

WENT HENRY'S LIFE
Miss Nellie Henry Wails Loudly When Indignation Overcomes Her Judgment
ADJOURNMENT TAKEN

Exciting Scene Takes Mind of Jury, Judge and Counsel From the Issues of Case

Wild hysteria on the part of Miss Nellie T. Henry, who is suing Millionaire W. F. Whittier for \$50,000 damages for breach of promise, brought the trial of the case to a sudden adjournment yesterday afternoon. Judge J. B. Buck, presiding, was obliged to adjourn the trial of the case to a later date.

Miss Nellie Henry, who is a masseuse, was elaborately gowned for her second appearance in court yesterday. Her dress was a pair of feet, snugly fitted in strapped and beaded high-heeled boots in slippers. A glimpse of a well-developed arm was noticeable with each short white glove she slipped on.

One of the first moves of the plaintiff when the hearing was resumed before Judge Buck of San Mateo, sitting in the Court room of the Superior Court, was to call Whittier to the stand to prove the contention that he is rolling in wealth.

"We will admit that Mr. Whittier is worth enough to meet any judgment this court may obtain against him," said Attorney T. C. Van Ness, chief counsel for the defendant.

"How much will you admit he is worth?" asked Attorney Whittier, who represents the plaintiff.

"Oh, a million dollars or so," said Van Ness with a yawn.

"We will show that he is worth twice that sum if given the chance," retorted Whittier.

"The admission of the defendant is ample for all purposes of this case," said Judge Buck, "and further questioning along these lines will not be permitted."

The family of the plaintiff had its inning on the stand yesterday, testifying to the incidents in the alleged courtship of masseuse by millionaire. Edward Willey, a nephew, and Mrs. Josie Lattimer, Mrs. Annie Pomise and Mrs. Marie Yavola, sisters of the plaintiff, lent their aid. The defense will open to-day.

SUPERVISORS NEED NOT GRANT A NEW FRANCHISE
Hog Holds Board Has Right to Permit Change in Motive Power of Sutter Street Road.

Relative to the request of the Board of Supervisors for an opinion as to whether the board has the power to grant the petition of the United Railroads to change the motive power of its Sutter, Larkin and Polk street systems from a cable system to an electric system without granting a new franchise, City Attorney Long yesterday referred to an opinion rendered by his predecessor in office as follows:

In view of the provisions of the charter granting power to regulate street railroads and the use of the same, it is the opinion of this office that the Board of Supervisors has the power to grant the petition of the United Railroads to change the motive power of its Sutter, Larkin and Polk street systems from a cable system to an electric system without granting a new franchise.

COFFEY IS INDORSED.—The Ice Wagon Driver and Hauler, John Coffey, has been endorsed Supervisor-elect Michael Coffey for the chairmanship of the Street Committee of the incoming board.

CURTIZ SPECIALS
If you are looking for a bargain, come and look at these values:
CHEERFUL—Mahogany case; discontinued style; used but 7 months, regular \$600 style; \$485
VOSE—Latest style; mahogany case; regular \$425
STERLING—Large fancy wagon; regular \$400 style; used but 8 months; \$310
CURTIZ—Fancy oak case; newest and latest style; perfect condition; like new; \$290
WEBER—Rosewood case; medium height; condition good; left on sale; \$240
EMERSON—Walnut case; condition perfect; very reasonable; \$225
MENDELSSOHN—Large size; mahogany case; used but 10 months; \$210
SMITH & WOOD—Wagon; exchanged; \$185
GABLER—Small size; rosewood case; returned from \$190
HUBBARD—Mahogany case; latest style; used but 10 months; \$180
KRANICH & BACH—Mahogany case; medium size; thoroughly repaired; \$185
MAYSON—Mahogany case; horse-drawn; our factory; a snap; \$185
STARBUCK—Used one month; mahogany case; condition perfect; \$180
MARTIN & SON—Mahogany case; small size; condition perfect; \$125
ROSENBERG—A nice, small upright; taken in exchange for \$110
MARSHALL—A nice upright; exchanged; \$110
PHELPS—2 Woodworth & Alhambra; \$110
Small size; splendid for practice; good order; \$65 and \$75
And many other well-known makes that are equally good bargains. Every instrument guaranteed by us. Our easy plan of selling adjusts the payments to suit your convenience. Possibly you have an old piano you would like to exchange. WE GIVE \$100 CASH for your old piano. Don't miss this chance. Write us tonight to call at the House of Curtiz.

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COURTS
WITNESS CURRAN DECLARES COLLINS MARRIED CHARLOTTA AND NOT AGNES NEWMAN
COURT REBUKES COUNSEL

Requests Both Sides to Cease Bickerings and Threatens to Punish the Defendant

"When Judge Murasky informed me of the death of Collins' wife I had a delirious attack, because I knew that his wife was not dead."

This was the direct statement of Thomas E. Curran yesterday on the witness stand in Judge Lennon's court-room, after he had described the alleged wedding of Charlotta Newman Collins and the defendant, at which he acted as groomsman. Judge Lennon thereupon questioned the witness regarding the marriage and his answers showed that his recollection of the event was rather clouded.

The principal feature of the session was the aggressive manner in which Collins pled the witnesses with questions and placed his objections before the court. Several times during the forenoon Judge Lennon rebuked the defendant and one time threatened him with punishment for contempt. The court also censured the attorneys for the prosecution.

The prosecution attempted by the testimony of Curran, Dr. Adolph H. Kahn and Henry B. Newman to prove that Collins and Charlotta Newman were married and that Collins introduced the woman as his wife. Collins objected to the testimony of Curran, Kahn and Newman on the ground that the prosecution in its opening argument limited itself to proving his marriage with Charlotta by ceremony and not by repute or introduction.

The prosecution claimed the right to combine the two methods and the questions were admitted with a reservation by Judge Lennon that they shall be stricken from the record if found to be improper upon his inquiry into the authorities.

After the testimony of Curran, Dr. Kahn of Napa, who attended the birth of the children at the Collins home, took the stand and told of his visits to the residence. He is certain that he attended Charlotta Collins and not Agnes, but could give no positive description of difference in the appearance of the two sisters. He asserted that he believed Agnes to have been the larger of the two.

Henry B. Newman was the last witness of the day and told of his only recollection of the marriage service, that the priest had pronounced his sister Charlotta and George D. Collins "man and wife." Those three words are the only ones he remembers, as he was 12 years old at the time. The three words in question, "man and wife," do not occur in the Roman Catholic marriage ceremony, said Collins. Newman could not swear that his sister had given birth to a child and did not remember Collins speaking about the fact.

An adjournment was taken until 10 o'clock to-day.

DE HAVEN PLACES BLAME FOR CONFUSING THE JURY
Cover Reply of Court to Reported Strictures of Treasury Solicitor in the Unger Cases.

While the trial of Cress Unger was in progress yesterday in the United States District Court, Judge de Haven, with a significant glance at counsel, remarked that during the two former trials much irrelevant evidence had been admitted that tended only to confuse the jury and obscure the case.

The Judge added that he would have ruled out such evidence if any objections had been made, but that no objections having been heard, the evidence was allowed to come in.

The witnesses examined yesterday were Frederick S. Stratton, Collector of the Port; Special Deputy William B. Hamilton, Chief Clerk Henry Farmer and Assistant Postmaster Hull McLaughlin. Nothing new was elicited. Unger's wife and little boy and girl sat behind him during the trial. The case will be resumed to-day.

Arts and Crafts Hold Exhibit.
The third annual exhibition of the Guild of Arts and Crafts will open this evening at the St. Francis. To-night's view will be private, invitations to be issued personally, but the public will be received on every afternoon and evening after December 9.

LEAVES FOR GUATEMALA.—George E. Mott, general manager of the Southern Pacific Company, left with his wife to-day for Guatemala. He has gone on a business trip and will be absent nearly a month.

RUSSIAN NOBILITY AIRED IN A POLICE COURT.
Count Dolgourouki and Wife Face the Bench.

They Are Accused of Disturbing the Peace.

Husband Is Shocked by Wife's Lack of Dignity.

of cartridges, and after fully loading the weapon, he proudly displayed it to his better half, feeling that the sight of it would lift from her soul a great burden of apprehension.

"It shall be my constant companion by day and at night it shall nestle conveniently under my pillow," he said.

"Won't that be just splendid," she murmured, shudderingly, and so engrossed was she by his examination of the firearm that he did not notice the absence of enthusiasm from her tone.

One week had passed, however, he realized that the revolver must go. "There's just this about it, George," she said.

"I don't care," the good lady declared. "One would rather be robbed a hundred times than have one's husband shot through the pocket and under his pillow. Why you didn't think of that before you bought the dreadful thing I'm sure I don't know. You might have known that my nerves could never stand you having it where it might kill you. Some men never think of anybody else's comfort than their own."

Being a benedict of some years' standing and strongly possessed of the philosophy that is acquired with marital experience, Mr. Mott uttered no retort, but more decorously and went forth to find a purchaser for the pistol. How he came to be arrested late that same night in the Tonopah patrolman Stelzer, who stated that when he entered the temple of Terpholese, in response to summons from the floor manager, he saw Mr. Mott brandishing the revolver and directing four frightened couples through the intricate maze of the quadrangle. His commands were delivered in such rapid succession as to bewilder the dancers, but they obeyed as well as they could, for the glistering six-shooter was ever pointed in their direction. They were about ready to enter a mingled dread and fatigue when the prompter was disarmed and arrested.

"What did you mean by it?" the Judge asked Mr. Mott, who replied that he was drunk, and then, in explanation of the cause of his drunkenness, unfolded the story heretofore narrated. He was dismissed on the spot.

The battery of which Thomas Horan was accused before Judge Conlan was contained in the statement of July 30 last, and the delay in bringing the case to hearing was variously explained to his Honor, but the facts, as brought out in testimony, were these:

On the evening in question Mr. Horan, who dwells at Bryant and Blauvelt streets, was engaged in political discussion with John Litten of 1178 1/2 Harrison street, the arena of debate being a bar-room at Ninth and Harrison streets.

The most plausible excuse for the dilatoriness of Mr. Horan's arraignment was contained in the statement that the male adult bystander with the broken leg could not be safely dismissed from the hospital until a few days ago.

"Now that you've heard the evidence," said Mr. Litten, patronizing tone to the Judge, "you can use your own judgment."

"Your condescension is appreciated," was the response, "but I'd like to hear some more testimony and, if you permit me to do so, I'll continue the hearing till next Thursday."

"Oh, that's all right; you're just as able to decide as I am," was Mr. Litten's magnanimous admission.

"A thousand thanks," murmured his Honor.

Frank Worthsmith and Albert Quill, 14-year-old burglars who were alleged to have been encouraged in crime by an ex-convict named Donovan, were sent to the Juvenile Court.

Seventeen-year-old Katherine Shaw, who came from British Columbia to seek employment and became the slave of a vagabond named Arthur Howett, was sent to a reformatory institution by Judge Mogan, who announced his intention to sentence the author of the child's ruin to six months' imprisonment for vagrancy.

Lash's Kidney and Liver Bitters removes uric acid from the system by dissolving the uric acid formation.

JOSEPH TELLS OF WILD TIME
Ex-United States Senator Relates How John Flemming Bluffed Out Nevills

REFERS TO HIS WEALTH

Venerable Nevadan Says That He Once Had More Money Than He Could Count

The years weigh heavily upon ex-United States Senator John P. Jones, yet his recollections of his achievements in the world of finance and statesmanship are unclouded. This fact was demonstrated yesterday, when he appeared before Judge Murasky to testify in the suit instituted by him and William A. Nevills against John and William Flemming and the heirs of the late William Nichols to recover \$150,000, alleged to be due on a contract for the purchase of one-half of the stock in the Amador Tunnel, Milling and Mining Company.

"I have escaped my mind because I paid my interest in the transaction here involved amounted to but \$30,000, and then I paid no attention to that. Why, I had so much money then that I could not count it, so I told Nevills that anything he thought was right was right. He prepared the papers, asked me to sign them and I did."

It is the contention of Senator Jones and Nevills that it was the refusal of the defendants, especially Flemming, now deceased, to agree to the levying of an assessment on the stock to raise money for development work and to build a mill that necessitated the shutting down of the properties of the company. The means adopted by Flemming to prevent the levying of this assessment were graphically described by Senator Jones:

"It was back in the early days," he said, "when we were called to a meeting to be held at the offices of the company at Montgomery and California streets. I was late in arriving, and just as I entered the room Flemming engaged in a row with Nevills."

Flemming was a very slick man and physically no match for Nevills, but the fact that he kept his right hand in his pocket convinced me that he would shoot if the occasion arose. He called Nevills the most extraordinary names and concluded by saying: 'I will kill you if you fool with me any more.'

"Seeing that there was no possible chance of reaching an agreement with Flemming cursing and swearing at Nevills, I got between the men and finally induced Nevills to go into the corridor with me. I went back into the room, and the meeting adjourned without action."

Senator Jones then told of the efforts made by Nevills to sell the mine in London, and of the refusal of the defendants to treat with him in furtherance of this plan. He identified the agreements upon which the suit was instituted and was then excused from the stand. More testimony on behalf of the plaintiff will be heard to-day.

JAMES O'DONNELL MAKES SIGNIFICANT ADMISION
Says He Did Not Know He Was Heir of Honora Sharp Until Lawyer Told Him.

When the late Mrs. Honora Sharp died, Joseph O'Donnell, her cousin, who is now contesting her will in Judge Coffey's department of the Superior Court, did not know that she had ever existed.

This interesting fact was developed yesterday during the trial of the contest through admissions made by O'Donnell himself in a deposition. In the deposition he said that the first he ever knew that he was related to Mrs. Sharp was when an attorney named Swaney of Boston informed him that an attorney named Toniliffe of Kansas City had discovered that he, O'Donnell, was a cousin of Mrs. Sharp.

O'Donnell further admitted that he signed an agreement by which he was to give the lawyers 50 per cent of everything they recovered, the other half of the estate to go to O'Donnell and any other relatives that might be found. Counsel for the contestant protested vigorously against the admission of this evidence, but without avail.

The trial continues to-day.

A Great Excursion to an Interesting Country.
The special excursion party, personally conducted, leaving San Francisco December 16 for Old Mexico is assured an enjoyable outing. An interpreter will join the party at El Paso. Tickets good all the way on the trip. \$20.00 trip. Tickets good 90 days. Optional round trip. Grand Canyon. Ask Southern Pacific agent for illustrated booklet.

DR. PETER A. KEARNEY LOSES SUIT FOR BIG FEE
Jury Decides in Favor of Mrs. Bell in Action Brought to Recover \$25,000.

Dr. Peter A. Kearney has been worsted from first to last in his suit against Mrs. Theresa Bell for \$25,000 for medical services he alleged he rendered her and her children. After trial occupying many days the case was submitted to a jury yesterday and a unanimous verdict in favor of Mrs. Bell was found.

The jury also found in favor of Mrs. Bell on special issues submitted for its decision. One of these was to the effect that Dr. Kearney improperly placed an order from Mrs. Bell directing the executors of her late husband's will to call on him \$25,000, and another was to the effect that a quantity of the family silverware Dr. Kearney asserted Mrs. Bell gave him in part payment for his services was in fact only given him for safe keeping. An appeal will be taken.

A Fine Show of Good Pictures
Opposite the new safety station at Grant avenue and Market street—one of the most splendid gifts that can be made. These are only a portion of our immense stock in the gallery. It is literally filled with moderate priced pictures in oils, pastels, water colors and reproductions of all kinds. Look them over. Sanborn, Vail & Co., 741 Market street.

Must Have Schooling Certificates.
In a circular issued yesterday by Superintendent of Schools Langdon principals and teachers are advised that children over 14 years of age desiring to work during vacation should receive age and schooling certificates, not vacation permits. The circular states that the annual Teachers' Institute will convene at the Alhambra Theater on Tuesday, December 26, at 1:45 p. m. Every teacher in the department must be present at the first session. Teachers must attend three sessions, but have the option of attending sessions after the first one, either at Berkeley, where the State Teachers' Association will be assembled, or at the Alhambra. Principals will report the names of all teachers who fail to attend three sessions of the institute.

MRS. DE PAOLI DECLARED INSANE.
Mrs. Virginia De Paoli, wife of the fanatical Italian who murdered his sister-in-law with a chair, was adjudged insane yesterday by Judge Graham. He committed her to the Napa Asylum. Before leaving the institution she

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HEAVY-WEIGHT MERINO SHIRTS AND DRAWERS—Natural color, full finished; an excellent wearing garment and non-shrinkable. Price. **\$1.00**
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SWISS RIBBED MERINO VESTS—In white or natural; high neck, long sleeves, or high neck, short sleeves; good weight; drawers to match; ankle length. Price **\$1.00**
FORM-FITTING COTTON VESTS—In medium and heavy weights; high neck, long sleeves, or high neck, short sleeves; made of best Maco cotton; drawers and tights to match. Price **50c**

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LADIES' BLACK SILK HOSE—Hand-embroidered with neat floral designs in a variety of patterns. Special price, pair **\$2.50**
LADIES' IMPORTED BLACK COTTON HOSE—"Hermesdorf dye," fine gauge; good weight; made with double soles and toes and high spliced heels; extra long. Six pairs in box for **\$2.00**

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500 dozen GENTS' NOVELTY NECKWEAR, in newest shapes and colorings. Special values at **50c**
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GOES TO JOIN HER HUSBAND
Mrs. Louisa Raphael Accidentally Swallows Poison on Day Set for Funeral

Shortly after she had been awakened to attend the funeral of her husband, Isaac W. Raphael, yesterday morning, Mrs. Louisa Raphael was found unconscious in her room from the effects of carbolic acid poisoning. She died just an hour before the time set for the interment of her husband's remains. It is supposed that she swallowed the acid, mistaking it for cough medicine. Mrs. Raphael had been nursing her husband through a long illness, and the shock of his death nearly prostrated her. She had been going almost without sleep for many nights, and the theory of the mistake seems logical. The bottle containing the poison and the one that held the cough medicine were similar in size and shape. Mrs. Raphael reached for the medicine in a dimly lighted room and took the bottle of poison instead. She poured out a tablespoonful and drank it. When help reached her she was unconscious. Dr. M. R. Gibbons was summoned immediately, but when he reached the Raphael home, 1705 Gough street, Mrs. Raphael was beyond medical aid. A few moments after the physician arrived she had gone to join the husband to whom she had been so deeply attached. Friends who had gathered at the house to attend the funeral of Isaac W. Raphael were greatly shocked by the double sorrow.

Mrs. Raphael was 46 years old and a native of Germany. She was married to the well known clothing merchant about twelve years ago. An inquest will be held, the house to-day being the devoted wife will be laid to rest beside her husband to-morrow in the Raphael plot in Hills of Eternity Cemetery.

"I can only believe," said Julius Raphael yesterday, "that my step-mother's death was due to a terrible accident. I knew her too well and I know all the attendant circumstances too well to give a moment's consideration to any other theory."

After a hurried council of the doubly bereft family it was decided to proceed with the funeral of the dead merchant without delay. At 10 o'clock the services were held in the residence, 1705 Gough street. Rabbi Nietz officiating. Besides the family, there were present many of their friends, not a few of whom had long been personally and intimately attached to the dead man. Also there were in attendance large delegations from the First Hebrew Benevolent Society and the Independent Order of Odd Fellows, in which he had long been prominent. The interment in the Home of Peace Cemetery was private.

Make Inspection of Line.
A. G. Wells, general manager; J. J. Byrne, assistant passenger traffic manager; Edward Chambers, assistant freight traffic manager; Superintendent Walker and Industrial Commissioner P. W. McDonald, all of the Santa Fe, made an inspection of the line through the San Joaquin Valley yesterday morning and came into San Francisco in the afternoon. General Manager Wells then inspected the Chicago Basin. He announced definitely that the Santa Fe freight house will be erected at Channel and Kentucky streets.

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