COMMISSION WILL SUSTAIN WICKERSHAM

Completes Investigation of Conditions at Nome.

Report Will Be Unfavorable to United States Marshal Richards.

Department of Justice Agents Are Said to Have Found Grounds for the Charges Against Him.

Special Dispatch to The Call.

SEATTLE, Nov. 12.—J. C. Taylor and Plato Mountjoy, representatives of the Department of Justice, arrived in the city yesterday from Nome. In August both men, who are among the oldest in the department, passed through Seattle en route north, under instructions to make a thorough investigation into the trouble between Judge Wickersham of the Third district, who was in Nome holding court last autumn and winter, prior to the time of the appointment of Judge Moore, and United States Marshal Richards. The former assessed a fine of $500 against the Marshal and Joseph Jourdan, a saloonkeeper, for contempt, and the Marshal retaliated by filing orders against the court.

The case grew out of the prosecution of former Postmaster Wright of Nome by the government for the misappropriation of funds. It was tried before Judge Wickersham and after the trial the allegation came to the ears of the court that Marshal Richards and Jourdan had "stood in" with the postmaster and "packed" the jury. The charges were taken up by the court and on the finding the fines were assessed and a short jail sentence attached. Jourdan paid his fine, but Marshal Richards bonded his and later obtained a rehearing of the case before Judge Moore, who declined to review or revise the decision of Judge Wickersham. Marshal Richards then took the case to the United States Court of Appeals and it is there at the present time.

It was this trouble between Judge Wickersham and Marshal Richards, in particular, that the officers of the Department of Justice were instructed to look into thoroughly, and at the same time they were charged with an investigation of some of the old affairs under Judge Noyes' administration, which are still hanging fire. They also made a minute examination of the offices of the court and Marshal, as well as of all the other government offices in the Nome country.

It is learned on good authority that the investigation resulted in the finding of a bad state of affairs and the report will not in any way be favorable to Marshal Richards. In substance, it is said, they have found that there is good reason for believing the charges made against Marshal Richards and Jourdan to be true; that the action of the court in the premises was right and just. Therefore, it is said, they will make an adverse report on the Marshal's office and favorable to Judge Wickersham on the charges made against him by Marshal Richards.

In the investigation of the affairs of the Nome court under Judge Noyes, it is stated, they found a bad state of affairs and some of the affairs now outstanding will be cleared up by their work. In the general sum-up, it is said, they are of the opinion that Judge Noyes was weak in many matters and that this was his greatest fault.

The present court at Nome is said to have been found to be in excellent shape and in a fair way to get the judicial business of the district straightened.

LOWELL BEATS POLYTECHNIC.

The Lowell High School football team defeated the Polytechnic School team in an interesting game of the Academic Athletic League series yesterday at the Presidio athletic grounds by a score of 11 to 0. Each team was supported by many pupils from the rival schools. Lowell scored two touchdowns, Kenyon failing to kick the goal in one instance. The team lined up:

Polytechnic.		Lowell.
J. Goerl	L. E. R.	O. Montgomery
J. Eggers	L. T. R.	D. Graham
S. Samuels	L. G. R.	F. Stewart
B. Laulhere	Center	B. Jordan
H. Knopf	R. G. L.	F. Barthels
E. Bonnfield	R. T. L.	L. Craig
F. Ashley	R. E. L.	K. Heran
A. Ayres	Quarter	R. Falk
W. Dement	L. H. R.	W. Hastings
J. Adams	R. H. L.	J. Jones
O. Skavlan	Full	Kenyon

Officer, Robert Sherman; linesmen, McFarland and Cosgriff; umpire, L. T. Merwin.

Mackay's Remains Arrive.

NEW YORK, Nov. 12.—Resting in a mortuary chapel, a large room between decks having been fitted for that temporary use, the body of John W. Mackay arrived to-day on the White Star liner Oceanic from Liverpool. Mrs. Mackay and her daughter, the Princess Colonna, were passengers on the same steamer. The body of Mr. Mackay was taken from the steamer and immediately conveyed to Greenwood Cemetery, Brooklyn, where it was placed in a vault beside the remains of J. W. Mackay Jr.

GRAPE-NUTS.

SCHOOL TEACHERS LEARN

Just Like Other People.

Bad food and overwork wreck many a life, but the right food makes sure and complete happiness, for one must be happy if perfectly well.

"Grape-Nuts saved my life and changed me from a nervous, sick, despondent woman to a healthy, strong and cheerful one," writes Mrs. Alice Riegel of Pontiac, Ill. "I had not been well for several years and I thought, as did my freinds, that 'my days were numbered.' My ill-health was caused from drinking coffee, eating improper food and overwork in the schoolroom; I had become very weak, tired and nervous and nothing I ate agreed with me. Medicine made me more nervous and impaired my digestive organs.

"It was with difficulty that a neighbor induced me to try Grape-Nuts and I liked it from the first with thick cream and sugar. I lived on it exclusively with Postum Food Coffee until my digestion was so much improved I could eat other foods. My friends soon noticed the improvement in my looks and I am now healthy, strong and happy. I attribute the change in my health solely to the change of diet.

"Husband and I both like Grape-Nuts and Postum. I think they are the most healthful and strengthening of all foods and drinks and suitable for the weak as well as for the strong."

NATION'S CHIEF HUNTS BRUIN

Roosevelt in the South on a Big Bear Expedition.

Crowds Appear at Stations to Welcome the President.

CINCINNATI, Nov. 12.—To-night President Roosevelt is speeding down through Kentucky on his way to Smedes, Miss., about twenty-five miles north of Vicksburg for a four-days' bear hunt. The place selected for the hunt is some miles from the railroad and is in the region which was formerly the favorite hunting ground of General Wade Hampton.

Years ago the President and General Hampton planned a hunt in this region, but it was never made and when President Stuyvesant Fish, of the Illinois Central, proposed the present trip, the President readily assented. The President, however, does not anticipate the pleasure of killing a bear so much as the pleasure of a few days' complete recreation in the woods. To one who has hunted grizzlies in the Rockies, black bears are not very big game. But hunting bears with horse and hounds will be a new experience for him.

Fish has arranged to have one of the best packs of hounds in the Mississippi delta at the camp. From Memphis the train will then proceed to Smedes over the Mississippi and Yazoo Railroad. There or near there it will be run upon a siding, there to remain until next Wednesday, when the President will return to Memphis.

The President's trip across Ohio to-day was pleasant but eventful. Despite the fact that the itinerary had not been published in advance, there were waiting crowds at almost all the stations and there were plenty of cheers as the train swept by. At Trinway, a small place west of Dennison, the school children lined up on either side of a large American flag and waved their handkerchiefs. The President stepped out on the rear platform and waved his hat in response to the demonstration of the little ones. At other places he showed himself and at Dennison he made a few remarks to the crowd saying:

I want to thank you very much for coming here to greet me and to say that I appreciate it. I only wish that I was not always afraid of some accident happening to the small folks. You know the problem of the little apples in the middle of the barrel. The little folks are just like that—always come in the middle. I shall not try to make a speech to you. I am going south to meet at Memphis a man who has done distinguished service—General Luke Wright—in the Philippines, and I am going to take four or five days' holiday first. It is a great pleasure to come here in your beautiful State; to have passed through Pennsylvania as I just have. I have not merely the hope, but the belief, that our people as a whole will so handle themselves that the good times we are enjoying may be continued; that we shall be careful not to mar them by foolish action and at the same time will have the forethought to cut out any evil that hampers the development of the good.

The only stop between Dennison and Cincinnati was at Columbus, where a stop of fifteen minutes was made to change engines. The gallery at the station, overlooking the tracks, was crowded with people. Dr. Gladden, the eminent clergyman, and General Axline greeted the President as he stepped out of his car. After a brief chat with them, the President went forward and shook hands with the engineer and fireman who were leaving at the end of this division and thanked them for the safe run. Then for several minutes the President and Secretary Cortelyou paced up and down the platform in sight of the crowd. He was given a parting cheer as he boarded the train to resume his journey.

At Cincinnati the President's train stopped from 6:10 until 6:33. A large crowd was in waiting, but they were kept without the gates and a space surrounding the President's train was kept clear by a platoon of police while the cars were switched from the Pennsylvania to the Louisville and Nashville tracks and engines changed. Here General Basil Duke, R. W. Knott, editor of the Louisville Post, and several officials of the Louisville and Nashville Railroad joined the President for his trip as far as Louisville. General Duke and Editor Knott were special guests of the President in his car when the train left Cincinnati, but the President put in all his time during the stop on the platform greeting friends. As the train pulled out the President, with General Duke and Mr. Knott on either side, bowed his farewell acknowledgments. The train is expected to reach Memphis at 9:30 to-morrow morning.

CLOUDBURST LAYS WASTE AN ISLAND

Special Dispatch to The Call.

SANTA BARBARA, Nov. 12.—Captain Merry of the yacht Daisy, accompanied by Sol Sheridan and J. F. Newby of Ventura and Oliver Gale of Chicago, returned from Santa Cruz Island to-night. The party reports a terrific cloudburst on that island on Sunday morning, which caused a loss of $2000 and the narrow escape of some Japanese fishermen from instant death. In speaking of the disaster Captain Merry said:

"We anchored in Disks Harbor on Saturday afternoon, the weather conditions indicating that a rain was near at hand. It did not begin, however, until Sunday afternoon at 1 o'clock, when a downpour set in and continued all night. At 5:30 o'clock on Monday morning we were all on deck when suddenly our attention was attracted by a rumbling sound equal in force to the booming of a thousand cannon. It took but a moment to ascertain the cause. Glancing toward shore we discovered that a cloudburst had occurred on the north side of Diablo Mountain and an immense body of water was rushing down the cañyon. This water was at the least estimate twenty feet deep and carried away everything in its path. Trees that measured two feet in diameter were torn up by the roots and carried out to sea. Nothing was left standing in the wake of that mighty volume.

"Near the beach was a camp of Japanese abalone fishermen who were sleeping in their tents, unaware of the impending danger. They were awakened by our party and had scarcely left their tents when the water struck their camp, carrying away everything in sight. The Japanese succeeded in reaching high ground and thus avoided instant death. These men had been on the island all summer and had accumulated abalone meat valued at $1250 and shells to the amount of $750. Their boats were picked up by us at sea. The entire harbor was filled with trees, logs and various other debris.

"When the storm was ended we went ashore and on level ground water was standing to a depth of from four to six feet. It was the most remarkable sight I have ever witnessed."

DIES IN A SALOON.—An unidentified man, evidently a laborer, about 50 years old, was discovered dead yesterday afternoon in the rear of a saloon at 405 Bush street. Death was due to natural causes.

IDENTIFIES HER DAUGHTER'S BODY

Girl Who Took Poison Proves to Be Miss Tillie Schaub.

Foolish Love Affair Is Only Cause Assigned for Her Tragic Death.

The body of the young girl who was found on Howard street, near Ninth, Tuesday night suffering from carbolic acid poisoning and who died while being taken to the Emergency Hospital, has been identified.

Mrs. Coombs of 735½ Minna street visited the Morgue last night with her two daughters, Lily and Lulu, and identified the body as that of Tillie Schaub of 731 Minna street. The mother of the dead girl was then notified, and she completed the identification.

The mother was overcome with grief and collapsed when she viewed her daughter's body. She could assign no reason for the suicide.

Lulu Coombs imparted the information that the dead girl had been in love with a roomer in her mother's home, and grieved because he left the city Tuesday morning. She said that on Tuesday morning Miss Schaub visited her and asked her to accompany her on a walk. Tillie said that the roomer was going to leave the city, and on that account she was not going to work that day. Miss Coombs could not go with her, so she went alone. Later in the afternoon she returned to her home and at 6 o'clock left the house without telling any one where she was going.

It is presumed that she took the acid soon after leaving the house.

The deceased had been attending St. Boniface's Convent up to three weeks ago, when she left to learn dressmaking with a woman on Herman street, near Castro. She was a good girl, according to the statements of those who knew her, and despondency over the departure of the roomer is the only cause given for her suicide.

Mrs. Schaub is a widow and conducts a small rooming-house. When her daughter did not come home Tuesday night she thought that she was stopping with some girl friends and did not become alarmed.

WOMAN SHIELDS HER ASSAILANT

Mrs. Rose Turner Refuses to Tell Police Who Shot Her.

A woman known as Rose Turner was shot at three times yesterday morning at 7:30 o'clock in the doorway of the house in which she lives, at 935½ Mission street. One bullet inflicted a flesh wound in her thigh, from which the loss of blood was great, but the injury is not serious. The woman's assailant is supposed to be Billy Sperry, who plays a piano in a Barbary Coast dive and poses as a pugilist. He has been in her company much during the two weeks she has lived at the Mission street house, and they have had frequent quarrels.

Sperry was arrested last night by Detective Ryan. He is held pending further investigation.

No one saw the shooting and the woman refuses to say whether or not Sperry is guilty of the crime. As soon as he had fired the shots the assailant ran out through the passageway leading to Mission street and boarded an outbound car.

The wounded woman, who is of Mexican descent and admits that her name is not Turner, says she has a husband and child in Los Angeles. Yesterday morning soon after 7 o'clock her landlady, who is variously known as Mrs. Jennie Mason, Mrs. Thompson and Mrs. Forbes, was awakened by the ringing of the doorbell. Without opening the door she asked who was there, and the man outside said, "I want to see Rose." Mrs. Mason called the Turner woman to the door and went back to her own room. Almost immediately three shots were fired. Mrs. Turner screamed for help, but by the time Mrs. Mason reached the door the man was gone.

Mrs. Turner was taken to the Central Emergency Hospital and was removed from there at noon to St. Luke's Hospital. Mrs. Turner said at first that the man who did the shooting was named Frank Collins. She wore a photograph button of Sperry and finally practically admitted that he was the man who fired the shots, but declared that she would not swear to a complaint or appear as a witness. It is presumed that the shooting was the result of jealousy.

CHOLERA KILLS SEVEN SOLDIERS

MANILA, Nov. 12.—Cholera made its appearance yesterday among the men of a detachment of the Fifth Infantry, which is stationed here. Seven men have already died and a number of others are seriously ill.

The detachment of the Fifth Infantry in question has been placed on guard along the Maraquina River, whence Manila receives its water supply, as it was deemed necessary to protect the stream from possible pollution. The cholera developed while the men were on duty.

It was believed that cholera had entirely disappeared from Manila, and its reappearance has created feelings of apprehension.

General Miles, who is making a tour of the archipelago, was given a reception and banquet at Iloilo yesterday. The general delivered a short address in which he expressed sympathy with the people in the affliction which had come to them with the war and cholera. He said he hoped for an early improvement in their affairs.

From Iloilo General Miles proceeded to Jolo.

The further decline in the price of silver has forced the Government to raise the exchange to $2 50 Mexican for $1 gold.

The cheapening of silver has resulted in increasing the losses of the Government and all other holders of silver. The instability of the present currency is seriously damaging business and the members of the Civil Commission and representatives of commercial interests on the islands will unite in making a strong plea to Congress for the establishment of a non-fluctuating Philippine currency.

JEFFERSON CITY, Mo., Nov. 12.—Judge Sherwood, in an opinion in the Supreme Court, sitting in bank, to-day declared unconstitutional the State whisky tax law.

STEPS ASHORE INTO ARMS OF LAW OFFICERS

NEW YORK LAWYER WHO HAS BEEN ARRESTED FOR EMBEZZLEMENT.

BENJAMIN F. CHADSEY, a brilliant young attorney of Brooklyn, N. Y., was arrested yesterday afternoon on the arrival of the steamer Newport from Panama, on a complaint from Kings County, N. Y., charging him with the embezzlement of $900. The affidavit on which the arrest was made is a voluminous document sworn to by Isabella Miller, guardian of the estate of Henry Meyer, a minor. She charges that in December, 1901, Chadsey collected $1000 from Charles Meyer, administrator of the estate of Caroline Meyer, the money belonging to her ward, Henry Meyer, and that in the face of repeated demands Chadsey refused to turn over to her the amount, less $100, which she says was the agreed fee for his services.

The police have been in possession of the warrant and affidavit for more than a week and have been watching all incoming steamers from Panama. The arrest was made by Detective John Freel of this city and Edward J. Orr, a private detective from New York, who was sent out with the papers in the case.

Chadsey claims that his arrest is the result of a plot to injure his reputation. He says that he has done a great deal of campaign work in the Empire State. He had in his possession when arrested newspaper clippings describing his efforts in the political fight which resulted in the election of President Roosevelt as Governor of New York. In these clippings he is described as the "golden tongued orator" of the State.

Chadsey says the money he is accused of embezzling is in a bank in Brooklyn awaiting proper qualification of the bondsmen for Mrs. Miller as guardian of William Meyer. He admits having received the money, but says it was turned over to him by the Surrogate Court with the understanding that his client would furnish a suitable bond. In the meantime a dispute arose over the fees which Chadsey was to receive and he says he purposely neglected to secure bondsmen until the matter of his fees had been arranged.

On October 4 Chadsey and his wife took passage on the steamer Finance for Colon, under the name of F. C. Frank and wife. They crossed the isthmus and came up the coast to San Francisco on the steamer Newport. His wife is at the California Hotel. Chadsey says he is perfectly willing to return to New York without extradition papers and will probably start East to-day in charge of the New York officer who caused his arrest.

A dispatch received from New York last night announces that Chadsey is also in contempt of the Surrogate Court. It is alleged that he overcharged the estate of Daniel M. Collins, a jeweler, $800 and was directed by Surrogate Chase to return the money. Chadsey disappeared soon afterward and an order adjudging him guilty of contempt was entered.

FAIRS' NEW YORK ESTATE HALF A MILLION DOLLARS

NEW YORK, Nov. 12.—Charles L. Fair, who, with his wife, Caroline D. Fair, was killed as the result of injuries received in an accident while riding through France in an automobile on August 14 last, left an estate in this State of the gross valuation of $500,000, according to a report which has just been made.

The estate consists entirely of personal property. Fair left no real estate in this State. This property will go to his two sisters, Mrs. Theresa Alice Oelrichs and Mrs. Virginia Vanderbilt, wife of William K. Vanderbilt Jr. The personal property consists of the following: Eighty bonds of the Southern Pacific Railroad Company, series B, $84,800; sixty-eight bonds of the Southern Pacific Railroad Company, series A, $76,500; temporary certificate 100 International Banking Company, $20,000; twenty-four bonds of the Monongahela River Railroad Company, $26,640; 113 bonds of the Ohio River Railroad Company, first mortgage, $126,560; 126 bonds of the Ohio River Railroad Company, general mortgage, $138,600; cash deposited with J. P. Morgan & Co., $8800; jewelry, $500; furniture in house at 331 West Seventy-fifth street and in Bolkenhayn Apartment House, $10,000.

HOTEL ARRIVALS.

NEW WESTERN HOTEL.

T Kennedy, Reno, Nev	H Birab, Presidio
D Kynes, Nebr	F J Vance, S C
R Kerr, Elmira, Cal	H Baker, Merced
O Johnston, Woodside	J Flaghorty, Ind
P Mattinsen, Woodside	H R Cramer, Lancastr
W S Henning, Lodi	W Simmons & w, G Val
W E Williams, Utah	G Du Broix, Ariz
G E Martin, S Anselmo	E Mason, Ariz
J King, San Anselmo	S P Parkest & w, Sac
T E Chandler, S Anselmo	W E Evans, Redwood
W Roach, Presidio	C B Smith, Louisville
D S Harrison & w, Okld	F J Edwards, Oakland
R August, Oakland	Miss M Green, Oakland
C Mixan, Oakland	Miss M Lewis, Oakland
P E Risman, Oakland	G Lewis, Albany, N Y
W J Ross, Oakland	G L Dawson, Haywrds
E W Waldron, Me	Miss Dawson, Haywrds
G Lamger, Philadel	Miss B Dixon, Haywds
G Bertalette, Philadel	J D Richards, Jimtown
G Carmody, Philadel	Prof L Lawrence, Nev
J Tschebull, Manila	J Drum, w & fam, Cal
W Coughnett, S Jose	J H Baird, Lompoc
H M Ball, Redwood	Miss L Baird, Lompoc

Late Shipping Intelligence.

ARRIVED.

Wednesday, November 12.

Stmr South Bay, Johnson, 28 hours from Eureka.

DOMESTIC PORTS.

PORT TOWNSEND—Passed inward Nov 12—Fr bark Ernest Reyer, from Hobart, for Tacoma; schr Albert Meyer, from Monterey, for Ballard.

Sailed Nov 12—Ship Sam Skolfield II, from Port Blakeley, for Port Natal.

PORTLAND—Arrived Nov 12—Ship Allerton, from Barrow.

OCEAN STEAMER.

QUEENSTOWN — Arrived Nov 12 — Stmr Commonwealth, from Boston, for Liverpool, and proceeded.

WORK IS BEGUN ON STEEL PLANT

Extensive Enterprise Is Under Way in East Oakland.

Ground Is Broken for Initial Structure on Large Harbor Site.

Oakland Office San Francisco Call, 1118 Broadway, Nov. 12.

The Pacific Steel and Wire Company, which contemplates the erection of an extensive plant in East Oakland, broke ground to-day on its twenty-five-acre site at the eastern end of the Oakland harbor basin, near the California Cotton Mills, at Twenty-third avenue. The initial structure is to be of brick, 450 by 118 feet. Machinery for the manufacture of steel specialties is en route from the East, and the company expects to have the building ready for the installation of the plant by January 1.

The projectors declare that the manufactory is to be one of the largest in the United States, and is to be established in this city because they have decided that Oakland harbor is an ideal location.

In a statement issued to-day the projectors say:

The site selected has a frontage of nearly a thousand feet on the main line of the Southern Pacific Railroad, and over 1500 feet water frontage on Oakland harbor, thus giving the new company unsurpassed shipping facilities by rail and water. The location selected is also convenient to the street car lines of the Realty Syndicate in Oakland, thus providing accessible homes for the workmen.

The stockholders of the Pacific Steel and Wire Company comprise some of the ablest and most conservative business men on the Pacific Coast, including among their number D. O. Mills, H. E. Huntington, I. W. Hellman, president of the Nevada National Bank; A. Borel, of A. Borel & Co.; Percy T. Morgan, president of the California Wine Association; Frank M. Smith, president of the Pacific Coast Borax Company; Lewis E. Spear, formerly of Lewis E. Spear & Co.; John Rosenfeld's Sons Co.; W. H. Talbot, of Pope & Talbot.

The charter of the company is a very broad one, covering all manufacturing operations. The immediate purpose of the corporation, however, is to manufacture only the fine art steel and wire specialties, for which there is a great and growing demand in the rapidly developing Pacific Coast States, and the prospect of a large export business with the islands and countries of the Pacific that can be advantageously reached from San Francisco.

The company has strengthened its position by making immediate connections with the new and modern factories of the National Steel and Wire Company on the Atlantic coast, at New Haven, Conn., to supply the Atlantic coast sections and export trade from that coast, and of the DeKalb Fence Company and Union Fence Company, at DeKalb, Ill., to supply the great Middle West and Northwest and Southwest sections; while they will have superior advantages in securing a supply of steel from the Lackawanna Steel Company of Buffalo, New York, the newest and largest steel plant in the world, some of the stockholders of the Pacific Steel and Wire Company being large stockholders in the Lackawanna Company.

The executive offices of the company will be in the Mills building, San Francisco, and the warehouse of the company will be temporarily at 134 First street, San Francisco, the store formerly occupied by the DeKalb Fence Company and Union Fence Company, which business will be hereafter conducted by the Pacific Steel and Wire Company.

The management of the company will be in the hands of thoroughly practical men, who have had many years' experience in the business with the Washburn & Moen Manufacturing Company.

The establishment of this plant on the Pacific Coast is another indication of the future growth of the manufactures of California and an earnest effort to develop the export trade of the countries of the Pacific, as well as building up the resources of the Pacific Coast by affording a home market for its products. Large inducements were offered by other cities to induce the location of the plant elsewhere, but the location selected is considered the best on the Pacific Coast in point of rail and water facilities, superior climate, and sufficient ground for the building of additional factory facilities as the growth of this country and trade justifies.

The officers of the company are Frank L. Brown, general manager; Frederick W. Hall, vice president and general counsel; Lewis E. Spear, treasurer.

SAY DAUNTLESS WAS RAMMED

In a suit for $200,000 damages filed yesterday by the Union Transportation Company against T. W. Newell, the Sperry Flour Company, the California Navigation Company and several stockholders in the corporations named, the serious charge is made that the sinking of the steamer Dauntless in the San Joaquin River above Antioch on the night of August 24, 1901, was the result of a determined effort on the part of the defendants to prevent the plaintiff corporation from engaging in the business of carrying freight between points on the river and this city.

Two causes of action are named in the complaint and on each $100,000 damages is asked. It is claimed by the plaintiffs that the collision between the steamers Mary Garratt and the Dauntless, which resulted in the sinking of the last named steamer, was caused by the issuance of orders by the plaintiffs to the master and pilot of the Mary Garratt to run into the Dauntless, with the intent of so disabling her that she would not be in condition to carry freight up and down the San Joaquin River. The alleged orders, alleges the plaintiff corporation, were the result of a conspiracy entered into by the defendant corporations and others.

The other cause of action is alleged to be the unseaworthiness of the Mary Garratt, which according to the complaint was in such condition that she would not answer her helm and therefore was uncontrollable.

BEQUEATHS ENTIRE ESTATE TO HIS FAMILY

The will of the late A. H. Washburn, one of the pioneers in the development of the Yosemite Valley, who died October 25, has been filed for probate in Wawona, Mariposa County, by Wilson & Wilson, attorneys for the deceased. Attorney J. W. Congdon of Wawona represented the Wilsons in probating the will.

Washburn left a fortune of approximately $100,000. According to the terms of the will the entire estate is left to his wife and married daughter, Mrs. C. C. Higgins. His two brothers, John S. and E. P. Washburn, and his former business associate, John B. Cook, are named as executors and subsequent trustees. The sum of $1500 is left to each of three nieces of the deceased, Misses Alice and Charlotte Bruce and Mrs. J. I. McMullen.

Towne-Weinstock Wedding.

SACRAMENTO, Nov. 12.—An event of much interest in social circles occurred to-day when Miss Alice Weinstock, daughter of Mr. and Mrs. H. Weinstock, and Burton A. Towne, son of Mr. and Mrs. H. A. Towne of Minneapolis and nephew of the late A. N. Towne of San Francisco, were married at the home of the bride's parents, 1631 H street, by Rabbi Bernard M. Kaplan of the Synagogue Congregation B'nai Israel. The bridesmaid was Miss Marion Towne, sister of the groom, while Dr. Jule Frankenheimer of Stockton was groomsman. After a wedding tour Mr. and Mrs. Towne will make their home near Woodbridge, where Mr. Towne has a vineyard.

WILL RUSH WORK ON LABORATORY

Dr. Jacques Loeb's Researches Soon to Be Resumed.

Fully Equipped Workshop for Scientist on College Campus.

BERKELEY, Nov. 12.—The erection of the laboratory for Dr. Jacques Loeb, the newly chosen professor of physiology at the State university, to build which Rudolph Spreckels donated $25,000, will be commenced at once.

Since Professor Loeb is to commence the duties of his new office on the first of the year, the building of his laboratory will be rushed. The place upon the campus for its erection has not yet been selected, but already John G. Howard, the supervising architect, has drawn tentative plans for its construction.

The structure will consist of a main building and two wings. The central portion of the building will be given over to extensive laboratories for the use of Dr. Loeb and his assistants in the pursuance of their individual researches. Every modern appliance and all of the requisite scientific paraphernalia for the work of the scientist will be installed.

A feature of the projected physiology hall will be a salt water aquarium, installed in one of the wings of the building, where the scientist may preserve alive all of his marine subjects and study their vital processes. Electrical machinery will keep a constant flow of pure water through the tanks.

As assistants in his work in the newly created department of physiology at Berkeley Dr. Loeb will have Dr. Martin Fischer and Professor Charles G. Rogers, both his former associates at the University of Chicago. Dr. Frank W. Bancroft of the present department of zoology will take charge of the undergraduate classes in the department.

DIVINE THROB SHOWS NOT AT ZECH CONCERT

The second of the Zech symphony concerts at Fischer's Theater was given yesterday afternoon with a good audience in attendance. Evidently the interest in this form of music is actively aroused, and there was plenty of enthusiasm in the welcome accorded to the conductor and his confreres. People who are rarely seen at concerts have been attracted to the Zech series by one and another consideration, and though Mr. Zech cannot be said to have solved the symphony problem, he is yet doing excellent service in keeping alive the attention already directed to the question. But Mr. Zech has not solved the problem. With some good features all its own, and certainly conspicuously better than none at all, Mr. Zech's symphony leadership is yet far from that leadership for which San Francisco has been waiting so long. As evidenced by the work at yesterday's concert, the conductor's chiefest lack is in the fundamental direction of rhythm. The pulse of a movement, the divine throb of perfect rhythm, was never felt. One never knew quite where in the beat Mr. Zech's baton was. Particularly noticeable this was in the show movements, with the result of a slackness and uncertainty of grasp that made the effort of listening anything but an easy one. Neither were the shade and color of the work at all approaching the long desired. Possibly owing to the smallness of the hall, the effect throughout was overweighty, the prevailing tone quality harsh. There were no pianos, and the balance of the parts, with lost melodies and soaring accompaniments, was at times even absurd.

But there was spirit in the performance, conscience and good taste and enterprise shown in the choice of the interesting programme. The first number given was the fine E minor symphony of Tschaikowsky; after which came Chadwick's "Melpomene" overture—curiously in the same key. The Schumann "Abendlied," arranged for strings, was encored heartily and played twice. Saint-Saens' symphonic poem, "Phaeton," specially in the second part, was the best work of the afternoon, and the Brahms G minor "Hungarian Dance" closed the programme. At the next concert, to take place on November 26, at 3:15, the following programme will be given:

Symphony No. 4 in D minor.....Schumann
Prelude to "Tristan and Isolde".....Wagner
"Peer Gynt" Suite .....Grieg
"Lamia," Symphonic Poem (after Keats) .....Frederick Zech Jr.
(Given at the request of patrons.)

With an amateur orchestra of seventy-five members Mr. Minetti made a truly excellent showing last night at the Alhambra Theater in the first of the Philharmonic concerts of this season. Not for some time has the Philharmonic Society been at its present high level and the work done last evening shows an enthusiasm and sincerity of effort as well as a general excellence of material that the leader must be sincerely congratulated upon. The programme was a distinctly ambitious one for a society of amateurs to attack. Bizet's "Patrie," a difficult and complex work, was the chef d'oeuvre of the evening and was given with a freedom and vivacity, variety of shading and breadth that were entirely creditable to the young performers. Their work was hardly less admirable in the orchestral setting of Bruch's G minor violin concerto, in which the orchestra displayed a discreetness and sympathy of very high order. Mr. Willard, who played the Bruch concerto, is a performer of taste and nice judgment. His tone is not large, though pure, his intonation true, his whole work fluent and sincere. The "Rosamunde" overture, Bolzoni "Minuetto" for strings—very daintily given—and the Strauss waltz, "Du Und Du," completed the programme.

Thanksgiving Proclamation.

SACRAMENTO, Nov. 12. — Governor Gage this afternoon issued the following Thanksgiving proclamation:

Executive Department, State of California.

Conforming with the law and the proclamation of the President of the United States of America, I, Henry T. Gage, as Governor of the State of California, do hereby proclaim Thursday, the twenty-seventh day of November, A. D. 1902, a legal holiday.

HENRY T. GAGE,
Governor of the State of California.

Attest: CHARLES F. CURRY,
Secretary of State.

Sacramento, November 12, 1902.

FORCE for the FEEBLE

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USE THE KNIFE AS LAST RESORT

Surgeons Operate on W. D. English for Appendicitis.

Say Patient's Chances for Recovery Are Much Improved as Result.

Oakland Office San Francisco Call, 1118 Broadway, Nov. 12.

William D. English, secretary of the State Board of Harbor Commissioners, submitted at noon to-day to an operation for appendicitis, after his physicians had decided that surgery was absolutely necessary to meet the conditions which were diagnosed by them during the week that Mr. English had been under close observation.

Dr. D. D. Crowley and Dr. E. H. Woolsey performed the operation at East Bay Sanitarium. The patient rallied well from the shock and there was an excellent reaction. His condition, as revealed by the knife, was such as to fully warrant the extreme measures taken. According to the surgeons, a week must pass before they can give a final decision as to the outcome.

After the patient had recovered from the effects of the anesthetic the doctors found that he was showing good indications of reaction from the temporary shock. The operations uncovered an abscess, the same in character and development as that which necessitated surgical treatment recently of King Edward VII. The operation was on the same lines as those followed in the case of the royal patient across the water.

Dr. E. H. Woolsey, the English family physician, with Dr. D. D. Crowley, associated, attended Mr. English and they were assisted by the hospital staff.

"We can say that Mr. English has more than an even chance for recovery," announced Dr. Crowley after the operation was completed and reaction had set in so favorably. "It will, however, be a week, in all probability, before a definite statement concerning the ultimate outcome can be given. We are very hopeful that the patient will fully recover."

Eastern Bowlers Win Again.

The All-American bowlers met the members of the San Francisco Club at the San Francisco alleys last night and proved easy winners. In the five men team, the Eastern men lost the first game by five pins, but won the remaining four. They captured the second game by 42 pins, the third by 96 pins, the fourth by 49 pins and the fifth by 52 pins. Peterson and Wolf of the All-American team defeated Kronke and Joosten of the San Francisco team by 61 pins in the first game and 118 pins in the second. Selbach and Voorheis of the All-Americans beat Rohrs and Schulte of the local team by 88 pins in the first game and 17 in the second. Peterson and Wolfe then played two games with Schlichting and Kronke and beat them 23 pins in the first match, but the local men captured the honors by 29 pins in the second match. Lagarde of the San Francisco team won from Voorheis of the All-American team by a score of 416 to 402 in singles.

At Gornegrat, on the Zermatt mountain railway, stands the highest postoffice in Europe. It is over 9000 feet above sea level.

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Of Fast Heart Lasted 160 Hours.

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Dr. Miles' Heart Cure and Nervine Cured Me.

"For seven years I have been troubled with what the doctors called a 'fast heart,' going at once from the usual beat to twice as fast, which in a short time would exhaust me terribly and only after treatment by a physician it would get back to normal speed. These attacks increased in frequency and severity until December, 1901, when they came on once a week. Each attack would lay me up a day or more. The attack beginning January 13th, 1902, lasted 160 hours (almost a week) my heart beat almost one hundred and fifty per minute and some times more. During this week my physician consulted with four other doctors, but all to no purpose. My heart finally slowed up, and it was then a serious question with my family what to do next; as for me, I was too far gone to care much what happened. Dr. Miles' almanac said, "write for advice" and my son wrote, receiving a nice reply. A neighbor told us he had used your remedies with great benefit. I took courage, began the use of Dr. Miles' New Heart Cure and Restorative Nervine until I had taken eleven bottles of the Heart Cure and seven bottles of the Restorative Nervine. I had two slight attacks after I began the use of your medicine the last one lasting only thirty minutes. For more than three months my heart has run without a flurry. I am cured, and Dr. Miles' Remedies did the work. I have been postmaster here for more than ten years."—M. T. CANTRELL, P. M., Fredonia, Kansas.

All druggists sell and guarantee first bottle Dr. Miles' Remedies. Send for free book on Nervous and Heart Diseases. Address Dr. Miles' Medical Co., Elkhart, Ind.

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