

CHILDREN FACE TRIUMPH OVER REALITY
George and Consuelo Collins Called to Testify to Uphold Mother's Fair Name
SCENE IS PATHETIC

They Answer Questions Put to Them, but Their Accused Father Asks None

Testimony was given against Attorney George D. Collins yesterday at his trial for perjury before a jury in the Superior Court, Judge Burnett of Santa Rosa presiding. A striking feature was the appearance on the witness stand of the defendants' two children, George D. Collins Jr. and Consuelo Collins. They were called by the prosecution in rebuttal.

Mrs. Frances Valentine had testified as at the former trial of the defendant and Agnes Newman called upon her at Santa Cruz, and Agnes was introduced to her as the defendant's wife and the boy was present.

The boy was asked if he remembered Mrs. Valentine's and he replied in the affirmative. Did he call Agnes mother at that time and he replied, "No, sir." Did he ever call Agnes mother was then asked and he gave the same reply.

"Now, George," said Attorney Johnson, "did you ever in the presence of your father call this lady sitting behind me, pointing to Mrs. Charlotte Collins, 'mamma'?"

George promptly answered "Yes, sir."

Consuelo testified that she always called Mrs. Charlotte Collins "mamma" and never called Agnes by that name.

The defendant had no questions to ask his two children.

Another new witness called in rebuttal yesterday was Miss Crendon, nurse in the Alameda sanatorium. She testified that she was called in as nurse to attend Agnes in February, 1896. The defendant introduced Agnes as his sister-in-law, and Agnes told her that she was a prostitute.

She saw the two children there at that time and heard them call Charlotte "mamma." She also attended Charlotte in July of that year. Dr. W. P. Reynolds was also introduced as a witness.

Attorney Johnson asked Miss Crendon if the illness of Agnes was such that she expected to find her a married woman, but the defendant objected and the objection was sustained.

Dr. Reynolds also testified to attending Agnes, who was introduced by the defendant as his brother's wife, and also Charlotte a few months later, who was introduced by the defendant as his wife.

A number of witnesses who testified at the former trial again testified for the defense and in rebuttal, including Dr. A. A. Kahn, who delivered Charlotte a baby girl in October, 1892, and was introduced to her by the defendant as his wife. The trial will be continued tomorrow morning.

WELLS-FARGO MESSENGER CRUELLY BEATS HIS WIFE

She Catches Him Telephoning to Another Woman and He Resents Her Intrusion.

When his wife, Myrtle, caught him telephoning endearing messages to another woman, Edwin W. Simmons, a messenger employed by Wells, Fargo & Co., promptly wheeled on his spouse and with a well directed swing knocked her down.

When she recovered from the swoon Mrs. Simmons telephoned to the object of her husband's affections and told her that Simmons was a married man. Then Simmons again beat her. These facts were proven to the satisfaction of Judge Graham yesterday, with the result that Mrs. Simmons was granted a divorce. She resides at the Alameda apartment house.

Decrees of divorce were granted yesterday to Grace from Frederick Wilkie on the ground of cruelty and to Mrs. Charles G. Hutchinson for willful neglect.

Suits for divorce were filed by Rosie against Louis Rheinlander for failure to provide, Claire against Robert Emmet McGill for desertion, George W. against Malissa Nash for cruelty, Nadina against Harry P. Wilkins for neglect, Rosa against Peter Bertucci for cruelty and Lillian against Charles A. Carpenter for cruelty.

Kate E. Slyer was granted a divorce Tuesday from Joseph S. Slyer. It was inadvertently stated in yesterday's Call that the divorce was granted to Slyer.

Davis Will Cause News End.

The trial of the contest of the codicil of the will of the late Samuel Davis is nearing the end. The testimony closed yesterday, when Theodore Kytka, handwriting expert for the contestants, concluded his testimony in rebuttal. Arguments began on Monday and it is probable that the case will be submitted for a verdict by the end of the week.

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Sallow Complexion Torpid Liver
Dyspepsia Acidities
Indigestion Heartburn
Loss of Appetite Dizziness
Stomach Distress
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Take only one "VIGORET" at bedtime and they will move the bowels gently, yet thoroughly each day and permanently cure—

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PROVOKES FIRE BY SAYING, "HOCH DER KAISER!"
SENTIMENT MEANT AS GREETING
Person Addressed, However, Warmly Resents Irreverent Tone and Fight Ensues.

BY JAMES C. CRAWFORD.

It was not with intent to offend, but merely by way of extending jocular greeting, that Fritz Marloper, alias McDonald, shouted "Hoch der Kaiser!" when he met August Kaiser at a late hour Tuesday night on a public thoroughfare, for the salutation was resented as an affront, and the outcome of the resultant rough-and-tumble encounter was the spraining of one of Mr. Kaiser's arms and the arrest of Mr. Marloper on a charge of battery.

Mr. Marloper, when arraigned before Police Judge Shortall, averred that he never was more surprised than when Mr. Kaiser turned in anger and rebuked him. With several fellow-craftsmen he was homeward-bound from a meeting of the Bakers' Union, when Mr. Kaiser, also a kneader of dough, hove in sight, and it was in the most friendly spirit conceivable that "Hoch der Kaiser!" was shouted.

General amazement was created by the manner in which Mr. Kaiser responded. In wrathful tone he said things to Mr. Marloper which would not look nice in print.

Mr. Kaiser informed the court that, being of Teutonic nativity, he did not resent the sentiment expressed by Mr. Marloper, but took umbrage at the flippant—not to say irreverent—mode

of its utterance. He believed that the rallying cry of the fatherland's loyalists should not be utilized as a medium of airy peffance. Therefore he did not permit against the application of the great German shibboleth to himself—indeed, if it had been earnestly and sincerely voiced he would have felt complimented by its bestowal upon such an unworthy subject, but to have it uttered by a man who had been slapped on the face.

The Judge deferred decision until tomorrow.

E. W. Reinicke and John Van Schmidt, bartenders in a Montgomery-street saloon, became involved in dispute over the disposal of a ten-cent piece, and Mr. Reinicke dismissed Mr. Van Schmidt on the spot, whereupon Mr. Van Schmidt retaliated by dismissing Mr. Reinicke on the same spot.

But as neither of the gentlemen would acknowledge the other's authority in the premises they resorted to fistfights, with the result of Mr. Reinicke being worsted in the encounter and filing a battery charge against Mr. Van Schmidt. Judge Conlan heard all about it and then demonstrated his own right to dismiss.

Mrs. Gage Moxey, accused of having defrauded Manager McKenna of the Hotel Bradbury out of \$150 rental, pleaded before Judge Shortall that as she had been declared an incompetent her husband should be held responsible for her alleged indebtedness. Mr. Moxey, however, informed the court that he had no money with which to settle his wife's obligations, as his real estate business is not as remunerative as it might be. Then the lady stated that her guardian, H. Lester Mandeville, is in the East, to which the Judge responded by continuing the hearing until March 1 and expressing the desire that Mr. McKenna be paid his own right in the interim.

Mrs. Adelaide Lloyd Smith, who was instrumental in bringing about the Moxey nuptials, was in Judge Morgan's court on the charge of having defrauded Mrs. Sarah Kutscha out of \$300 by selling to her for that sum 150 shares of Columbia mining stock, which turned out to be absolutely worthless.

With charming naivete Mrs. Smith pleaded that when she sold the stock she believed it to be worth the price paid for it by the complainant. Although the plea won dismissal of the case against her she was not to get out so easily unscathed, for the Judge said things to her which were not complimentary.

"I'm sorry to be compelled to dismiss this complaint," he said, "because I am convinced that the defendant is a professional swindler who has been cunning enough to protect herself from legal retribution while she has been engaged in her dishonest practices."

Mrs. Smith smiled serenely under the tongue-lashing, and at its conclusion spectacularly displayed gratitude to the lawyers who had defended her. She is now clear of all court engagements in this city and county.

Mrs. Belle Jacobs, residing at Twentieth and Kentucky streets, was accused of battery by Mrs. Clementina Lengnabach of 1330 Kentucky street, and Miss Edith Rundle told Judge Morgan that she was with Mrs. Lengnabach when the battery was committed.

"Mrs. Lengnabach and I were passing Mrs. Jacobs' house," said Miss Rundle, "when Mrs. Jacobs rushed out and said to Mrs. Lengnabach, 'You'll talk about me, will you?' and then she knocked Mrs. Lengnabach down and broke her glasses and scattered her violets all over the sidewalk. Mrs. Jacobs said also, 'You'll have to swallow what you said.'"

Miss Rundle stated, furthermore, that when she received a comic valentine, the subject thereof being a "trubermock," she divined that it had been mailed by Mrs. Jacobs, so she readdressed the envelope, "Belle Jacobs," and then mailed it. Mrs. Jacobs probably imagined that Mrs. Lengnabach sent the comic to her, else why did she attack that lady?

Mrs. Jacobs informed the court that Mrs. Lengnabach talked about her all the time.

Mrs. Lengnabach said to the Judge, "Why should I talk about her? After she said I was a thief? The worst I said was that I did not have to borrow money to get married on."

Hearing continued till March 1.

Occupying the dwelling-house numbered 414 Fulton street are the Cohn and Jettings families, and dispute between them



HOCH DER KAISER!

as to whom had the right to keep open or closed the single front entrance led to Mrs. Martha Cohn being arraigned before Judge Cabaniss on a peace disturbance complaint sworn to by Mrs. Louise K. Jettings.

Mrs. Cohn testified that she is mother of three all of tender age, and her health has been seriously menaced by Mrs. Jettings insisting that the front door be kept open day and night and regardless of prevailing meteorological conditions. Even while the recent equinoctial gales were at their fiercest and lighted closed doors and windows would barely suffice to keep out draughts, Mrs. Jettings threw wide open the front portals as fast as Mrs. Cohn shut them, and the consequence was bronchial and pulmonary ailment in the Cohn household.

Surely, opined Mrs. Cohn, a parent was justified in disturbing the peace when she had exhausted all pacific means of protecting her offspring from cold-catching. Moreover, it seemed to Mrs. Cohn that persons who could not exist unless the wife was whirling around them should reside where indulgence of their penchant would not mar the comfort of persons who were not "fresh-air fiends."

Mrs. Jettings contended with equal logic that folk who were afraid of wind should dwell where their love of air-tightness would not interfere with the happiness of folk who preferred ozone to fetid atmosphere.

Then spoke the Judge. Pure air, he said, is one of heaven's free gifts, but, unfortunately, the human race is not unanimous in appreciation of its worth. Then, too, the rights of the individual demand consideration. As for the open-door policy advocated by Mrs. Jettings and opposed by Mrs. Cohn, each lady acted in accord with her own conscience.

The case thus decided, Attorney John M. Burnett, who represents Paxton in this city, requested Attorney Charles F. Hanlon, who represents the children, to consent to the printing of the transcript on appeal in but one of the two cases involved. "This will save us great expense," said Burnett.

"You will agree to give these children 75 per cent of the cost of the second transcript I will release you," answered Hanlon.

Burnett would not consent to such a proposition, so Attorney Hanlon set the dialogue by saying:

"Mr. Burnett, you have chosen to live by the sword, and you can die by it. Prepare both transcripts and turn into useless print the gold that would have been used for several thousand none, and hence you can expect no quarter from us."

The women are of African descent, and aver that the defendant violently ejected them from his barroom, into which they were invited by a white man who admired them for their art as "Character Change Artists and Impersonating Vocalists," who demonstrated nightly in a cheap vaudeville theater.

Their trouble in obtaining a warrant for the arrest of their alleged assailant was narrated in this column of yesterday's paper.

DIAMOND RINGS STOLEN WHILE WOMAN IS VISITING
Miss May Cunningham Reports to the Police Mysterious Loss of Her Jewelry.

Several reports of the work of burglars and sneak thieves were made to the police yesterday. Miss May Cunningham of 48 Stockton street reported that while she was in a room at 281 Oak street last Saturday afternoon on a visit a solitary diamond and opal ring and a diamond and pearl ring were stolen from her.

P. Schuman, 2516 Greenwich street, reported that his show window was broken during the night and three revolvers, a dozen plated rings and a tray of foreign coin-were stolen.

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ASKS JUDGE GRAHAM TO INTERCEDE FOR HER WITH FORMER HUSBAND, WHO IS RICH
SAYS RENT IS UNPAID
Explains That Her Credit With Tradesmen Is Exhausted and Hunger Nears

"For God's sake, Judge Graham," said Mrs. Bessie Paxton on the stand yesterday, "intercede for me and my children with Mr. Paxton! You have stilled resentment in many hearts and have brought contentment to many unhappy mothers, and why cannot you do this for me?"

Here the unfortunate woman, once the wife of Biltz W. Paxton, capitalist of Sonoma, broke down and sobbed bitterly. For several minutes there was silence in the court until Mrs. Paxton partly composed herself. Then she continued:

"I do not know what we will do. Judge, my rent has not been paid for three months; my credit at the butcher's, the baker's and the grocer's is exhausted and my gas bill is overdue. We have no money to pay anything but a gas stove in the house, and if the gas is shut off we will have no way to cook our daily meal. We have now but one meal a day, and as the weeks pass we find that we must further economize, even in the food that we eat. We can have this one meal. It is dreadful, and I fear that my mind is breaking under the terrible strain."

"I know that if he were left alone Mr. Paxton would provide for me and my blind son John, and my invalid daughter, Roma, but Attorney J. W. Gates of Sonoma, who represents Mr. Paxton, will not let him settle the case, because the longer it goes on the larger will be his fee. This is common talk at once, and I am sure of a fact. Cannot you intercede for me?"

"Well," said Judge Graham, visibly affected by the unhappy woman's appeal, "I have done and am doing all I can for you. The last time Mr. Paxton appeared in court he requested that we should not conduct himself like a man and see that you and your children were kept from want, but my criticism had no effect upon him."

Still in tears, Mrs. Paxton left the stand to leave. In the argument of counsel on the motion of her children for an allowance pending the hearing of their father's appeal from Judge Graham's order directing him to pay them \$50 a month each for their personal expenses, the court allowed the two children \$250, but when they can collect that sum is a matter for conjecture.

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FOUR MEN HELD BY POLICE AS VICTIMS
Frank Duffy and Three Sisters Confronted by Joseph Slater With Revolver
WOMEN SHOUT FOR HELP
Robber Throws Away Weapon and Is Held and Beaten Until Policeman Arrives

Joseph Slater evidently thought that most of the detectives and policemen were at the police ball in the Mechanics' Pavilion on Tuesday night. He believed that it would be a good chance for him to hold up some lone wayfarer without the fear of detection. His reasoning was faulty, and he is now in the City Prison with a charge of robbery booked against him.

"Frank Duffy, a clerk living at 640 Fulton street, who is a brother of Policeman George Duffy, was at the ball with his three sisters. On their way home shortly before 4 o'clock yesterday morning Slater met them at Laguna and Fulton streets, and thrusting a revolver against Duffy's stomach made him throw up his hands. Slater took 70 cents out of Duffy's pockets."

The women screamed, and Policeman F. J. Foley, who lives at 705 Laguna street, who was returning from the ball with a friend named O'Keefe, heard the screams. Foley and O'Keefe ran to the scene of the hold-up, and when Slater saw them he threw his revolver away and started to run. Duffy grappled with him and was punching him with all his might when Foley and O'Keefe arrived.

Slater was placed under arrest by Foley, who picked up the revolver Slater had thrown away. At the City Prison a charge of robbery was booked against Slater, and the revolver and 70 cents which he had taken from Duffy were booked as evidence against him. Slater was arrested above two weeks ago on a suspicion, and after being shown to the different watches was allowed to go.

The public utilities committee of the Board of Supervisors will meet tomorrow afternoon to take up final consideration of the petition of the Parkside Transit Company for a franchise to operate an electric trolley line in the Parkside district, which runs from the intersection of the Parkside and Broadway streets to the Parkside district. It is understood that the committee will recommend to the board that the franchise be granted under certain conditions, and the ordinance providing for the grant of the privilege will be passed to print at next Monday's meeting of the board.

The specific condition upon which the franchise will be granted will be that the city may take over and complete any part of the construction. The charter provides that the property shall revert to the city at the expiration of the twenty-five-year franchise.

The road is to be built at a cost of \$400,000 and its promoters have already agreed to carry passengers free in case the United Railroads refuses to arrange transfer privileges with the new road. The line will tap the Parkside district, which has been long neglected for several thousand lots, to be sold to the small homeseeker.

The Board of Works yesterday awarded the contract for building the Monroe School to William Newsom for \$53,996. The board directed that the contract be awarded to the building of the Bay View and Bergeret schools and for the construction of the Upper Sunset sewer to cost \$25,000.

The board awarded the contract for building fenders to protect the Third-street bridge to the Thompson Bridge Company for \$3400.

The Pacific Improvement Company was notified to remove a building from the roadway of Utah street within five days. In default the board will remove it by its own account.

The board appointed John R. Lawson and E. E. McCartney inspectors in the Bureau of Engineering.

The City Engineer was directed to prepare plans for the paving of Front street, from Market to Jackson, and of Howard street, from Second to Third street.

The board asked the Supervisors for authority to repave Fourth street, from Freelon to Channel, at a cost of \$53,000, under the bond issue, and also to purchase a lot on Berry street, between Fourth and Fifth, on which to locate a pumping plant for a sewer in the Mission flats.

Mrs. Carrie Johnson protested against the granting of an extension of time to J. G. Harney to complete the paving of Third avenue, between Point Lobos and Clement street, on the ground that no work had been done thereon for some time. Commissioner Maestretti moved that Harney's permit be rescinded, but Commissioners Eagan and Aigler voted against the motion. Mrs. Johnson became hysterical when she realized that her protest was overruled and shed copious tears before leaving the meeting-room.

NEW THEATER IS PROPOSED FOR THE WESTERN ADDITION
Structure for Purpose Will Probably Be Erected on Ellis Street, Between Fillmore and Steiner.

It is said that a new theater will be built on Ellis street, between Fillmore and Steiner, at a cost of \$100,000. Marlon Leventritt recently bought property on Ellis street, between the other streets mentioned, and his lots are given to the use of the theater. Leventritt is out of the city. From the real estate dealers have heard and credit the rumor. Nothing definite will be given out until Leventritt returns.

In the last few months much property has been sold in the western addition, between Sutter and McAllister, into a business section. Apartment houses, store buildings and other structures have added to the growing importance of this part of the western addition. There is no house of amusement in the locality. The population in that section is large.

Japan Exhibition.
Mark Hopkins Institute of Art. Today, 9 till 5; also evening, 7:30 till 10. Last day. Admission 25 cents.

WANTS FENDERS ON CARS.—William DeWitt has petitioned the Board of Supervisors to compel the United Railroads to put fenders on the street cars in view of the recent deaths of Coroners' juries that people meet their death through improper fenders.

Delivery when promised. That's a habit with Edward Knowles Co., superior printers, 24 1/2

Daily Foods Demand It

IN EVERY Receipt that calls for cream of tartar, soda, or baking powder, use the Royal Baking Powder. Better results will be obtained because of the absolute purity and great leavening strength of the Royal. It will make the food lighter, sweeter, of finer flavor, more digestible and wholesome. It is always reliable and uniform in its work.

Alum and phosphate baking powders—some of them sold at the same price and some of them cheaper—will make neither dainty nor wholesome food.

ROYAL BAKING POWDER CO., NEW YORK.

WOMAN VICTIM OF SWINDLERS

Mrs. Eunice Ferris Procures Warrant for Arrest of Members of Baldwin Realty Co.

Mrs. Eunice Ferris, 347 Leavenworth street, obtained warrants from Police Judge Cabaniss yesterday for the arrest of "John Doe" McMillan, Bert R. Smith, "John Doe" Smith, "John Doe" Elliott and "Jane Doe" McMillan on a charge of grand larceny by trick and device. The defendants are said to form the Baldwin Realty Company, at 906 Market street.

Mrs. Ferris was the owner of two lodging-houses, one at 745 Howard street, the other at 1322 Howard street. She had advertised that she desired to sell the lodging-houses, and shortly before the Christmas holidays she was waited upon by a member of the Baldwin Company, who asked the privilege of conducting the sale for her. On January 3 Bert R. Smith called upon her, saying that he had found a purchaser from the country. He explained that the purchaser did not have \$300, the purchase price, but would give Mrs. Ferris an assignment to four lots at Port Angeles, Wash., valued at \$500 each, as security till the \$300 was paid.

Later that day a daughter of McMillan was introduced to Mrs. Ferris as the purchaser, and they got her to sign a contract agreeing to the sale and the acceptance of the four lots as security, but the contract, which is in possession of Attorney Allen, representing Mrs. Ferris, is entirely one-sided. Miss McMillan took possession of the lodging-houses that day, and they were sold by the Baldwin Company the following day.

Mrs. Ferris consulted her attorney, and he wrote to Port Angeles regarding the lots. A letter purporting to have been sent to the Baldwin Company by John C. Brush, searcher of records for Port Angeles, to the lots and their value had been handed to Mrs. Ferris. Attorney Allen received a reply that no such person as "John C. Brush" was known at Port Angeles and that the lots were assessed at \$2 each, which was about all they were worth.

Detective Cody has been detailed on the case. McMillan has been arrested several times for similar practices, and last year was indicted by the Grand Jury, but he has always succeeded in beating the case.

BNAI BRITH GRAND LODGE CLOSING ITS ANNUAL SESSION
Officers for the Current Term Are Installed and Retiring President Is Remembered.

District Grand Lodge No. 4 of the Independent Order of B'nai Brith closed its annual session Tuesday night with the installation, by Past Grand President David S. Hirschberg, of the following officers, who were elected to serve for the current term:

Benjamin Sussman, grand president; George Black and Rev. Dr. M. S. Levy, vice presidents; I. J. Aschheim, secretary; Benjamin Meyer, treasurer; Julius Plutskoff, Max Marcus, E. J. Tansky, trustees, and Henry Schwartz, Harry E. Asher, and Arthur Gensbaum and David S. Hirschberg, the district court