

VEXATIOUS LAW POINT DECIDED

Judge Taking Deposition May Punish for Contempt.

Supreme Court Establishes Precedent in Legal Procedure.

The Supreme Court in a decision rendered yesterday established the precedent that the Judge of a Superior Court can punish for contempt a witness who refuses to answer proper questions in the taking of a deposition. It is declared furthermore that the Judge can impose an adequate penalty immediately without the filing of a formal complaint. The point is a new one in California jurisprudence and in fact there are no exactly analogous cases in the court records of other States. H. J. Crocker had commenced an action in the court of which N. P. Conroy was Judge and the latter was taking a deposition when the witness refused to answer any questions relating to the matter in controversy. Plaintiffs demanded that the man giving the deposition be punished for contempt and compelled to answer proper and pertinent questions. Judge Conroy held that he was not acting in an official capacity when taking the deposition and Crocker's attorneys petitioned the Supreme Court for a writ of mandamus compelling the judge to punish the recalcitrant witness for contempt.

The last named tribunal has held recently in the case of Burns vs. Superior Court that a witness who refuses to answer proper questions when giving a deposition before a notary public may be punished for contempt. In that case, the filing of a formal complaint before a judicial officer is necessary before the witness may be sent to jail.

The Supreme Court holds in the present instance that a Superior Court Judge is acting in an official capacity when taking a deposition and that there is no need that he be apprised by affidavit of facts of which he is already cognizant but that he should file a certificate of election and send him to jail until he shall be ready to answer proper questions.

The Supreme Court also decided that Auditor Browning of Yolo County must draw salary warrants in favor of W. A. Andrews, who is engaged in a legal fight for the District Attorneyship of the county. Andrews received a certificate of election, but H. L. Huston, a rival candidate, began a contest for the office. The Superior Court decided in favor of the contestant and the case is now on appeal in the Supreme Court.

Although it is quite possible that Andrews be counted out, the court holds that he has the right to collect the salary of the District Attorney since he has been given a certificate of election and is discharging the duties of the office.

ADVERTISEMENTS.

OBTAIN MONEY BY A SWINDLE

Arrest of Two Men Who Have Been Fleecing Merchants.

Make Canvass of the Rialto Building and Are Recognized.

S. C. Doyle and William Galvin, who give their occupation as switchmen, were arrested yesterday morning by Policemen McNamara and Clue and booked at the City Prison on a charge of obtaining money by false pretenses. They are two of the men who have been collecting money from merchants in this city and Los Angeles for a "Mrs. Davis," whose husband was alleged to have been killed in a railroad accident. They had with them a circular letter purporting to be signed by the secretaries of the Switchmen's Union and the Brotherhood of Locomotive Engineers authorizing them to collect subscriptions.

Two of the gang called upon Nathan, Dohrmann & Co. some weeks ago asking for a subscription, but F. W. Dohrmann became suspicious and went to the telephone to notify the police. The men ran away. Dohrmann made the matter public at the time, but the men continued to solicit and receive subscriptions.

Last Thursday Doyle and Galvin made a canvass of the Rialto building and one of the subscribers there was L. L. Long, secretary of the Pacific Lumber Company. He subsequently learned that the men were frauds and made the fact known throughout the building.

Yesterday morning Doyle and Galvin again visited the Rialto building, but they soon suspected that something was wrong and left. The superintendent of the building followed them till he met Policemen McNamara and Clue on Third street. He told the officers what the men had been doing, and the policemen went after them. Doyle and Galvin separated as soon as they saw the officers were following them, and ran. Doyle was captured and taken to the City Prison, and half an hour later Galvin was found hiding under a bed in the Revere House, on Fourth street, near Mission.

The San Francisco Eye

Is almost constantly irritated by wind and mineral-laden dust; inflammation, redness, itching and burning, followed by granulated eyelids are the results. MURINE EYE REMEDY gives quick relief. Doesn't smart; soothes eye pain; makes weak eyes strong. Your druggist or optician sells Murine at 25 cents.

The botanical papers report that De Vries, the great Dutch experimental evolutionist, has by long continued selection produced a variety of clover which has normally four leaves.

Good printing is the first quality to employ in any business. Myself-Rollins, 22 Clay.

CHINESE SUBSTITUTION FRAUDS INVOLVE VERY MANY PERSONS

Secret Investigation by United States District Attorney Shows Long Practice by This Method of Unlawfully Admitting Mongolians to This Land

UNITED STATES DISTRICT ATTORNEY WOODWORTH and his assistants are making a searching inquiry into the circumstances surrounding the substitution Friday of six deceitful Chinamen for six young men who were ordered deported on the steamer Gaelic because they were not entitled to land in this country. As far as the investigation had proceeded yesterday, the indications were that a conspiracy will be uncovered involving several officials and a number of outsiders who are suspected of systematic substitution of Chinese ordered for deportation.

MANY IMPLICATED.

Although United States District Attorney Woodworth refused to divulge anything regarding the nature of the developments reached yesterday, it was learned that sufficient information was gained from the substitutes to connect directly with the crime three white men and one Chinaman. Who these are can only be surmised, but the developments already made public point to Deputy United States Marshal W. F. Gamble, Hack Driver Thomas Martin and an unknown white man, and Tom Yung, a Chinese merchant having a store at 566 Dupont street.

Suspicion of guilt does not stop here. The names of George A. McGowan, Alfred Worley and Frank V. Bell, who have been doing a remarkably large business on behalf of Chinese ordered to be deported, are being connected in an unpleasant manner with the present case. In addition there is a decided clash between the offices of the United States Marshal and the Chinese Inspection Bureau and as a result there are undercurrents of counter charges that may lead to disclosures which will seriously compromise these two departments.

Outside of the United States Marshal's office the complicity of Gamble in the substitution proceedings is generally regarded by officials as established. The Chinese inspectors, who decline to talk for publication, are a unit in declaring his guilt. The United States District Attorney's office seems to share this belief. His occupation must of necessity involve Chinese and Custom-house inspectors who were on the Gaelic when he delivered the six Chinamen.

SHINE SUPPORTS GAMBLE.

On the other hand United States Marshal John H. Shine is positive that his subordinate is entirely guiltless. He says he has known him for more than thirty years and he has absolute confidence in his integrity. He first appointed Gamble a bailiff in 1899 and on January 9, 1901, made him a Deputy United States Marshal. Previous to that time Gamble had been in the butcher business in Modesto and enjoys a splendid reputation there. Marshal Shine was present during the examination of the six Chinamen yesterday and stated at its conclusion that in his opinion there was nothing developed that would connect Gamble with the substitution. He said that five of the Chinamen had failed to identify Gamble as the man who had conducted them from Chinatown and the sixth had made an identification in such an unsatisfactory manner as to convince him that it was false.

GAMBLE'S STATEMENT.

Gamble does not bear the appearance of a guilty man. He discusses his connection with the case freely but without making any direct accusations against anyone for the substitution. He sticks to the story he told in the first place, maintaining unflinchingly that the men he secured at the County Jail were the ones delivered to the steward of the steamer. He admits that the six men taken from the Gaelic are not the men ordered deported, whom he claims to have delivered. "What is your explanation for this substitution?" he was asked.

"There is only one," he said, "and that is that the six men now in custody were substituted on board the ship."

When it was suggested that Chinese inspectors were present and allowed no Chinamen to land he answered that there were several gangplanks and it was possible that the inspectors had been a little lax in watching them all. He said the steward of the vessel merely locked the Chinamen up, but he had no other duties and it was possible for some one with duplicate keys to release them.

CONTRADICT DEPUTY.

Contradicting Gamble as Inspector of Customs Joseph Wilson, several employes of the Pacific Mail Company and a watchman at the gangplank of the Gaelic, in addition to Steward Leslie's written statement taken before his departure. All those named declare that the six men now being held are the identical ones delivered at the steamer by Gamble. It was remarked at the time he brought them that the men were unusually old for the steamer and had only a few months before. Inspector Wilson says that Gamble started to go away after turning the men over to Steward Leslie and was called back by him with the advice that he had better see his men locked up. Gamble then went to the steamer and watched the steward put the men under lock and key.

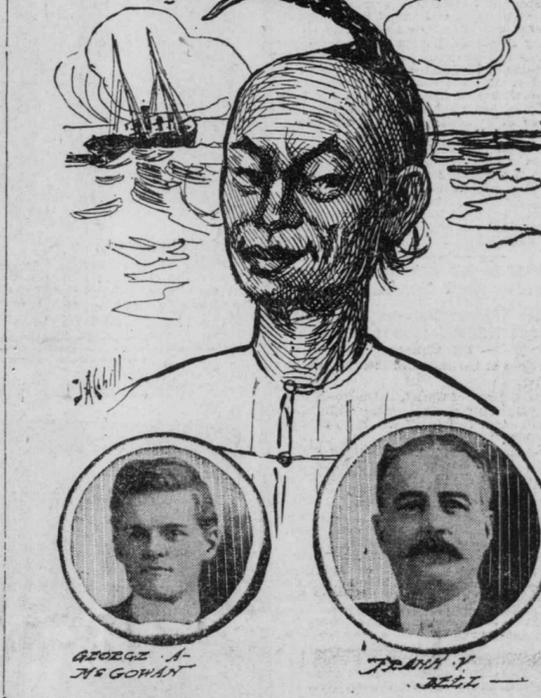
It required the services of three interpreters to secure connected stories from the six substitutes during the examination by District Attorney Woodworth. First Interpreter Gubbins was tried, but failed to secure any information from Ah Gat, an old Chinaman, who admits having been in this country for more than forty years. Then D. D. Jones, the regular interpreter attached to the United States District Attorney's office, was given a chance and failed likewise. Finally Dr. J. E. Gardner, the Chinese inspector, was called in and he succeeded in drawing forth information which was obtained from the sextet.

TELL SAME STORY.

The witnesses all told practically the same story. They said that they went to the store of Tom Yung, where they were told they could return to China without paying fare and would receive a bonus provided they followed instructions. Subsequently they were given \$30 by Tom Yung and told to go to certain localities in Chinatown on the morning of September 11. They were picked up one by one by a white man whom they describe as being thin, with a light mustache and a few strands of hair on his chin. They were taken first to a "red building," where they were escorted up two or three flights of stairs and locked in a room. A little later they were released and taken in a hack to the Pacific Mail dock and put aboard the ship. Gamble was called in for identification and all but one said he was not the man who brought them from Chinatown. This one said he thought he was the man, but the identification was made in such a way as to leave a doubt as to whether or not he meant that Gamble was the man who took him to the dock or who escorted him from Chinatown.

There were other revelations made during the examining which are regarded as important by the officials engaged in it and which are said to implicate others in the substitution scheme, but these are being sedulously kept secret.

United States District Attorney Wood-



DEPUTY UNITED STATES MARSHAL INVOLVED IN CHINESE SUBSTITUTION SCANDAL AND TWO ATTORNEYS WHOSE NAMES ARE CONNECTED UNPLEASANTLY WITH THE MATTER.

worth refused to give the slightest hint of what was developed.

PRACTICE EXTENDS BACK.

"I regret that I cannot make public the result of my investigations," he said, "but the interest of justice demands the utmost secrecy in order that those who are suspected of complicity in this substitution business may not be forewarned and disappear. I will present the matter to the United States Grand Jury next week, possibly not before Friday."

"I am satisfied from my investigations that this system of substitution has been going on for some time, just how long I am not prepared to say. Undoubtedly there are many Chinamen now in this country who have been ordered to be deported and in whose stead other men have been sent back."

"Do you intend to present to the Grand Jury evidence of these former substitutions?" he was asked.

"Undoubtedly," he replied.

He intimated that while most of the evidence relating to these past cases had disappeared with the return of the substitutes to their native land, still there was some attainable that might be sufficient to secure the conviction of the guilty parties.

SUSPICIOUS PROCEDURE.

United States Court Commissioner Heacock readily recalled the circumstances surrounding the remanding of the Chinese escapes and in the light of present developments these appear to be suspicious. On September 10, the day before the Gaelic sailed, Lee Fook Den, represented by Attorney George A. McGowan, and Yung Wing Chung, represented by Attorney Alfred Worley, were remanded

ISMAR.

STRANGE DISAPPEARANCE

Accounted for by Ismar, the Woman of Mystery

Lewis Stanger disappeared from home on the 8th of last August and, notwithstanding that detectives and others used every endeavor to locate him, no trace of him could be obtained. In despair his



happiness. I wrote the mining company you told me of, and sure enough, working there under another name, I am sure thankful to you than I can tell. You are at perfect liberty to use this letter if you like, to convince others of your wonderful gifts. Gratefully yours,

ISMAR.

The gifts of Ismar reach into all affairs of human interest, from delineation of future events to the locating of ailments and the curing of diseases. Indeed, during the past few years Ismar has performed many wonderful cures through his marvelous psychological and scientific knowledge and almost miraculous healing powers.

Mr. Charles L. Loughran of Tuolumne County was recently cured of Bright's disease by the wonderful healing powers of this mysterious woman. Her healing gifts are as marvelous as her prophetic powers.

Proof of this is found in the cases of Mr. Crowley and wife of 335 Kirkham street, Oakland; John W. Garball of Los Angeles, Henry C. Edmonson of Pasadena, R. H. Gingham of Santa Barbara, others, all wonderfully cured by her if diseases that were supposedly incurable. While there is life there is hope. SEE ISMAR.

Write her if you can't call. Three questions answered for \$1. Full life reading \$5. Send money by Wells-Fargo or postoffice money order or registered letter. Rooms 9 and 10, 1104 Market street, San Francisco. Phone South 1141. Office hours 12 m. to 5 p. m.; Sundays 10 a. m. to 12 m.

without a hearing on the request of their counsel, who said that their clients were hopeless of establishing their right to remain in this country and were anxious to return on the steamer Gaelic. They were accordingly sent to the County Jail to await deportation.

On September 4 Dong Foy, one of the escapes, was remanded to the County Jail at the request of his attorney, Frank V. Bell, who made no attempt to establish his client's right to remain in this country. Two months ago the cases of Lun Fook, Lee Hon and Lam Soon were disposed of in like manner. The whole proceeding seemed to indicate, in the light of present developments, that the parties to the suit were satisfied to get into the County Jail, knowing that substitutes would be secured for them and placed aboard the ship for deportation.

MARTIN'S LONG SERVICE.

Tom Martin, the hackman whose name is connected with the substitution along with that of Gamble, has been doing this kind of work for the United States Marshal's office for many years. Heretofore he has escaped any scandal and was retained by Marshal Shine when he took office. He corroborates Gamble in every particular and says that the substitution must have been made on shipboard.

Tom Yung, who was arrested by Chinese Inspector Mehan Friday night in connection with the substitution charges, was released yesterday morning on bonds of \$5000 furnished by a surety company. He kept out of sight all day and could not be interviewed. He is a storekeeper, a man of considerable wealth and a prominent mover in the Chinese Educational Society, an organization famous for its

ADVERTISEMENTS.

Silk Department

This week we will show complete lines of new goods in our silk department, including tafetas, crepe de chine, silk poplins, peau de soies, velvets and velveteens.

- #### A Few Specials
- 20-Inch BLACK TAFFETA SILK, very heavy quality, 60c yard
 - 20-Inch BLACK PEAU DE SOIE, warranted pure silk and a very lustrous finish 75c yard
 - 20-Inch COLORED PEAU DE SOIE in a full assortment of the newest shades 35c yard
 - 24-Inch COLORED CREPE DE CHINE, all pure silk and very high finish; 20 different shades, \$1 yard
 - 20-Inch POLKA DOT SILK POPLINS, in navy, brown, cardinal and cream, with solid colored dots, \$1.00 yard
 - 21-Inch POLKA DOT TAFFETA LOUISINE, in navy, brown, black and cardinal grounds, with white dots, latest goods for Fall costumes, \$1.25 yard
 - 22-Inch METAL PRINT DOTTED VELVETEENS, in black and white, navy and white, brown and white and red and white; extra quality, 75c yard
 - 19-Inch OCOMO SILK LINING—a new material made expressly for us and suitable for inexpensive silk lining. We have a full assortment of all the leading shades, also black, white and cream, 40c yard

NOTE—Samples of any of the above goods sent free to any address.

O'Connor, Moffatt & Co.

INCORPORATED 1892

111, 113, 115, 117, 119, 121 POST STREET.

blackmailing propensities and general crooked work. For a long time it levied a head tax of \$40 on every Chinese woman landed at this port, whether she was respectable or not. The strictness of the inspectors for the last year and a half has practically prohibited the landing of Chinese women and the prime movers of the Educational Society have been looking for some other means of "graft."

MILITIA HANDLES THE HEAVY GUNS

Comprehensive Maneuvers by First Artillery Battalion.

The First Battalion of Artillery, National Guard of California, Major H. P. Bush commanding, left the Ellis-street armory on Admission day for a day's drill and instruction with the high pressure guns at the Presidio. The battalion marched to the spot.

The command reported to Captain J. W. Hinckley, Artillery Corps, United States army, at 9 o'clock in the morning and it was immediately ordered to "Battery Slaughter" for instruction. Lieutenant S. Garber of the Artillery Corps, United States army, assisted in the instruction. At the battery the command was instructed in the nomenclature of the gun and carriage, as well as mechanism. It being the first time since the National Guardsmen were at the eight-inch guns, previous instruction having been given at Battery Cranston, where there are ten-inch guns. Subsequently the command was divided into three gun detachments, with the usual drill by the regulars. Those who had not been previously instructed were placed at gun 2, under command of Lieutenant Garber. In a few hours he had his detachment in such shape that it could take observations, make predictions and load and fire the gun in three minutes.

The men worked very hard, being kept at the guns continuously until 4 o'clock in the afternoon with short intervals for lunch, which was served at the emplacement so as to save time. The men evinced much interest in and paid a great deal of attention to the instruction, although the day was very warm. They practically put in the time usually allotted to a three days' drill by the regulars.

The men of this battalion are deserving of praise for their efforts to perfect themselves in the branch of the service to which they have been assigned, their service when at the guns being more onerous than that of the regulars, as they are compelled, on account of the shortness of the time they can remain at the guns, to take advantage of every moment's instruction.

Captain Petty acted as battery officer, with Captains Keesling and Grattan and Lieutenants Varney and Knerr as range officers.

Both Captain Hinckley and Lieutenant Garber expressed themselves as well satisfied with the progress the men made and are now preparing plans for instruction at the battalion armory, to be followed by drill at the guns each month.

Captain Thomas A. Nerney, commanding the Naval Militia of California, will go on the retired list October 1. It is probable that he will be succeeded by Commander G. W. Bauer.

The several battalions of the First Infantry are arranging for battalion drills on Van Ness avenue.

Trappett's Oil cures rheumatism and neuralgia. Druggist, 902 S. Market & Co., 406 Clay.

EXPERT OPTICIAN.

A Bulletin Reporter

Convinced that Mayerle's Glasses are FAR SUPERIOR to all others for weak eyes and poor sight.

OFFICE OF SAN FRANCISCO BULLETIN

Mr. George Mayerle—Dear Sir: The Glasses purchased from you recently are the perfection of optical comfort. They fit so well that I am unconscious of having them on. Sincerely yours,

W. C. MAXWELL.

MAYERLE'S GLASSES STRENGTHEN THE EYES AND BRAIN.

I have used a 50c bottle of George Mayerle's German Eyewater, and it has helped me wonderfully.—Chas. Morgan, Rocklin, Cal.

GEORGE MAYERLE, German Expert Optician, 1071 MARKET ST., NEAR SEVENTH, SAN FRANCISCO.

TWO BIG BALLOONS.

Vosmer and Mile. Anetl.

On this afternoon the much talked of balloon race will take place at Coney Island, near Citi. House, between Professor Vosmer and Mile. Anetl, to decide the championship of the world for a purse of \$500.

Preparing for Tug-of-War.

Preparations for the tug of war tournament to be held in Central Park on October 1 are under way. Twelve teams have already signified their intention of competing. It will be a labor carnival in the true sense of the word. Many of the unions will be represented by teams and the laboring classes will take a keen interest in the outcome of the tournament. It is to continue for ten nights and the winning teams will be awarded handsome prizes.

ADVERTISEMENTS.

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Oriental Rugs AND CURTAINS

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Discount from regular retail prices.

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Chas. M. Plum & Co.

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I. MAGNIN & CO.

Announce that commencing to-morrow, September 14, and continuing during the week, they will hold their

ANNUAL SALE OF PARISIAN HAND-MADE UNDERGARMENTS

Embracing an assortment of the choicest and most exclusive designs in bridal sets and one-piece garments.

Night Robes Chemises Pantalons Corset Covers Petticoats

Made of French cambric, nainsook and sheer linen, exquisitely embroidered by hand and trimmed with real laces.

This sale should be of great importance to women, as the prices are the lowest ever quoted on garments of the highest quality.

Sale commences at 9 a. m.

In addition we include a line of

ITALIAN SILK VESTS

Hand embroidered, in white only; sizes 34 to 42.

\$12.50 Value... **\$6.50**

LADIES' NEGLIGEEES, WRAPPERS, EIDERDOWN SACQUES and ROBES

Attractive showing of the very newest styles, made of Louise, India and Persian silks, fancy Kimona cloth, Albatross and French flannel.

Of the many attractive features of this department we mention the following:

Ladies' Sacques, made of all-wool striped French flannel, in a variety of colorings; sizes 34 to 40. A \$5.00 value, reduced to... **\$2.50**

Ladies' Sacques, made of all-wool French flannel; collar trimmed with embroidery; Kimona sleeves, hand-leather-stitched; colors, pink, blue, red, black and lavender; sizes 34 to 44. A \$5.00 value... **\$3.00**

J. Magnin & Co.

INC.

918-922 Market Street

Our new Fall and Winter Catalogue will be sent free to Out-of-town customers.