LORIN WIDOW TRIES TO COMMIT ARSON

Mrs. Jennie Hersey Is Supposed to Have Become Insane Over the Loss of Her Money.

BERKELEY, Jan. 1.—Mrs. Jennie Hersey, who for the last year and a half has been conducting a notion store on Adeline street, Lorin, was taken to the Receiving Hospital in Oakland this afternoon to be examined as to her sanity. She became violent this morning and made several attempts to burn the Williamson block, in which she lived. As it was, she set fire to the bedclothing and burned nearly all of her dresses before the neighbors were warned of the danger.

According to the stories of Mrs. Hersey's neighbors, the unfortunate woman came to her present condition by brooding over money out of which she said she had been swindled. At the death of her husband two years ago Mrs. Hersey received $2000 insurance money. She opened a store in Lorin and told W. C. Moran, who rented her the place, that she had put the balance of the money, some $1200, in a San Francisco bank. Later she said that a man had invested her money for her in several patents, which were to bring her in a large fortune.

Mr. and Mrs. C. E. Williamson of Alcatraz avenue say that she very often came to their house to telephone to Fred D. Gaschlin of 714 Howard street, San Francisco. She received many letters from him and sent many away. Last evening she told Mrs. Williamson that she expected Gaschlin that night and that she had much important business to transact. She also said that the patents were to bring her in $15,000 and that she was to receive the money the last day of the year.

So far as is known no one called at her place last evening. This morning she received a letter of a personal nature signed "Fred." The letter was found in the woman's pocket by Warden Page at the Receiving Hospital. It was written on one of Gaschlin's letter-heads and dated December 30. The missive is couched in terms of endearment, but contains nothing with a direct bearing on the cause of Mrs. Hersey's insanity. The writer alludes to some financial difficulty and speaks of sending more money soon. In one place reference is made to Mrs. Hersey's poor health during the last year. From the letter it would appear that Gaschlin was in the habit of visiting her at intervals.

Soon after receiving the letter Mrs. Hersey became violent, and neighbors had to restrain her from burning the building and carrying out her suicidal mania.

"Mrs. Hersey," said Mrs. Williamson this evening, "often received a gentleman caller, who she told me was Fred Gaschlin. She intimated that they were to be married. Last week she burned a lot of letters, telling me they were from her 'fellow.'"

No letters from Gaschlin were found in Mrs. Hersey's rooms, although a package of unused envelopes with Gaschlin's name and address on them were discovered in a bureau drawer. The address, the neighbors unhesitatingly declare, was written by Gaschlin himself.

Mrs. Hersey has relatives in the East and in San Francisco, but she has been practically alone since her husband's death. None of her relatives have visited her. Her violent state is supposed to be partly due to her lonely life. She will be examined to-morrow morning.

Fred D. Gaschlin was seen at his residence, 714 Howard street, last evening, and positively denied that he had ever received any money from Mrs. Jennie Hersey or that he had wheedled any out of her to assist in promoting a patent. He admitted that he has a patent mail box, but says he is associated with Jacob Maas in the venture. Gaschlin says that the mail box has not been accepted by the United States Government and is practically valueless on that account. He says that the money used amounting to only a few hundred dollars was furnished by himself and Maas. Gaschlin is a member of the Musicians' Union and a player in the local bands.

"I cannot understand," said Gaschlin, "why Mrs. Hersey should accuse me of swindling her out of thousands of dollars. Why, I have befriended her ever since the death of her husband, Edward Hersey, in Lorin about two years ago. Mrs. Hersey received $2000 death benefit from the A. O. U. W. and set about paying the debts contracted during Hersey's illness. With the balance she opened a bakery store, but business with her was poor. It was then that I took pity on her and advanced her money to pay the rent.

"I visited her at intervals and she appeared to be in mortal fear of burglars. She told me that she was being persecuted by people holding opposite religious beliefs to her own. She would not tell me who the people were and I endeavored to quiet her fears. I never noticed that she was mentally unbalanced and her present ravings will surely only be temporary. Her husband was a cousin of I. C. Coggin, leader of the park band."

Gaschlin then said that Mrs. Hersey's accusations were evidently the result of what he termed a "put up job," and that he was innocent of any wrong doing. He mentioned the name of a Mrs. McNulty who had been friendly with Mrs. Hersey as being the probable cause of the trouble. Gaschlin had often corresponded with Mrs. Hersey and her letters were couched in the tenderest terms. Gaschlin denied that he intended to marry Mrs. Hersey, saying that she was too old for him. He expressed sorrow at his connection with the case being made public, as it would become known to his people, who were unaware that he was friendly with Mrs. Hersey.

PLAN A RESORT TO FILIBUSTERING

Pettigrew, Allen and Butler Combine Against Ship Subsidy Bill.

Consideration of the Army Bill, Too, Will Seriously Interfere With the Passage of the Former Measure.

Special Dispatch to The Call

CALL BUREAU, 1406 G STREET, N. W., WASHINGTON, Jan. 1.—Congress will reconvene on Thursday with but fifty-one legislative days of session remaining in which to put through many important measures awaiting action. In the Senate the ship subsidy bill will still have the right of way, and Senators Frye and Hanna will do their utmost to have it kept to the front and pushed to a vote. There is danger ahead of them, however, for Senators Pettigrew, Allen and Butler have formed a combination to filibuster against it, and they will have more or less support from other Senators who, while not being willing to join in a deliberate filibuster, will consume time in opposition to the bill.

Another obstacle in the way of the subsidy bill is the army reorganization bill. There is no disposition on the part of Senator Hawley and the other Republican members of the Military Committee to antagonize the shipping bill, and they will endeavor to have the army bill disposed of during the morning hour. As Senator Jones of Arkansas and others have declared their intention to oppose permanent increase in the regular army, however, it may be impossible to get this bill through without displacing the shipping bill and the necessity of army legislation is so urgent that this may have to be done.

The Senate Finance Committee will take up the war tax reduction bill this week and will probably report it without much delay. The brewers are still continuing their fight for further reduction of the tax on beer and the bankers are making a systematic campaign for the repeal of the tax on bank capitalization. No decision has yet been reached by the Republican members of the Finance Committee on either of these subjects.

The Nicaraguan canal bill will not be pushed in the Senate immediately after reassembling, and it may go over until next session without action. Senator Perkins of California, one of the strong advocates of the bill, said to-day that it would be held back until the end of January out of courtesy to Great Britain, in order to give a reasonable time for the acceptance by that Government of the amendments to the Hay-Pauncefote treaty, but that he believed the bill would be taken up and passed early in February regardless whether Great Britain accepted the amended treaty or not.

In the House one of the first measures of importance to be taken up will be the reapportionment bill, on which a lively fight is expected between those favoring the Hopkins bill, which maintains the membership of the House at the present numbers, but increases the representation of some States while reducing others, and those favoring the Burleigh bill, which proposes to increase the membership enough to prevent a reduction in the representation of any State.

The river and harbor appropriation bill will be reported before the end of the week, and this and other regular annual appropriation bills will be put through without much delay.

The Committee on Interstate and Foreign Commerce will try to have three days set aside for the consideration of bills reported from that committee, when the bill for the reorganization of the revenue cutter service and the Pacific cable bill, with some measures of minor importance, will be taken up.

CONSTITUTION'S LIMITATIONS

Harrison Says They Extend to All Lands a Part of the Public Domain.

Contrary Belief Must Assume That Government Is by That Absolutism Which Led to Revolution.

INDIANAPOLIS, Jan. 1.—At the Columbia Club banquet last night General Harrison was the last speaker of the evening. He responded to the sentiment "Hail Columbia." He had furnished in advance copies of his speech, but included the following paragraphs which were not in the advance copy:

"It has been recently said that our fathers organized a misshapen nation, if these limitations and reservations apply to all lands that become a part of our public domain and to all peoples whose allegiance we accept. Now, whatever the professors of esthetics may tell us about beauty in the abstract, we know that in nature and mechanics and in formative statecraft shape has chiefly to do with intended use. That which perfectly accomplishes the designed use is not misshapen. Orators are misshapen eagles, as all of us have found when we tried to soar. And before we condemn our constitution as misshapen if it carries its general limitations and its reservations of personal rights to all lands over which its sway extends and to all people who owe allegiance to the Government it organizes we must assume that the men of 1776 and of 1787 contemplated the governing of lands and peoples with that absolutism against which with so much cost and care they had defended themselves. That is to beg the question. But it is not my purpose to press upon you my views upon this great constitutional question. Though many of you may hold another view I do not doubt that the republican liberty to differ upon a constitutional question survives in the Columbia Club."

RIGHTS OF COSTA RICA IN CANAL

Minister Calvo Pleased With the Results of the Negotiations.

Discussing the Matter Recalls the Work Done in the Past Indicating Recognition of the Country.

WASHINGTON, Jan. 1.—The Costa Rican Minister, Señor Calvo, said to-day in a general talk on Nicaraguan canal affairs that one of the most satisfactory features of the extended negotiations, so far as Costa Rica was concerned, was the universal acceptance of that country's substantial rights and interests in the isthmian waterway. There never has been any doubt of these rights on the part of Costa Rica, but for many years they were brought into controversy, it being claimed that Costa Rica had no sovereignty over any portion of the route and that at most her interest could be satisfied by compensation. This brought about the use of the name "Nicaragua Canal," which seems to leave out of account the rights which Costa Rica has in the waterway. The Minister points out that the period of controversy now has been satisfactorily closed and that there appears to be no disposition in any quarter to question Costa Rica's rights in the canal route.

In this connection, Mr. Calvo recalled the long efforts toward building the canal, dating back to 1868, in all of which Costa Rica had been strongly favorable to the project and invariably had been recognized as a necessary party to the undertaking. After the treaty of limits was signed, fixing the boundary between Nicaragua and Costa Rica, a gifted Frenchman named Felix Bailly made his appearance in Central America and negotiated a canal concession.

It was not known at the time, but it has since become well established, that M. Bailly was executing a part of the plans of Napoleon III to gain a foothold in Mexico and Central America and to control the great commercial waterway across the isthmus. A concession was granted, three parties signing it jointly, M. Bailly and the governments of Nicaragua and Costa Rica. This clearly indicated the recognized interests of Costa Rica in the canal. No work was done on the concession, however, and it lapsed. Later another Frenchman, M. Chevalier, negotiated a second French concession, also believed to be in the interests of the French plans concerning Mexico and Central America. This concession also lapsed for want of work being done.

When the concession was granted to the Maritime Canal Company, Nicaragua was the first to grant the concession. Later the interests of Costa Rica in the waterway were recognized by the canal authorities and a second concession was granted by Costa Rica.

There have been several arbitrations on the boundary question—first, by President Cleveland as to the treaty of limits, and, more recently, by an American engineer, designed by this Government to actually lay out the boundary lines. The line finally was agreed to and run last July, and as now marked on the official surveys it leaves no further room for doubt of Costa Rica's territorial and sovereign rights in connection with the waterway. Since then all of the negotiations have recognized the interests of both governments along the canal route.

Nebraska Legislature Meets.

LINCOLN, Neb., Jan. 1.—The Nebraska Legislature convened at noon to-day for its twenty-seventh session. William G. Sears of Burt County, the Republican nominee, was made Speaker of the House by unanimous consent. Senator C. F. Steele was made president pro tem. of the Senate. To-morrow the Legislature will canvass the vote of the November election.

HOME STUDY CIRCLE FOR CALL READERS

Law Lessons for Employers and Employes—The Rule When Both Parties Are Negligent.

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BY ALBERT S. BOLLES, LL. D.

XII.

When both employer and employe are negligent, what does the law say to them? This is a very difficult question to answer, and the courts have greatly differed in their utterances. One of the most general rules is that when it appears that the negligence of the parties co-operates to produce the injury no action will lie; the law refuses to apportion the fault and regards the negligence of either party as equally contributory or effective in causing the injury. The rule has been stated by Mr. Justice Swayne, speaking for the United States Supreme Court, in these words: "It has been a rule of law from time immemorial, and is not likely to be changed in all time to come, that there can be no recovery for an injury caused by the mutual fault of both parties. Where it can be shown that it would not have happened except for the culpable negligence of the party injured concurring with that of the other party no action can be maintained."

A Virginia Case.

In Dun's case in Virginia the court remarked that the principle that a person who by his own default has brought on himself a loss or an injury cannot claim compensation of another, is a principle of universal application. This statement, though, may be qualified. If the second party, on the discovery of the danger into which the other has brought himself, can avoid or escape the consequences by the exercise of proper care on his part, then he may be held liable for not using his wits and preventing the injury.

Who Has Been Negligent Is a Question of Fact.

Whether the second party has been negligent in a particular case is a question of law and fact. It is a double question. The fact is whether a particular act has been done or omitted; this is purely a question of fact. The second question is, whether the doing or omission of this act was a legal duty; this is a pure question of law. Some applications of this rule will now be given: There was a collision between a stage and horse car once on a time in New York City. Both were going in the same direction. The stage, whose owner sued, was violently pushed against another. The one who sued won his case before the jury, and the horse-car company appealed. It claimed that the stage driver was negligent. The Judge charged the jury that in order to recover the stage driver must have been free from any fault that contributed to the collision, and the car conductor or driver or both must have been negligent. The Court of Appeals in reviewing the verdict also said: "It is now well settled that if the plaintiff's negligence contributed to the injury he cannot recover, although the defendant was also negligent."

Cases of Track Repairers.

In one of the cases that happened in Pennsylvania a track-repairer was killed at night by the collision of a backing train of cars with a handcar, in which he, with others, was coming to the station. The company's defense was that the victim was negligent in approaching the station while the train was there. The jury rendered a verdict in favor of his wife, but this did not stand. The Supreme Court held that the jury was not properly instructed, and granted another trial.

In another case A was one of a party of men employed by a railroad company in repairing its track. They were usually carried in a boxcar to and from their place of work. Although on several occasions he had been forbidden from riding on the pilot or bumper of the locomotive, he persisted in doing so. One evening, when he was returning from his work and riding in this manner the train in passing through a tunnel collided with cars standing on the track and he was injured, while those in the boxcar were unhurt. It was held that as there was room for him in the car there was no excuse for incurring the greater risk; that his own negligence was the chief cause of the accident, and he could not therefore recover. The case came before the United States Supreme Court for review, and the court remarked that "one who by his negligence has brought an injury on himself cannot recover damages for it. A plaintiff in such cases is entitled to no relief." But when the defendant has been guilty of negligence also, then the question is "whether the damage was occasioned entirely by his negligence or improper conduct, or whether the plaintiff himself so far contributed to the misfortune by his own negligence or want of ordinary care and caution that but for his negligence or want of care and caution on his part the misfortune would not have happened. In the former case the plaintiff is entitled to recover; in the latter he is not." In the case before the court the injured man was declared to be negligent and consequently could not recover.

When the Absence of Negligence May Be Inferred.

The Supreme Court of Maryland has also stated that when the evidence is conflicting on the question whether the injured person contributed by his negligence to his own injury, the jury may, in connection with all the facts of the case, infer the absence of fault from the known disposition of men to avoid injury to themselves.

This rule applies when both were negligent at the same time. This rule, the reader must keep in mind, applies only when both are negligent and contribute to the result. There are many cases of this kind and it is extremely difficult—nay, impossible—to find out which is most at fault. In a collision, for example, between two vessels or stages or trains the conductors on both sides are negligent, but which is the most so cannot be ascertained. In all these cases the above rule cuts the knot and denies a remedy to either party.

This rule, however, cannot be applied in all cases of negligence on both sides. It must be concurring negligence, happening at the same time, or nearly so, in many cases, to call for the application of the rule. Then suppose an employer uses an unsafe boiler and also employs an incompetent engineer. Is the employer responsible for an injury happening to the engineer or other servant in consequence of using the boiler, though the engineer himself may have been negligent in the performance of his duty? The court had no difficulty when this case was tried in deciding that the employer was primarily negligent in having such a boiler and was therefore responsible for the consequences. This rule, which seems clear enough when thus stated, has passed through many changes during the last forty years. A recent Federal court has thus stated it: "Although the defendant's negligence may have been the primary cause of the injury complained of, yet an action for such injury cannot be maintained if the proximate and immediate cause of the injury can be traced to the want of ordinary care and caution in the person injured." This rule, however, was qualified in one respect—namely, that the negligence of the person injured would not defeat his right to recover if he could show that the other party by the exercise of reasonable care and prudence might have avoided the consequences of the injured party's negligence.

The Rule of North Carolina.

This rule may be made clearer by considering the qualification which, in some States, is a rule by itself. Thus in North Carolina it is declared that, notwithstanding the previous negligence of the plaintiff, if at the time when an injury was committed it might have been avoided by the exercise of reasonable care and prudence on the part of the defendant, an action will lie for damages.

In the Gunster case in that State the plaintiff was employed as a foreman in running a steam sawmill belonging to the defendant, and among other duties was required to oil the machinery. Once while doing this the defendant, without giving him any notice, turned on the steam and set the mill in motion, whereby he was injured. The court remarked that whatever want of care for his own safety Gunster may have shown in occupying a place of peril while doing his work, no harm would have come to him except for the hasty and thoughtless act of the defendant in starting the mill without signal, warning or looking himself to see, as he could have done, whether the oiling was finished, and Gunster had left his position. Such care and attention on his part would have prevented the accident. The place of peril which Gunster had taken in oiling the machinery did not excuse the defendant, but imposed on him greater diligence and a higher duty to see that the way was clear for starting the machinery. "The plaintiff's exposure of his person was not a cause, but a condition which rendered the injury possible and actual, as the result of the absence of the caution which was imposed on the defendant in consequence."

In attempting to unite the two rules, as the United States Supreme Court has done, another rule has been made that cannot always be easily applied. The North Carolina rule is quite simple. Though the person injured was negligent, yet he can recover if his injury would not have happened had the other party exercised reasonable care and prudence. By the Federal rule, if the cause of an employe's injury was the lack of his immediate care, he can recover nothing, even though his employer was the primary cause of the injury. In some cases he can nevertheless recover. In what cases? In those where the employer was negligent, but where no injury would have happened had the employer exercised reasonable care and prudence.

The Rule in Vermont and Indiana.

In Vermont a still simpler rule has been set up. An employe in order to recover for an injury must show that it did not occur from any want of ordinary care on his part, either in whole or in part. In other words, if ordinary care on his part would have enabled him to escape the consequences of his employer's negligence he has no ground of complaint. "He may be said, in such a case, to have been himself the cause of any injury which he may have sustained under such circumstances." The rule in Indiana is nearly the same. Said the court on one occasion calling for an application of the rule: "It is the settled law of this State that where negligence is the issue it must be a case of unmixed negligence; that in such case a party cannot recover if it appear that by the want of ordinary care and prudence on his part he contributed to the injury, or if by the exercise of ordinary care he might have prevented the injury."

The Rule of Kentucky.

This is the rule in other States. In Kentucky, for example, the rule has been thus stated: If the evidence in a case shows that the injury to an employe resulted from either of two causes, only one of which was due to an employer's negligence, no inference can be decisive, and his injured employe cannot recover, because he must make out a positive case. Thus after a freight train had passed through a tunnel a brakeman was found in a dying condition. There were loose timbers hanging from the roof, and one theory was that he did not sit down when he came to the tunnel, as he should have done. As there was no positive proof of the cause of his death the negligence of the company was not proved.

Can Negligence Be Presumed?

When a person is injured and sues his employer to recover, he must make out his case that his employer was negligent. Can this ever be presumed? In South Carolina the Supreme Court held it could be in some cases. In one of these, cattle were injured through the negligence of the engineer of a railroad in running over them. He had done so several times before, and the court thought the presumption had been made out. An attempt was afterward made to change the rule thus laid down by the court, but it did not succeed. The court declared that the owner of the cattle having proved that they were killed by the train, the railroad company, in order to make a good defense, must show that its engineer had not been negligent.

When Employes Using Defective Machinery Can Recover.

The question has often been raised and decided whether an employe can recover for injuries caused by using machinery or appliances which he knows are defective. Such cases have almost always been decided in favor of the employer, as we have seen, on the ground that his employe assumed the risk. Of course an employer would be liable if the defects were known by him alone and his employe had no reason of knowing them. But the Supreme Court of Mississippi has released the liability of employers on a different ground. Employes are declared to be guilty of contributory negligence in using such machines or appliances. It is true their employer is negligent in furnishing them with a defective machine—a carding machine, for example. On the other hand, they are also held to be negligent in using the machine if it was plainly defective and dangerous. Consequently, if they are injured and sue their employer he in effect says: "I was negligent in having the machine, but you knew it was out of repair and dangerous to run, and ought not to have touched it. It is true I tempted you with employment at a time when you were in more need of it, but you should not have yielded to the temptation. As you did, you alone must suffer the consequences, for you cannot deny that you were negligent in operating the machine. Indeed, the very charge you bring against me is a net that incloses yourself." Such is the law; whether it ought to be so is not, we once more repeat, for us to consider.

HOME STUDY QUERIES.

152. Who boasted that grass never grew where his horse had trodden?
153. What great musician received thanks from the sovereigns of Europe for the symphony which he composed on the victory of Waterloo?
154. Which Emperor was victorious in the "Battle of the Three Emperors"?
155. What English King was called Beauclerc (good scholar), because of his scholarly attainments?
156. To whom did Titus give the sacred books from the temple at the destruction of Jerusalem?
157. Who was called "the bravest of the brave"?
158. What monarch boasted that the sun never set in his dominions?
159. What English ruler was called "the Sailor King"?
160. Who was the original "Micawber"?
161. What eminent divine was named "the Chartist parson," because of his sympathy with the masses?
162. Who was "the sword of Mars"?
163. What delightful English essayist used the initials C. L. I. O. as a pen name?
164. What country has been called "the cockpit of Europe," because it has been the site of so many battles?
165. What American essayist was termed by Lowell "the Yankee Plato"?

Answers.

138. Bismarck. 139. Duke of Wellington. 140. Alaric. 141. O'Connell. 142. Shakespeare. 143. Lawrence and Ludlow. 144. Battle between the Enterprise and the Boxer. 145. Richard Cromwell. 146. Washington Irving. 147. Charles F. Browne. 148. David Garrick. 149. Bishop George Berkeley. 150. John Dryden. 151. Agassiz.

An Early Morning Burglary.

Police Officers J. A. Ryan and J. Galloway made the first important arrest of the new century when they caught John Cahill breaking into a store window at 1055 Folsom street at 2:30 o'clock yesterday morning. Cahill, with two other men, who were recognized as John Duffy and Ed McDade, was observed by Special Officer Sequine trying to force the show-window of the store out of place. He notified the two regular officers of his discovery and the trio surrounded the place and caught Cahill. The other two slipped through the lines and made good their escape. Cahill was taken to the City Hall station and booked on the charge of burglary.

Swimming Race.

The aquatic exhibition to be given at the Lurline baths on January 17 under the auspices of the Lurline Swimming Club will have three open championship races for all registered amateurs. They will be for 100 yards, 500 yards and a 500-yard relay. Each relay will consist of five men. The entries will close Saturday evening, January 12. Entries should be sent to J. A. Geddes, secretary, Lurline Swimming Club, Bush and Larkin streets. The winner in each event will receive a valuable prize.

NOTORIOUS CROOK IN THE "TANKS"

Jacob Leith Arrested Because of His Suspicious Actions.

The police have in the "tanks" a man who is supposed to have committed a number of burglaries in the tenderloin and in other parts of the city. It has been the belief of the police department that Lowell and Cereghino, the two Eastern crooks arrested last Thursday, have been guilty of all the burglaries in the Western Addition, but it is not now believed that they broke into any other residences than those of Mrs. Ford, 1716 Baker street, and Mrs. Pauline Hirshberg, 2313 California street.

Early yesterday morning Policeman Hurd noticed a man acting in a suspicious manner at Geary and Kearny streets. He accosted the man, and not receiving a satisfactory explanation to his questions, he decided to place him under arrest. The man resisted fiercely, but after a desperate struggle was overpowered and handcuffed. When taken to the City Prison and placed on the detinue book he gave the name of Jacob Leith. He is a German, but nothing is known as to his antecedents.

When searched at the prison a black mackintosh and nine pieces of delft were found in his possession, which are supposed to be the proceeds of a recent burglary.

Besides the articles mentioned a putty knife, which is used by burglars to unfasten window catches, was found in his pocket. He made every effort to conceal the putty knife and seemed chagrined when Hurd pulled it out of his pocket.

There is a strong suspicion that Leith is the man who broke into the residence of Simon Donau, 1452 Franklin street, about three weeks ago, and was discovered by Donau's niece, Adele Steinman. She had a look at Lowell and Cereghino last Friday night in the prison, but could not identify either of them. She will probably be asked to have a look at Leith.

GRISMER RETURNS HERE AS THEATRICAL MANAGER

"Way Down East," a New England Drama, to Be Produced Under His Direction.

Joseph Grismer, whose name used to be a household word to local theater-goers, has got back to San Francisco. It is four years since he was here, and this time he comes not as an actor but as co-proprietor with Brady of Lottie Blair Parker's New England drama, "Way Down East," which at the Academy of Music in New York was the particular success of Gotham's last theatrical season.

The show has made a record as a drawing attraction and the happy smile which illuminates Grismer's face when he speaks of the business the attraction has done on its way across the continent, demonstrates that it has been equally fortunate in the hands of the popular ex-actor.

"Way Down East" opens Monday night with a New York cast and lots of special scenery. The plot is of the type rendered familiar by "Shore Acres," but the theme upon which the various exciting situations and thrilling climaxes are built is quite different. The scene is laid in a homestead in a remote New England district and the plot is developed by such characters as are usually to be found in such a region. The comedy counterplot is rich in humor of the variety that is clean, and there is plenty of it. Even some of the more serious characters are relieved by a touch of quaint conceit.

The first act shows the exterior of the farmhouse, while in the second the old-fashioned kitchen is shown. In the third act the same setting is used. It is in this act that the great realistic snowstorm, which makes the audience feel for its overshoes, is shown. This, while not so sensational as many modern mechanical effects, cost more money, time and thought than most of them.

Of the actors, the leading man, Francis Byrne, is not unknown here, having played with Frawley for a season. Beryl Hope, who plays Annie Moore, the principal woman part, is a Los Angeles girl. Robert Fisher, a powerful character actor who was with Herne, is cast for Squire Bartlett, said to be one of the strongest character parts since "Pudden'head Wilson." Earl Ryder will look after the villain Sanderson, and the remaining parts are in the hands of a score of capable actors. Altogether, "Way Down East" should draw large crowds to the Columbia next week and incidentally afford Grismer a pleasant New Year's reunion with San Francisco friends.

TURNS ON GAS AND MEETS DEATH

Mrs. Henry L. Tatum While Demented Commits Suicide.

Mrs. Henry L. Tatum 2525 Pacific avenue, committed sucide early yesterday morning by turning on the gas in her bathroom. The act was committed in a fit of insanity with which the lady had been afflicted during the last two years. She was the wife of Henry L. Tatum, of the firm of Tatum & Bowen, 34 and 36 Fremont street.

Mrs. Tatum was a devout member of the Episcopalian Church, and being of a highly sensitive temperament, her mind brooded unduly on religious topics until a religious mania developed itself about two years ago. This mania was intermittent, and when afflicted with such spells she was closely guarded and kept under the medical eye of Dr. Barger, her family physician. On New Year's eve she appeared to be in her usual good health and spirits and extended to her husband and her son, Frederick, the compliments of the season.

About 4:30 o'clock yesterday morning her husband awoke with an uneasy feeling and went to her room to see if she were asleep, she having been frequently subject to spells of insomnia of late. He saw that she was not there and in passing through another room he detected the odor of illuminating gas proceeding from the bathroom, where he found her dead body lying on the floor. The key of the gas fixture was open.

The unfortunate woman was a native of New Jersey, 44 years old.

HOTEL ARRIVALS.

PALACE HOTEL.

G M Murphy, Cal	S Sigmira, Japan
Mrs G M Murphy, Cal	K Yamagty, Japan
J Curray, Cal	P Caypless, Honolulu
Mrs J Curray, Cal	J S Spear, Cal
J W Pew, Belvedere	Mrs J S Spear, Cal
Mrs J W Pew, Cal	J L Myers, N Y
Dr B R Ward, U S N	H W Scott, Oregon
E Fish, Oregon	Mrs H W Scott, Oregn
J J Medrott, Oakland	Miss Scott, Oregon
G Halford, N Zealand	O W Sturdevant, N Y
G P Morgan, Cal	A L George, Los Ang
E L Colnon, Cal	L Pelton, Chgo
H T Bayly, Alameda	J Kaufman, Sacto
C D Daly, Cal	M Kaufman, Paris
A Robinson, Benicia	F Harvey, Kan City
H T Smyth, Cal	B S Harvey, Kan City
W F Barton, Cal	Mrs Barnard, Kan City
C W H Duncan, Ala	Miss Hodges, Kan City
Dr J W Hudson, Ala	B L Schuman, Chgo
J D Smith, Healdsburg	S S Raymond, Cal
W H Pasco, Cal	W H H Hart, Cal
C W Fitzgerald, Cal	Dr B F Sandow, Kans
A Lyshon, Cal	Mrs B F Sandow, Kan
R E de B Lopez, Cal	G B Hoyt, Ohio
R F Gardner, U S A	Mrs G B Hoyt, Ohio
W Y Smith, S Rafael	F Wright, London
A B Mitchell, Cal	Mrs F Wright, London
W J Wiley, P Alto	C S Spearing, U S A
J Campbell, Oakland	W O Friede, N Y
W E Moldrut, Alameda	Dr Malthot, N Y
W A Powning, Cal	L A Smith, Honolulu
A J McAlister, Cal	Mrs S Flint, S Juan
C M Hatcher, S Jose	Herr Zoepfel & w, Berlin
G L Clayton, Cal	O Stevens, Sacto
J B McGuire, Cal	C Giddings, Cal
F Kahn, Oakland	W H Decker, N Y
G H Walford, Vallejo	C C Gordon, Butte
J E Lowney, Vallejo	C E Huse, Cal
J B Walker Jr, N Y	B Ray, Cal
L Levy, Ky	G P Beardsley Jr, N Y
H McGinn, N Mex	J C Spencer, Wyoming
L Phippe, Los Ang	Mrs J C Spencer, Wyo
H O Jennings, Conn	A C Steel, N Y
E L Frisbee Jr, Conn	S Rosenstein, Chgo
E A Fraser, Hawaii	J R Grismer, N Y
Mrs E A Fraser, Hawaii	J E Levi, N Y
J Mijake, Japan	

GRAND HOTEL.

J D Biddle, Hanford	E M Hills, S L Obispo
E A Smith & w, Denvr	Miss L Waldo, Stanfd
J F Golden, Sacto	Miss E Lane, Mt View
E Cayless, Honolulu	B F Mitchell, Berkely
L Therkelsen, Portlnd	J H Pattee, Cal
F H Huggins, Portlnd	W Alcott, Illinois
A P Adams, Fresno	A N Green, Porterville
J J Rupp, Los Ang	H W Koppelberger & w, Minneapolis
G A Clark & w, Cal	B W Zenna & w, Kans
J R Webb & w, Fresno	C Tucker & w, Tacom
C D Daly, Eureka	C Herman & w, Cal
W F Barry, Salinas	Dr Kelsey, Sta Paula
M Biggs Jr, Oroville	F E Vicker, Berkeley
P Booth, Cal	S Allen, Vallejo
F C Chamberlain, Cal	E Davis & w, Denver
J L Dresbach, Cal	Mrs J M Sims, Ind
J Whitelaw, St Louis	H Isaacs, Los Ang
J Thompson, Pleasntn	H P Walton, Honolulu
J W Moore, Cal	J H Pond & son, Sacto
W J Arthur, N Y	W Moosbead, London
D Kilpatrick, Cal	W M Cutter, Marysvil
R M Clarke & w, Cal	J McVey & w, Colusa
O J Harris & w, Cal	J M Muller, Medford
H A Bennett, N Y	A P Soule & w, Cal
A Oppenheimer, Portld	T B Norris, Cal
F E Swift, Mass	J Eckhardt, San Jose
S Ofner & w, Portland	Miss Eckhardt, San Jos
G B Curtis, Honolulu	
F B Ladd, Paso Robls	

Assigned to Prison Duty.

Chief of Police Sullivan yesterday issued an order assigning William Young, Mike Walsh and P. H. Murphy, three of the best known men in the department, to duty in the City Prison. They will report to Prison Sergeant Bidwell to-day.

PIONEER PASSES SUDDENLY AWAY

Captain Andrew Nelson, Who Built the First River Steamer, Is Dead.

Captain Andrew Nelson, president of the California Transportation Company and a pioneer of the State, died at his residence, 720 O'Farrell street, yesterday afternoon after a brief illness. Captain Nelson, who was 74 years of age, had for some time suffered from internal troubles, but none of his friends or relatives guessed death was so near and the news of his untimely taking off will cause a shock of pain to many who had known and loved him.

When Captain Nelson came to California in 1849, he intended only to make a honeymoon trip, for he had married in an Eastern State. He realized, however, what splendid possibilities lay in freight transportation on the Sacramento River and devoted all his energies to bringing about the establishment of a steamer line. When the steamer Reform was launched her paddles were the first to beat the waters of the Sacramento and to Captain Nelson must ever belong the honor of being the pioneer navigator of that waterway. The success of the Reform caused Captain Nelson to form a company and build more boats for freight service and shortly a fleet was plying under his management. Active in business his was a familiar figure about town and he will be missed from his accustomed haunts. To the end Captain Nelson insisted on seeking his office every morning, for he took great pleasure in seeing the business he had inaugurated grow day by day.

The deceased leaves a wife and a niece, Mrs. North, besides other relatives. He was a native of Olend, Sweden.

WELSH RESIDENTS HOLD LITERARY COMPETITION

Children Present Essays Which Display a Remarkable Knowledge of the Cymric Language.

The annual literary and musical competition of the Welsh residents of San Francisco and Oakland was held yesterday afternoon and evening in Pythian Hall, 925 Market street. Rev. J. S. Thomas presided and a keen interest was taken by the audience in the various exercises. Both young and old took part in the competition, which included recitations, essays, singing, reading and composition in Welsh. The adjudicators were the Rev. J. S. Thomas, J. J. Henry, Islydd Hughes, Professor R. R. Lloyd, J. J. Morris, the Rev. W. R. Edwards, John Williams, R. Davies and Taliesin Evans.

The children who competed showed a complete artistic knowledge of the Welsh language, many of the essays submitted being artistic and meritorious. At the close of the work of the adjudicators, the winners in the various classes were presented with handsome volumes as rewards for the work accomplished.

At the close of the evening meeting, the winners of the various competitions were announced as follows: H. J. Lloyd, Samuel Lewis, David Hughes, Robert Davies, R. J. Hughes, Miss Florence Davies, Miss Jane Williams, Mrs. M. Williams, John Hughes, D. Jones, F. Phillips, Ralph Williams, Gertrude Edwards, Edith Phillips, Florence Phillips, J. Williams and the Oakland Quartet.

A great two-step by Eduard Strauss, the waltz king, will be given free with next Sunday's Call. This is a gem—do not fail to get it.

DICE GAME ENDS IN A SHOOTING

Richmond H. Harris Seriously Wounds George Taylor in a Saloon.

George Taylor, a teamster in the employ of Percy L. Badt, was shot and seriously wounded by Richmond H. Harris, an ex-soldier, shortly after midnight last night in a saloon at the corner of Post and Larkin streets.

The men, who appeared to be friends, were shaking dice on the counter when a dispute arose. Harris suddenly drew a pistol from his pocket and placing it close to Taylor's head fired. The bullet entered Taylor's neck and lodged in the shoulder, just missing the jugular vein. Taylor's face was badly powder-burned. Harris after firing the shot ran from the saloon. The police were notified, but up to a late hour had not succeeded in arresting him.

Taylor was taken to the Receiving Hospital. The physicians say that the wound, while serious, is not fatal.

Harris was found early this morning and was booked on a charge of assault to commit murder. He resides at 913 Post street.

REAL ESTATE TRANSACTIONS.

Laura J. Ring to Ella M. Ring, undivided one-twentieth interest in lot on NW corner of Webster and Greenwich streets, N 120 by W 137:6; gift.

Wunder Brewing Company (a corporation) to Wunder Brewing Company of San Francisco, lot on NW corner of Scott and Greenwich streets, N 275, W 172:8, S 144, W 24:8, S 131, E 197:4; $10.

Estate Lorenzo (or Lorenza Dresco) by Hervey R. French, administrator) to Mary Tichner, undivided one-half interest in lot on NE line of Lyon street and Golden Gate avenue, E 46:10 by N 100; $5500.

Lydia H. Dresco to Mary Tichner (wife of Benjamin), undivided one-half interest in same; $5500.

Lina Heyman (wife of Jacob) to Clara Heyman, lot on W line of Lyon street, 125 S of Pine, S 25 by W 100; gift.

Myer Lewis to Alexander A. Aaronson, lot on SW corner of Jackson and Laurel streets, W 137:6, S 127:8¾, E 25, S 127:8¾, E 112:6, N 255:4½; $10.

B. P. and Katherine F. Oliver to Hibernia Savings and Loan Society, rerecord 1877 D 36, lot on S line of Thirteenth street, 275:8 W of Mission, W 25 by S 95; also lot on N line of Fourteenth street, 105 E of Valencia, E 75 by N 70; also lot on W line of Mission street, 223 N of Fourteenth, N 74, W 100, S 24, E 10, S 50, E 90; also lot on E line of Stevenson street, 237:6 N of Fourteenth, N 82:6 by E 65; also lot on E line of Valencia street, 300 S of Fourteenth, S 100 by E 100; also lot on Mission street, 237 S of Thirteenth, S 26 by W 100; also commencing 10:3¼ feet from SE corner of Clinton Park and Stevenson streets, E 54:8¾, W 5, N 25, W 20, S 15, W 28:11¾, S 20; also commencing 90 W of