

# McKOWEN CASE SLOWLY DRAGS

### University Officials Await the Findings of Experts Now at Work on Secretary's Books

## AUDITOR HERR ARRIVES

### He Believes That Amount of Defalcations Is Much Less Than Has Been Estimated

Auditor J. J. Herr's arrival from Los Angeles was one of yesterday's interesting developments in the investigation of Secretary William A. McKowen's wholesale embezzlement of State University funds. For many years Mr. Herr has audited the secretary's accounts and reported his findings to the finance committee of the Board of Regents, and it was confidently expected that his presence at the university would serve to bring to light the exact amount of McKowen's peculations and his method of pilfering. But from those two very important points there has been no lifting of the haze by Mr. Herr.

Accompanied by President Wheeler and Chairman of the Finance Committee Foster, the auditor spent about two hours inspecting the books at which Norman McLaren and his assistants are so industriously probing, but at the conclusion of the inspection Mr. Herr's report was a repetition of the old story:

"We must wait for the findings of the experts."

From his cursory examination, however, the auditor was inclined to believe that McKowen's total shortage will not turn out to be as much as \$40,000, the estimate of recent Britton McKowen's own estimate of \$20,000 is, according to Mr. Herr's opinion, nearer the actual figure.

## WORK OF THE AUDITOR.

The auditor's last report was submitted to the finance committee on January 29, 1903, and it approved all the books and vouchers examined by him. But it has been ascertained that McKowen presented no account of the scholarship or fellowship funds or the medical college fees, so that the auditor had no opportunity to ascertain whether those items of income had been honestly handled.

It has been discovered, also, that the auditor repeatedly expressed a desire to examine the university accounts every three months instead of once a year, and that he had been prevented doing so by McKowen pleading inability to have his books ready for inspection.

Yet the auditor never suspected that McKowen was dishonest, but attributed his delay in getting ready for inspection to the fact that he kept all the books himself instead of intrusting the task or any share of it to a subordinate.

Nor did Mr. Herr believe that the financial system of the university was either antiquated or defective. No system could be perfect, he opined, unless it is operated by an honest man under the supervision of honest men.

In the fixing of blame for McKowen's defalcation the auditor does not spare the scholarship donors who made their checks payable to him personally, instead of following the usual course of sending the money to the treasurer and obtaining his receipt for it. As the general fund is thus placed in the hands of the treasurer, and is thoroughly safeguarded, Mr. Herr does not believe that McKowen pilfered any of that fund, but confined his stealings exclusively to the scholarship and fellowship money and medical school fees.

But that theory does not explain how McKowen managed to pay in the scholarship and fellowship funds as they became due and still contrived to embezzle at least \$20,000.

## AN OBT-HEARD ANSWER.

Where did he get the money to make good the scholarship and fellowship funds as they became due? That question stumps every one connected with the case.

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— OPEN EVENINGS —

# SMELTERS WILL RECOVER WEALTH OF SHASTA ORES

### Development Work and Improvements to Plants in the Copper Belt Are Enlisting Much Energy. Sections Unaffected by Labor Troubles Prosper

Activity is manifested on the copper belt of Shasta County. An account of some recent moves for the development of that mineralized section is given by the Redding Free Press. That paper says that there is a great stir, which is felt in Redding, the principal supply point. A new 175-ton smelter is being installed at the Afterthought mine, near Ingot. The second furnace of the De La Mar smelter is about ready to be blown in. It will be working early in January. The Mountain Copper Company is running full handed and is treating about 26,000 tons of ore per month. The plant is being gradually improved and enlarged. The Mountain Copper Company employs in mine, smelter and railroad 1200 men, approximately. The Guggenheims are reported by the Free Press to be negotiating for the Mammoth mine, which is near the Kennet property. In case the Guggenheims take the property Shasta County would have its fourth smelter operating. The Free Press says:

The Quartz Hill, Stillwater and Old Discharge districts contain small mines that are being taken out and shipped over to the Keswick smelter. The mineral output of Shasta County for 1902 was \$3,730,000. This year the output will be about the same as the strike continues until May and the Mountain Copper smelter did not get in full running order for several months later.

Next year, with everything running in full blast, there is no reason why Shasta should not send out \$10,000,000 in mineral wealth to the markets of the world. The copper belt produces nearly all of this vast wealth. Redding is the business center, and the least enthusiastic predicts that in two years' time Redding's population will be doubled.

## IN SISKIYOU'S MINES.

In other sections of California that are not affected by labor troubles progress is being made in the mining industry. The Scott Valley Advance says that with the opening of spring many properties that have been known only as prospects will be opened. The King Solomon mine in Siskiyou County will have 100 men at work on the prospect tunnel strikes the body of ore. A large amount of machinery will be placed in the Elk, Bear property. The Medina Company, operating the Gardner and Eastlick mines at Oro Fino, is preparing to add largely to its plant. A fifty-ton cyanide plant is promised. The Siskiyou Mining and Development Company has begun to pump out the perpendicular shaft which has partly filled. One hundred and fifty tons of coal were taken out from the incline shaft to do the necessary development.

The investigation and finally evokes the old answer:

"We must wait for the findings of the experts."

It has been surmised that the secretary used one scholarship fund to pay another—operated a sort of endless chain—and that his total defalcation, whatever it may turn out to be, will be found to have been taken from one, or may be two, of the heaviest scholarship or fellowship donors. McKowen had direct and untrammelled access to about \$440,000 from those sources. When any of the university folks are asked to state how many of the donors sent their checks to McKowen personally the inevitable reply comes:

## WE MUST WAIT FOR THE FINDINGS OF THE EXPERTS.

Considerable confusion has been created among the students by the "holding up" of their rebates, with all other bills owing by the university except those for labor. Pupils in the chemical, physical and mining laboratories deposited with Secretary McKowen sums ranging from \$1 to \$25 each to secure the university against damage to any of the apparatus used by them in their various experiments, and now at the end of the term, with the holiday vacation on hand, they are unable to collect their rebates. McKowen issued vouchers for these deposits, but the vouchers will not be indorsed until the experts have concluded their examination of the secretary's accounts, unless the treasurer so arranges it that the boys and girls can get their money before they go home for the holidays.

## AS TO THE DEFENSE.

Attorney Wright, who has been retained with Peter F. Dunne to protect McKowen's interests while that person is in jail, stated yesterday that he has not yet consulted Mr. Dunne as to what the line of defense will be.

"Indeed," said Mr. Wright, "we are not certain that any defense will be offered. Mr. McKowen himself does not seem anxious to put up a defense, and it is probable that a plea of guilt will be entered. Nothing will be definitely decided, however, until the book-keeping experts have concluded their work and the regents take action."

Meantime the self-confessed embezzler dwells in the Alameda County Jail and resolutely declines to discuss his case with any except his invited visitors. One of these is W. H. Smyth of Berkeley, the man who took him to his home when he was a miserable sailor lad and treated him as a son, obtaining for him the humble position in the university from which he rose to the secretaryship. McKowen's conversations with Mr. Smyth are strictly confidential.

## IS THERE A "PLANT"?

Among the reports current yesterday in Oakland was one to the effect that McKowen did not squander as much money on the race track as he alleged, and that the greater part of his pilferings is "planted" somewhere. In support of this idea was advanced the argument that such select legal luminaries as Peter F. Dunne and Harry M. Wright could not be retained for a song, and that the prisoner has no moneyed friends to back his defense. McKowen studiously maintains that he is penniless, since he deeded his three lots and personal belongings to the university.

Governor Pardee has called a meeting of the Board of Regents for this afternoon at the Hopkins Institute. While the McKowen affair will probably be discussed, none of the Regents expect that anything of a definite character will or can be done in the matter until the mystery inclosed in the secretary's books is solved. But it is just possible that the financial system which enabled McKowen to conduct his peculations unchecked and undiscovered for a period extending over half a dozen years will be inquired into and some amendments suggested.

## AMADOR OPERATIONS.

The Amador Ledger says that parties have been negotiating for the purchase of the Defender mine, and the price of \$60,000 has been mentioned. At the Sand Pile mine, where the only cyanide plant in Amador County has been operating, a cleanup will be made directly. The Rhetta mine is reported to have encountered the ledge on the drift east from the 1050-foot level. The mining property adjoining the Zella mine on the north has been sold. The Ledger says:

The intention of the purchasers is to combine the Fremont and Eddy ranches, embrace a large tract of land along the east of Zella lode, and organize a mining company to operate the same. It will take some time to make the necessary arrangements. Active work will not be likely to begin before six months at least. It is good news, however, for the people of Jackson that this portion of the scale line is to be prospectively, with sufficient funds to thoroughly prospect the property which is regarded as a very promising territory.

The facts concerning the trouble over the McKinley Consolidated mine in Shasta County are stated by the Redding Free Press to be as follows:

The application of the Balaclava Consolidated Copper Company, Shasta County, California, for a license to operate the McKinley Consolidated mine in Flat Creek mining district is opposed and protests were filed in the land office by Shasta and Bayard, attorneys for T. J. Foley and co-

work. There is a general closing down of small placer mines owing to the weather in Siskiyou County.

The Placerville Democracy tells of work in the mines in El Dorado County as follows:

A five-stamp mill is being constructed at Morey's quarry by the Witmer & Fuller mine.

Work is being pushed forward on the triple compartment shaft at the Darling mine.

The triple compartment shaft at the Eureka-Woodside mine in this place is down about 90 feet. A pump to handle the water in the shaft will be installed.

Operations have been resumed on the Ida Mitchell mine in the heart of Placerville. Men were put to work on the shaft. D. H. Hays has been put to work on the property before putting up a mill.

The Grass Valley Union says that plans are now being worked out for a consolidation of the Mountaineer and Summit mines, which will mean much for the future of Nevada City. J. C. Campbell has been at work for several weeks past organizing a company to control the two properties. The Summit is owned chiefly by Charles Webb Howard of the Spring Valley Water Company. It is stated that the proposition is to run a tunnel from Deer Creek to drain off the surface water from the Summit and to connect the two properties. The work of pumping out the Mountaineer is now under way.

## WEATHER DELAYS GAMES

### Soldiers' Baseball Sports at the Presidio Are Spoiled on Account of Muddy Field

The transport Thomas, which is scheduled to sail on January 1 for Manila, will carry two troops of the Second Cavalry, members of the hospital and signal corps, besides a number of detached officers and a few casuals.

The two troops of cavalry will come from Fort Sheridan. The remaining ten troops of that regiment go out to the Philippines on the transport Kilpatrick, sailing from New York.

Yesterday's storm caused disappointment at the Presidio, where two fine games of baseball had been arranged. The Fifteenth Infantry team from Ord Barracks, which has been the guest of the post for a week, expected to play against the Tenth Infantry in the morning, and in the afternoon they were to have crossed bats with the crack Presidio post team. The games will be played to-day if the weather permits.

The Presidio post team will go to San Jose to-morrow morning to cross bats with the All-Professionals, who are now wintering in that city.

Captain Marcellus G. Sprinks, who has been ordered to report to the paymaster of this department, is expected to arrive soon. He will proceed to the Philippines in February.

On December 28 Captain G. P. White will sell at public auction at the post a big lot of condemned quartermaster's supplies. This will include tentage, tools, halters, harness and a large amount of miscellaneous articles. It will be one of the largest sales that has taken place at the post for many months.

The Thirtieth Infantry, which arrived from Manila last Tuesday, was paid off yesterday at the post and joy reigned. In all probability the regiment will depart for its respective posts on next Tuesday or Wednesday.

Lieutenant Colonel T. F. Davis and Major George R. Cecil, both of the Thirtieth Infantry, are the guests of Major William Stephenson at his hospitable quarters in the post proper, while awaiting their departure with their regiment to the East.

Lieutenant Alfred C. Arnold left last night for Vancouver Barracks, Washington, in charge of twenty-four artillery recruits who will be mustered into the service at that post.

Lieutenant George B. Sharon of the Thirtieth Infantry, who was placed under arrest for a breach of regulations just before reaching port on the transport Sherman, has been released.

The Presidio Officers' Club has elected the following officers to serve during the ensuing year: Captain Ira J. Haynes, Artillery Corps; Captain George F. White, quartermaster; Captain F. E. Johnson, Artillery Corps; Lieutenant R. B. Camp, Ninth Cavalry; and Lieutenant O. G. Collins, artillery.

The present secretary, Lieutenant W. A. Covington, Artillery Corps, will remain in office until February.

Captain A. W. Chase of the paymaster's department has arrived and has reported at headquarters of this department.

Captain Nevills calls bluff of one John Ross collector of bad debts fails to frighten mining man with his talk of flight.

Captain W. A. Nevills, the well known mining man and capitalist, called the bluff of one John N. Ross, attorney and collector of bad debts, at a meeting of the Police Commissioners yesterday afternoon.

Nevills was a witness in the case of Charles D. Long, charged with fleeing laboring men. Long conducts an employment bureau and is alleged to have had a habit of sending men to people who did not want them. In order to get their money, and the mining man engaged in a wordy war and nearly came to blows as a result. Nevills did not seem to be frightened at all at Ross' talk. Long claimed that Nevills sent for the laborers and the fact was vigorously denied by the mining man.

Little of note was accomplished at the trial.

The trial of James G. Fogarty, charged with clubbing Sol Levitus, one of the strikers of the Cloakmakers' Union, on Taylor street on December 5, was commenced. A number of witnesses were examined and the further hearing was continued till Tuesday night.

Joseph E. Bennett was dismissed from the department by a vote of 3 to 1, Commissioner Reagan voting no. Bennett was implicated with ex-Sergeant Wolf in accepting money from Simpson & O'Neill, saloon-keepers, Seventh and Mission streets.

The Mining and Scientific Press reports that the Alaska Development Company has struck its second fowling oil well on its land near Catala, opposite Kayak Island, Alaska, and that the company has built a 1000-gallon tank near the wells and will run a pipe line to the drilling plants, so that oil may be used under the boilers instead of coal. Three other concerns have drillers at work in the Kayak country, these being the Cudahy Packing Company, the Alaska Petroleum and Coal Company of Seattle and Chansior & Canfield of California.

Our frame department is showing new lines of frames in gold, oak and art nouveau finishes. Good for Christmas—Sullivan, Vall & Co.

# CAVALRY WILL GO TO MANILA

### Transport Thomas Will Soon Carry Fresh Men to Do Duty in the Philippines

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# RIVAL SETS OF HOWLERS LAND IN POLICE COURT

### "Fair" and "Unfair" Shouters Block Street and Are Arrested for Disturbing the Peace—Judge Cabaniss Develops Spirit of Yuletide Mercy

Judging from appearances in Judge Mogan's courtroom yesterday the storm center of San Francisco labor troubles at present seems to be in front of the Golden Gate Clock House on Market street, near Taylor, owned by M. Siminoff. The street in front of the place was blocked by a multitude Thursday night listening to rival sets of shouters, one proclaiming that the house was "unfair" and warning all good men not to purchase therein, while the other set maintained in loud tones that the house was "fair" and worthy of patronage. Out in the middle of the street a "sandwich man" bore a banner with the announcement that the clock house was "unfair."

Sergeant Mahoney and a squad vainly endeavored to clear the way for traffic and as a final recourse arrested all the "spielers" and the "sandwich man." When the case was called in court it was a matter of great difficulty to separate the different factions, so that the various witnesses could identify them to the satisfaction of the judge and Judge Mogan. Finally the Judge solved the problem by getting the "fair" howlers to sit in the lower seats of the jury box, while the "unfair" claqueurs were lined up against the wall. The "sandwich man," who bore the appropriate name of Eaton and was in a class by himself, was stationed at the railing. Then the taking of testimony began.

It developed that Siminoff, proprietor of the clock house, as an offset to the denunciation of the union pickets who proclaimed his house "unfair," had hired a crew of stentorian-toned shouters to howl down the strikers. Both sides were making all the noise they could and the "sandwich man" carried the banner and made more noise than anybody. The "fair" shouters occupied the sidewalk, the "unfair" men lined up on the curb and the "sandwich man" tramped the street. Edgar Peikotto, attorney for Siminoff, admitted that his clients were probably guilty of disturbing the peace and thought that the strikers were also.

He believed that the officers had done their duty in making the arrests. The attorneys on the other side were unwilling to admit as much for their clients. Judge Mogan reserved decision in the case, but he warned the warring factions that they must keep the sidewalk clear and not interfere with traffic and said that if this were not done he would severely punish any member of either "fair" or "unfair" shouters that came before him in the future.

Judge Cabaniss fairly beamed with the spirit of holiday beneficence yesterday. It was manifested in his own court first when two old-timers, Julia Burns and Jane Donahue, appeared to answer to charges of vagrancy. The two poor old wrecks fully expected sentences of three months at least in the County Jail, but the Judge let them go with a ten-days' sentence, which under the law will allow their release Monday. At this unexpected leniency they fell into each other's arms and wept. When the warring factions were brought to the bench they poured forth a torrent of thanks upon the merciful dispenser of justice, and as they were led away a chorus of "God bless you, Judge" floated back through the corridors. Then the Judge rushed over to the court-room of Judge Fritz, who is ill, and found Mary Donahue there awaiting judgment for having disturbed the peace of her landlady, Mrs. McDonald, at 120 Eighth street.

Mary is another old-time offender that goes on the warpath when she looks upon the wine. In her mind's eye she saw the gloomy portals of the County Jail closing behind her. Another package of mercy was handed out, however. Mary was told to go and sin no more. She promised to find new lodgings. John Mullins likewise escaped punishment when he was brought to court for disturbing the peace of one year, which he readily did.

"Remember the night before election, Judge," asked Mullins after this little difficulty had been adjusted, "that I met you on the corner and shook hands with you?" The Judge remembered. "At that time, if my recollection serves me properly, you accompanied your greeting with the query as to whether I had the price," added the resourceful jurist. "Oh, no, Judge, not that time. I had money in my pocket that night. Judge Cabaniss apologized and Mullins, taking a glass of water from the judicial tumbler, went out into the mist to battle for a twelvemonth with his thirst."

Joseph Woods wanted a pair of trousers. He had one pair, but he wanted two, so that while he wore one he could have the crease in the other pair properly maintained. As he wandered past a second-hand store on Mission street a pattern that suited his fancy was dangling from a hook and he took the garment unto himself. He was convicted of petty larceny in Judge Mogan's court yesterday and will be sentenced to-day.

Judge Mogan yesterday held Joseph Kloess for trial in the Superior Court in ball of \$1000 on a charge of grand larceny. Two months ago Kloess was evoked and homeless and met Frank Adler, a sailor from the United States revenue cutter Thetis. Adler fed him and took him to his room to spend the night. Kloess arose earlier than the jolly tar and left without awakening him. With him went \$86 which Adler had in his pockets. During the preliminary examination the attorney for the defendant while cross-examining the complaining witness asked him if he had taken any drinks on the day he met Kloess. "Yes," answered the witness. "How many?" queried the attorney. "Oh, about twenty," was the answer. "I thought so," beamed the attorney. "Now, was this beer and whiskey or mostly whiskey?" "Neither," answered the tar, "it was lemonade. I'm a temperance man and never took a drink of intoxicating liquor in my life." The attorney gulped a couple of times and finally managed to ejaculate, "That's all."

John Kelley was bound over to trial before the Superior Court by Judge Conlan yesterday on a charge of robbery and his bail fixed at \$2000. The Judge asked him if he wished to make

# FIGHT OVER MARE ISLAND

### E. L. Sawyer Takes Legal Action to Have Government Ejected From Overflow Tract of Land

## B. H. McCALLA DEFENDANT

### Plaintiff Claims Ground by Virtue of Grant of Congress in 1850 to California

A suit in ejectment was filed yesterday in the United States Circuit Court, Ninth Division, against Bowman H. McCalla, commander of the naval station at Mare Island. The suit has been brought by E. L. Sawyer and is in reality a suit against the United States Government to recover 164.55 acres of swamp and overflow land off the north end of Mare Island.

Sawyer claims title under the grant by Congress in 1850 of all swamp and overflow lands to the State of California. In 1887 the State patented the land in question to David N. Darlington. Sawyer is the successor of Darlington in the ownership of the land, and wants the Government ejected from what he alleges is his by right of law.

It being unlawful to bring suit against the Government without having first secured its consent, the suit was brought against McCalla, he being in charge of and ruler over the island, a portion of which is the subject of the suit filed.

The United States Government will in all probability contest the suit, claiming Mare Island in its entirety as successor to Victor Castro, to whom the island was granted by the Mexican Government in 1841. The Government is in possession of the tract of overflowed land at the present time.

Sawyer claims that the Government in acquiring the island only got the high land and that the swamp or overflowed land belonged to the State by the grant of 1850. He being the successor of Darlington, to whom the land was patented by the State, claims title to the disputed acreage.

The suit will occasion much interest, as a case similar to it was brought against the Government in the Circuit Court before Chief Justice Field in September, 1883, by the San Francisco Savings Union et al. to secure title to a large tract of overflowed land comprising 7413 acres. The land then sued for was that lying directly north of the section now being sued for by Sawyer. Judge Field gave judgment to the plaintiff. The decision was appealed to the United States Court of Appeals and there upheld.

Sawyer claims that the Government is now using his tract of submerged land as a dumping ground for rubbish from the island. He has retained Attorney W. M. McIntosh.

Thomas S. Wall, a machinist, was before Judge Conlan yesterday charged with battery. The testimony showed that Ethel Roberts, a young girl, refused to live with her mother and took a room at 502 Third street. Her mother went there with some food for her while Wall was making a call. The mother upbraided him for inducing the girl to leave home, and as a result Wall choked the mother. Her screams attracted Policeman Whelton, who attempted to place Wall under arrest. Wall gave the policeman such a tough battle that Whelton was compelled to call in the assistance of Policeman McDowell before the machinist could be subdued. The hearing of the case was continued until to-day.

FATE OF MRS. WILKERSON NOW IN HANDS OF COURT

Judge Murasky Hears Final Argument in the Suit and Takes Case Under Adjudication.

Final argument in the divorce suit of Maude Amber Wilkerson against Ira Puerl Wilkerson was heard by Judge Murasky yesterday and the case was taken under advisement.

A divorce was granted yesterday to William E. Sharp from Amelia Sharp who was formerly leader of an orchestra in a Honolulu theater. A decree was also granted to W. A. Pickering from Mary O. Pickering for desertion.

A suit for divorce was filed by Florence P. Brown against Daniel Brown for intemperance.

Sues Peltier for Support.

The suit for maintenance of Marie Peltier against John Peltier, an asphaltum roofing contractor, was given a hearing by Judge Seawell yesterday. The woman asks for \$100 a month and complains that she was compelled to live in a hovel by her husband.

Gets a Hundred Too Much.

Major F. L. Payson, paymaster in the United States Army, secured a warrant from Police Judge Cabaniss yesterday for the arrest of Charles L. Newcomb, a discharged soldier, on the charge of felony embezzlement. Newcomb was entitled to \$251, but through a clerical error he was paid \$351. The error was not discovered till a few days later, but Newcomb had left the city. It is said that he has been located in Stockton and will be brought back.

RECOVERS JUDGMENT FROM GERMAN BANK

Depositor Sues for a Sum of Money That Was Withdrawn by a Man Who Stole Bank Book.

Justice of the Peace Van Nostrand gave judgment yesterday for \$170 in favor of John Tyler, who sued the German Bank for the amount which he had on deposit. Tyler testified that his bank book was stolen by a man whom he had befriended and the latter drew \$160 of the money. Tyler said he was at a loss to know why the bank had paid over the money, as his friend had misspelled his (Tyler's) name when he signed for the money.

The bank interposed no defense, but after judgment was given filed notice that it would appeal the case.

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