

BURCH TO AID IN PROSECUTION

Representative of Justice Department Will Assist in the Benson-Hyde Cases

TALKS TO WOODWORTH

Comes Here Under Special Orders From United States Attorney General Knox

Judge M. C. Burch of Washington, who is attached to the Department of Justice and has charge of the employment of special counsel in the prosecution of cases throughout the United States, has been a guest at the Palace Hotel for several days. It is his custom to travel through the Western States, keeping in touch with the District Attorneys of the Federal courts and adding these officials of the Government whenever assistance is needed, and also participating in the prosecution of cases where special counsel cannot be obtained or has not been previously arranged for. He was recently in Colorado assisting in a Government suit against the Rio Grande Railroad Company, which is still in progress, and from there he journeyed to Los Angeles, where he received instructions from Attorney General Knox to proceed to this city and confer with the United States District Attorney concerning the approaching hearing of the extradition cases of Benson and Hyde, indicted on charges of fraudulent timber transactions. Just what part Judge Burch will take in these cases he does not know, but it is expected that he will be an important factor in their prosecution.

DELIVERS AN ILLUSTRATED LECTURE ON GETTYSBURG

Wesley A. Jacobs, Member of Grand Army of Republic, Holds Attention of Large Audience.

Wesley A. Jacobs, a member of the Grand Army of the Republic, gave an interesting lecture last night at the Central Methodist Church. His subject was "Gettysburg in 1863 and 1901." The lecture was free and largely attended. It was delivered under the auspices of the Central Men's League. Mr. Jacobs gave a vivid description of the battle of Gettysburg and the great number of soldiers that were killed in that historical battle of the Civil War. Then he drew a descriptive comparison between the Gettysburg of the Civil War and the Gettysburg of to-day. The lecture was beautifully illustrated with a fine set of stereoscopic views.

Bell Surrenders Himself.

William Bell, for whose arrest a warrant was issued some weeks ago on a charge of threats to kill, preferred by Jasper M. McDonald, ex-Park Commissioner, surrendered himself at police headquarters yesterday and was booked at the City Prison. Bell had been employed as a painter at Golden Gate Park and was discharged. He blamed McDonald for losing his job and meeting him on the street threatened to cut his throat.

Dodge Offers to Compromise.

C. C. Bemis, executor of the will of the late David R. Jones, petitioned the Superior Court yesterday for permission to accept from Zenas Dodge \$500 as a compromise payment for notes for \$25,270 given by Dodge to Bemis. He says that it would not benefit the estate to sue Dodge.

GRAPE-NUTS.

Complete Change in

FOOD

may solve your

Problem

Suppose meat be left off for

Breakfast

and use a little FRUIT, a dish of

Grape-Nuts

and cup of

Postum

nothing more.

Try the change 10 days.

"There's a Reason"

PELILLA CASE IS EVIDENT

Court Hands Down Opinion Dismissing Claim to the Water Front of Oakland

MILLIONS ARE INVOLVED

Farewell Appearance of a Suit That Was Begun Nearly Fifty Years Ago

In the United States District Court yesterday United States District Judge C. B. Bellinger of Portland, Or., handed down a decision denying the motion of Mary H. Gwin and Miers F. Truett, intervenors in the case of Vicente Peralta and others, vs. the United States of America for an order of court commanding the United States to issue to them a patent for a portion of the lands of the Rancho San Antonio, which ranch embraces 46,685 acres in Alameda County and on which the cities of Oakland and Alameda are situated. Added to these there are 2352 acres of unpatented land held by the United States which the intervenors claim. This is known as the Oakland water front and is the bone of contention in the case, the remainder of the rancho having been transferred. It is valued at \$25,000,000.

LINE OF THE BAY.

The following are extracts from the decision: The controversy that has arisen grows out of the fact that in the execution of the decree of the District Court affirming the award of the "Bay of San Francisco," employed to describe the west boundary of the Peralta grant, was erroneously interpreted to mean the line of ordinary high water of the bay so run as to exclude from the grant the swamp lands in the estuaries of the bay. But for this error there would have been full compliance with the decree under which the petitioners claim with their present contention. Whether the line of the bay of San Francisco includes the swamp lands for the determination of the District Court, and an error committed in determining it does not affect the completeness of what was done. Errors of judgment in such a case are open to correction on appeal, without this the parties are concluded by what is decided. The west boundary of the grant is described in the decree of 1859 as the line of San Francisco Bay. The decree of 1862 undertakes merely to give a description to the line of the bay, and was in aid of the prior decree. The survey and location of this line was a proceeding under the control of the court, and a part of its judicial action.

DECREE IS EXECUTED.

The execution of the decree of confirmation has been made complete by the issuance of patents by the department in which patents were issued to the claimants at their instance, as provided by the act of Congress, as prescribed by the act of Congress, to the General Land Office of the department of the interior, and of the survey and location of the line of the bay, and they are final and conclusive as to the claimants' rights in the United States under the decree of confirmation. The decree of 1859 is confirmed, and the survey and location of this line was a proceeding under the control of the court, and a part of its judicial action.

DEAD THIRTY YEARS.

Furthermore, the parties who make this motion are precluded in any way from claiming otherwise than by their tactics. They were satisfied with the location of the decree of confirmation at the time. More than thirty years elapsed after the amended decree, and the lands in controversy were excluded from the grant, was entered before any attempt was made to reopen the question of the location of the line of the bay. These lands were sold by the State as swamp lands inuring to the benefit of the public, and of that character. Improvement of the lands has been made upon them by parties, including the United States, who have acted in good faith without any claim. A neglected right, if neglected too long, must be treated as an abandoned right, which no court will enforce. *Sanborn vs. Hansky*, 178 U. S., 208.

MINGLES HEART INTEREST WITH TECHNICAL TEACHING

Lieutenant Carden's Lecture on What He Saw in Industrial Europe Appeals to Hearers.

Lieutenant Geoffrey Lynet Carden of the United States revenue cutter service entertained a fair-sized audience last evening in the Young Men's Christian Association auditorium with an illustrated lecture descriptive of his trip through industrial Europe in quest of machinery exhibits for the St. Louis Exposition. He visited all the great iron manufacturing centers and obtained numerous stereoscopic plates, that served to illustrate his talk.

PAPERHANGERS AT OUTS WITH THE LABOR COUNCIL

Harry Thompson of the Orpheum Theater is Appointed as Organizer of the Actors' Union.

Paperhangers' Union No. 509 is in trouble with the officials of the Building Trades Council. The Labor Council alleges that the union named has refused to obey orders. Harry Thompson of the Orpheum Theater has been appointed general organizer by the Actors' National Protective Union of America.

Collateral Inheritance Tax.

City Attorney Long advised the Supervisors' Finance Committee yesterday that there is no litigation regarding the status of the collateral inheritance tax, but there are two cases pending affecting the right of the City Treasurer to retain a certain percentage of such taxes collected.

Swallows Quantity of Iodine.

Mary O'Leary of 1170 Oak street attempted suicide yesterday morning by swallowing a quantity of iodine. Dr. Boskowitz of the Emergency Hospital pumped her stomach out and the woman will recover. She had had a quarrel with her husband.

THE MASTENS GREET THROGS OF GAY GUESTS

By Sally Sharp.

Rising out of the gray solemnity of Lent, the reception of Mr. and Mrs. Joseph Masten at the Century Clubhouse last night stood out with brilliant prominence—brilliantly befitting the happy occasion it celebrated—the fifteenth anniversary of the wedding of the host and hostess.

The clubhouse was garlanded from end to end with forest branches, palms and fragile ferns, while billows of red tulle and red ribbons were looped among the glistening leaves.

From a latticed bower, lantern hung, the music-makers sent forth the merry melody—not the crashing, clanging kind that strangles pleasant chatter, but soft, sweet, seductive melody.

Mr. and Mrs. Masten received their guests alone, extending greeting to nearly 400 friends, many of whom had been guests at their wedding.

A pretty bride was Mrs. Masten last night, gowned in a robe of glistening lace, her white shoulders outlined by a bertha of exquisite lace.

Among the throng of guests were some stunningly gowned women, among whom were Mrs. William L. Hughs, who wore an exquisite gown of white silk showered with violets, the transparent corsage outlined with a bertha of rare lace. With this costume Mrs. Hughs, who is a statue type of beauty, wore a white Gainsborough hat, feather laden.

Mrs. Thomas Morfiew, always handsomely gowned, wore a gray chiffon cloth robe heavily trimmed with Irish point, with the Frenchest of blue and pink flowers glowing through the creamy meshes of the lace. In her hair she wore a pink pompadour.

Mrs. Arthur Whipple Spear was gowned smartly in white chiffon with duchess lace. Miss Charlotte Hall wore a very becoming frock of pink chiffon with a chaplet of pink roses.

Mrs. Herbert Hodgdon's gown of blue chiffon, hand painted and trimmed with frosted lace, was one of the notably pretty costumes worn—and there were many other smart ones.

Both before and after supper the younger set danced merrily, and the hours flew, even as at a preordained dance.

PERSONAL

Attorney W. H. Hatton of Modesto is at the Lick.

Dr. B. F. Church of Los Angeles is at the Grand.

B. F. Brooks, an oil man of Weed, is at the Palace.

Dr. D. H. Moulton and wife of Chicago are at the Palace.

Dr. and Mrs. Thomas J. McCoy of Los Angeles are at the Grand.

Dr. P. H. Jordan and Dr. F. H. Peterson of San Jose are at the California.

Mr. and Mrs. L. Ranshoff have returned from a six weeks' trip in the East.

Oliver Morosco, the well-known theatrical manager, and wife of Los Angeles are at the California.

Rev. Roberts Coles of Philadelphia, who has been making a tour of the world, is a guest at the Grand.

John Condon, Chicago's famous blind politician, and the members of his family arrived at the Palace yesterday.

Thomas J. Kirk, State Superintendent of Public Instruction, is down from Sacramento and registered at the Palace.

Former Governor H. H. Markham of Pasadena is visiting this city for the first time in two years, and is staying at the Palace.

P. M. Price, head of the Moline Plow Manufacturing Company of Illinois, and F. H. Kennedy of Stockton, Pacific Coast agent for the same concern, registered at the California yesterday.

Frank J. Parker of Walla Walla, chairman of the Washington State Commission of the Lewis and Clark Centennial Exposition, is in this city and staying at the Occidental.

R. A. Donaldson, assistant general passenger agent of the Southern Pacific Company, who has been in the East for several weeks on railroad business, has returned to this city.

Max Judd of New York, famous throughout the world as a chess player, is registered at the Palace Hotel with his wife. For many years Judd figured in all the big chess matches in this country and also attracted considerable attention abroad during his stay in Vienna, to which place he was sent as American Consul General during the administration of President Cleveland.

His trip to the coast is simply one of pleasure. He and his wife expect to remain in this city for several days.

Californians in New York.

NEW YORK, Feb. 26.—The following Californians are here: From San Francisco—W. H. Christie at the Manhattan, A. H. G. Cooper at the Savoy, Miss Deveraux at the Vendome and Mrs. A. Dillon and F. L. Orcutt at the Hotel Savoy.

From San Jose—E. O. Pieper at the Herald Square.

From Los Angeles—F. A. Swan at the Park avenue.

Town Talk's household number for February is a magazine of exceptional interest, abundant in breezy fiction, sprightly comment, biting satire and exclusive news concerning people of prominence in politics, clubdom and society. Notwithstanding the addition of many new and catchy features, the regular departments of this bright and entertaining weekly have not been neglected. There is some inside information in the "Bourgeois" column about the new District Judgeship and about McNab's latest conference with Hearst.

Mrs. Carolan's reason for no longer taking an interest in literature is explained. There is a story about another row among the Native Daughters, one about the snubbing of a Burlingame matron and one about a fight at the Mardi Gras ball. Mrs. Clarence Mackay's book is discussed; also, our crook-ridden city, and the circumstances that point to a copartnership between the police and the thugs. Incidentally there is an explanation of why the Iroquois Clubmen did not endorse Hearst.

The remarkable echo at Eagle's Nest, on the banks of Killarney, Ireland, I stated a bugle call 109 times, each clear and distinct.

HISLOP MUST PAY ALIMONY

Court Directs Him to Contribute to Wife's Support Pending the Divorce Suit

GRANNIS WANTS FAMILY

Asks Judge to Modify Decree Giving Children Into Custody of Former Spouse

George W. Hislop, the manufacturer's agent who is being sued for divorce by Louisa K. Hislop and who sued Henry Brown, paying teller of Wells, Fargo & Co.'s Bank, for \$50,000 for alienating the affections of Mrs. Hislop, must pay his wife alimony pending the determination of her suit for divorce. Judge Sloss made an order yesterday directing him to pay to Mrs. Hislop \$50 on the 1st of every month. The order was made after Hislop had testified that since last May he had earned \$1150. Hislop also came out a loser in the other court proceedings connected with his wife's action for divorce. Judge Sloss overruled his demurrer to Mrs. Hislop's amended complaint for divorce.

James G. Grannis, a wealthy manufacturing machinist, was before Judge Sloss yesterday with a motion to modify the decree of divorce obtained from him by Amelia Grannis several months ago. He wants the court to take away from Mrs. Grannis the children, who were awarded to her custody at the time the decree was granted. He claims she is not treating them properly. A further hearing will be granted his motion next Wednesday.

Judge Murasky made an order giving to Annie Jeffress \$40 a month alimony during the pendency of her action for divorce against Harry Jeffress and Judge Hebbard made an order directing Frank Bartles to pay to Mrs. Bartles \$25 a month while her suit for divorce remains undecided.

Decrees of divorce were granted to Mary E. Henderson from W. E. Henderson for intemperance; Millie A. Barnett from Robert L. Barnett for neglect; Eulalie de Ramper from Delmas de Ramper for desertion, and Ermina Brewer from W. W. Brewer for desertion. The Brewers are theatrical people.

The action for divorce brought by John Madison Smith, formerly a wealthy druggist of Durham, Butte County, against Alice Jane Smith was dismissed. The Smiths were married more than thirty years ago in Oregon and have several children more than 20 years of age.

Miss Allen returns to Seattle, whose love affair with a married man of that city and her sudden flight to San Francisco caused no end of excitement in the north last week, left yesterday for her home. She came here with the avowed intention of becoming an actress and was seriously contemplating this step when her elder sister joined her at the Grand Hotel, and after a four days' exertion of her persuasive powers induced Clio to abandon her theatrical notions and go back to Seattle.

The Pentecostal convention at the Howard Street Methodist Church was largely attended last night. The convention has been running since the 16th of this month and will be concluded to-morrow night. Evangelists Joseph H. Smith and L. H. Baker spoke last evening.

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The advantages of a complete equipment in the Workrooms of SHREVE & CO'S Stationery Department are available for the prompt and intelligent execution of orders for Wedding Stationery, Visiting and Reception Cards and the stamping of Correspondence Papers.

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DON'T FAIL TO see the beautiful COURT Lounging room, the EMPIRE PARLOR, the PALM ROOM, the LOUIS XV PARLOR, and the LADIES' WRITING ROOM.

MISCELLANEOUS AMUSEMENTS.

THE KILTIES THE GREATEST BAND OF ALL ALHAMBRA THEATRE. MATINEES TO-DAY AND TO-MORROW.

TO-NIGHT, RAGTIME SMOKER SPECIAL ENGAGEMENT OF THE GREAT SCOTCH PRIMA DONNA.

FLORA DONALDSON Every lady at to-day's matinee presented with a handsome album, containing words and music of Scotch songs.

POPULAR PRICES. Children 25c to all parts of the house—Seats on Sale at Sherman, Clay & Co.'s.

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ABSOLUTE SECURITY Genuine CARTER'S LITTLE LIVER PILLS must bear Fac-simile Signature of Carter's Little Liver Pills. Includes image of a parrot and text: Absolutely Cure BILIOUSNESS, SICK HEADACHE, TORPID LIVER, FURRED TONGUE, INDIGESTION, CONSTIPATION, DIZZINESS, SALLOW SKIN. They TOUCH the LIVER. Small Pill, Small Dose, Small Price. Look for the Signature.

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AMUSEMENTS. TIVOLI OPERA HOUSE. MATINEE TO-DAY AT 2:15. LAST THREE PERFORMANCES OF When Johnny Comes Marching Home. MONDAY, FEBRUARY 29 THE GYPSY BARON. FIRST APPEARANCE IN ENGLISH OF SIG. DOMENICO RUSSO. SECURE SEATS IN ADVANCE! Usual Popular Prices.....25c, 50c and 75c Box Seats.....1.00, 1.50 and 2.00.

Orpheum. Look at the Names! Filson and Errol; Girard and Gardner; George W. Day and Morris and Bowen. Last times of the Eight Vassar Girls; Werner - Amoros Troupe; Harry Thomson, and Orpheum Motion Pictures, illustrating Longfellow's "Hiawatha." Regular Matinees every Wednesday, Thursday, Saturday and Sunday. Prices 10c, 25c and 50c.

CALIFORNIA. LAST TIME TO-NIGHT. W. C. SANFORD'S Successful Melodrama. HUMAN HEARTS. TO-MORROW NIGHT! James A. Herpe's Famous Comedy, SAG HARBOR. Exceptionally Strong Cast. A Herpe Production is Always High Class. Seats Now Selling.

COLUMBIA SAN FRANCISCO'S LEADING THEATRE. NIGHTLY, INCLUDING SUNDAY. DENMAN THOMPSON (Himself) in the greatest of all rural plays. MATINEE TO-DAY. THE OLD and Next Week. HOMESTEAD. WATCH FOR THE Silver Slipper.

Racing! Racing! OAKLAND RACE TRACK. NEW CALIFORNIA JOCKEY CLUB. Racine Each Week Day, Rain or Shine. Six or More Races Daily. Races commence at 2:15 p. m. sharp. For special trains stopping at the track take S. P. Ferry, foot of Market street, at 12, 12:30, 1:00, 1:30 or 2 o'clock. No smoking in last two cars, which are reserved for ladies and their escorts. Returning trains leave track at 4:10 and 4:45 and immediately after the last race. THOMAS H. WILLIAMS, President, FERRY W. TREAT, Secretary.