

# MRS. NIX LOSES HER CONTEST.

Judge Ellsworth of Alameda County yesterday decided adversely to Mrs. Nix the contest she instituted to the will of Charles R. Lloyd, of whom she was a natural daughter. She will now receive a bequest of \$5000. The rest of the \$360,000 estate will go to the legitimate children.

### Charles R. Lloyd Was Morally Obligated, Says Court, but Will Must Stand.



MRS. ELIZABETH NIX, WHO LOST HER CONTEST OF CHARLES R. LLOYD'S WILL.

OAKLAND, April 13.—Mrs. Elizabeth Nix, the natural daughter of the late capitalist Charles R. Lloyd, is not entitled to share the estate with the legitimate sons and daughters of the deceased. Notwithstanding that the moral obligation she was under to this child was conceded by the court, she must remain satisfied with a bequest of \$5000, while the estate of \$360,000 is to be distributed to the other children.

Mrs. Nix brought a suit for a child's share of the estate, or one-fifth of it, and based her claim upon the promises of her father, who, she says, made a positive contract with her that if she would treat him as a father and at the same time comel her relationship to him from the world, he would leave her an equal share with his other children. Judge Ellsworth, before whom the case was tried, in summing up the testimony to the effect that Lloyd was engaged to marry at Miss Mary Scan of Bristol, England, in 1862 and the bans of marriage were published when the Prince of Wales's birthday was the occasion of a gay gathering. Lloyd and Miss Scan went to live together as husband and wife without formally completing the required ceremony. The contestant was the result of their union, but when still a baby both child and mother were deserted by Lloyd, who came to California.

Twenty years later he returned into their lives and by promises and many letters induced them to come to him here in Oakland. A house was furnished and he lived with them. He had promised them that if they would come here he would set them up in the millinery business. For twenty years the mother and daughter were kept dependent by him for their living, while he put off from time to time their request that he give them an opportunity to branch out for themselves.

# PEACE HOVERS OVER ZION CITY

Representatives of Warring Factions Hold Conference and Discuss Settlement

### WEARY OF THE STRIFE Dowie Promises to Retire if Temporarily Reinstated and Given Part of Funds

CHICAGO, April 13.—Peace hovers over the warring factions that are endeavoring to secure control of Zion City. This statement was authorized tonight by legal advisers of both Davis and General Overseer Voliva. After an all-day conference Attorney Emil C. Wetten, representing Dowie, said:

We are nearer a peaceful solution of this question than we have been at any stage of the proceedings. We have changed our minds relative to the filing of a bill in equity declaring void the ownership of the property of Zion City by Voliva and Deacon Alexander Granger to Voliva. We will wait further developments. Today, as a matter of formality, we filed a paper in the Circuit Court of Cook County, Illinois, declaring that the power of Attorney General Overseer Voliva by John Alexander Dowie was absolutely void. Dowie had not acted in accordance with the instructions given him in reference to the execution of the powers delegated to him by Dowie and had desired to transcend his authority and misapply the property of Dowie, and that thereupon Dowie forwarded Voliva a telegram revoking the power of attorney.

According to the contestants the decision of the court upon the validity of telegraphic revocation of the power of attorney will decide the question as to in whom rests the control of Zion City. On this question Attorney Wetten said: "The telegraphic power of attorney delegated to Voliva by Dowie is absolutely legal and will stand in court of law."

At the termination of today's conference, which was participated in by Judge V. V. Barnes, legal adviser of Zion City; Jacob Newman, counsel for Voliva; and his former counsel, Attorney Wetten, representing Dowie, Newman said:

Dowie and his advisers admitted today that we have in our possession documentary evidence to the effect that the contestants admit that 85 per cent of the property belongs to the Christian Catholic church, and he has further more acquiesced in the proposition that if he is given 5 per cent of this property, which he had been installed temporarily in control, both ecclesiastical and financial, he will retire. In other words, Dowie desires to be vindicated, related, and the full power attending the first apostasy of the Christian Catholic church, whereupon he will issue an edict dissolving the church and the property of Zion City belongs to the church and that 5 per cent belongs to him (Dowie). According to Newman, the contestants give to the two factions this would give Dowie \$1,000,000 and to the church \$19,000,000.

# SIX PERSONS DIE IN TEXAS TORNADO

### Wind, Snow and Sleet Storm Is Sweeping Over Western Nebraska.

DALLAS, Texas, April 13.—Six persons were killed and several injured in the tornado that swept over Texas yesterday. A number of buildings in the district were destroyed. At Cleburne the storm blew down the grandstand in the ball park during the progress of a game. Several persons were injured, but not killed. The heaviest rain in years fell in Dallas last night, and a general rain is reported over North Texas.

# CASTRO RETAINS HOLD ON COUNTRY

### Believed That He Will Resume Presidency After Short Vacation.

PARIS, April 13.—General Matos, leader of the last revolution against General Castro, in an interview today on the subject of the reported retirement from the Presidency of Venezuela, said that Castro would not have abandoned his position unless absolutely sure of being able to regain it at will. Matos added that Castro probably desired to take a short vacation in the Andes and that the acting President, Vicente Gomez, will scrupulously carry out his instructions and give up the Presidency when requested to do so.

# REMARKABLE NERVE SHOWN BY AN INDIAN

### Refuses Anesthetic While Surgeons Are Amputating His Feet.

ALBUQUERQUE, N. M., April 13.—Juan Analia, a Santo Domingo Indian, was run down by a switch engine in the Santa Fe yards at Gallup and both feet crushed. The Indian had been employed by the railroad. He did not lose consciousness after the accident and made no sound to indicate he was suffering. Analia was taken to the Santa Fe hospital here. On the way he refused anesthetics and did not utter a complaint. At the hospital it was found that amputation of both feet would be necessary to remove the shattered bone. The Indian refused an anesthetic and endured the operation without a word. He will recover.

# MAY SUSPEND HABEAS CORPUS

GOVERNOR HAS POWER Ruling in the Moyer Case by Chief Justice of the State of Colorado.

DENVER, April 13.—Chief Justice Gabbert of the State Supreme Court yesterday filed a supplemental opinion in the Moyer case. It is generally conceded that this new opinion will take precedence over the former majority opinion as the latest expression of the court.

The Chief Justice declares that the Governor of the State has the power to suspend habeas corpus at his discretion and that the courts cannot review the action.

The body of the new opinion is taken up with excerpts from an opinion of Justice Johnson in a case in the Philippine Islands, in which the power of the Governor-General to suspend the privileges of the writ of habeas corpus during a state of insurrection in the province of Batangas was upheld. The Chief Justice finds the case analogous to the situation presented in Colorado during the labor troubles, and draws conclusions in which the incarceration of Charles H. Moyer by the military is upheld.

# MITCHELL HOPEFUL OF A SETTLEMENT

### Believes That the Operators and Miners Will Yet Agree.

NEW YORK, April 13.—President Mitchell of the Miners' Union was busy today preparing to close his headquarters here and return to Indianapolis tomorrow. All the members of the general scale committees have left for their homes in the anthracite regions and will not be called together again until after the operators reply to the propositions submitted to them by the miners yesterday. In the face of the pessimistic expressions President Mitchell is hopeful of a peaceful ending of the controversy with the operators. He believes the operators will make an answer which will permit the continuance of negotiations, instead of abruptly ending them.

# PHILADELPHIA, April 13.—There was but little hope for industrial peace in the anthracite region today among the men most interested in the coal situation. One and all seemed convinced that nothing short of an unexpected intervention of some sort can now prevent a coal strike, or rather a suspension of all work in the part of the coming mine workers' convention that a strike exists.

# GORKY SCANDALIZES THE NEW YORKERS

### Accompanied on Trip to the United States by Russian Actress.

SPECIAL DISPATCH TO THE CALL. NEW YORK, April 13.—The New York admirers of Maxim Gorky have been divided into two camps by an embarrassing discovery which was made on Gorky's arrival, and was then whispered around among the circles of socialists, revolutionists and literary folk who flocked to his camp. Some of the more conservative socialists, among whom are included such as Robert Hunter and J. C. Stokely, were not a little disconcerted when Gorky reached this country to learn that the second "Mrs. Gorky," who accompanied him, was not Mme. Gorky at all, but a Russian actress, Anna Andrieva, with whom Gorky has been living since his separation from his wife four years ago.

# MAN'S TEMPER GETS HIM TERM IN JAIL

### Eight Years Sentence of Spiteful Spouse Who Burned Home.

SPECIAL DISPATCH TO THE CALL. LOS ANGELES, April 13.—A possession of a temper which he could not control would cause Nicholas Kunzler to spend the next eight years in San Quentin penitentiary. He pleaded guilty to arson today and was sentenced to eight years in jail. Kunzler threatened his wife and she caused his arrest. He secured his release by means of a writ of habeas corpus and returned home, drove his wife out of the house and then set fire to the building. Arming himself he forcibly prevented the neighbors from saving any of the household goods and the house was destroyed with its contents. A Deputy Sheriff had to knock him down with a revolver before he would submit to arrest. The destruction of the home left Mrs. Kunzler practically penniless.

# FLYING MACHINE OPERATORS DECIDE TO FORM A UNION

### Labor Plans to Invade the Realm Above in Its General Campaign of Organization.

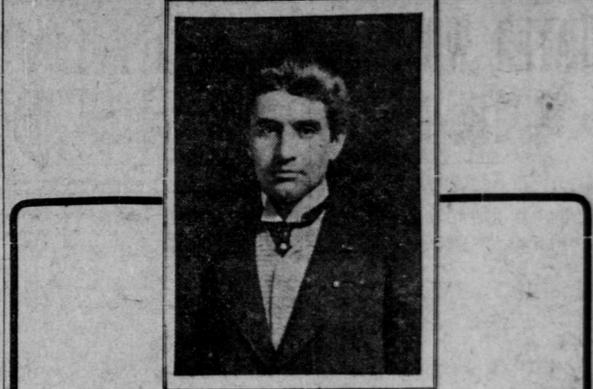
CHICAGO, April 13.—Union labor has at last decided to invade the realm above in its campaign of organization. Not satisfied with organizing apparently the unlimited fields of those who work on earth and those who toil beneath its surface, it will now proceed to organize Sky Pilots' Union No. 1.

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# ENGINE ON WAY TO FIRE IS HELD UP FOR DUTY

### Buildings Destroyed While Apparatus From Switzerland Is Delayed by German Officers.

BERLIN, April 13.—An illustration of the faithful enforcement of the bureaucratic customs is given in the *Burger Gazette* of Mulhausen, South Germany. A group of buildings at Huenhnen, near the German-Swiss frontier, caught fire on Sunday. A fire engine from Basle, Switzerland, just across the frontier, came to help in extinguishing the flames. The customs officers, however, would not allow the Swiss fire engine to cross the border unless the firemen paid duty for it; and while the discussion went on the buildings, which were within 100 yards of the Customhouse, burned to the ground.

# CLARK ROAD TO RESUME REGULAR TRAIN SCHEDULES

### Able to Return to Through Traffic for the First Time Since the Washout.

SALT LAKE CITY, April 13.—After one of the most destructive washouts in the history of Western railroading, causing a suspension of all through traffic on its lines since March 27, the Salt Lake and Los Angeles Limited service will leave Salt Lake tomorrow evening.

# New Steamer for Hawaii.

HONOLULU, April 7.—A contract has been closed here with the Union Iron Works of San Francisco by the Inter-Island Steam Navigation Company for a new steamer to run between Honolulu and Hilo and other island ports. It will be 211 1/2 feet in length, of 17-knot speed and will have triple expansion engines. This is a much larger and better vessel than any before engaged in the interisland business here.

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