

ENGINEER MCGUIRE GIVES TEST MONY ERROR PRONER Man Who Held Throttle on Stockton Flyer Says He Was Not Given Sufficient Warning.

Continued From Page 1, Column 4.

"I think we were a few minutes late. We were scheduled to leave at 5:23. We followed the Owl about thirty minutes after it had passed out of the mole, replied McGuire.

"Suppose the Owl is late—do you follow on time?" "Yes, sir."

FOLLOWED THE OWL. The witness stated that, notwithstanding the fact that the Owl is sometimes late, he followed out on time. He testified that the Owl was frequently late. He did not know whether the Owl was late on this particular day.

"Then you can follow the Owl out after she has ten minutes start?" interrogated the Coroner. "That is after we pass the block station at Port Costa. We can follow any train ten minutes after that," replied the witness.

"After leaving Port Costa, have you any means of finding out where the Owl is?" "No, sir. Not unless they stop us at some of the telegraph offices."

"Did they on this occasion?" "No, sir."

"Is any one on duty at Byron at night?" "The Fresno train follows me and I presume it is open for the transaction of business, but not for telegraphing. I was once stopped at Brentwood."

"How long ago were you stopped at Brentwood?" "It occurred since August. They stopped me because I was not ten minutes behind the Owl."

"How many minutes apart are you at Brentwood?"

CONSULTS TIME CARD. "The time card will tell you that. I do not know of my own knowledge. It is not clear in my mind. I think twelve or fourteen minutes."

The witness then consulted the time card and said that according to the time card the Owl was scheduled to arrive at Brentwood at 7:56 and the Stockton Flyer arrives at 7:56, about fifteen minutes difference. The witness said the Stockton Flyer made faster time than the Owl. He said it was nineteen minutes faster to Tracy.

"Where is most of the time made up?" "From Port Costa to Tracy. I think our schedules are about the same from Oakland pier to Port Costa. My time begins to increase after passing Antioch. From there to Tracy, which is beyond Byron, we make up time, but we attain our greatest speed between Brentwood and Tracy, a distance of twenty and a half miles. Our schedule time for the distance is twenty-four and a half minutes. The schedule is as fast as the engine will go."

"As you approached Brentwood on the evening of December 30, what was the condition of the semaphore?" "It was clear for me. The light was green, which gave me a clear passage. The light seemed to be dim. It was obscured by smoke."

"Were you late at Brentwood?" "About forty seconds late."

"What was your reason for being late?" "According to his duties, the sick man sitting on our seats. Upon reaching Brentwood I slowed her down to be sure that the board was right before passing it. I then pulled open the throttle and we bounded forward with as much speed as we could. The witness said the fireman sanded the tubes to clear them of smoke, so the engine would steam better. It did not take him half a minute to do this work."

"Will you describe the events that followed after the fireman sanded the engine until the accident took place?" "There was nothing particular to describe. The first thing that attracted my attention was the fireman passing the whistle post near Byron."

WITNESS NEARLY FAINTS. The witness paused and acted as if he was about to faint. He clasped his weak hand over his breast and a look of pain crossed his face. Dr. Leland bent forward and kindly asked the sick man whether he would like a little brandy, but the witness declined. When the pain had subsided Dr. Leland asked:

"What is the distance of the whistle post to Byron?" "I presume about half a mile."

"Did you see the whistle post?" "I did, sir. I whistled directly opposite the post. It was on the right hand side of the engine. I pulled the valve directly opposite the post. The rules of the road called for a whistle at this post."

"The first thing that attracted my attention," continued the witness, "was the unusual number of white lights at or near Byron station. There seemed to be an unusual number of lanterns at that point. They were to the right of the track. I did not expect to find any lights there, and the mere fact that they were there made it unusual. I was watching those white lights to see if any signals were to be given to affect the movement of my train. When I discovered the red lights on the rear of the Owl I immediately shut off steam and applied the emergency airbrake. I opened the sand lever, and when the crash came I was in the act of reversing my engine."

SAW LIGHTS ON OWL. "How far after leaving the whistle post had you gone when you saw the lights of the train?" "I think 300 feet. I first saw the red lights of the train about 100 feet from the whistle post; after that I saw the flagman."

"How long a time elapsed after you saw the red lights of the Owl before you saw the flagman?" "I think two or three seconds. I did not see the flagman until after I had applied the airbrake. When I answered his signal I had applied the air. I was traveling at a rate of speed of about eighty-eight feet a second. I think but ten or twelve seconds elapsed between my whistles for the post and in answer to his signal. I applied the brakes before answering the signal."

"Give us in sequence the various acts you did in stopping the train, from the time you saw the red light on the rear of the Owl?" "I first shut off steam. I can't tell you in sequence what I did after that. It was done so rapidly. I opened the sand valve and I was in the act of reversing the engine when the crash came."

"Now, when you saw this red light, did you appreciate your danger?" "I knew then we were going to have a wreck. I knew the red lights were be-

tween me and the white lights. I knew the white lights were at or near the station. I knew I could not stop at the white lights. I did everything in my power to avoid a collision. The witness stated that he never acted more calmly in his life; that when he saw the red lights he knew there was going to be a wreck.

"Were you so calm that notwithstanding the fact that you knew you were going to have a collision you made no attempt to jump?" "I was so intent on my work that the idea that I might be killed or injured never entered my mind. I made no effort to jump from the train."

WILDER ON STAND. An adjournment was taken to the Coroner's office and, at the afternoon session, Dr. Leland read the testimony of W. M. Moore, G. E. Church and Charles Copie, who testified at the inquest in Martinez. James J. Wilder, superintendent of the Western division, was examined at length, but could throw little light on the investigation. He told of certain rules the railroad company had for flagging trains, placing torpedoes on the track and other methods of avoiding accidents.

W. J. Dolan, conductor on the Owl, was recalled and gave the following testimony about the time schedule of the Owl and flyer: "We reached Byron at 7:55. We were scheduled to arrive at 8:58. We were seven minutes late. The Stockton flyer was due at 7:12—seven minutes after our scheduled time. It arrived pretty near 7:12 this night. I consulted my watch and that was the time. I never realized there was any danger. I had sent my man back to see that the rear brakeman was on his way to flag the train and I had confidence in my crew. We passed Brentwood four minutes late and arrived at Byron about six minutes late. Our train was equipped with fuses, flags, lanterns and other appliances for flagging trains."

Dr. Bagdadi, the autopsy surgeon, stated that the twelve people upon whom the inquest was held had died from shock, burns and other injuries. "Thomas Ambrose, an engineer in the employ of the Southern Pacific Company,

showed his friendship for Engineer McGuire by appearing as an expert. Attorney Meyers tried to show that oil used on a leaking engine threw out a dense smoke. The witness admitted this fact. The witness corroborated McGuire in many of his conclusions about stopping trains and seeing white lights.

After a prolonged examination Dr. Leland instructed the jury and it retired, bringing in its verdict of acquittal to the crews of the two trains and advising the Southern Pacific Company to adopt the block system.

RENDERS FORMAL VERDICT. Oakland Coroner's Jury Fails to Place Blame for Wreck. OAKLAND, Dec. 30.—The Coroner's jury inquest into the death of Miss Alice Sullivan, the only victim of the Byron train wreck to die in Alameda County, rendered a formal verdict of death by accident to-night, without attempting to place the blame for the disaster upon any one. On the witness stand, the jury members by the Coroners of Contra Costa and San Francisco counties the proceedings were purely perfunctory, only one important witness being examined.

William A. Dolan, conductor of the Owl train, was the only important witness. His story did not differ from those given at Martinez and San Francisco. He said that when the engine broke down at Byron the suggestion was made to him by Engineer Kerp that they employ the freight engine standing on the siding there to take them to Tracy, where another engine could be secured. He then ordered the head brakeman to inform Rear Brakeman Cole, to flag the Stockton flyer which was then due. At the moment the head brakeman left to execute his errand there were still six or seven minutes to elapse before the Stockton train would arrive. He lingered until he heard the message delivered and the rear brakeman going up the track away from the train; then went into the station to telegraph for an engine to take the place of the freight engine when they got to Tracy. He said that the freight engine he heard the first whistle for the station and then the whistle in reply to the brakeman's signal. A little later he heard the crash of the two trains.

"Did the brakeman have time to get back far enough to properly flag the Stockton train?" asked one of the jurors. "Yes; he had six or seven minutes. He had gone back seven or eight hundred feet. It was far enough for the engineer of the Stockton flyer to have stopped his train if he had time to do so."

Frank A. Robertson, conductor of the train bearing the wounded, on which Miss Sullivan died, testified that she passed away after the train had left Stege. Joseph P. Blufford, the deceased's brother-in-law, identified her as that of his sister, and said she was on her way to Fresno to spend the holidays.

The verdict of the jury was that "the death came to her death on a Southern Pacific train between Stege and Oakland at about 8 o'clock a. m., December 21, 1902, and that death was caused by shock resulting from extensive burns which she received in a railroad wreck on the Southern Pacific Railway at Byron, said wreck having been caused by the train known as the Stockton flyer running into the rear of what is known as the Owl train at said last-named point."

The jurors were William Mercer, C. M. Richardson, J. A. S. Jones, the Stockton juror, Ira Foutz, H. N. Garb, W. Owen, Jr., and George A. Taylor.

LOCKJAW AND DEATH FOLLOW GUNSHOT WOUND Richard Dowling Discharges Weapon Accidentally and Injury Causes Blood Poisoning. OAKLAND, Dec. 30.—Lockjaw and then death are the results of the accidental wounding by gunshot of Richard Dowling of Elmwood, one of the wealthiest farmers of the county. Dowling was annoyed by gophers on his place and in an attempt to get rid of them he used a shotgun. Two weeks ago while reloading his gun the weapon was discharged accidentally, blowing off the index finger of the left hand. He stopped at the attendance was given him, but in spite of it blood poisoning and lockjaw set in. Everything was done to save his life, but he died last night after suffering intensely.

Mr. Dowling was a native of Ireland, 78 years of age. He leaves a family consisting of a wife and ten children.

Y. M. C. A. Watch Services. OAKLAND, Dec. 30.—The Y. M. C. A. will hold "watch" services to-morrow night in its building, beginning at 9 o'clock, and lasting until midnight. All, whether members or not, are invited. The programme follows: 9 to 10 o'clock—Song service and musical programme, conducted by Wesley Adams; special numbers; quartet songs; Excel. Trombone Quartet of Oakland; soprano solo, Miss Julia Johnson; flute solo, C. A. Wesley; trombone solo, T. McElla. 10 to 10:30 o'clock—Address, "Looking Backward," George Sutherland, State secretary; Internals, 10:30 o'clock—Address, "The Future," Rev. E. W. Work, D. D., Berkeley. 11:15 o'clock—"Look Forward," led by W. A. Kling. 12 o'clock—"Happy New Year."

Loeb's Assistant Arrives. BERKELEY, Dec. 30.—Dr. Charles G. Rogers, formerly of the University of Chicago, who was appointed by the university regents as assistant to Professor Jacques Loeb at Berkeley, arrived on the scene of his future labors to-day. He will have an important place in the new laboratory, which is to be erected for the accommodation of the famous scientist.

Haywards Light Plant Sold. OAKLAND, Dec. 30.—The electric light plant that was formerly operated by the town of Haywards was sold at auction in that municipality to-day, M. Silverstein, J. C. Baker and Hyman Davis being the purchasers. The selling price was \$4800. The plant was owned by the Suburban Electric Company, which is now selling light to the town.

Geologists Meet. BERKELEY, Dec. 30.—The Cordilleran Branch of the American Geological Society opened its annual session in South Hall on the university campus to-day. Important papers were read by E. W. Hilgard, dean of the college of agriculture, and others. The society will continue its sessions during the next two days.

Engagement of Two Dentists. OAKLAND, Dec. 30.—The announcement was made to-day of the engagement of Dr. C. H. Walker and Mrs. Dr. Lu-Ella Cool. Both are practicing dentists in Oakland and are well known, having been residents of this city for many years.

Sheriff Contest Continued. OAKLAND, Dec. 30.—The Rogers-Bishop contest for Sheriff was continued this morning until Friday by Judge Ellisworth.

Wife Sues for Divorce. OAKLAND, Dec. 30.—Helen Gordon to-day brought suit for divorce against John Gordon on the grounds of extreme cruelty. They were married in 1900.

Orders Federal Ships Away From Naval Station. Takes Action to Compel the Suppression of Gambling Resorts. Local Authorities Must Move Toward Removing Evil Influences Surrounding the Enlisted Men.

WASHINGTON, Dec. 30.—The Navy Department will adopt heroic measures to protect the enlisted men at the Puget Sound Navy Yard, near Seattle, Wash., from the evil influences which exist at Bremerton. An official report received to-day from Rear Admiral Stirling, in command of the yard, details the deplorable state of affairs in Bremerton and Acting Secretary of the Navy Darling to-day issued an order which will have the effect of keeping naval vessels away from that station in the future until the nuisance is abated.

Gambling resorts and disorderly houses, the report says, flourish just outside the yard, especially when one of the war vessels is in port, and as the Government has no other means of protecting the men from the attendant evils, it was decided to force the local authorities to take action by keeping ships away from the yard.

Admiral Stirling, in concluding his report, says: "I understand that the conditions as to the police regulations have improved somewhat in Bremerton since the town was incorporated about one year ago, and it is thought that the officials of the town being nearly all navy and employees of the government might bring an influence to bear upon them for still further improvement."

The suggestions of the commanding officers of the receiving ships and marine barracks in regard to affording the men facilities for recreation and amusement are approved, including the recommendation that beer and light wines be allowed in the men's clubs, under proper restrictions.

Acting Secretary Darling's indorsement follows: "The department deems it inadvisable to subject American sailors to the immoral influences of the Chinese and other conditions surrounding the Bremerton yard are corrected by the civil authorities no further ships will be ordered to stop until the conditions are improved."

Consul Goodnow IS UNDER FIRE Americans in Shanghai Accuse Him of Some Irregularities.

WASHINGTON, Dec. 30.—John Goodnow, United States Consul at Shanghai, has been made the object of formal attack by the American Association at Shanghai and the charges will be duly investigated by the State Department. The principal charge is connected with the wounding of the Chinese to the American flag of a vessel. It is alleged that the Consul General charged excessive fees for his part in the transfer. Again it is charged that he refused to perform his duty in ordering a court of inquiry to examine into the facts connected with the wreck of this ship.

Mr. Goodnow has put in a vigorous defense, asserting that the first charge, based principally on the affidavit of a Chinaman, is untrue. The second charge he replies that he was not approached by any authorized person to order the court. It is expected that when the State Department comes to take up this case the questions at issue being mainly of fact, it will refer the matter to the United States Legation at Peking for investigation and report.

BETTER CAR SERVICE FOR LOS ANGELES CITY Extensive Improvements Are Contemplated and the Suburban Lines Will Be Extended.

LOS ANGELES, Dec. 30.—The extension of the Washington-street line of the Los Angeles Railway Company from its present terminus at Western avenue will be commenced at an early date. About \$250,000 of new material, including fifty new cars and coaches for use on the newly completed and contemplated suburban lines, will be ordered by President Huntington early in the year. Since Huntington's departure for the East in the fall, the General Manager Randolph of the Pacific Electric Railway has placed in operation nearly seventy miles of railroad, exclusive of the mileage to Monrovia.

In the next year Whittier, Santa Ana, San Pedro and immediate territory, and possibly San Bernardino are expected to have rapid transit by means of the Huntington and Hellman Interurban electric railway system.

COMMERCIAL TRAVELERS ELECT THEIR OFFICERS Organization Has Large Membership and Goodly Money Reserve.

ST. LOUIS, Dec. 30.—At the twenty-fifth annual meeting of the Western Commercial Travelers' Association, held here to-day, the following officers were elected: President, H. A. Kretschmar, St. Louis; vice president, R. T. Heath, San Francisco. The board of directors will elect the secretary-treasurer next Saturday.

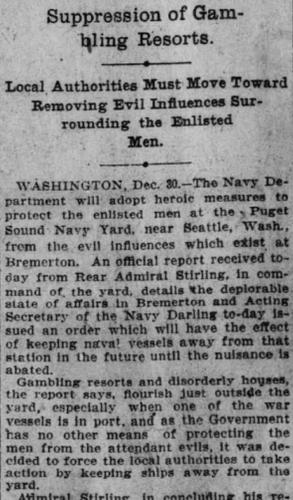
The report of the treasurer showed that \$114,000 has been paid in the past year in death losses, leaving a balance in the treasury of \$36,436. The total membership of the association is 1383, embracing members in every State in the country. Since organization in 1878 the total death benefits paid amount to \$1,822,000.

Body Found on a Railroad Track. LOS ANGELES, Dec. 30.—Coroner Holland was notified by the Southern Pacific officials to-day that the body of a well-dressed man had been found on a track near Saugus by the trackwalker. The man had either fallen from a train or been struck by a train and killed during the night.

NEW HAVEN, Conn., Dec. 30.—Captain Francis G. Boston, one of the prominent citizens of New Haven, died to-day from a pistol shot wound, self-inflicted December 4 during a fit of temporary aberration, resulting from illness.

MARIN COUNTY TO PART WITH A TRUSTED SERVANT

Coroner Eden Will Retire to Private Life After Twenty-Seven Years' Service.



EDWARD EDEN. CORONER OF MARIN COUNTY, WHO WILL RETIRE TO PRIVATE LIFE.

SAN RAFAEL, Dec. 30.—Edward Eden, Coroner and Public Administrator of Marin County, will retire from office Thursday, after having faithfully served the public for 27 years. He has been Coroner for a longer period than any other official in the State holding a similar office. He was first elected Coroner in 1874 and has succeeded himself seven times.

Coroner Eden is one of the pioneers of the State, having arrived here in 1853, and with the exception of a few years spent in mining he has been a resident of San Rafael. He was born in Holland, June 5, 1837, and at the age of 14 he shipped aboard the mast. He followed the sea for several years and then decided to try mining. He spent some time in the American River district and when he gave up the life of a miner he settled in this county and married.

Dr. W. F. Sawyer succeeds Coroner Eden.

ATLANTIC SQUADRON IS TO BE SUBDIVIDED

Three Sections to Be Made With "Fighting Bob" Evans Commanding.

WASHINGTON, Dec. 30.—The Navy Department has decided to divide the Atlantic squadron into three divisions instead of two, as at present, and to send out another flag officer. The heavy battleships will be under command of Rear Admiral Evans, who also will be in command of the entire squadron; the cruisers under the command of Rear Admiral Cooper, who is to succeed Rear Admiral Wildes, and a new division comprising the light gunboats will be created under the command of Rear Admiral Yates Stirling, now commandant of the Puget Sound Navy Yard. The latter will raise his flag on the gunboat Rainbow and will have his general headquarters at Cavite.

DO HONOR TO LORENZ

NEW YORK, Dec. 30.—Professor Adolf Lorenz to-day was presented with the resolutions recently passed by the Board of Aldermen extolling the work he has done in this city, particularly for the poor. The surgeon was escorted to the City Hall, where Alderman Walkley delivered an address and Alderman Bullman presented the album containing the engrossed resolutions. Professor Lorenz replied, thanking the Aldermen and expressing his pleasure at the reception tendered him in the United States.

STORMS DAMAGE SWEDEN

COPENHAGEN, Dec. 30.—Many Swedish towns, especially Laimo, Halmstad and Marstrand, have been severely damaged by the recent storms. Many persons have been drowned. Three Russian and hundreds of Scandinavian vessels have been wrecked.

STATE FEDERATION OF WOMEN'S CLUBS

FRESNO, Dec. 30.—The State Federation of Women's Clubs has arranged to issue its call on January 3 for the big meeting to be held in this city February 8, 4 and 5. The principal problem which is now confronting the ladies is that of accommodations for the visitors. For months it has been almost impossible to get vacant rooms in Fresno and the same condition will probably prevail during February.

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KITCHEN REQUISITES

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CASSIDY STICKS TO FIRST STORY

Denies All Knowledge of the Other Incendiary Fires. Authorities Expect to Connect Him With Three of the Blazes.



SAN RAFAEL, Dec. 30.—William Cassidy, who confessed yesterday to having burned the Williams block Sunday night, still languishes in the County Jail, and his parents are prostrated with grief. The officers and detectives endeavored to-day to connect Cassidy with the other incendiary fires and to-night claim they have much incriminating evidence against him.

Cassidy was subjected to the "sweating" process by the District Attorney and Sheriff Taylor, but to no avail. He vehemently proclaims his innocence of any of the other crimes. The circumstantial evidence against him is strong in several cases, however. The officers believe that they will be able to connect him with the fires at Murray's stable, the Eckhoff cottage and the Donohue home. At Murray's a candle was found among other pieces of the Sacramento Bee. The Cassidy's subscribe for that newspaper. When the Eckhoff cottage was fired young Cassidy was working there. Later in the day a mattress in the cellar of Cassidy's own home was discovered on fire.

At the time of the Donohue fire Cassidy was working next door. Young Cassidy was always considered a most exemplary lad. He was a prominent member of the George Washington League, a society composed of abstainers from tobacco and intoxicating liquors. The case of the people vs. William Cassidy, charged with attempt at murder by Mrs. Maggie Morris was called, but postponed until Friday. Mrs. Morris is the mother of Antonio Morris, the lad who, together with Eugene Case, confessed to having started nine fires in San Rafael. She alleges that Mulcahy, a neighbor of hers, on the night when Cassidy's house was found on fire, deliberately fired a rifle through her window and narrowly missed her head. With Eugene Case and Antonio Morris one of the county and William Cassidy behind the bars the citizens of San Rafael do not yet feel safe from attack of the fire-bug's torch. All the buildings in the fire-bug infested district are being watched closely.

STATE TEACHERS MEET IN ANNUAL CONVENTION

Speakers of National Reputation Address the Delegates on Appropriate Subjects.

LOS ANGELES, Dec. 30.—The opening session of the State Teachers' convention was held at Hazard's Pavilion to-night. The attendance was large and much interest was manifested in the proceedings. Speakers of national reputation delivered addresses on appropriate subjects.

A. E. Shumate of San Jose presided. The invocation was offered by Rev. Warren F. Day. Mayor M. J. Snyder and J. A. Fosary, superintendent of the Los Angeles schools, welcomed the teachers to the city. Responses were made by Mrs. J. E. Chope, Salinas, and R. D. Faulkner of San Francisco.

"Habit" was discussed by Mrs. Ella F. Young, professor of education of Chicago University. E. M. Hopkins, Ph. D., of the University of Kansas, spoke on "Culture and Its Enemies."

The Council of Education considered several important subjects to-day. Robert Furlong and others spoke on the amendment relating to the State High Schools and the relations of the secondary schools to this amendment. President Furlong and others spoke on the subject of "Promotion." E. C. Moore read an exhaustive paper on "Compulsory Education," and just before adjournment there was a discussion upon the subject, "Betterment of the State Text Books."

ONE HUNDRED CASES OF LIQUOR SMUGGLED

Porto Rican Revenue Violations Are Shared in by Many Persons.

SAN JUAN, Porto Rico, Dec. 30.—At to-day's hearing of the smuggling cases before United States Commissioner Anderson, the case against Supervisor of Elections Benjamin Butler was taken up. It developed during the hearing that about 100 cases of liquors had been brought from St. Thomas to San Juan on the United States steamer Uncas in November of 1901. Some of these boxes bore the names of Captain Yates Stirling, the commandant of the naval station here; Benjamin Butler, Dr. Charles H. T. Lowndes, United States navy; Quartermaster Captain Joseph T. Crabbs, and Paymaster William A. Merritt, United States navy. Others were marked for the Country Club, while still others were marked for the canteen. An employee of the naval station testified that he stored these goods according to the bills of the St. Thomas merchants which were given him and that they were sent out the next day on the army wagons.

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GENERAL WILSON'S PRESTO

cook says of Presto



I made biscuits and popovers from Presto. We all liked them. It certainly is excellent. It is the best I ever used. There's a delicate taste to them that you can't get by the ordinary way. Washington, D. C. October 24th, 1902. (Signed) Bertie Brown, in employ of Gen. Nelson A. Miles.

What does your cook say?

The H-O Company

Advertisement for General Wilson's Presto cook.

Advertisement for General Wilson's Presto cook.