

ADVERTISEMENTS.

# IMPORTANT DISCLOSURES IN YOELL CONTEST.

## Delmas Makes Strong Point SHOWN THAT FATHER SETTLED SON'S DEBTS



JOHN H. YOELL, ONE OF THE CONTESTANTS OF THE WILL OF J. ALEXANDER YOELL, WHO WAS ON THE WITNESS STAND YESTERDAY, AND ATTORNEY D. M. DELMAS, BY WHOM HE WAS CROSS-EXAMINED.

The promised sensation in the Yoell will contest began to develop yesterday. John H. Yoell, one of the dissatisfied witnesses, was on the stand all day and under a steady stream of questions put by Attorney D. M. Delmas gave evidence damaging to the case of the contestants.

Documents to prove that the dead Santa Clara pioneer had come to the assistance of his son time and again when the younger man was in financial straits were produced by the attorney. At the start young Yoell positively asserted that his father had not assisted him to the extent of a dollar since his college days. The faded bits of writing produced by Delmas told a different tale. By them was shown that when the son and his mother were unable to meet urgent financial obligations the money to save them was advanced from J. Alexander Yoell's purse.

On the back of a copy of one note to Patrick Hannon for \$2425, signed by John H. Yoell and his mother, Emily Yoell, is a pencil note in the dead pioneer's handwriting. It reads, "I doored at the special request of Mrs. Yoell to prevent her suicide."

Document after document of the same nature were produced by Delmas and read. "Another note for \$1200 bore the marking in the elder Yoell's writing, "Mrs. Yoell made me go on this."

The witness admitted that at another time his father paid \$4855 which he (the son) had borrowed from residents of San Jose. "We had a sort of general cleanup at the office and my father paid the notes," explained Yoell.

Under the persistent fire of questions young Yoell often showed signs of impatience. At one time he blurted out, "Oh, that was some crazy idea of my father's." In the same smooth tone of voice that grated on the witness' ears all day Delmas moved to have the words stricken from the testimony as being disrespectful to the dead.

Another time Yoell wanted to tell that every dollar advanced to himself and his mother was held back when J. Alexander Yoell made the final settlement with his wife. This assertion was also stricken out. Delmas maintaining that the document of the settlement was the best evidence.

Delmas brought out the fact that young Yoell had mortgaged a law library given to him by his father. The witness seemed nettled by the expression, "your father's library." "It was my library," he asserted. Then Delmas brought out the fact that Mrs. Yoell had induced the father to give the library to the son and that it had been pawned a few days later to raise funds to meet a financial obligation of a peculiar kind.

Young Yoell had been given \$1000 by a San Jose client to be paid on a note when it became due. Yoell used the money and when the note became due was unable to meet it. To raise money he mortgaged the library given to him by his father.

From the evidence produced John H. Yoell was frequently in such straits. He and his mother often needed the assistance of J. Alexander Yoell. All this was advanced to prove that the old pioneer's life was embittered by the conduct of the son who in a prime mover in contesting the will.

At the start the witness was slow to admit his own handwriting. "I am not a handwriting expert," he asserted. But later he quietly admitted the damaging documents showed upon him by Delmas. In four years the amounts purported to have been paid by the elder Yoell for his son and Mrs. Yoell aggregated nearly \$9000.

A little tiff between Delmas and Attorney Rix enlivened the morning session. Rix objected to the mode of procedure taken by Delmas. "I have been long enough in this profession to know what is correct," said Delmas. "Yes, but wisdom does not always go with age," retorted Rix. "Judge?" asked Attorney Delmas in his most urbane manner. The court sustained Delmas.

Three of the dissatisfied daughters were interested listeners at the trial. The case will be resumed at 10:30 today.

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# THREE LAWYERS DISPLAY ANGER

## Bridgford Refuses to Read Paper Until Instructed to Do So by the Court

## CLUNIE IS RESENTFUL Meets White's Insinuations With Reflections Involving Professional Integrity

Clunie, Bridgford and White each had an opportunity to show temper yesterday in the tempestuous examination into the affairs of the executors of the estate of Thomas J. Clunie and Judge Coffey continued his efforts to curb the passionate outbreaks. Judge Bridgford's departure from the registry expected from the witness on the stand was momentary and ineffective. Clunie was questioning him about the settlement with Mrs. Clunie and whether or not she had declined to take property under the will. Bridgford had answered in his own way when Clunie handed him Mrs. Clunie's petition for a partial distribution of the estate.

"Read that," said Clunie, "and then answer my question."

Bridgford with an angry gesture, threw the paper upon Judge Coffey's desk and said, "I will not read it. You cannot make me read anything I do not want to." "Then," said Clunie, "I'll appeal to the court to instruct you to read it." Bridgford turned to Judge Coffey and said: "He dictates to me as if I was a schoolboy." "Pay no attention to his manner," said the court, "but I think you would better read the paper to refresh your memory."

When Burrell White was recalled Clunie went into the matter of the employment of Chester Bridgford to keep the books of the estate. White said that Clunie had suggested it. Clunie referred to a "friendly" conversation about the subject, whereupon White interrupted with:

"Oh, you're only friendly when you want to use a man you would be friendly to me and then ask me for money. I took assignments of your interest in the estate and made you advancements of over \$50,000."

Clunie was exasperated. "Wasn't it my money?" he shouted. "I'll ask you if the largest advancement I took wasn't to save you \$3300?" It developed in the examination that this had to do with the Harcourt loan and note, the payment of which White guaranteed, and with the subsequent sale of the property. Clunie repeated that he had "helped White out of a hole" and then White, pointing an accusing finger at his interlocutor, asked: "You took a half interest in the property and I took half and then you forced me to pay \$2500 more." This aroused Clunie again and he demanded a full explanation. He said that White would have the court believe that he was a "highway robber" and "had stood him up." "I want to show up this whole transaction," he said, and he proceeded to cast intimated reflections upon White's integrity in the law.

The court remarked that "this is getting interesting" and the further hearing was continued until this afternoon.

# INTERIOR COMMERCIAL BANKS ARE PROSPEROUS

State Commission Reports Enormous Gains in Assets and Deposits of These Institutions.

The 224 interior commercial banks of California are enjoying unusual prosperity, according to the official report of the Bank Commission. These institutions have gained \$4,864,758 18 in assets and \$2,494,107 86 in deposits since August 18 of last year.

Assets—Total assets, \$1,057,902,324; loans on hand, \$2,593,988 69; due from banks and bankers, \$13,454,711; other liabilities, \$1,029,522 98; total liabilities, \$3,846,890 69.

Liabilities—Capital paid up, \$57,992 80; reserve fund and profit, \$1,029,522 98; due depositors, \$69,624,124 62; due to banks and bankers, \$8,191 89; other liabilities, \$62,711; state county or city money, \$18,932 63; total liabilities, \$3,846,890 69.

The figures which show the condition of the twenty-two private banks of California are as follows:

Assets—Total assets, \$60,328 29; real estate, \$148,725 71; invested in stocks, bonds and warrants, \$10,137,775 92; loans on hand, \$2,593,988 69; due from banks and bankers, \$13,454,711; other liabilities, \$1,029,522 98; total liabilities, \$3,846,890 69.

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# DEATH OF A WELL-KNOWN PIONEER OF CALIFORNIA

Harrison C. Jones Taken Suddenly Ill Succumbs to Operation at St. Luke's Hospital.

Harrison C. Jones, a well-known merchant of this city, was taken suddenly ill Saturday night and it was found necessary to remove him to St. Luke's Hospital to have an operation performed. His weak vitality and weight of years were not able to stand the shock, and after lying in a coma for several hours he passed away.

Deceased was a pioneer of California. He came to this State from the East in 1861. Five years ago he celebrated his golden wedding.

The funeral will take place in Healdsburg, where his wife and son are both buried. Deceased leaves a son and daughter, J. J. Jones and Mrs. Hattie Pries of this city.

Wife Gets \$100 a Month.

The Supreme Court decided yesterday that John Gay of San Diego must pay \$100 a month toward his wife's maintenance while their suit for divorce remains unsettled. Mrs. Gay began the contest, but her husband got a decree on his cross complaint. She gave notice of appeal, and pending action by the Supreme Court, Gay was ordered to pay her \$100 a month. He appealed from that judgment. The action for divorce is before the Supreme Court at present, but some time is likely to elapse before an opinion in the matter is handed down. Gay is said to be worth \$400,000.

Polo at Del Monte.

Match polo games will be played at Del Monte on the afternoons of Wednesday, Thursday, Saturday and Sunday, February 8, 9, 11 and 12. English and American players will take part, and as the ground is in nice shape and the weather favorable, society will enjoy the attraction. The Southern Pacific provides a parlor car on train leaving third and Townsend depot at 3 p. m., which makes quick time to Del Monte. Ask Southern Pacific agents.

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THE GRAND CANYON

If not now, later, when going East, visit the Grand Canyon of Arizona on the way.

# ASSERTS GROCER SHARED SPOILS

Albert Lake Makes Confession of His Forgeries, Implicating Samuel Flexner

Albert Lake, the defaulting confidential clerk of Robert Trost, contractor, Army street, who was brought from Seattle on Monday night by Detective Cody on a warrant charging him with forgery, has made a full confession implicating Samuel Flexner, formerly a grocer at Twenty-sixth and Howard streets. Lake got from Trost checks to pay to lumbermen and others, but instead of handing them to the proper persons he gave them to Flexner, who cashed them at the Western National Bank, where he had an account, after Lake had forged the name of the payee on the back.

When the warrant was issued for Lake's arrest last October after his disappearance, Flexner was asked to pay a visit to police headquarters. He was questioned about the checks and told a plausible story about Lake coming to him always after banking hours and getting the money, as it was urgently needed. His story was believed, but Flexner did not care to wait for further developments and sold out his grocery for \$4100. It is said that he is now somewhere in the East.

Lake in his confession says that Flexner got the half of each check that was cashed and besides Flexner charged \$2 commission for his trouble in going to the bank to cash each check. The last check cashed was for \$662 on October 18 and with his share, \$331 less \$2 commission. Lake fled from the city. The total amount obtained in that way was \$1800. Flexner had \$700 in the bank which the bank seized, so that the bank is out only \$1100 and Flexner is in only \$200 and his commissions.

When arrested in Seattle Lake was living under the name of Bert Mason. He was tracked by the Pinkerton agency. Whether an effort will be made to find Flexner in view of Lake's confession has not yet been decided.

Promoter Sues for Accounting.

The promoters of the Petaluma and Santa Rosa electric lines, now in course of construction, have disagreed, and in a suit for the dissolution of their partnership one accuses the other of withholding nearly all of the profits of the enterprise amounting to more than \$15,000. The action was begun yesterday by Charles Towne against Alfred D. Bowen, and the complaint recites that they agreed on April 1, 1903, to promote the organization of a company to build a railroad in Sonoma County, each to have share and share alike in the profits. It is declared that the partnership has acquired assets of more than \$15,000, a large portion of which has been obtained by Bowen, "wrongfully, fraudulently and with the intent to deceive" his partner. Towne says he has demanded an accounting and the payment of his share, which have been refused. He believes the aggregate due him is more than \$5000.

In-to-day's issue of The Call appears the fifty-fifth annual statement of the Aetna Life Insurance Company.

This statement is remarkable in its showing of vast increases in every department during 1904.

# REFUSES TO PASS ON THE FIT OF A DRESS

Judge Lawson Calls on Experts to Decide if Workmanship of Garment is Perfect.

The courtroom of Justice of the Peace Lawson was yesterday turned into a miniature school of dressmaking during the trial of the suit of Miss Nellie Davison against the New York Cleak and Suit House and N. E. Neary to recover \$299 damages for humiliation alleged to have been sustained by her as the result of a dress of the defendants. The evidence disclosed that Miss Davison ordered a dress of the concern and deposited \$10 thereon. When the dress was finished the plaintiff asserted that it did not fit her and she refused to take it. Then it was that Miss Davison says she was rudely shocked, that the language and gestures of the defendants frightened her, and she suffered great humiliation when they threatened to throw her out of the store. Five witnesses testified that it was Miss Davison who used the loud language, despite the fact that everything was done to satisfy her. They also claimed that the dress was a perfect fit. W. J. Heckard said he accompanied the lady when the dress was turned over to her and he testified that the dress was a bad fit. When asked if he was competent to judge of the fit of a dress Heckard replied, blandly:

"I should say I am; you see, I am a married man."

Both sides agreed to let Judge Lawson decide as to the fit, but he, with a wisdom born of the experience of his colleagues in somewhat similar dilemmas, firmly refused. Instead Lawson called in two expert dressmakers, who proceeded to investigate the fit of the dress, in which Miss Davison arrayed herself for the occasion in the afternoon. After much surveying the experts said they would file a report in a day or two.

The gist of the protests was that the change caused small children to travel an unnecessary distance.

Will Tell of Grand Canyon.

There will be a lecture on the "Grand Canyon of the Colorado" on Wednesday evening at 8 o'clock at the Cathedral Mission, Second street, near Folsom. Rev. William Brewer of St. Matthew's School will deliver the lecture, which will be illustrated with fine stereopticon pictures. This is one of a series of free discourses which the mission is providing, to which the public is invited.

The following members of Thomas Post have been detailed to participate in the exercises:

Mission Grammar School, Mission street, between Fifteenth and Sixteenth—C. G. Strong, F. A. Betts, S. Bennett, J. H. Carak, F. McCoy, A. Teal, J. A. Plymire, Horace Wilson, D. A. Twigg, J. H. Gilmore, C. W. Gordon.

Hearth Grammar School, corner Hermann and Fillmore streets—H. W. Nowlin, W. M. Bailey, William E. Norris, C. Melrose, Richard Barker, Thomas F. McGrath, G. H. Fluh, William E. Lutz.

Everett Grammar School, Sanchez street, between Sixteenth and Seventeenth—B. F. Francisco, H. Roger, George Hardestad, T. Frank Smith, George W. Keeler, H. G. Shaw, L. L. Brown, George L. Harris.

Francis Primary School, McAllister street, between Broderick and Baker—Lewis Carpenter, Jay Beach, A. Mainier, E. G. Hursh, Felix McHugh, J. C. Medvey, Robert Porter, John Rainsbury.

Mission Grammar School, McAllister street, between Franklin and Gough—G. W. Hinds, John H. Roberts, A. D. Cutler, W. Pampel, W. A. Thredwell, Charles Pot-smith, F. M. Cox, W. C. Coulson.

**\$30**

**ROUND TRIP OF TEN DAYS**

**Grand Canyon of Arizona Excursions**

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**SANTA FE**

# BOLD ATTEMPT TO ROB AT HALL OF JUSTICE

Man Bumps Against Assistant Bond and Warrant Clerk Flood and Makes Grab for Gold.

A bold attempt to rob Bernard J. Flood, assistant bond and warrant clerk, was made in front of the Hall of Justice about 9 o'clock yesterday morning. No policeman was in sight at the time and the man made his escape down Washington street. Flood says he will be able to recognize him again.

A good deal of silver had accumulated for bail money for prisoners during the night, and not caring to carry it to the Treasurer's office, Flood went to a store near the hall and changed the silver into gold. He carried the gold in his open hand while returning to the hall. As he approached the entrance a powerful man bumped against him and made a downward stroke with his hand at Flood's open hand containing the gold coin. Flood quickly closed his hand and struck the would-be robber a smashing blow on the face with his other hand. Before he could repeat the blow the man fled and disappeared down Washington street. The man's intention was evidently to scatter the coin and pick up as much as he could and run.

Object to Transfer of Classes.

The Supervisors' Educational Committee yesterday heard the protests of the West of Castro Club and 209 residents against the action of the Board of Education which resulted in the transfer of the primary grades of the James Lick Grammar School to the Noe Valley School and the moving of the grammar classes in the latter to the former school owing to the trouble between Principal Lyser and the teachers under him.

The gist of the protests was that the change caused small children to travel an unnecessary distance.

Lived Almost a Century.

HONOLULU, Feb. 1.—Mrs. Kahalo Kekupua, a lifelong resident of Honolulu, is dead, at the age of 93. She was the oldest inhabitant of this city. Mrs. Kekupua was born in Honolulu in the year 1807, while Kamehameha the Great ruled the island and all of the group.

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140 Sixth St. 1619 Divisadero St.	551 Montgomery Ave.	

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