

# STRANGE WILL IS PROBATED

## Another Remarkable Chapter in the Story of Thomas McDonald's Long Career

### MAKES ODD BEQUESTS

#### Court That Admits Testament Previously Declared the Veteran Incompetent

The order of the Superior Court of Napa County admitting to probate the will of Thomas McDonald adds another chapter to a remarkable story. McDonald was an old soldier, who died at the age of 82 years. He enlisted in the United States regular army in 1844 at Newport, Ky. He was admitted to the Veterans' Home, Yountville, fourteen years ago and dwelt in peace and contentment there until last September, when it was discovered that he had \$700 in a savings bank and \$1000 in his credit with the treasurer of the home. Immediately after this discovery a remarkable interest in the old veteran's welfare was manifested. It was the judgment of his new advisers that he was not capable of managing so large a fortune, therefore the Superior Court of Napa County was petitioned to declare him incompetent and to appoint a guardian for him. The petition was duly presented by Bell, York & Bell, attorneys. The court adjudged him incompetent and appointed Robert C. Little as his guardian.

All the money to McDonald's credit with the treasurer of the home was demanded in legal form and it was paid over to the guardian. The old veteran's discharge from the home was demanded, and, of course, could not be denied.

The old man was taken to Napa City for shelter and solace under the auspices of the interested parties, but he did not long survive the change of surroundings. He died, leaving a will, and now the somewhat astonishing fact is disclosed that the will is dated about the time that the court declared that he was not competent to manage his own affairs and the same court admits this will to probate.

The will provides first that a sum not exceeding \$100 shall be expended for a monument to mark his grave.

Second, that 10 per cent shall go to Michael Maloney.

Third, that 10 per cent shall go to Mrs. L. C. Peterson.

Fourth, that 10 per cent shall go to Father Conway, acting pastor of the Catholic church at Napa, for the benefit of the orphan asylum of the church.

It is further provided: "Should there be more than the per cents indicated above I will it to be divided equally on the second and third bequests hereof." Under this clause about 85 per cent of the estate, or a sum approximating \$1200, goes to Michael Maloney and Mrs. Peterson. This disposition of the property was made by will on September 26, 1903, shortly after he was taken from the Veterans' Home and at the time that the petition to declare him incompetent and in need of a guardian was on file.

Thomas McDonald, it is acknowledged, had no living kin. It is possible that the Attorney General of the State may take note of the proceedings in Napa County. If the money in the McDonald estate does not go to the home, as the act of Congress provides, or escheat to the State of California, the State Legislature at its next session may demand an accounting.

Fancy vests at cost. See window. Tom Dillon, hatter, opposite Palace.

Insolvent Painter. Andrew P. Jensen, painter and paper-hanger, this city, filed a petition in insolvency yesterday in the United States District Court. He owes \$1820 and has \$550.

Banker Sues for Money.—Albert Meyer, the banker, yesterday filed a suit for \$16,132 against the Central Irrigation District. He says the money is due him as the holder of 500 bond coupons issued by the district.

# INSANE PATIENT KILLS OLD MAN IN HOSPITAL

## Young Italian Beats Robert Allen to Death While Confined in Special Room at City and County Institution—Murderer Grows Suddenly Violent



INSANE ITALIAN ASSASSIN WHO YESTERDAY CRUSHED THE LIFE OUT OF AN Aged and feeble inmate of the City and County Hospital, mangling him beyond recognition; also victim of the tragedy.

The body of Robert Allen lies at the Morgue and his murderer is strapped to a cot in the insane ward of the Emergency Hospital. Allen, who was 72 years of age, was killed by Buonorno Maranta, a young Italian, who became violently mad yesterday morning at the City and County Hospital. Insanity is given as the cause of the murder and the condition of the murderer bears out that conclusion.

Robert Allen was a laborer living at 712 Front street. A stroke of paralysis on June 20 necessitated his removal to the City and County Hospital. Prior to Allen's arrival at the county institution, Maranta had been admitted for lung trouble, assigned to the general ward and placed among the patients in charge of Dr. Dunn.

Allen was in the same ward, but Tuesday afternoon he became delirious and was removed to room J, so that his noise would not disturb the other patients. Shortly after the transfer of Allen, Maranta became noisy and was put in the room with Allen.

**NURSE SAW PATIENTS.**

Yesterday morning Miss Carrie Sewell, the nurse in charge of ward J, carried breakfast to the two men at the regular time. Shortly after Miss Sewell left the room, Dr. W. A. Morton passed along the hall and heard screams coming from room J. He entered and found Maranta crushing the life out of Allen. Without any weapon except his bare hands and feet Maranta had mangled the old man beyond recognition. Dr. Morton cried for help as the young Italian sprang at him, crying in broken English that Allen

had been causing spirits to hound him and give him pain.

Attendants responded to Dr. Morton's cries and after a fierce struggle Maranta was placed in a straitjacket.

An attendant of the hospital questioned Maranta as to why he had killed the old man. "Spirits and spirits," was all the murderer would say. Prayer after prayer he uttered while his eyes rested on the battered corpse on the floor. Once he smiled as he gazed on his ghastly work and muttered a prayer of thanks for having rid himself of the cause of his supposed troubles.

Robert Allen was 72 years of age. He has resided in San Francisco for several years, but he has no known relatives. At different times he worked along the water front as a laborer but had no steady occupation. At his late residence nothing is known regarding his prior life beyond the fact that he was a Scotsman.

**MARANTA IS STRONG.**

Maranta is about 25 years of age and has an athletic frame. He weighs about 155 pounds, though small of stature. Nothing can be learned of his antecedents. At 423 1/2 Broadway, where he resided before going to the hospital, little or nothing is known of him. He has been in San Francisco for about four months, having come from New York direct after landing from Italy. His effects show that at some time he has been a sailor, but when asked by the interpreter how he came to San Francisco he said he had a horse and buggy.

Maranta had evidently dragged Allen from his couch and pounded his head on the floor while applying his fist on the old man's features. Scream after scream he voiced and with each cry he struck the old man either with his fist or jumped on him with his feet. Some idea of the fury of the insanity which controlled the young Italian can be surmised from the fact that both of Allen's shoulder blades were broken, the left leg fractured and the head jammed almost to a pulp. Death must have enshrouded Allen long before the insane man completed his work of annihilation. An examination of the body shows also that the jaw was broken and three ribs fractured.

The attention of the Board of Health has been called to the fact that the two men were left alone in the room. An investigation will be held.

**PROMOTION COMMITTEE WILL SEE BURBANK FARM**

Invitation Is Accepted to Call on Great Hybridizer When Members Go to Eureka.

The California Promotion Committee has received from Luther Burbank, the great hybridizer, an invitation for the party that leaves this city for a trip to Eureka on July 9 to visit his home en route. Secretary J. W. Horn of the Petaluma Board of Trade has written that members of the board will furnish carriages to carry the visitors about Petaluma. A banquet will be given at Willits on the evening of July 9. The California Promotion Committee will not send out special invitations for this excursion. All who desire to make the trip are requested to call at 25 New Montgomery street. It is necessary that notice shall be received early so that the proper accommodations may be secured, as there are no telephones or telegraph lines in a large part of the region to be traveled over.

**LOSES EYE, SEEKS DAMAGE.**—W. J. Rogers, a marine engineer, yesterday filed a suit for \$25,470 damages against the Crescent City Transportation Company. He lost his left eye while employed by the defendant on the steamer Del Norte in September, 1902.

# PIANOS

These Pianos have been returned from rent or accepted in part exchange for Chickering's. Every one a standard make and in excellent condition. Some are marked as low as \$40.00, none higher than \$285.00.

**Chickering**  
**Vose**  
**Steinway**  
**Steck**  
**Kroeger**  
**Curtaz**  
**Haines**  
**Sterling**  
**Neumann**  
**Weber**

## BENJ. CURTAZ & SON

CHICKERING AGENCY  
16 O'Farrell Street, San Francisco  
Open Saturday Nights. Everything in Music.

# PROSECUTION HOLDS BOOKS

## Eppinger's Attorneys Are as Yet Unable to Secure Possession of the Documents

### FRAUD IS CHARGED

#### Topping Explains Entries by Saying He Had to Allow for Swelling of Grain

The legal battle for the possession of the books of the defunct grain firm of Eppinger & Co. was begun in earnest yesterday morning when the attorneys for the prosecution were served with an order summoning them to appear before Milton J. Green, referee in bankruptcy, and show cause why the books should not be given to the defense.

The serving of the papers, which was made by an attaché of the office of Henry Ach, created considerable diversion in the corridors of the Hall of Justice. Mr. Campbell was served while District Attorney Byington was in his office. Immediately upon his receipt of the papers Campbell gave the cue to Mr. Mansfield, one of his assistants, and Mansfield and the server of the papers sprinted down the corridor to Byington's office. Mansfield had the trial and was first over the tape, or rather into the door, and the District Attorney was warned to keep under cover until the books were introduced in evidence. This he did, and the papers were not served on him until an hour later. Meanwhile the contents of the books, showing the amounts of grain owned by Eppinger & Co., were being read into the record.

**FRAUD IS ALLEGED.**

The summons thus issued at the request of the defense stated that after the failure Henry Wadsworth as receiver came into possession of certain books of the firm, among them being a cash book, a check book and a number of papers. This property, it is stated, the defendant has reason to believe was turned over to J. C. Campbell and Lewis F. Byington. Demands had been made for the possession of this property or at least an opportunity to inspect it, but they had been denied.

In answer to the summons Campbell and Byington appeared before Referee Green yesterday afternoon and secured a continuance of the hearing until 1:30 p. m. to-day. In the course of the argument for a continuance Attorney Ach denounced the attorneys for the prosecution, stating that they had, with the assistance of Detective Thomas Gibson, procured the books from Wadsworth by misrepresentation. He alleges that Wadsworth, before delivering up the books, had been informed by the prosecution that they were already admitted in evidence.

**TOPPING TESTIFIES.**

Little was done in Judge Lawlor's courtroom yesterday aside from reading the entries of receipts and shipments of wheat from the books of Eppinger & Co. Sheriff Veale of Contra Costa County was placed on the stand with a view to impeaching the testimony of James Deming, but after a few questions he was withdrawn. W. Topping was then subjected to a rigid examination regarding certain entries in the books and his methods of bookkeeping.

He was in the habit of balancing from the stock list about three times a year, but could not remember as to any balances made between June 1, 1902, and June 1, 1903.

When asked why an increase of about one-third had been made in the amount of wheat after it passed through the grader he said the greater weight was due to swelling from moisture.

"How did you estimate this?" was asked.

"I had no method of estimating it."

"How then did you come to make those entries?"

"I made them from the warehouse receipts."

"How do you know that there was an increase in the weight of grain by cause of moisture?"

"I do not know it."

The examination of Topping will be continued to-day.

**Fourth of July at Del Monte.**

If you want quiet sport, a game of golf on the links, a dip in the surf, or salmon fishing on Monterey Bay, why not go to Hotel del Monte for your Fourth of July holiday?

Round-trip rate, including two days' stay at the hotel, \$10. Tickets good leaving San Francisco Saturday or Sunday, returning Monday or Tuesday.

**Hesse Is Sentenced.**

Edward W. Hesse, who pleaded guilty in Judge Dunne's court to two charges of making and passing a fictitious check, was sentenced yesterday to serve three years in San Quentin on one charge and the other was placed on the reserve calendar. On November 21 he passed a worthless check for \$35 on a saloon-keeper at 526 Merchant street and on December 1 passed a worthless check for \$27.50 on a saloon-keeper at 343 East street. He was at one time connected with an opera company in this city.

**To Visit San Francisco**

Without seeing the Diamond Palace would be like visiting Europe without seeing Paris. It is a leading feature of San Francisco, and is the most beautiful jewelry store in the world. Visitors of purists are equally welcome. 221 Montgomery street, between Bush and Pine.

**ISSUES LICENSE FOR NEW BANK.**—The Board of Bank Commissioners issued a license yesterday for the establishment of the Kingsville Bank at Kingsburg. The new institution is capitalized at \$25,000, half of which has been paid up. The officers are: D. S. Snodgrass, president; Levi Garrett, vice president, and A. J. Lindgren, secretary and cashier.

**WANT ADVERTISERS IN NEXT SUNDAY'S CALL RECEIVE FREE A SCIENTIFIC TOASTER.**

The latest and most improved article on the market for toasting bread, broiling oysters, clams or steaks.

Can be used on gas, coal or oil stoves.

**GIFTS GIVEN TO-DAY.**

# DEMANDS COOK OR NEW SUIT

## Collins Drops Hutton Case When It Is Transferred to Judge Troutt's Court

### WILL FILE CAUSE ANEW

#### Attorney Insists That Action Cannot Be Changed From the Original Department

Each chapter of the legal battle directed by Attorney George D. Collins against Police Commissioner Hutton grows more spicy. The last case is really a fight to remove Hutton from office.

There is pending in Judge Cook's court a suit that questions the Police Commissioner's right to act as "special chief of police for No. 1129 Dupont street," and that would impeach him for assuming unlawful powers.

This complaint was filed in the Superior Court during the middle of June and Judge Kerrigan assigned it to Judge Cook's court on the ground that Cook was familiar with the criminal suits out of which grew the pending litigation.

Judge Cook had the case set for trial on July 6, arranging to return from his vacation and hear it on that day. So the matter stood yesterday forenoon.

Yesterday afternoon, however, Attorney Gavin McNab, for Hutton, made an ex parte application to have the case transferred to Judge Troutt's department. This action was agreeable to Attorney Riordan and McNab on behalf of the accused Commissioner.

Attorney Collins appeared before Judges Graham and Troutt yesterday and objected to the transfer, alleging that Judge Cook had arranged to hear it on July 6. He then wrote the following letter to Commissioner Hutton:

Dear Sir: I am in receipt of a letter from you, dated yesterday and delivered to me this morning, evidently one day late. I positively refuse to permit Judge Troutt to hear the matter to which you refer. I will also ask the presiding Judge to vacate the order of transfer upon the ground that it was irregularly made. Judge Cook will be here July 6 prox. and will then hear the case, and I do not propose to have the convenience or purpose of myself or your attorneys interfere with the orderly administration of the law. I will make no objection to Judge Troutt at once. I do not propose to submit to any questionable manipulation in any litigation in which I am interested. Respectfully,  
GEO. D. COLLINS,  
Attorney for Prosecution.

After explaining to Judges Graham and Troutt that he would object to the transfer Collins filed the following dismissal and says he will begin the case anew on Judge Cook's return:

Because of the above entitled matter having been irregularly transferred from department No. 12 to department No. 3, and in remonstrance against said irregularity, the above entitled matter is hereby dismissed, but without prejudice to a new and similar proceeding when the conditions which induce this dismissal no longer operate to prevent an orderly administration of the law.

The legal time for hearing the original case would have expired on June 10, that being within the twenty-day period prescribed by the law for disposing of such charges.

On Judge Cook's return from vacation, says Collins, the action will be started anew.

**Murine Eye Remedy.** A home cure for Eye troubles. Never fails to win friends. Used for infant and adult. Murine doesn't smart. It soothes and cures.

**LAMPMAN WILL CONTEST.**—Albert H. Elliot yesterday filed his demurrer to Harriet Reid's contest of the will of Henry Lampman. The ground is that she is not a relative of the deceased nor entitled to a share in the estate except under the provisions of another will, which he is contesting.

**MARKS BROS.**

## CLOSING OUT

OUR ENTIRE STOCK OF

### Women's Shirt Waists

...AND...  
**Shirt Waist Suits.**

We've made such immense REDUCTIONS on these GOODS that we would advise you to CALL EARLY in order to secure a GOOD SELECTION. For at these low prices they won't LAST LONG.

## Closing Out Prices.

65c Waists ..... 39c  
75c Waists ..... 45c  
\$1.00 Waists ..... 69c  
\$1.50 Waists ..... 88c  
\$1.75 Waists ..... 98c  
\$2.00 Waists ..... \$1.20

All our \$2.50, \$3.00 and \$3.50 WAISTS to be closed out at..... \$1.75

**MARKS BROS.**

"The Home of Honest Values."  
1220-1222-1224, Market St.

**HALE'S. WAISTS.**

## \$1.50 for Silk Waists!

We can't tell it loud enough—We ought to whisper to-day at Hale's,

For it's the best news of the season; but you don't need to be told that. A warning—The number is limited. They are such light, lovely, airy creations, in white China silk, trimmed with Valenciennes insertion and tucked, with yoke prettily trimmed with lace medallions. We have seen lots of waists at \$2.50 not a whit better or prettier. No need to tell you how it happened. To-day is to be Silk Waist day. Here are more elaborate ones. More typical Hale opportunities:

**At \$2.50**—A very pretty waist of China silk, trimmed with Valenciennes insertion, with very full sleeves, to-day at \$2.50.

**At \$2.75**—China Silk Waists; tucked, with broad-tucked panel pleat. This one has that exquisite Spanish drawn work in wheels as ornamentation. At \$2.75.

**Notion News—**

Exceptionally good. Prices exceptionally small. It will be economy to fill your wants to-day at Hale's.

**Safety Pins**—2c doz. Good, strong pins. Small, medium and large sizes.

**Hairpin Cabinets**—3c box. Contain straight, wavy and invisible hairpins.

**Wax**—3 cakes 5c. For cleaning irons.

**Fins**—3c paper.

**Corset Steels**—5c pr. 4 hook; black or gray.

**Basting Cotton**—3 spools 5c. 100 yards on spool.

**Linen Finish Thread**—4 spools 5c.

**Stockinet Shields**—5c pr.

**Needle Books**—5c each. Contain 4 papers of needles. Assorted darning and chenille needles, 1 hatpin and 4 shawlpins.

**Finishing Braids**—3c piece. Colored; 6 yards to piece.

**Cubepins**—5c cube. 100 count. Jet or colored.

**Darning Cotton**—3 spools 5c. Coats' Black, white, brown, tan, gray.

**Another Big Lot New Trunks—at \$4.00.**

Even a novice can see how good and healthy and strong and unusual they are. Made of that tough bass wood. Covered with heavy canvas; 4 hardwood cleats on the top; 2 are on the side and 3 on the bottom; heavy bumpers on the end of each cleat; strong brass locks.

Makers take greater pains with these store orders.

And then the price—but let them talk for themselves. This trunk is 28 inches. The 30-inch ones are \$1.00. 32-inch ones, \$3.00; 34-inch, \$5.50; 36 inches, \$6.00.

At \$3.50—A 24-inch metal-covered trunk, with a round top, sheet bottom; easy-rolling casters and eagle lock. Other sizes up to 38-inch ones at \$4.10.

Need a new trunk? Don't buy it till you see these.

**Dainty Baby Ribbons.**

But the Prices Are Daintier!

Here's No. 1—at 15c piece.  
No. 1 1/2—2 1/2c yard—30c piece.  
No. 2—3c yard—37c piece. So near like the baby ribbon you p/y 5c for usually you can scarce tell them apart.  
No. 3—4c yard—45c piece.

Heavy quality and good, even finer. It is the ribbon you want for heading. Comes in white, cream, black, 3 shades of light blue, 2 shades of pink, mauve, scarlet, cardinal, lilac, violet, Nile brown.

**THE HALE STORES WILL CLOSE ALL DAY MONDAY, JULY 4th.**

## LAND LOTTERY MAKES TROUBLE

Two Firemen Likely to Be Called to Account for Connection With Scheme

Fred L. Jones, manager of the book binding department of H. A. Crocker & Co., won 160 acres of land in a lottery scheme last week, but he has yet failed to receive his prize, and the Board of Fire Commissioners will probably be called upon to probe a scandal, owing to the fact that two members of the department appear as promoters in the matter. The firemen involved are Lieutenant John Devine and Hoseman George W. Lahusen of engine 37. Thomas Mitchell of 1339 1/2th street, father of ex-Senator Thomas F. Mitchell, owns the property in dispute, but refuses to release it on the ground that the firemen who sold the tickets and handled the cash have not acted in good faith, and Jones will ask redress from the Commissioners. Both Devine and Lahusen deny Mitchell's accusations and say that the latter was given all that was coming to him for the property.

The land involved is located in Santa Cruz and was acquired by Mitchell a short time ago. Later Devine and Lahusen undertook the disposition of the tract on the raffle plan and sold tickets at 50 cents apiece. The winning number was to be decided by the successful number in a lottery drawing this month and Jones proved the lucky holder. When Jones went to claim his prize Mitchell refused to turn it over to him and the bookbinder is looking for somebody's scalp. Mitchell says that the two firemen took an option on the property for \$1500 and agreed that he should receive that amount. Just previous to the drawing he received about \$635 and, he avers, until the deficit is made up he will refuse to transfer the property.

Devine and Lahusen say that Mitchell asked them to assist in disposing of the land for him. Both are positive that no specified consideration was stated, but that Mitchell was willing to take whatever the lottery plan would realize. A few days before the drawing \$635 had been raised and the firemen say they called upon Mitchell and asked him if he was willing to part with his 160 acres of land for that amount. They state that Mitchell told them he was and thereupon they notified Jones to come and receive his reward. Mitchell's sudden change of mind is a matter that they cannot fathom, but they have hopes of settling the matter amicably. Mitchell still retains the \$635 and although demands have been made for the cash he refuses to release it.

Jones says he will wait until Saturday for the belligerents to come to some understanding. Yesterday he visited President George Boyne of the Fire Commission and though no complaint has yet been officially filed, both Devine and Lahusen are likely to find themselves in difficulty unless the matter is adjusted.

**Father Scanlan's Will.**

The will of Father Patrick Scanlan, who died in New York on May 31, was filed for probate in the Superior Court yesterday with the petition of Fathers Patrick J. Keane of St. Joseph's Church and Father M. D. Slattery of Church and Father M. D. Slattery of St. Agnes Church for appointment as executors. The estate is said to consist of a library of unknown value and of seventy-two shares of stock in the Spring Valley Water Company, valued at \$3880. The will was dated March 9, 1904, and his heirs are a brother, James Scanlan of Listowel, County Kerry, Ireland, and a sister, Margaret Murphy of Bally Bunnion, County Kerry.

**Now is the time to Buy a Korona Peti CAMERA**

3 1/4 x 4 1/4 Listed at \$92.50  
Price cut to \$63  
Same with rack and pinion  
Listed at \$125  
Price cut to \$73.25

This Camera is a Snap at price quoted

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42 Third St., SAN FRANCISCO