

# ATTORNEY INVITES WITNESS TO MEET HIM ACCORDING TO QUEENSBERRY RULES

## Lively Scene Is Enacted in Court Before Judge Sloss When Lawyer Hiram Johnson Pestors Beale and Williams With Questions Until Endurance Ends



THOMAS H. WILLIAMS, WHO WITH TRUXTON BEALE IS BEING SUED BY EDITOR FREDERICK MARRIOTT FOR \$100,000 DAMAGES, AS HE APPEARED YESTERDAY WHILE ON THE WITNESS STAND IN JUDGE SLOSS' COURT.

THE dignity of Judge Sloss' courtroom came dangerously near to being disrupted yesterday by a free-for-all fight between Attorney Hiram Johnson for the plaintiff and Williams and Beale, the defendants in the damage suit now in course of trial. Twice did the pugnacious attorney for the prosecution offer to meet either of the defendants under Marquis of Queensberry rules and warm words were exchanged between the attorney and Williams which threatened for a time to bring the off-road opportunity to a sudden acceptance before the bar of justice.

own house?" "That is false. I have admitted nothing of the kind," returned Beale hotly. "It is not false—that truth is shown by the testimony," vociferated Johnson, squaring his shoulders at the witness. The Williams, who was sitting behind Dunne, his counsel, came to the rescue of his co-defendant. "Are you a lawyer or a prize fighter?" asked Williams. Johnson uncorked the vials of his accumulated wrath. Turning to where Williams was sitting he shook his finger at him savagely and delivered himself.

### ADVERTISEMENTS.

## Breath

### Ceased During Fainting Spells.

### Revived by Artificial Respiration.

### Dr. Miles' Heart Cure Cured Wife.

Fainting spells are a sure indication of a weak heart. The heart cannot do the work required of it and stops beating. If it ceases more than a minute death ensues. Weak hearts must have aid from the outside, such as Dr. Miles' Heart Cure alone can give. It is a heart tonic. It regulates the pulse, enriches the blood and improves the circulation. "For two years my wife was in very poor health. At first her back troubled her a great deal, then she had shortness of breath and irregularity of the periods. The pain in her back grew worse and extended to the connection of the spinal cord at the base of the brain and from there to her head. She had two very bad stinking spells, when the pain in her head was most intense and her breath stopped. The second time we had to resort to artificial respiration to revive her. We were advised to give Dr. Miles' Heart Cure a trial and I bought a bottle and began giving it as directed. We found the doses were too strong, so I gave her half-doses three times a day, and she began to improve. After she had taken two bottles the pains were all gone and she was feeling like a new woman. She continued the Heart Cure in small doses for several months and is now enjoying better health than for the past six years."—M. J. Thompson, Dept. County Clerk, Klamath P. O., Cal.

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

There'd be some fun in being a grocer if all his goods were like Schilling's Best on money-back terms.

The world hasn't got there yet.

### TESTIFY FOR DEFENSE.

The case opened in the morning with the examination of Detective Thomas Gibson. Attorney Dunne elicited from him the fact that to him Mrs. Marriott made the same statements as she had to the two other members of the police force to the effect that she heard five shots altogether and that she was in the nursery until after the third had been fired. Upon cross-examination Gibson admitted that when Williams was arrested at the Pacific Union Club no effort was made to relieve him of the weapon with which he and one of the shooting and that no memorandum of what Mrs. Marriott said about the affray had ever been turned in to Chief of Detectives Martin.

### WILLIAMS NOT ARMED.

Williams maintained that Beale did not strike the first blow in the struggle which took place in the hallway of Marriott's house, but that he only struck to defend himself. When Marriott was running up the stairs, Williams asserted, the editor paused near the top and made a demonstration as if to draw a revolver, and it was at that moment that he shot likewise in self-defense.

When Williams was turned over to Johnson it soon became evident that the clash which occurred between the two in the criminal trial before Judge Cook would be duplicated in even a more virulent degree. "Are you armed with your 44-caliber revolver and your dagger at present?" asked the attorney. "No; for your benefit I left them at home, Mr. Johnson," suavely replied Williams.

rousing his ire evidently to the straining point. Williams would not admit that he accompanied Beale to the house of the editor to act as a referee. He also stoutly asserted that he only fired upon Marriott when he thought that he himself was in danger of being shot down.

### BEALE SUFFERS ALSO.

Beale had little more success at keeping his temper than Williams. Upon direct testimony he related a story which tallied with that of Williams in every particular. When Johnson took hold of him trouble commenced almost at once. "Did you take a gun out to Marriott's house because you were afraid of him?" asked Johnson. "Well, I did not know to what a pass our interview might come," replied the witness.

### Accused of Stealing Tools.

H. E. Fleming, 1239 Hayes street, who has a hardware store on Third street, secured a warrant from Police Judge Fritz yesterday for the arrest of Louis Helbing on a charge of petty larceny. He said that Helbing had been hanging around his store and yesterday morning Helbing stole thirty feet of lead pipe and several tools of the value of \$45.

### News in Army Circles.

Fifteen recently appointed lieutenants who are ordered to the Philippines paid their respects to General MacArthur at his headquarters yesterday. One private and one sergeant were sentenced to be imprisoned for nine months by the department commander yesterday. The soldiers on duty at Fort Mason held a field day yesterday.

### Sues to Recover Deposit.

Mary Shannon brought suit yesterday against the Von Rhein Real Estate Company to recover \$300 she deposited with the firm to bind the purchase of a piece of realty on Van Ness avenue near Lombard street. She says that after making the deposit she learned that the title to the realty was defective and demanded its return, but was refused.

### Must Not Visit Dance Hall.

Eva Courrier, 16 years of age, who was arrested on complaint of her father because she persisted in performing in a dance hall at 406 Dupont street, was ordered by Police Judge Fritz yesterday to keep away from the resort. The judge will make an investigation and the girl was instructed to appear again on Saturday, when he will decide what to do with her.

### Lighting Company Mortgages Plant.

A first mortgage was filed for record yesterday covering a loan of \$400,000 by the California Safe Deposit and Trust Company to the Mutual Electric Light Company secured by a bond issue in the name named. The lighting company mortgages all of its properties now owned or hereafter to be acquired by the corporation.

Special prices on instantaneous water heaters at the San Francisco Gas and Electric Company.

# DOCTORS SAY LIPTON HAS APPENDICITIS

## Distinguished Patient May Have to Undergo Operation.

### Physicians Declare Condition Serious, but in No Way Critical.

#### Latest Bulletin Announces Improvement, but Members of the Irish Baronet's Suite Are Very Much Worried.

CHICAGO, Sept. 15.—The serious condition of Sir Thomas Lipton and the complaint from which he is suffering were officially made public in a bulletin issued late this afternoon by the three specialists in attendance. The bulletin was as follows:

The disease, colitis and catarrhal appendicitis, is progressing favorably and patient satisfactory. HOMER M. THOMAS, M. D., GEORGE W. WEBSTER, M. D., NICHOLAS SENN, M. D.

The foregoing was given out after a second consultation held by the physicians. Another conference and examination were held to-night, and at 11 p. m. the following bulletin was issued:

The condition of patient continues satisfactory. HOMER M. THOMAS, M. D., GEORGE W. WEBSTER, M. D., NICHOLAS SENN, M. D.

At midnight Dr. Webster said that it had not yet been determined whether an operation to remove the vermiform appendix would be necessary. In its present stage the baronet's ailment is described as "catarrhal" appendicitis, in which there is inflammation of the formation of pus or abscess. Should suppuration ensue, says the physician, an operation might be unavoidable, while in any case it is far from being an unlikely mode of treatment.

The symptoms noted in the examination of Sir Thomas are described by Dr. Webster as follows:

We found that our patient was suffering from pain of an intense and colicky nature in the region of the appendix, that there was muscular rigidity on the right side of the body and localized pain and tenderness, accompanied by fever.

Such symptoms, it was added by Dr. Webster, are common in appendicitis. What shall be the precise line of treatment pursued in the case of Sir Thomas is declared to be purely a matter of speculation as yet, despite the fact that his disease has yielded to diagnosis.

Immediately after the examination to-night Sir Thomas fell into a doze, out of which he did not awake for several hours. According to the physicians, the Irish baronet slept most of yesterday. This may have been due to the fact that opiates were almost constantly administered to him to ease the intense pain he was undergoing.

All of the members of Sir Thomas' suite passed an anxious day and evening. Despite the assurances of the physicians that while the patient's condition was serious it was as yet in no way critical they were much worried. Many telegrams of sympathy were received by Sir Thomas to-day.

### GRAND EXALTED RULER OF ELKS APPOINTS OFFICERS

Thomas E. Dunne of This City Will Fill the Position of Grand Esquire.

INDIANAPOLIS, Sept. 15.—Joseph T. Fanning, grand exalted ruler of the Benevolent and Protective Order of Elks of the United States, to-night completed the list of appointments of national officers for Elks' National Home, Meade D. Detweiler, Harrisburg, Pa.; Thomas F. McNulty, Baltimore; L. Lazarus, Lynchburg, Va.; grand esquire, Thomas E. Dunne, San Francisco; grand inner guard, W. H. Moreland, Colorado Springs; grand commander, Walter Davenport Buckner, Pine Bluff, Ark.

### California Investors Sue.

ST. LOUIS, Sept. 15.—Suits for the recovery of \$250,000 were filed in the Circuit Court to-day against Thomas B. Cleague of the Cleague Commission Company by George B. Wiswasse representing investors living in California and elsewhere. The purpose of the suit, as stated, is to prove there never was such a corporation as the Cleague Commission Company, but that the Cleague Commission was a business under that name, which the petition alleges was mythical and fictitious.

### Salvationists in Feud Districts.

JACKSON, Ky., Sept. 15.—The marching and exercises of the Salvation Army that is touring the feud districts brought a large crowd from the mountains to this city to-day. The parade and services last night attracted large crowds, but it was not until to-day that the rural districts turned out on horseback, in ox-carts and all sorts of vehicles, many also walking on foot. The meetings are successful that Colonel Holz has decided to remain here over Thursday.

### Minnie Healey Mine Case Again.

HELENA, Mont., Sept. 15.—The second trial of the celebrated Minnie Healey mine case, in which the parties interested are the amalgamated Copper Company as plaintiff and the United Copper Company as defendant, was begun to-day in Judge Clancy's court at Butte. The suit is over the possession of a \$10,000,000 copper mine.

### American Nets Confiscated.

ASHTABULA, Ohio, Sept. 15.—The Canadian patrol steamer Petrel confiscated a number of fish nets belonging to American fishermen in Lake Erie. It is supposed the officers of the Petrel decided that the nets were set on the Canadian side of the line. This, however, is denied by the fishermen. The nets were valued at \$200.

### Masked Men Loot Oklahoma Banks.

GUTHRIE, O. T., Sept. 15.—Six masked men robbed the bank at Douglas, O. T., early this morning of \$5000. The robbers when they left the bank went to a lively stable, got the cashier's buggy and drove off.

### Telephone Lines Cut.

STOCKTON, Sept. 15.—The Sunset Telephone Company's main lines leading to San Francisco were cut last night about 9 o'clock on a pole near the Stockton Glass Works. Manager Gross says that he has no hesitancy in declaring that it was the work of a lineman and probably a striker. The company has offered \$1000 reward for the apprehension of the guilty person.

### Fountain Pen News.

To fit your hand it is necessary to buy where all grades of the best makes are in stock. The "Waterman," "Swan" and "Marshall" fountain pens fill every want. Prices, \$1.00 to \$5.00 each. Sanborn, Vail & Co., 74 Market street.

### ADVERTISEMENTS.

To sweeten, To refresh, To cleanse the system, Effectually and Gently;

Dispels colds and headaches when bilious or constipated; For men, women and children;

There is only one Genuine Syrup of Figs; to get its beneficial effects

Always buy the genuine—Manufactured by the

# CALIFORNIA FIG SYRUP CO.

San Francisco, Cal. Louisville, Ky. New York, N.Y.

The genuine Syrup of Figs is for sale by all first-class druggists. The full name of the company—California Fig Syrup Co.—is always printed on the front of every package. Price Fifty Cents per bottle.

## BURGLARS LOOT EXPRESS OFFICE

### Rob Wells-Fargo Safe of \$1049 in Coin and Currency.

SANTA BARBARA, Sept. 15.—Burglars some time during last night entered the Wells-Fargo express office here and robbed the safe of \$1049 in coin and currency. The rear door was entered with a key and the safe opened in the regular way, by the combination, which was found in a book in a drawer of one of the desks in the office. About \$300 locker in a separate compartment of the safe was overlooked by the burglars. The rear door was fitted with a Yale lock. There were no marks of violence on the door or safe, nor any evidence of confusion in the office.

## FRESNO SHERIFF CAPTURES SPIVEY

### Missouri Murderer Confesses Crime After Arrest.

FRESNO, Sept. 15.—Leo Spivey, wanted for murder in Jackson, Cape Girardeau County, Mo., was arrested this morning and is in the County Jail awaiting the arrival of the Sheriff from Jackson, Mo. The crime with which Spivey is charged is a particularly atrocious one, the victim's head, it is said, having been severed from the body. The murder was committed on May 15.

Spivey has been in the mountains working at Bennett's Mills and came to town last Sunday, since which time he has been under surveillance. He went here under the name of "Fred Turpin." In the room at the hotel where he stopped was found a suit of clothes which in detail answered the description of the garments worn by Spivey, as noted in the circular sent out by the Sheriff of Cape Girardeau County. Spivey eluded the trail of the Sheriff's officers this morning for a time, but when he was arrested it was in the act of paying his hotel bill before departure from town. After having been taken into custody he admitted that he is the man wanted for the Missouri murder. The only detail that he denied was that he severed his victim's head from the body. Sheriff Collins did not have a printed description of Spivey, such as is usually sent out by Sheriffs when a criminal is wanted. He says that he had the "tip" that Spivey was working at the Bennett Mills up in the mountains and had him watched till he came to the city. Then he wired Sheriff Collins at Jackson, Mo., giving a description of the man and stating that he had him under surveillance. Schade wired back: "Arrest Leo Spivey on sight. Will come with the proper papers immediately." There is a reward of \$500 offered for the capture of Spivey.

## BUCKLEY HEIRS WANT THE TRUSTEE REMOVED

### William Wilson Is Charged in Petition With Mismanagement of the Estate.

SAN RAFAEL, Sept. 15.—The heirs to the estate of Mrs. Martha Buckley are particularly desirous that the trustee, William Wilson, be removed and accorded. They have petitioned Judge Lennon of the Superior Court of Marin County to do so. The petition was filed with County Clerk Graham to-day. Judge Lennon has ordered Wilson to appear on Monday, October 5, to show cause why he should longer manage the estate.

### Young Man Kills Himself.

REDDING, Sept. 15.—Insane either from excessive use of cigarettes or as a result of brooding over a whipping administered to him by his father a month ago, John Vanderford, the 15-year-old son of James E. Vanderford of Junction City, Trinity County, sent a pistol ball through his heart this afternoon, dying instantly.

### Requisition Papers for Pensacola.

SACRAMENTO, Sept. 15.—This afternoon Acting Governor Alden Anderson signed requisition papers upon the Governor of Washington for the return of George Pensacola, wanted in Solano County for murder. Sheriff Keyes of Solano is now in Seattle awaiting the receipt of the papers.

### Forest Fires Near Gilroy.

GILROY, Sept. 15.—A forest fire is raging in the redwood district seven miles west of Gilroy. The Greening ranch has been on fire all day and a large force of men are at work fighting the flames from adjoining ranches. Careless hunters are supposed to be the cause.

## SACRAMENTO TRUSTEE CITED FOR CONTEMPT

### Judge Hart to Compel Devine to Answer for Refusal to Testify Before Grand Jury.

SACRAMENTO, Sept. 15.—Superior Judge Hart to-day cited City Trustee James H. Devine to appear on the 26th inst. and answer for contempt of court for refusing to answer questions put to him by the Grand Jury. Devine had repeatedly made declarations that attempts had been made to bribe him. The jury is trying to find out who the bribers are.

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### Articles that will make Money for you.

Why Americans Are more successful than Britons. By John Foster Fraser. First of a series of the best Contemporary Thought by world-famous men begins Next Sunday Call.

## INSANE MAN ARRESTED AT HIS WIFE'S FUNERAL

### Eugene Van Deventer, Who Recently Escaped From Agnews, Is Taken Into Custody.

SAN JOSE, Sept. 15.—Eugene Van Deventer, who had escaped from Agnews Insane Asylum, was arrested here to-day while attending the funeral of his wife, Mrs. Van Deventer, who was engaged in the milk business, was thrown from her wagon Monday night and received a fractured skull. A day later she died from her injuries. She was buried to-day and Van Deventer had come to attend the funeral. Van Deventer escaped from Agnews Asylum some months ago. He has been in different asylums thirteen times and his case is a hopeless one. He is a painter by trade.

## B. KATSCHINSKI Philadelphia Shoe Co.

10 THIRD STREET, SAN FRANCISCO. Adjoining Call Building.



### You Get the Best And Yet Save Money

We point with pride to the fact that we give our customers the best values for the least money. That fact has built up our business, for every one acknowledges that when they want to buy good shoes cheap they have to come to us. We do not have to pay exorbitant rents and that's what keeps our expenses down and allows us to sell close, and we can therefore save our customers from fifty cents to a dollar on every pair of shoes. Special for this week: Ladies' finest Vici Kid Lace Shoes, straight foxed, plain coin toes and extra high concave heels. OUR PRICE ONLY \$3.00. Sold elsewhere for \$4.00. Sizes, 2 1/2 to 7 1/2; widths, AA to D.



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