# Dutton Will Dig Into Own Pocket To Help Pay His Policy-Holders

## Head of Fireman's Fund Recognizes Liability.

W. J. DUTTON, president of the old Fireman's Fund Insurance Company of California and Home Fire and Marine Insurance Company of California, announced yesterday that if there is still a balance due the policy-holders when the affairs of his two companies are wound up he will dig down into his own pocket and promptly pay his share of the amount due. This message was sent in answer to the questions of the Organized Policy-holders' Association, which met last night to consider steps by which they can best secure payment for their policies held by these two insurance companies.

The organized policy-holders did not adopt any plan by which they will attempt to collect all that is due them from the Fireman's Fund and the Home Fire and Marine. A committee appointed last week to talk with President Dutton reported through Attorney C. E. Kinard that Dutton had promised the policy-holders absolutely fair treatment in the distribution of the companies' assets.

**FEARS DOUBLE-DEALING.**

Kinard started the only exciting period of the evening by declaring that the Fireman's Fund and the Home Fire and Marine were holding "star chamber" sessions with a committee from the Policy-holders' Protective League, the organization of the larger policy-holders. He said that these meetings "would bear investigating." The assured present grew excited at the thought of possible double-dealing on the part of the insurance companies and cried for a motion to investigate. T. C. Friedlander, secretary of the Merchants' Exchange, silenced the talk of favoritism by inviting the committee from the Organized Policy-holders to meet with the committee from the Policy-holders' Protective League and confer jointly on the best grounds to be taken toward a settlement. Friedlander assured the policy-holders that the merchants' organization was working for the good of all.

These two committees will meet together and decide whether a settlement with the Fireman's Fund and the Home Fire and Marine shall be made through the courts or privately. President Dutton has asked that the directors of his companies be allowed to distribute the assets out of court, claiming that this will be the cheapest way for the policy-holders. This plan, with the addition of several policy-holders to the committee, may be adopted.

**TRICK IS SUSPECTED.**

The policy-holders may attack the formation of the Firemen's Fund Corporation, the new company which took over the unburned risks of the old Fireman's Fund and received about $2,000,000 from the latter's assets for so doing. Some of the policy-holders declare that this was a trick on the part of the directors to get a part of the assets out of the reach of the assured. No suit will be commenced until the Fireman's Fund and Home Fire and Marine have been given full opportunity to settle their losses.

**Enjoins Judge Shortall.**

A. Seidkin secured an alternative writ from Presiding Judge Graham yesterday, returnable before Judge Seawell August 6, by which Police Judge Shortall is restrained from any further proceedings to ascertain the ownership of some 4200 pounds of melted lead. Seidkin recites in his petition that he purchased the lead and that it was taken from him by Police Sergeant Thomas Ryan on the ground that it was the property of W. P. Fuller & Co. He says that a search warrant was issued and that Judge Shortall proposes to inquire further into the ownership.

## Asks Milwaukee Judge to Withhold the Decree.

OSGOOD PUTNAM, chairman of the meeting of policy-holders of the Milwaukee Mechanics Insurance Company, has sent the following dispatch to the Judge of the United States Circuit Court at Milwaukee, asking him to give no decree in the suit to set aside half of the resources of the company for the stockholders and leaving but one-half to settle the company's losses in this city:

United States Circuit Judge, Milwaukee, Wis.—Copy of the bill of Cobe against the Milwaukee Mechanics Insurance Company has just reached San Francisco. At a meeting of 100 policyholders I was instructed to telegraph to you requesting reasonable delay in granting any interlocutory decree until we can be heard.

OSGOOD PUTNAM, Chairman.

E. W. McGraw, one of the plaintiffs in the suit, who lives in San Francisco, has consented to telegraph to his attorneys in Milwaukee to request them to move for delay and to inform him of the outcome.

At a meeting of the policy-holders called for yesterday it was decided to postpone until some information can be secured from Milwaukee concerning the progress of litigation.

**LIABILITY IS ADMITTED.**

**North German Policy-Holders Get Communication From Hamburg.**

The North German Fire Insurance Company policy-holders have received a letter from counsel in Hamburg which contains a statement made by the North German Company to the Hamburg Fremdenblatt.

"In answer to your request to give some definite information concerning our share of loss in the San Francisco fire," so the article runs in part, "we learn through communications received from San Francisco that the whole amount for which we may be liable is $1,250,000. It must be borne in mind that, in our opinion, according to the text of our insurance conditions, compensation need not be made for a considerable portion of the claims."

W. J. Herrin, representing policyholders, says that liability has been denied here, while in Germany the admission has been made that the loss that must be met is $1,250,000. In San Francisco the loss is reported by representatives of the North German company to be $3,500,000.

**EXPLANATIONS ON THE WAY.**

**Three Letters Concerning Policy of Transatlantic Company Are Coming.**

Three letters from the home office of the Transatlantic Fire Insurance Company are reported to be on their way to this city. They are of three dates. The first is due to be received by the local representatives of the company today. The general supposition is that the first letter to arrive will deny liability of the company and that the others will smooth the way to some sort of a compromise if such can be effected. Several hundred policy-holders of the Transatlantic have been waiting some days for the arrival of the communications.

**Insurance Suits.**

The W. G. Hind Improvement Company commenced a suit yesterday against the Williamsburgh City Fire Insurance Company to recover the sum of $8687 due on a policy held with the company. V. H. Rosetti brought an action against the Williamsburgh for $800.

W. J. Brown is the plaintiff in an action against the City Insurance Company of Missouri to recover $700.

## Planning New Move Against English Companies.

POLICY-HOLDERS of the Palatine, Alliance of London, Norwich Union, New York Indemnity, Commercial Union of London and Commercial Union of New York fire insurance companies, which, together are liable to San Francisco losers for many millions of dollars, met yesterday and resolved to name a committee of seven to prepare a plan to help them to recover. Walter H. Robinson, who presided, was authorized to name seven persons, including himself and Pelham W. Ames, secretary of the meeting, to proceed with that important work.

About a week ago these companies, through their attorneys, made public a statement to policy-holders, in which liability to San Francisco policy-holders was denied because of the earthquake of April 18. The Norwich Union has since, through its San Francisco representative, W. H. Lowden, addressed a communication to each of its policy-holders advising them of the opening of an adjusting bureau in this city and invfting them to come to the bureau, intimating that the company is prepared to consider each and every loss on its merits.

**DELAY IS OPPOSED.**

Although two of the policy-holders present at the meeting yesterday counseled delay, the general opinion of those assembled was that it would be well to have their own organization and their own plan of procedure.

The meeting was called by a committee consisting of Walter H. Robinson, Hugo D. Newhouse, William Spencer, Pelham W. Ames and John Ralph Wilson. Robinson opened the proceedings and made a general explanation of the situation as it appeared to the committee. He said:

Six British companies have issued an elaborate statement and have denied all liability. They have all the assets that are necessary to pay their San Francisco losses. There is no question of their ability to pay if they can be found liable. They are, seemingly, preparing for litigation. They have hired attorneys and are making ready for battle. A letter has been sent to the policy-holders of the Norwich Union by a representative of that company, but that is less satisfactory than the statement issued by the six companies. The communications are vague and give little light concerning the intentions of the insurers.

The six British companies represented here by policy-holders expect to be defeated here in the courts and then to take the cases to the British courts, on the earthquake plea. The clauses regarding earthquake in their policies differ. The Alliance policies have an earthquake clause in the body. The others have the clause in small type at the bottom. There probably will be an attempt at adjudication. The committee wishes to know what policy shall be followed. Shall a corporation be formed or shall their interests be left in the hands of a committee?

**DECIDE TO ORGANIZE.**

A general discussion followed. Some of the policy-holders, among them Livingston and Clayburgh, advocated waiting for a few days to see what the companies would do. W. J. Herrin, Hugo D. Newhouse, Sidney Van Wyck Jr., Sanford Figenbaum, W. M. Cannon and others urged forming some sort of an organization at once and the appointment of a committee to take the preliminary steps was finally authorized by vote.

"Unite and throw your claims in together," urged W. J. Herrin. "That will make it possible to collect at small individual expense. What all can accomplish acting together would be impossible for an individual. Some money will be necessary. The English solicitors in the case of the North German policy-holders want 10 per cent, and a large retainer down. The English law recognizes the judgments of American courts as final and conclusive on common principles of law. If we get judgments here there will be no difficulty in collecting on them in England."

**WHITNEY MAKES A REPORT.**

**Preliminary Statement is Filed With the Policy-Holders' League.**

A preliminary report regarding the settlements by fire insurance companies in this city and also concerning the claims of companies that deny liability has been prepared by Professor Whitney, insurance expert of the University of California, for the information of the Policy-Holders' League. The report will not be made public at present.

It is known that a large amount of information has been secured from policy-holders through letters sent out by the Chamber of Commerce, which is conducting an inquiry. The banks have also supplied facts, which they were enabled to obtain from the large number of fire insurance policies held by them as part security for loans on San Francisco improved real estate.

The purpose of the Chamber of Commerce, which engaged Professor Whitney, is to get together facts and authentic information of what the insurance companies do in San Francisco. The final report will not be ready for some time.

**CHARLES BACH & CO. WILL REBUILD OLD MALT HOUSE**

**New Structure to Be Erected on the Same Site at a Cost of $150,000.**

Charles Bach & Co. will begin construction of their big new malt house today on the old site of their plant, Stockton street, between Bay and Francisco.

The new building is to cost $150,000. It is to be four stories in height and 100 by 100 feet in ground dimensions. The superstructure is to be reinforced concrete, while the basement is to be constructed of bricks from the burned building.

These bricks were brought around the Horn by James Shearer, the founder of the present house.

The old building did not suffer in the least by the earthquake, and on April 19 the firm resumed business as usual, but later in the day the flames destroyed the plant.

Galland, Henning & Co. of Milwaukee, the architects for the new plant, are here and expect to have the building ready for occupancy within four months. It is to be the finest structure of its kind on the coast.

**Says Husband Stole Child.**

Mrs. Hattie Bristol, 718 Guerrero street, obtained a warrant from Police Judge Mogan yesterday for the arrest of her husband, W. Bristol, on a charge of battery. They have been living apart, and she alleges that on Sunday night, while she was out walking with her sister, Bristol went to her house and stole her baby 15 months old, and took it to his mother's house, 903½ McAllister street. Yesterday morning Bristol returned to the house and, she alleges, he beat her and attempted to cut her with a razor.

**To Omaha, Kansas City, Chicago.**

The Overland Limited is the fast train. Standard Pullman cars, powerful passenger engine, built for speed. Dining-car meals a la carte served in perfect manner. Daily over Southern Pacific. From ferry 11 a. m.

# DEMENTED SOLDIER ATTACKS DOCTOR.

## Private Udleson Tries to Gain Discharge From Army by Force

Private Jacob Udleson, a demented patient at the General Hospital at the Presidio, became violently insane yesterday afternoon and without warning attacked Lieutenant Hall with his fists, knocking the officer down before he had an opportunity to defend himself. Several non-commissioned officers rushed to Hall's aid and the crazy man was taken to the detention ward before he had an opportunity to do further harm.

Udleson was brought here from the Philippines on the transport Sherman for treatment in the hospital. His term of enlistment expired Sunday, but owing to his mental condition he could not be given his discharge from the service. This and other small things that happened about the hospital caused him to brood until he had an imagined grievance against every member of the hospital corps, and going to the lieutenant, whom he happened to meet on the veranda in the rear of the hospital, he demanded his discharge. When it was refused he made the attack.

**Admitted to State Bar.**

An examination of applicants to practice law in California was held yesterday in the District Court of Appeal, and the following were admitted to the bar: Frank W. Shay, Almore Keith Daggett, Frank Tracy Poore, Louis P. Dunkley, Alice Richardson, J. L. Johnstone, Joseph D. Cornell, Charles Noel Douglas, Charles Baer.

**Looking for George Hawley.**

Mrs. George Hawley is looking for her husband, George Hawley. She lives in camp 6, speedway, Golden Gate Park. She heard from him last in March, when he was at McGreggors Landing, Honolulu. She believes that he has returned to San Francisco, but has been unable to locate her.

**Too Much Father-in-Law.**

Further testimony was heard yesterday before Judge Graham in the divorce case of Helen Pryal against Charles Pryal. The latter was on the stand again and testified that religious differences were responsible for the trouble. He said also that he had a good mother-in-law, and that it was entirely a case of too much father-in-law. The case will be concluded today.

**Will Establish Agency Here.**

The St. Joseph and Grand Island Railway will establish an agency here, beginning tomorrow. Arthur S. Hore, who has been for several years contracting freight agent of the Atchison, Topeka and Santa Fe, will represent the former company.

# CONGESTED CARS BEGIN MOVING.

## Work of Merchants Aids the Southern Pacific in Relieving Situation

The serious congestion of freight cars in the yards of the Southern Pacific between this city and Ogden, Utah, is being partly relieved through the efforts of the merchants of San Francisco to unload their goods from the cars standing on the Oakland tracks. One week ago 6000 cars filled with San Francisco freight stood blocked in the Southern Pacific yards. This number has been reduced to 4000. General Manager E. E. Calvin says that with the effective co-operation of the merchants all of the cars can be unloaded within the next ten days and the tracks cleared for further shipments. Unless the merchants do provide means for a more rapid unloading of the cars it is probable that an increased demurrage will be charged by the Southern Pacific.

Meanwhile telegraphic orders have been sent to Southern Pacific agents throughout the country to refuse all freight consigned to San Francisco until the blockade is removed. These instructions inform the agents that they will be notified as soon as shipments can begin.

Tons of freight are lying at Seattle and Portland awaiting transportation to San Francisco. The Portland merchants were relieved yesterday by the news that the steamers Costa Rica Columbia and Barracouta would soon be plying along the San Francisco route. These vessels will relieve the congestion of freight on the Portland docks. The Alliance left last night with a full hold. The California and Oregon Steamship Company is looking for another vessel to put on the San Francisco-Portland service.

The committee on railroads of the Oakland Chamber of Commerce, having ascertained that over 97 per cent of the loaded cars in the yards at West Oakland are consigned to dealers in San Francisco, has sent a letter to Manager Calvin of the Southern Pacific Company stating that the congestion is caused not by freight for Oakland, but by freight addressed to San Francisco; also that the shippers of Oakland cannot get their goods delivered by reason of the Oakland cars being placed between cars destined for San Francisco, and winds up by asking:

"Would it not be possible to segregate the freight destined for Oakland either at Ogden, Sacramento or some other terminal point, that the Oakland cars may arrive here more promptly and delivery be made immediately?"

COFFEE CLUB TO MEET.—The Coffee Club Association will hold regular monthly public meetings on the last Tuesday evening of each month. The first of these gatherings will take place tonight at Simpson Memorial Methodist Church, Hayes and Buchanan streets. E. L. Howard will preside and Rev. J. H. N. Williams, Miss Alice Schumacher and J. W. Dorn will speak.

TAHITI

THE PLACE TO GO.

It is a wonderfully interesting country to see, so different from California or other portions of our native land. As a Californian who recently visited Tahiti says: "One feels as if he were almost on another planet. The vegetation is different—one of the first things that greeted and delighted my eyes upon landing was a tropical variety of acacia that bears brilliant scarlet flowers in most exuberant and dazzling clusters. The food is different—alligator pears, bread fruit, cocoanuts, etc. The native huts are made of bamboo and palm leaves. These happy, care-free natives sit or lie around on straw mats. When hungry, a few cocoanuts knocked down from the trees over their heads, and a few fish caught at their doors, suffice. With shelter, raiment and food so easily provided, who could not afford to be generous and amiable? Here surely is the SIMPLE LIFE. It is a wonderfully interesting country to see. It is possible to derive much pleasure from the recollection of its wonderful beauty and its strange primitive customs."

Comfortable hotels at moderate prices. Steamship Mariposa sails August 6. Reduced round-trip rate for this voyage, $125. Office, 1168 Broadway, Oakland; phone Oakland 8818. San Francisco office, Pier No. 7; phone West 1273.

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CALIFORNIA NORTHWESTERN RAILWAY

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THE SCENIC ROUTE

IS NOW READY FOR DISTRIBUTION

GIVING FULL INFORMATION IN REGARD TO

CAMPING SPOTS, THE LOCATION, ACCOMMODATIONS, ATTRACTIONS, ETC., OF MINERAL SPRING RESORTS AND COUNTRY HOMES AND FARMS WHERE SUMMER BOARDERS ARE TAKEN, WITH TERMS OF BOARD, $7.00 AND UPWARD PER WEEK.

To be had at Tiburon Ferry, foot of Market street, San Francisco. Inquiry by mail will bring an immediate response.

JAS. AGLER, General Manager. R. X. RYAN, Gen'l Pass. Agent.

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Welcome all who desire a comfortable and entertaining place for themselves or family.

*Never a Dull Moment*

MOUNT VIEW HOTEL ROSS VALLEY, ROSS STATION.

Is now open. Newly furnished; new plumbing. Reservations can now be made by addressing Manager, Ross Valley station.

OWN SUMMER HOME IN MOUNTAINS OF SONOMA CO. Camp Meeker

Equable climate. Lots $15 up. Cottages built, $75 up. Depot, stores, restaurant, hotel, phone, post, express, churches and sawmill; 1800 lots sold; 400 cottages built. Sausalito ferry. M. C. MEEKER, Camp Meeker, Sonoma County.

MENDENHALL SPRINGS.

Open May 1. New management. Elevation 1750 feet. Fine climate. Best mineral springs. Fine table. Cottages for housekeeping. Croquet, skating rink, etc. Rates $7 to $10 per week. Address O. E. BIGELOW, Livermore, Cal.

DR. C. C. O'DONNELL'S RANCH.

At pretty Glen Ellen. Seventy furnished and partially furnished cottages, cabins, tents and outfits to rent, from $10 up. Catholic and Congregational churches; mineral springs; fishing, bathing. Climate unsurpassed. Apply to DR. C. C. O'DONNELL, 910A Devisadero st.

YARBROUGH FARM, GUERNEVILLE.

One mile from town. Will meet guests. A valley farm with plenty of berries and cream. Occasional free drives to the famous Armstrong Grove of Redwoods. Boating and bathing in Russian River. Adults $7 and $8 week. Address JAMES THORPE, Guerneville, Sonoma Co., Cal.

You'll find the finest, most beautiful, most luxuriously appointed resort hotel in the West at

Witter MEDICAL Lake County Springs

The interior finish is a delight to the eye. Expert judges have pronounced the hotel without an equal in this respect. We can't describe it—you'll have to see it. Positively no infectious or contagious diseases taken in the new hotel. Rates—Old hotel and cottage rooms $12 per week. New hotel $14 per week and up. Mr. H. W. Wills, assistant manager of St. Francis Hotel, now has personal charge of the Springs Hotel. Write for booklet.

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Hotel Rafael SAN RAFAEL CAL.

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The only first-class hotel in the vicinity of the city. American and European plan.

R. V. HALTON, Proprietor.

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Aetna Springs, Napa Co., Cal.

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Send your family to the nearest Hot Sulphur Springs to San Francisco. First-class accommodations. Special rates to families; no staging; four trains daily; fare, round trip, $1.65, Tiburon Ferry or Oakland; two hours' ride. Address THEODOR RICHARDS, Agua Caliente Springs, Sonoma County, Cal.

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LAKE COUNTY,

For rest and health, for cleanliness, climate and accommodation stands unsurpassed of all summer resorts. Rates $12, $14 and $16 per week. For full particulars address R. ROBERTSON.

THE GEYSERS

The greatest health resort in California. Positive cure for Rheumatism, Stomach, Liver and Kidney Troubles. Table first class. Lighted throughout by electricity. Long distance telephone and postoffice in the hotel. Rates $12 and $14 per week, including baths. New bathhouses have been erected this season. Special rates to families and monthly guests. For booklet and information write R. H. CURRY, Prop. The Geysers, Cal.

Camille Matthebuau Louis Coutard Jules Vigouroux Formerly of Frank's Rotisserie. Pine st., S. F.

LAMOLLE HOUSE.

Only first-class French hotel and restaurant on the Pacific Coast. Tel. Private Exchange 31. Telephones in all rooms. Cor. Santa Clara and San Pedro sts., San Jose, Cal. European plan.

LAWRENCE VILLA, SONOMA.

Completely renovated. Family resort. Swimming tank. Bus daily to Hot Springs; $5 week. H. PELLISSIER.

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CALIFORNIA'S FINEST SEASIDE RESORT. Largest and Best Equipped Bathing Pavilion on the Pacific Slope.

FINEST BATHING BEACH ON THE COAST.

New dining-room. Steam heat. Elevator service. Attractive new lobby.

Fine tennis court. Good boating, bathing and fishing. Beautiful drives. Paid orchestra.

HOTEL ST. GEORGE, under the same management. Take broad-gauge for Santa Cruz.

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CASTLE CRAG FARM

The above premises, formerly known as Castle Crag Tavern, are now equipped with furnished cottages, except bed linen, for rental on reasonable terms.

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Curative waters, hunting, fishing, finest electric baths in the world.

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Fifteen Different Mineral Springs.

J. MARTENS BACHELOR, P. O., Lake County, California.

Blue Lake

Seat for pamphlets; $10 to $12 per week. O. WEISMAN, Midlake, Lake County, Cal.

TAHOE TAVERN That restful inn among the pines. F. W. RICHARDSON, Manager, Tahoe, Cal.

THE COLONIAL.

First-class family hotel. Foothills of Santa Cruz Mountains. Interurban cars pass the doors. S. P. to San Jose and interurban cars or S. P. direct to Los Gatos. Address The Colonial, Los Gatos, Cal.

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Ten miles from Chico, Butte Co. Stage daily, Sundays excepted. Cures rheumatism, malaria, stomach, kidney, nervous troubles, blood & skin diseases. Steam & mineral baths. Milk & fruit. Hunting & trout fishing. Long distance phone. Rates $10 & $12. J. H. Richardson, Chico, Cal.

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Send for book of testimonials to DR. W. R. PRATHER, Prop.

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Better than ever. All modern improvements. These famous waters are very efficacious in cases of rheumatism, neuralgia, kidney and liver diseases and all blood and bladder troubles. Hunting, fishing and other amusements; fine table. Rates $12 to $17 a week. Send for booklet to W. J. McDONALD, Proprietor.

WILLOW RANCH.

Delightfully located in the Santa Cruz redwoods. Milk, fruit, spring water, phone, daily mail, excellent table; $7. MRS. M. J. CRANDELL. Special rates to families.

POPE HOUSE

First-class family hotel, with cottages; tennis and croquet; electric cars to beach and baths, and all trains. MRS. A. POPE, Santa Cruz, Cal.

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Those wishing to get away from all thoughts of their terrible experience can find this the best place in the State. Send for booklet. EDSON BROS., Beswick, Cal.

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Now open. Rates $10 to $12 per week. Write for particulars. Address HOWELL BROS., Hopland, Mendocino County, Cal.

Howell Mt., Woodworth's.

Residence of 31 years. Home fruits, vegetables, milk, cream, etc. Purest of spring water. No fog. $7 to $10 week. WOODWORTH & MULLER, St. Helena, Cal.

JOHANNISBERG.

Now open. Beautifully situated among the redwoods. Boating and bathing. Stage meets guests at Oakville, Napa County. Rates reasonable. MR. and MRS. THEO BLANCHENBURG JR.

WILSON'S INN.

A quiet home place in the mountains, near Napa. Excellent table. Fruit, vegetables, milk and cream; $8 to $11 per week, season rates. Folders at Bryan's, 1362 Fillmore st. ARNO H. WILSON, Atlas, Cal.

VILLA FONTENAY.

Under new management. Santa Cruz Mts. Three miles from Glenwood. First-class table; bowling, electric lights, billiards, dancing pavilion, clubroom; $10 up; round trip $3; free carriage. RICE HARPER, Prop., R. F. D. 1, Santa Cruz.

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Near Beach; 30 acres beautiful grounds; special rates to families. Write for booklet to F. BARSON, Prop., Santa Cruz.

The Weekly Call, $1—Per Year—$1


# FOLLOWS WHISKY TRAIL TO END.

## Wisser Says Brechemin Has Receipts That Clear the Situation

Colonel John P. Wisser has finished examining the military witnesses in regard to the missing eight wagon-loads of whisky and is satisfied that the army can account for every drop of liquor that passed through the medical supply depot.

The colonel makes a criticism of civilian doctors who were in temporary charge of stores—those in the city emergency service had nothing to do with supplies—that is likely to make him the center of a storm. He frankly expresses the opinion that the physicians first mentioned showed incompetency.

The colonel has questioned every man in the medical supply and quartermaster's service. These men all assert that Colonel Brechemin was careful to secure receipts when supplies were sent out and on more than one occasion the goods were returned to the depot because the proper person could not be found to receipt for them. Colonel Brechemin, who is now in New York, has sent a duplicate list of his receipts, which is expected to arrive any day.

Although the authorities from the stations and the Red Cross hospitals have been invited to testify, none of them seems anxious to clear himself or to show his receipts for goods received or given out. As Colonel Wisser has no authority to subpena civilians, he has decided to make known his report and then if any of the civilian doctors wish to contradict it they will have the privilege to do so before it is sent to Washington.

The colonel recited many instances that have recently come to his notice where goods of all kinds were picked up from all parts of the city and dumped at the relief stations without the slighest record being kept of them. In several instances whole boatloads of stuff were dumped at the Presidio wharf and the only record the officers have of them is that they were received from the wharf.

In speaking of the affair yesterday the colonel said:

"I am now convinced that as far as the army is concerned every drop of whisky can be accounted for, and I believe that had the civilian doctors been as careful about their receipts as the army officers this mystery would soon be cleared up. I think their silence is due to the fact that they do not want to admit incompetency.

# DECLARES DENICKE SHOT WILLFULLY.

## Assistant District Attorney O'Gara Argues Against a Dismissal

"Under the law it is unnecessary to show proof of hatred or malice," said Assistant District Attorney John O'Gara yesterday in arguing against the motion to dismiss the information against Ernest Denicke, accused of murder. "It is sufficient that the act was done willfully with the intent to take life and that the shooting was deliberate.

"The circumstances of the case show that the defendant was entirely indifferent of the rights of the deceased. He shot him deliberately. Three times he shot to kill, and every shot took effect. He saw the man fall wounded, groaning in his agony, packed up the gun, handed it to the marine and walked down the street, without going to the assistance of the dying man."

It was toward the close of an all-day argument, touching at length on the technical points that had been raised by former Governor Budd in favor of the motion that the assistant prosecutor combated the argument that Denicke had shot without malice in his heart and was therefore not culpable. He contended that Denicke had shot the stranger deliberately and should be brought before a jury to answer for his act.

Assistant O'Gara said that Mayor Schmitz's proclamation afforded no justification beyond the rights that are prescribed by the statutes.

The prosecution will conclude its argument this morning and Abraham Ruef will close for the defense.

**You Need a Rest.**

Can't spare time for a vacation? Byron Hot Springs, only two and a half hours away, with low Friday to Monday rates, over Southern Pacific and at the beautiful hotel. Mineral water baths free, right in the building.

# ROLLS AT SCHOOLS GROW STEADILY.

## Total Attendance of Year Will Be Greater Even Than Was Expected

Increase in the enrollment of public school pupils has been steady since the opening day, and the general attendance for the year is promising to be even more than the most optimistic of the school authorities had estimated when studies were resumed. Out of twenty-two schools, about one-third of the total number, which had sent in reports last night, an increase of 440 pupils was noted over the number attending the same schools last week.

President Altmann of the School Board said:

"The increase is certainly encouraging. I think it will continue until the middle of August, anyway.

"People are returning to the city as rapidly as they can find places in which to live. Many are coming back in search of homes to rent, but are unable to find them. New houses that are being constructed will allow many of them to find homes here in a short time.

"Out in the northern end of the city the buildings are being constructed rapidly and the number of children is increasing steadily. The temporary building for the Hancock School will be completed the coming week, and that will accommodate a large number of children in that locality. Several tenement-houses are going up near there and will probably be filled with families immediately.

"A temporary structure will be made for the Washington Grammar School to accommodate the pupils until the new building is constructed. It is included in the new bond issue. The Garfield School will be established on Union street, between Dupont and Kearny. The Washington Irving School will be on Broadway, between Montgomery and Sansome streets. The Lafayette School will be moved to Greenwich street, between Fillmore and Webster."


HOTEL ST. FRANCIS

Have You Seen the NEW ANNEX IN UNION SQUARE?

CHARMING ARTISTIC COMFORTABLE

200 OUTSIDE ROOMS

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SEND US YOUR ORDERS

Working Night and Day

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