening. Not a shot was fired and everything was conducted as quietly as if the execution had been under the sanction of the law.

Rolla was brought to this place this afternoon about 3 o'clock in charge of Sheriff Anderson of Rockport. Upon his arrival he was placed in a cell on the second floor of the jail and his presence was known to only a few citizens.

A few minutes after 6 o'clock about 100 men marched through the principal streets of the city to the jail and demanded that the prisoner be turned over to them.

Sheriff Hudson was out of town, and his deputy, Raymond Cherry, was in charge of the jail. He had heard that a mob was on its way here and at once made an effort to get the prisoner out of town to take him to Evansville, but before this could be accomplished the mob had arrived and the futility of the attempt became apparent. He declined to give up the keys of the jail and the members of the mob at once began to batter in the walls of the jail with a telegraph pole, which was handled by a dozen or more men. As soon as a hole large enough to admit the body of a man was battered through the wall six members of the mob crawled through with sledge hammers and broke down the door of Rolla's cell. Inside the jail the negro could hear the sounds of the battering-ram as it pounded down the wall, and he lay upon the floor in his cell in an agony of fear.

When the men reached his cell he protested his innocence in loud tones, begging piteously to be spared. The men working at the door of the cell might have been deaf, judging by the attention they paid to the wailing of the negro.

Little time was used in breaking into the cell and very soon the thoroughly terrified negro was in the hands of his executioners, who placed a rope around his neck. All left, crawling again through the hole by which they had entered, dragging the negro after them.

A few minutes' time was consumed in the march to the jail yard, where the rope was thrown over the limb of a tree and a hundred willing hands pulled the rope and sent the negro's body flying into the air. The loose end of the rope was tied to a tree and as soon as the members of the mob were sure that their work had been completed they left in as quiet a manner as they had entered the town.

None of the mob wore a mask. To all appearances men of every station in life took part in the lynching. Not a shot was fired before or after the lynching, and except for the excited groups of men standing on the street corners a stranger would have known nothing of the tragedy that had just been enacted.

Citizens of Boonville made no effort to assist in the protection of the negro and a number quietly admitted that the citizens generally were in sympathy with the work of the mob. Judge Swan of the Warwick County Circuit Court sought to prevent violence, but the members of the mob ignored him and proceeded with the work.

Members of the mob came to Boonville in wagons, buggies and on horseback. Their rigs were left in a grove a half mile out of town and the men marched in columns of twos under the command of three men who had evidently been selected as leaders.

VON SCHROEDER SUBMITS HIS CLAIM FOR DAMAGES AGAINST THE CALL

WITHOUT TAKING THE STAND TO DEFEND HIS NAME

Trial of His Suit for Libel Against This Paper Begins Before Judge Angellotti and a Jury--Witnesses for the Defense Testify of Episodes at the Hotel Rafael.

THE TRIAL OF BARON J. H. VON SCHROEDER'S SUIT FOR LIBEL AGAINST THE CALL BEGAN YESTERDAY AT SAN RAFAEL BEFORE JUDGE ANGELLOTTI AND A JURY. THE PLAINTIFF RESTED HIS CASE WITH THE SUBMISSION OF THE ARTICLE UPON WHICH HE BASES HIS CLAIM.

THE trial of the suit for libel instituted by Baron J. H. von Schroeder against The Call has commenced at San Rafael before Superior Judge Angellotti and a jury. In this suit Baron von Schroeder sues for $250,000 damages for the publication of an article which he alleges defamed his character, injured his business and blackened his reputation. The article upon which Baron von Schroeder bases his suit was published in The Call on October 25, 1899. In obedience to its duty as a protector of public morals and the reputations of honest women, this paper published certain facts in the life of Von Schroeder. With his private acts and conduct of daily life this paper was not concerned until in his actions and from his position he became a menace to society. It then became the duty of this paper to expose him, and this was done. He now asks damages for that expose.

In a variety of ways Von Schroeder had made himself offensive to reputable guests of the Hotel Rafael. His manner of life had bred scandal at the hotel and had injured its good name to such a degree that the lessee found his business interests seriously in jeopardy. Women against whose honor no breath of scandal had been raised found themselves through the conduct of Von Schroeder in an environment which shocked them. In order that further injury to innocent people should not be done The Call published the facts. A complete and most searching investigation was made, and the facts were made public only after absolute verification.

Shortly after the publication Baron von Schroeder instituted proceedings before the Grand Jury of Marin County, with a view to holding the proprietor of this paper criminally responsible. The facts were presented under oath, testimony explaining the motive of The Call was submitted and seventeen members of the jury voted that the publication of Von Schroeder's delinquencies, as a matter of public policy, had been justified.

Baron von Schroeder then prepared to prosecute his civil suit for damages against The Call. In presenting his case yesterday he had no witnesses. He had been accused of offenses which, if true, dishonor him in the opinion of decent men, but he did not go upon the witness stand in defense of his name. He had been charged with conduct which, if he is guilty, makes him an enemy to society, against whom the hands of honorable men and honest women should be raised, yet he did not become a witness and submit himself to the cross-examination of his accusers. He rested his case with the presentation of the article in which he claims his character was assailed.

The Call then began the submission of the testimony which has been accumulated in defense. This evidence had relation yesterday to the manner in which the article was prepared and to the motive which prompted its publication. The facts of verification were recited and testimony was submitted to prove that no element of malice entered into the purpose of The Call to expose a man who had made himself dangerous to the community. The trial will be resumed to-day, when further evidence will be introduced to justify the publication of the article upon which Von Schroeder bases his suit for libel.

Defendant's Answer.

Failing to secure an indictment of the proprietor of The Call for criminal libel, Baron von Schroeder began a civil action against him, charging him with libel and asking for $250,000 damages, alleging that his reputation and standing in the community had suffered to that extent.

The defendant's answer, filed with the County Clerk of Marin County some time since and offered by counsel yesterday and ordered filed as a part of the record, is as follows:

In the Superior Court of the County of Marin, State of California—J. H. von Schroeder, plaintiff, vs. John D. Spreckels, defendant. No. 2094.

Now comes the above-named defendant, by E. F. Preston, his attorney, and answering the complaint of the above-named plaintiff, for answer says:

That defendant admits the publication of the article as set forth in the complaint of plaintiff.

That defendant is informed and believes and therefore denies on information and belief that the same was false, or malicious, or scandalous, or defamatory, or all or any of them, or against the good name or reputation of the said plaintiff.

That defendant is informed and believes and therefore denies upon information and belief that said publication mentioned in the complaint concerning plaintiff was or is entirely or at all false or malicious, or scandalous or defamatory, or all or any of them, or against the good name or fame or reputation of the said plaintiff.

That plaintiff is informed and believes and therefore denies upon information and belief that by reason of said or any printing or publication, or printing and publication or circulation, or printing and publication and circulation of said or any false or malicious or scandalous or defamatory or any words whatever or otherwise or at all plaintiff has been exposed to obloquy or hatred or contempt, or to any of them, or has sustained great or any injury whatever to his good name or any name or fame or credit or reputation, or all or any of them, to his damage in the sum of $250,000 or any sum of money whatever, or otherwise, or that plaintiff was damaged at all.

Further answering said complaint, this defendant avers that he is informed and believes and therefore alleges upon information and belief that all of the statements contained in said article published by defendant of and concerning plaintiff as set forth in the complaint are true, and defendant is informed and further alleges:

Further Allegations Made.

That, to wit, during the months of May, June, July and August, 1898, during the height of the season for the patronage of the said hotel, Hotel Rafael, the said plaintiff did habitually at night resort to the clubroom attached to the said Hotel Rafael and forming a part thereof. That in company with certain women who were guests of and then residing at the said Hotel Rafael, no one of whom was the wife of plaintiff, said plaintiff and certain male associates did gamble during the night for money in a game of cards called poker. That during said game it was the habit of the plaintiff and the said men and women to drink numerous bottles of champagne, some of which were paid for by the women, and during which time the said women did become very intoxicated. That by reason of said intoxication and the conduct of the plaintiff and his male associates large amounts of glass and dishes and bottles were broken and thrown upon the floor in a noisy and boisterous manner, and were also thrown after such breaking from the windows of the said clubrooms upon the roof adjoining, and the noise of said drunken revelry proceeding from the said parties gambling and drinking as aforesaid did create great scandal and did annoy the guests of said Hotel Rafael who wished to sleep, and in consequence of such conduct guests of said hotel did depart, and the business of said hotel and R. H. Warfield, the lessee and manager thereof, was injured.

That on one occasion, in to wit, the month of July, 1898, the said plaintiff did cause an unmarried woman, then a guest of and residing at the said hotel, but whose father resides in the city and county of San Francisco, State of California, to become so helplessly drunk and intoxicated in said clubroom attached to said hotel that it became necessary to send in haste for a physician to attend said woman, and after the attendance of said physician it did become necessary to carry said woman to her room in said hotel, which said conduct of said plaintiff did cause great scandal.

That, to wit, during the month of July, 1898, the said plaintiff did, in company with a married woman, not the wife of plaintiff, then a guest of and residing at said hotel, leave said Hotel Rafael and ride to a spot on the road about one mile back of said hotel, and then and there the said plaintiff and the said woman did indulge in certain lewd and lascivious behavior and the said plaintiff did then and there commit acts of gross indecency in the presence of a servant of the said hotel, who then and there observed the same and upon his return to the said hotel did repeat the scene witnessed as aforesaid.

Women Induced to Drink.

That during the months of July and August, 1898, and at other times during the said year 1898, the said plaintiff did on numerous occasions induce women guests then residing at said Hotel Rafael to leave said hotel and to accompany him, the plaintiff, to a place of resort upon a road about three or four miles from the said Hotel Rafael kept by one Pastori. That while at said Pastori's the said plaintiff did induce the said women guests aforesaid to drink intoxicating liquors in such quantities that said women guests became intoxicated and with the plaintiff would return in an intoxicated condition to the said Hotel Rafael at late and unseemly hours of the night.

That during the year 1898, in, to wit, the month of August of that year, said plaintiff did induce an unmarried woman then a guest of and residing at the said Hotel Rafael, but whose father resided in the city and county of San Francisco, State aforesaid, and who is the same unmarried woman heretofore mentioned as having been caused to drink until it was necessary to send for a doctor, to go with him to said Pastori's, and while there did induce the said unmarried woman to drink to such an extent that said unmarried woman became very intoxicated and was brought back by said plaintiff to the said Hotel Rafael at a late hour in the night and was pushed along the corridor of said Hotel Rafael by the said plaintiff, who, from time to time, raised his knee to assist him in forcing said unmarried woman along said corridor with said knee.

Visits to Wayside Houses.

That during said year 1898 the said plaintiff did repeatedly, either by himself or in company with male associates, induce a married woman, not the wife of plaintiff, and her sister, an unmarried woman, who were then and there guests of the said Hotel Rafael, and then residing at said hotel, to leave said hotel and to accompany him and them to said Pastori's, and they did then and there engage in boisterous revelry and did drink large quantities of intoxicating liquor or wine to such a degree that said married woman and the said unmarried woman, her sister, would become intoxicated and helpless, and in such intoxicated condition plaintiff would bring said women back to said Hotel Rafael at unseemly hours. That on one occasion in said year 1898 the said women were discovered at said Pastori's by a guest of said Hotel Rafael in a state of helpless intoxication, who, pitying their condition, brought them home to the said hotel in a vehicle which he, the said guest, was driving.

Defendant further alleges upon like information and belief that during the year 1898, and while the wife of the said plaintiff was a guest of the said hotel, the said plaintiff did engage in lewd and lascivious conduct with a married woman, not his wife, then and there a guest of said Hotel Rafael, and that for the purpose of indulging in such conduct the said plaintiff did visit the room of said married woman in the Hotel Rafael, said married woman being then and there a guest of said hotel as aforesaid, and for the purpose of preventing the wife of said plaintiff from becoming acquainted with the facts of plaintiff's conduct, plaintiff did employ a servant then and there employed in the said Hotel Rafael to watch the wife of said plaintiff and to warn plaintiff should the wife of said plaintiff discover the whereabouts of plaintiff.

That each and every of the acts hereinbefore mentioned brought scandal upon the said Hotel Rafael, and did destroy the reputation of the said Hotel Rafael as a reputable resort, and did cause respectable men and virtuous women to withdraw their patronage from the said hotel, and did prevent respectable men and virtuous women from becoming guests of the said Hotel Rafael.

Gaming in Clubroom.

Defendant is informed and believes and further alleges upon information and belief.

That to wit, during the months of May, June, July and August, 1899, during the height of the season for the patronage of the said Hotel Rafael, the said plaintiff did habitually at night resort to the clubroom attached to the said Hotel Rafael and forming a part thereof; that in company with certain women who were guests of and then residing at the said Hotel Rafael, no one of whom was the wife of plaintiff, said plaintiff and certain male associates did gamble during the night for money in a game of cards called poker. That during said game it was the habit of the plaintiff and the said men and women to drink numerous bottles of champagne, some of which were paid for by the women, and during which time said women did become very much intoxicated. That by reason of said intoxication and the conduct of the plaintiff and his male associates, large amounts of glass and dishes and bottles were broken and thrown upon the floor in a noisy and boisterous manner, and were also thrown after such breaking from windows of the said clubhouse upon the roof adjoining, and the noise of said drunken revelry proceeding from the said parties gambling and drinking as aforesaid did create great scandal and did annoy the guests of the said Hotel Rafael who wished to sleep, and in consequence of such conduct guests of said hotel did depart and the business of said hotel and of R. H. Warfield, the lessee and manager thereof, was injured.

Unseemly Conduct Before Servants.

That on one occasion, to wit, during the month of July, 1899, the said plaintiff did allow a certain married woman, not his wife, but who was then and there a guest of the said Hotel Rafael, and who was residing at said Hotel Rafael as such, to sit upon his lap in said clubhouse, and while the servant of said clubroom was serving wine to the said plaintiff and to the said woman said plaintiff did place his hands upon the bosoms of said married woman and did expose the same in the presence of said servant in said clubroom.

That in the month of September, 1899, the said plaintiff did by himself, in company with male associates, induce a married woman, not the wife of plaintiff, and her sister, an unmarried woman, who were then and there guests of the said Hotel Rafael, and then residing at said hotel, to leave said hotel and to accompany him and them to said Pastori's, and they did then and there engage in boisterous revelry and did drink large quantities of intoxicating liquor or wine to such a degree that said married woman and the said unmarried woman, her sister, became intoxicated and helpless, and in such intoxicated condition plaintiff brought said women back to the said Hotel Rafael, at an unseemly hour.

That on one occasion, in or about the month of September, 1899, the said plaintiff and a male associate, with the said married woman, not the wife of plaintiff, and her said sister, an unmarried woman, did hire a conveyance and drive out of the town of San Rafael; that they did not return to the town of San Rafael until 3 o'clock the following morning. What became of the said married woman and the male associate of the plaintiff this defendant does not know, but this defendant is informed and believes, and therefore alleges upon information and belief, that the said unmarried woman, her sister as aforesaid, was left at a stable in the town of San Rafael by the said plaintiff in an intoxicated condition, and that thereafter said unmarried woman went to the stable of the said Hotel Rafael and wished to have a horse belonging to her then stabled in said stable harnessed in order that she might drive the same, and that said certain unmarried woman was so intoxicated that she struck matches about said stable trying to find her horse. That after leaving the said woman at said stables, the said plaintiff returned to the said Hotel Rafael by cutting across unoccupied land, and not by walking upon the street.

Wrath of Outraged Husband.

That plaintiff some time during the year 1899, the exact period of which this defendant is unable to state, was found in the room of a married woman, not his wife, who was then and there a guest of said Hotel Rafael, which said room was occupied or hired as a spare room, and which had therein a folding bed. That the husband of said married woman, returning unexpectedly to the hotel, and finding the plaintiff in said room with his (said husband's) wife, did become very angry and created a disturbance, and did order the folding bed to be taken from said room immediately.

That the noise from the clubroom heretofore mentioned, occasioned by the plaintiff and his male and female associates, which female associates were then and there guests of the said Hotel Rafael, during the months of June and July, 1899, was continued until unseemly hours, 3 and 4 o'clock in the morning, and on one occasion in or about the month of August, 1899, such revelry carried on by the plaintiff and his associates, as aforesaid, was such an annoyance that the wife of the lessee of the said Hotel Rafael, said lessee being then absent from the premises, was obliged to arise from her bed, go downstairs and order the servants to have the lights put out in the said clubroom, to the end that the said plaintiff and his associates would disperse and stop said revelry, but that notwithstanding such instructions the said plaintiff did persuade the said servants not to extinguish said lights, but to permit the said revelry to continue, and the said revelry did then so continue. That in about one hour the said wife of said lessee was obliged to again arise from her bed and again descend the stairs and peremptorily order the extinguishing of said lights so that the said plaintiff and his male and female associates could no longer carouse in said clubroom and thereby annoy the guests then and there living at the said Hotel Rafael.

Women Stared at and Ogled.

That at all times during the said years 1898 and 1899 it was the custom of the plaintiff to stare at women in and about said Hotel Rafael, and by his manner and gaze to annoy and confuse them. That it was the custom of the plaintiff to place himself at the entrance of the ferry-boat running from San Francisco to Tiburon, there connecting with the train to San Rafael, where said Hotel Rafael is situated, in order to stare at and ogle women.

That he was notoriously free in making advances and offering gratuitous insults to unprotected females, and that he did on at least one occasion, to the knowledge of this defendant, as this defendant is informed and believes and therefore avers, force himself upon one married and two young unmarried women in the omnibus of the Hotel Rafael and secure an introduction by the married one to the two unmarried women, whereupon the said plaintiff did express himself that he had at last secured an introduction to and acquaintance with said unmarried women, and expressed the delight and pleasure which said opportunity gave him.

That thereafter the relatives of the said unmarried women heard of the action of the said plaintiff, and knowing his general character and his actions at the said Hotel Rafael, the said relatives did reprimand said two young unmarried women severally for being seen in plaintiff's company, and told them that no decent woman could afford to be seen speaking with or in the company of plaintiff, who was a roue.

Intrigue With Married Woman.

That during the year 1899 and during the months of, to wit, May and June, this defendant is informed and believes, and therefore avers, that a married woman, not the wife of plaintiff, who was then and there a guest at the said hotel, and who was one of the women heretofore named as associating with the plaintiff in the clubroom aforesaid and elsewhere, did secure a room adjoining the room of plaintiff and connecting therewith, in the basement of said Hotel Rafael. That thereafter the said plaintiff removed his room in said hotel, and at the same time the said married woman aforesaid did have her room removed to a room adjoining the plaintiff's and connecting therewith in said hotel.

That each and every of the acts hereinbefore mentioned brought scandal upon the said Hotel Rafael, and did destroy the reputation of the said hotel as a reputable resort, and did cause respectable men and virtuous women to withdraw their patronage from the said hotel, and did prevent respectable men and virtuous women from becoming guests of the said hotel.

That on other and sundry and divers occasions during the years 1898 and 1899 the said plaintiff did harass and annoy ladies who were guests of and ladies who were visitors at the said Hotel Rafael, and his general conduct was such in connection with his behavior toward women that it became generally known that any woman who gave the plaintiff the opportunity would subject herself to improper advances or to an unpleasant acquaintance.

Careful Investigation Made.

That defendant, further answering, and in mitigation of damages, alleges that the publication alleged in the complaint to be libelous was made by the defendant after careful inquiries from reliable sources as to the truth of the facts therein alleged, and that at the time of such publication this defendant believed from such information that the matters and things in such publication stated were true.

That such publication was made in the usual course of the business of publishing a newspaper by defendant, and that said defendant was not actuated by any ill will or feeling of personal spite against said plaintiff, but that said publication was made from laudable motives after full inquiry and investigation as to the truth of the facts in said publication stated and in the belief that they are true.

Wherefore defendant prays that plaintiff take nothing by his suit, and for judgment of his costs.

Baron Von Schroeder in Court.

When the case was called at 1 o'clock yesterday afternoon, Baron von Schroeder and his brother sat together directly behind plaintiff's counsel, consisting of James G. Maguire, James L. Gallagher and E. B. Martinelli. The defendant was represented by D. M. Delmas, E. F. Preston, J. W. Keyes, James W. Cochrane and Thomas P. Boyd as counsel.

The courtroom was filled with interested spectators, mainly from San Rafael, but among them also being many from surrounding towns and from San Francisco.

Eleven jurors had previously been secured and the examination of other citizens of the venire in order to select the twelfth proceeded.

John Filippini was excused on the ground of sickness in his family.

J. J. Gallagher of Nicasio was called. After stating the case to him in general

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