IT WAS MURDER.

The Coroner's Jury Charges La Rue With This Crime.

Inquest Held on the Body of Harry McBride, Who Was Killed in the Brutal Fight in the Golden Gate Athletic Club.

Coroner Eaton held an inquest yesterday afternoon on the body of Henry McBride, who was killed on last Monday night by Frank La Rue during a fight in the Golden Gate Athletic Club. The Morgue was crowded with persons interested in slogging and also professional prize-fighters, who watched the proceedings with an interest which at times approached anxiety.

A. Andrews was the first witness sworn. He testified that last Monday night he was at a meeting of the California Athletic Club, and after the meeting was asked by a gentleman to go to the Golden Gate Club to a "set-to." The Colonel replied that he did not care to witness such an affair, but would not mind seeing a regular fight by scientific boxers. He went, however, and was not impressed favorably with the general arrangements, as the fight struck him as "a farce by unscientific men."

He did not know either of the men, but could see that McBride was not skillful enough to ward off his opponent's blows. Witness thought that the fight should have been stopped, yet he had no idea that anything serious would happen. He paid more attention to the ludicrous antics of McBride's seconds than to the fight. "I think that man La Rue was drunk," added the witness. "He certainly did not act as a man of good sense."

DIRECTOR FERGUSON TESTIFIES.

John Ferguson, a Director of the California Athletic Club and proprietor of the A B C Saloon on Kearny street, deposed that he went from his club to the scene of the fatal fight and witnessed the affair. In his opinion, La Rue seemed to be under the influence of liquor. About half of the blows aimed at McBride by La Rue struck home. Both men showed signs of exhaustion as the fight progressed, and more particularly McBride.

"Would a man in poor condition bleed more freely if struck on the nose than a man in good condition?" asked Coroner Eaton.

"Yes, sir."

In reply to a juror's question the witness said that McBride bled freely from the nose after the first round, as La Rue had struck him on the nose at first.

"Is it the custom of your club (the California) to allow amateurs to engage in prize-fights?" was asked.

"No, sir; no. I do not think it at all proper, and the club would not allow it."

C. H. Meyers, a bar-tender on Geary street, stated to the jury that he saw the fatal fight to a finish. He did not believe that McBride received any severe blows, although the blow that broke the deceased's nose must have been a hard one. He saw McBride fall heavily against the floor, and strike heavily on one side of his head. The combatants showed no signs of exhaustion, on the contrary they "came up smiling in every round."

NO HEAVY BLOWS WERE STRUCK.

John Whalen testified that he went to the Golden Gate Club after the fight and saw the dying man lying in a comfortable state. He was then and there told by several witnesses of the fight that no heavy blows had been struck, nor had anything been done to cause death.

J. J. Jamison, Secretary of the Golden Gate Athletic Club, who is out on bail of $15,000 on a charge of murder in connection with the affair, stated that at about 4 o'clock on the day of the fatal fight La Rue and McBride called at the club and asked him if they could have the use of the rooms and gloves for that evening. He told them they might.

"Do you keep a regular record of proceedings of your club?" asked the Coroner.

"Yes, sir. I am Secretary of the club and keep my minutes."

When contestants sign for a fight they go in for a trophy, but in this particular case Jamison did not know that these men were fighting for any stated amount. He saw the fight in which McBride lost his life, but only a part of it. He could not say that the men were in a proper condition to fight. The Golden Gate Club does not usually sanction such fights, but in this case there was no regular rigging and there were directors present to attend to the affair. He was at the door.

SELIG SAW NO HARD BLOWS.

Louis Selig of 26 Mission street was sworn and testified that he had seen several fights in the club, and believed that it must take a hard blow to break a man's nose, yet he had not seen any hard blows struck in the fight in question.

Frank A. Miller, bar-keeper at Kopp's saloon on Kearny street, was present at the fight and testified that, judging from his experience, there were no really hard blows delivered in the fight between La Rue and McBride. He had seen light blows break a man's arm on previous occasions.

John F. Dooley gave further testimony of a negative character. He did not see any blows "had enough to knock out an ordinary man." He saw McBride fall and strike the floor on his right temple.

John Ivan, proprietor of a coal-yard, was present at the night of the fight. He said he is not a member of the club, but on the night in question he happened to pass the door, saw it open and walked in. There were no tickets taken. For want of evidence, McBride was unable to ward off blows that were struck at him.

Gustave Videau, the officer who arrested La Rue, swore that while escorting his prisoner to the City Prison La Rue said:

"This is all a piece of —— foolishness; it was all about a girl."

W. Johnston, who lives on Mason and Eddy streets, and has been acquainted with La Rue and McBride for three years, swore that he saw McBride fall in the eleventh round. He had never seen a fight before, but felt certain that no heavy blows were given in this fight.

PASSING THE GLOVES AROUND.

At this juncture the gloves worn by La Rue were exhibited and passed around among the jurors. They were five-ounce gloves, red with white trimmings. Witness continued that he believed that La Rue was under the influence of liquor when fighting with McBride.

When Johnston had given his statement to the jury, Coroner Eaton asked La Rue if he wished to make a statement, which would be used as a matter of record. La Rue declined. He would say nothing until on trial.

Dr. Rogers, who attended McBride on the night of the fatal fight, stated that he found the patient unconscious. From the general appearance of the man before death, the doctor said he was inferior in physical development. The brain images were gone, which alone would place him at a decided disadvantage. Before the autopsy there was consussion of the brain, accompanied with considerable extravasation of blood. Deceased had also been a sufferer from Bright's disease of the kidneys. The doctor believed that the injuries to McBride's head could have been caused by the fall, but whether by the fall or blow he was not able to say positively.

A LEVEL-HEADED JURY.

Dr. M. M. Estes, who made the autopsy, stated that he had found abrasions of the knee and arms, contusions of the breast, arms and face, vessels of the brain congested, heart and kidneys enlarged. Cause of death was concussion and contusion of brain from injuries.

The witness further stated that he had found marks or contusions on the right side of the head. The contusion on the left side could not have been caused by a fall on the opposite side.

The jury then retired, and after a brief deliberation returned the following verdict:

We, the jury, find that Henry McBride, deceased, aged 27 years, native of Scotland, came to his death June 10th from blows inflicted by Mr. La Rue, in the rooms of the Golden Gate Athletic Club; and we hereby charge the said Mr. La Rue with the crime of murder.

The jury comprised the following-named: B. A. Schloh, 206 Post street; J. Shute, 281 Montgomery street; W. B. Hindle, 23 Montgomery street; H. Hansen, 540 Washington street; A. Lewald, 508 Washington street; W. F. Meagher, 111 Geary street; M. Burkhardt, 545 Washington street; John Hagman, 114 Montgomery street; J. Oakland, 136 Montgomery street, and E. W. Strange, 120 Montgomery street.

MRS. GUNN RELEASED.

Her Arrest Was a Mistake of the Enumerator, and Apologies Are Rendered.

Mrs. George Gunn of San Jose, for whose arrest a warrant was issued on Wednesday because of her refusal to answer the questions of a census enumerator, was brought up from the Garden City yesterday morning by Deputy United States Marshal Hopkins and appeared for examination before acting United States Commissioner Monckton.

As soon as the facts in the case became known the lady was released. It appeared that Enumerator Daly is a friend of the family, and when he asked the questions of Mrs. Gunn she jocularly evaded replies, finally telling him that she was too busy to talk with him and that her son would answer for her.

Daly and the son left the house together, as she supposed, to furnish the required information, but instead her refusal was reported to Supervisor Davis, though the son, George, had after leaving Daly filled out one of the blanks for him. Upon the lady's release mutual apologies were in order yesterday, and all regretted the misunderstanding which had occurred.

A Fight Against Death.

The habeas corpus petition of Charles E. Clark, under sentence of death for the murder of Captain Duncan Logan, was yesterday heard by the Supreme Court. Clark was sentenced to Folsom for three years for felony from an interior county, and was an inmate of the penitentiary when arrested for the murder, and his attorney now contends that he could not have been tried for the murder until his sentence had expired, and therefore that the judgment of conviction is a nullity. After arguments yesterday the matter was taken under advisement.

At the Request of the Bar.

The Supreme Court yesterday modified its decision in the disbarment proceedings against Attorney Stevens of Los Angeles, and he will be allowed to resume the practice of his profession on July 1st. The modification was made at the request of the majority of the Los Angeles bar, which averred that Stevens is a sensitive man and has already suffered enough.

The Gaiety Company's First Night.

The box-sheet for the engagement of the London Gaiety Company was thrown open to the public Thursday morning at the Baldwin Theater, and the sale proved the largest that has taken place for some time at this theater. This company is George Edwards' original London Gaiety Theater Company, and is headed by the famous artists, Florence St. John and E. J. Lonnen. The operatic burlesque "Faust Up to Date" will be presented in an elaborate manner. The audience for the opening night—next Monday—will, from appearances, be both large and fashionable, and the outlook is that the season will be a most successful one.

ALONG THE RAIL.

Rio Grande Western and Colorado Midland Fail to Connect.

It was announced recently that the Colorado Midland would be opened for business on June 10th, in connection with the Rio Grande Western, which had been changed to a broad gauge from Ogden to Grand Junction. The intention of the managers was not realized in this respect; and it is now stated that the road may not be opened for business before the last of July. Vice-President Peabody of the Rio Grande Western, during his recent visit in this city, said of the new connection:

"We have had a third rail laid between Ogden and Grand Junction, equipment has been provided, and all is ready, as far as we are concerned, for the opening of the standard gauge. The Colorado Midland people have been very slow in completing this line, which was to have been opened on June 10th, and it looks very much like bad management on the part of the Colorado Midland people. This unnecessary delay is putting us to great expense, as we are at present compelled to maintain a special car service.

"The agents of Eastern roads are also put to great inconvenience in booking passengers, owing to the fact that first and second class passengers usually engage their sleeping accommodations about ten days prior to their departure, and under the present arrangement it is impossible for the agents to tell how far they will be able to give passengers such accommodations. This state of affairs will continue until the standard gauge is open, when passengers will be enabled to purchase berths from San Francisco to Chicago without change, or, in other words, passengers will have the same accommodations on this line as are accorded travelers on the Union Pacific or Northwestern."

Ellwood Cooper of Santa Barbara has addressed the following self-explanatory communication to the San Francisco Produce Exchange:

SANTA BARBARA, Cal., June 9, 1890.

San Francisco Produce Exchange, San Francisco—GENTLEMEN: The within slip fully explains my purpose in addressing you. I have been delegated to communicate with the prominent gentlemen in the coast counties, from the Mexican line to San Francisco, and urge that citizens' meetings be called and that committees of five from each county be appointed to attend a Railroad Convention, to be held at San Jose the 25th of this month.

So far as heard from there will be a full attendance. The importance of such a convention is too manifest to require any extended explanation at this time. The completion of the Coast Line Road, road, or the inauguration of a new and independent line between San Francisco and Los Angeles by the coast, is the subject of the hour and claims our earnest consideration.

Will you have the meeting called, a committee appointed and have me advised of the fact? I am very truly, ELLWOOD COOPER.

The annual report of the San Francisco and North Pacific Railway Company has been filed with the Railroad Commissioners. A communication accompanied it that up to March 15, 1889 this road was known and operated as the San Francisco and North Pacific Railroad Company and the Sonoma Valley Railroad Company, but that on the above-mentioned date it was transferred to the San Francisco and North Pacific Railroad Company. The total mileage is given at 164.28 miles, and the Directors are: E. F. Bingham, F. N. Marshall, S. J. Murphy, George W. Prescott, Solon Pattee, H. L. Seligman and Louis Sloss Jr.

The first mortgage bonds, issued on January 1, 1880, and due January 1, 1919, amount to $3,976,000; amount of authorized issue, $400,000. The capital stock amounts to $6,000,000; funded debt, $3,976,000, and the cost of construction and equipment has been $133,331 57.

The total passenger earnings for the year amounted to $426,547 69; freight earnings for same period, 316,910 11; other earnings, $13,834 30. Total gross earnings from operation, $757,292 10. Total yearly compensation to employes, $292,820.

Freight Auditor Wider's monthly report of east-bound through freight shows that the Southern Pacific Company during the month of May sent eastward 56,076,610 pounds of through freight, against 47,288,160 pounds for the preceding month. Shipments from the different points were as follows: San Francisco, 41,798,280; Oakland, 1,561,900; Sacramento, 3,037,050; San Jose, 797,340; Stockton, 289,740; Marysville, 294,320; Los Angeles, 5,219,300; Colton, 2,987,980; East Portland, 90,720; grand total, 56,076,610.

The new time-card for the Northern Division of the Southern Pacific has been issued to take effect to-morrow. Hereafter another daily freight train will be run between San Francisco and Aptos, and the funeral train, which leaves this city at 11:05 for Baden, has been discontinued.

R. H. Pratt, Assistant General Superintendent of the Southern Pacific Company, and J. H. Wallace, Assistant Superintendent of the Coast Department of the same company, left on Thursday evening for an inspection tour of the lines in the north.

R. H. Francisco has been appointed Freight and Passenger Agent of the Atlantic and Pacific, with headquarters at Tulare, California.

DISCOVERED BY THE CENSUS.

Sad Case of Destitution—A Remarkable Mother.

Supervisor Davis says that the request published in the daily papers that people out of town and those who were not visited by the census enumerators from other causes, should send in their names to his office has been productive of good results; a large number of names has been sent in in this way and more are coming. He desires to reiterate the request.

A census enumerator yesterday discovered a very sad case of a battle with poverty. A woman 72 years of age, and so afflicted with curvature of the spine that she is bent almost double, has an idiotic son to support. She is no longer able to work and the two are subsisting on money raised by a mortgage on their little home. When that is gone she will have nothing left.

Another family was discovered composed of father, mother and ten children. Every one of the children are club-footed and knock-kneed and one of them is insane. The father earns $2 per day, out of which he supports the lot.

Another woman gave her age as 37, and she did not look a day older. She had fourteen children, the eldest of whom (a girl of 24 years) looked much older than her mother. This remarkably vigorous woman was married when she was 12 years of age. Her husband is now 56.

Another arrest was ordered yesterday for a refusal to answer questions, but the name of the recalcitrant was not disclosed.

HENRY S. AUSTIN'S ESTATE.

The Widow and Two Children Are the Beneficiaries.

The will of Henry S. Austin, who died in Alameda County on May 30th last, has been filed for probate. The estate consists of real property in this city and in the counties of San Joaquin and Sonoma, and personal property in Stockton and this city.

The testator held half interests in the mercantile business of Austin Bros. in Stockton and of Austin & Phelps at 220 and 222 Mission street, in this city. While the value of the estate is yet unknown, all the property is left to the widow, Kate F. Austin, and children, Mary H., aged 22 years, and Henry H., aged 14 years, with ample family allowance until the youngest child shall arrive at the age of 25 years, when the estate is to be divided by giving one-half to the children and one-quarter each to the children.

Mrs. Austin and William B. Austin of Stockton, brother of the deceased, are named as trustees until the property is apportioned.

A Hand Terribly Mangled.

Carl F. Lundborg, carpenter on the schooner F. S. Redfield, was taken to the Receiving Hospital yesterday afternoon suffering from a severely mangled hand. While the schooner was being towed out to sea he was working at the donkey-wench and let his right hand slip between the cog-wheels. The hand was dragged in and the wrist and lower part of the arm followed. When extricated the crushed limb was a horrible mass of shattered bone, torn tendons and minced flesh, and an amputation halfway between the elbow and hand had to be made.

These Numbers Drew Prizes.

On Sunday last the Retail Grocers' Protective Union held its nineteenth anniversary picnic and reunion at Starke's Park, Petaluma. The 1300 picnickers will be interested to know that the following numbers drew gate prizes: 370, 955, 892, 506, 120, 357, 213, 619, 304, 171, 578, 642, 825, 937, 158, 611, 867, 908, 373, 683, 800, 118, 829, 901, 670, 577, 312, 833, 112, 510, 427, 957, 798, 556, 661, 678, 407, 207, 131, 871, 920, 615, 982, 898, 244, 243, 484, 227, 548, 746, 617, 543, 502, 959, 290, 500, 793, 378, 882, 843, 173, 757, 721, 508, 444, 634, 950, 931, 884, 779, 228.

For Robbing a Stranger.

Josephine Watts, colored, was held in $500 bonds yesterday by Police Judge Lawler for trial in the Superior Court on a charge of grand larceny. She is an old timer about the Police courts. A stranger in town named John Gustavson was robbed of $250 by her this week in the Stockholm Saloon on Kearny street. His pockets were ripped because he would not treat her, after which larceny she ran out of the saloon.

Landers' Bill of Exceptions.

The writ of mandate against Judge Lawler of the Superior Court, at the instance of one Landers, to compel him to sign a bill of exceptions was yesterday denied by the Supreme Court. Judge Lawler's defense was that no bill of exceptions was ever presented to him, and the Supreme Court held with him that no real bill of exceptions was ever properly presented.

NEW CITY HALL.

A Report by Experts Made to the Commissioners.

Bad Work in the Walls Condemned—Witnesses Testify as to What They Know Concerning the Matter.

A special meeting of the Board of New City Hall Commissioners was held yesterday for the purpose of investigating further the charges made by Brick-layer Hanks of crooked work in the northwestern wing of the hall.

Applications were received for positions as inspectors on the hall from E. Lund, Peter Roberts, Peter Sexton, J. B. Cavanaugh and Thomas L. Bender, and Cavanaugh, Bender and Roberts were chosen as the three inspectors.

EXPERT WRIGHT'S REPORT.

The report of Architect Wright upon the condition of the walls was then read. It is as follows:

SAN FRANCISCO, June 12, 1890.

To the Honorable Board of City Hall Commissioners—GENTLEMEN: Having been requested by his Honor the Mayor to examine into the present condition of the walls of the Larkin-street or northwest wing of the new City Hall, I beg to state that there have been up to the present time about forty-three openings made in different parts of the structure. Of these about one-fourth have been found filled with rubbish in greater or less quantity. In about one-fifth defective brickwork was revealed, while the rest of the work examined appeared to have been properly laid. In most of the places found defective the walls can be repaired and rendered sufficiently strong for the weights they have to carry, as there is an abundant margin of strength remaining to insure the stability of the structure.

The most serious defects, however, have been found to be in the four great piers supporting the heavy iron girders, nearly 100 feet long, which span the wing from side to side. These piers will have to carry at least 150 tons each, and must be well built from bottom to top. They have been found filled with rubbish for a part of their height, and should be taken down to the bottom of the present steel beams on the floor below and rebuilt in the best manner in cement mortar, in accordance with the strict terms of the contract.

The two piers adjoining the old work have also been found filled with rubbish, and should be taken down and rebuilt so as to render the connections of the new with the old work as perfect as possible. The work on the story below has been found to be in good condition as regards the exterior walls, and may be considered sound construction. The defective arch in this story, in one of the interior walls, can be taken down and rebuilt, and the other defects in this portion of the building can be remedied without difficulty. I have examined the work in the basement of the building and found it of good materials and workmanship throughout. Very respectfully submitted, JOHN WRIGHT.

I have read the above report relating to the present condition of the two upper stories of the new City Hall, and beg to say that I subscribe to the same in every particular. JOHN MCCARTY.

CONTRACTOR M'CANN'S VIEWS.

Secretary Spotts then read the following communication from Contractor McCann:

To the Honorable Board of City Hall Commissioners—GENTLEMEN: We beg leave to make the following statement concerning the subject of our work on the City Hall; and we have remained silent designedly until the sensational reports of the newspapers should become somewhat exhausted.

We are the contractors with your board for the construction of the northwest wing of the City Hall, and jointly we state that our contract with us for the construction of the brickwork thereof; and for the performance of his work he has been and is hiring brick-layers from time to time when needed. Among other he hired one one G. R. Hanks, who is a good brick-layer, but apparently a crafty designing man, who has served a term in the penitentiary of this State for a felony.

Our information enables us to say that Hanks caused about two barrels of broken mortar and brick, known as stiffing, to be placed in a few separate places within the brick walls upon which he was employed, and that he intimated to some of his fellow-workmen that by doing so secretly he would subsequently become a source of profit by selling his information to the newspapers or using it to extort silence money from the contractors. Hanks, being a brick-layer, and of more than average mental activity and general intelligence, Mr. McCarthy permitted him to act as foreman from time to time in his absence from the work. Of course, Mr. McCarthy had no knowledge during this time of the moral standing of Hanks. His position as a sort of foreman enabled him the better to carry out his evil designs and to put up and execute his job.

Under the spur of inflammatory and sensational newspaper literature, and the pretensions of such persons as Mr. Riley, this little subject has gained an unmerited notoriety. Between first and last holes have been bored into the brickwork constructed by Mr. McCarthy; and only in a very few (about four in all) has there been found anything but first-class work and first-class material, as Hanks alone, in pursuance of his evil designs, placed in those few places, not to exceed in all two barrels of broken brick and mortar. The job is enough first-class brick and cement, such as our contract calls for to supply the places occupied by this much-talked-of stuff, to be already in.

The amount of our contract with your board is $89,890, and the amount of Mr. McCarthy's contract with us is $7,000, and it requires no argument to convince any reasonable mind that no sane person would knowingly resort to such a small trick for such a small gain under such large contracts, even if his conscience did not interfere, and we are if assured against being found out.

We have been contractors in this city, singly and in partnership, for over twenty years, and our reputation enables us to command large bonds from kind and substantial friends and neighbors. We have done much work for public and private contractors, and we can fearlessly refer to every one with whom we have dealt for expression on our character. And we hope to be able to do the same when our contracting days are at an end.

We have dealt with Mr. McCarthy a good deal, and have found him correct, truthful, reliable and honest. We cannot change our estimation of him or our relations with him by reason of anything which Hanks may say or do. We feel conscious of the fact that it is unpleasant and even dangerous to one's peace and character to have any relations with such a man as Hanks appears to be. But Hanks got his opportunity and has played his little game trick, and Mr. McCarthy is dealing only with us. We are the only persons who are dealing with your honorable board. We are the contractors to whom you look, and consequently we are prepared to make good whatever harm Hanks has committed. So we most respectfully request that you indicate what is proper to be done in this matter, and we shall cheerfully attend to it. We have no objection to the public knowing all about the public business, but is proper and business-like the matter can be disposed of the better we like it.

Most respectfully we subscribe ourselves,

RICHARD MCCANN,
THOMAS C. RIDDELL.

TESTIMONY OF WITNESSES.

Mr. Strother then favored taking any evidence the contractors desired to introduce, and it was agreed to hear witnesses.

Edward Fair was called and said he knew Hanks, and Hanks had made a proposition to him to stuff the walls; that by doing so they could make a piece out of it. He had gone home that evening and told his mother about it, and she had advised him to have nothing to do with it. He refused to join Hanks in the scheme. "I never saw Hanks stuff any of the walls. All I know about it is that Hanks made this proposition to me."

J. E. Jordan, a carpenter, said that Hanks came to him and said there was a chance to make money out of "Squealing Jack," meaning Contractor McCarthy: "He said: 'All those walls are filled with rubbish.' I asked him how he knew it, and he replied that he ought to know, as he had placed it there himself. That evening I went to McCarthy's house and told him what Hanks had said. McCarthy said he had received a threatening letter from Hanks, but had paid no attention to it."

A GREAT SCHEME ON HAND.

Harry Snow, an employe of the works, said that Hanks came to his room and said he had a great scheme on hand by which he could make $500 cold:

"I asked him how he was going to make it. He then drew out a diagram of the walls and showed me where they were stuffed with brick and mortar. I asked him how he knew they were stuffed, and he said he ought to know, as he put it there himself. I told him he had better be careful or he would get into trouble. He said he didn't care for that, as he would make enough out of it to get out of town with. All McCarthy did not come to time he could sell the information to a newspaper and make $500 or $600 out of it."

Richard Mitchell, a brick-layer, said he saw Hanks put the stuffing into one hole. "There were two or three shovefuls put in. I did not think it was my duty to say anything about it to any one. It took him about five minutes to do the work, and he could do it without any one seeing him. A man named Hoskins furnished the stuffing. This man, Hanks and myself were the only ones who saw this done."

HANKS AT WORK ON IT.

Frederick Stoerner, a brick-layer, was then sworn as a witness, and testified as follows: I am a brick-layer on the City Hall. Hanks told Charley Hoskins, a laborer, to bring him stuff in a wheelbarrow. He did so, and dumped it on the scaffold. Hanks threw it into a hole in the wall. Hanks said a story about the stuffed walls would be good to give to the newspapers. As the Commissioners were all Democrats, he said it would go in the Republican papers. He said he could easily knock the Commissioners out at the next election. I saw Hoskins dump the stuff down in front of the wall, but did not see Hanks put it in. One day after Superintendent Boyd had complained to Hanks that he was not doing his work right, Hanks said after he had left: "I'll fix a smash that —— in the head with a brick yet." The witness said he had seen Boyd about the building frequently—generally four or five times a day.

Michael Monaghan, who has charge of the elevator for lifting brick and mortar in the McAllister-street wing, testified that no refuse had ever been taken into the building from the street. He had seen much refuse come down the elevator, but never saw any go up.

THE SUB-CONTRACTOR EXAMINED.

John McCarthy, the sub-contractor, was next examined, and deposed that he employed Hanks without knowing about him. Hanks had said he was from Fresno.

One day Superintendent Boyd came and told him to discharge Hanks and Fair. Boyd said they were not doing their work right. He did not do so at the time, because he wanted men and thought Hanks was a pretty smart fellow. He did not believe he was incompetent. He gave an estimate of the cost of taking down the six piers and rebuilding them at between $500 and $600.

The contractor further testified that all the work where the walls have been found stuffed was done while Hanks was foreman. When he began his work Mr. Corcoran, agent of the San Jose Brick Company, told him he would have trouble before the walls were up, but he could not tell how he knew it. Mr. McCarthy said Boyd camped on his walls. He was there all the time, and kicking constantly about the work. The witness complained once to Mayor Pond that Boyd was too hard on him.

Mayor Pond said that Mr. Flournoy had sent a man named J. R. Nye to him, who claimed that he could point out a place where the walls were stuffed. The wall had been opened, and, according to the architect, the best brick-work on the building had been done at this place.

OTHER AFFIDAVITS PRESENTED.

A number of affidavits was then read by the attorney representing Mr. McCarthy, which contained substantially the same facts as given in the testimony. Among them was a certificate from Warden McComb of San Quentin Prison, stating that George R. Hanks was committed to San Quentin Prison on April 13, 1881, from Tuolumne County, for grand larceny. He was then 19 years old, a native of California, and served two years.

An affidavit was also read from Mary Hanks, step-mother of George R. Hanks, who resides at 602 Minna street. She said that during his youth he was malicious, frequently accused of stealing and was generally a bad boy.

A discussion ensued whether this evidence should be admitted, but it was finally agreed that the contractors should be allowed to introduce any evidence they please.

An adjournment was taken until Monday morning at 10 o'clock.

HEALTH AND POLICE.

Consideration of the City Cemetery Question.

The Health and Police Committee of the Board of Supervisors met yesterday and the proposition of removing the City Cemetery was considered. The opinion of the City and County Attorney had been asked for, and in it it is maintained that the board has not the power to purchase lands for a cemetery nor to provide funds therefor. This difficulty may be removed by proper legislation, and if it is deemed expedient to purchase lands for that purpose the Legislature may provide the means.

As regards the removal of bodies and the discontinuance of interments in the City Cemetery, the City and County Attorney says that all ordinances must be reasonable, and if the public health requires the discontinuance, then the board has the power to make such an order. The opinion is quite long, and as regards the removal of remains declares:

I know of no find precedent sustaining the power of a city, without authority from the Legislature, to remove the remains of the dead from a place held in trust for and solemnly dedicated and used for years as a place of sepulture. No such power can be exerted, unless it is exercised as a police regulation for the protection of life and health. I am not advised that such a state of facts exists as authorizes the exercise of such a police power. However desirable it may be to have the remains of the dead exhumed and the cemetery removed from its present location, it is my opinion that it cannot be done without authority from the Legislature of the State.

It was decided to select a matron for the City Prison, who will be paid $50 a month.

The question of erecting a small-pox hospital on the Almshouse tract was discussed, and finally lost under a tie vote. It will come up before the board next Monday night.

In relation to the removal of the bodies from the City Cemetery, it was decided to call the attention of the Board of Health to the matter and await its action as regards the disinterment of Chinese and the bone-scraping, which has gone on there for years.

THE FIRE DEPARTMENT.

A Movement in Behalf of More Fire Apparatus and Hose.

There is on file with ex-Governor George C. Perkins, President of the Chamber of Commerce, the following self-explanatory petition:

To the Presidents of the Chamber of Commerce, Board of Trade, Produce Exchange, Mechanics' Institute and Manufacturers' Association—GENTLEMEN: We, the undersigned, citizens of and owners of property in San Francisco, realizing this city's peril, by reason of its being unprepared to cope with a conflagration, for the want of sufficient and proper fire apparatus and hose—from not having a fully paid Fire Department and its isolation from sources of supplies and assistance in cases of emergencies, and for other reasons—hereby most respectfully petition you, jointly and severally, to act as the representatives of all parties interested, and to call a public meeting of the citizens and property-owners of San Francisco for the purpose of fully considering and discussing the situation and endeavoring to agree upon a practical method of securing at least partial relief from the impending danger at the earliest possible date.

This petition has been signed by the following-named well-known individuals, firms and institutions:

John D. Spreckels, Waterhouse & Lester, Man, Sadler & Co., Baker & Hamilton, Abner Doble & Co., George W. Gibbs & Co., Tatum & Bowen, Osborn & Alexander, W. T. Garratt & Co., Frank Bros., Dalziel & Moller, W. W. Montagne & Co., Dunham, Carrigan & Hayden Company, Holbrook, Merrill & Stetson, William Wolff & Co., N. W. Spaulding Saw Company, Red Cross Lumber-mill Company, Hammond Lumber Company, Austin & Phelps, Washburn & Moen Manufacturing Company, E. Boesch & Co., Hawley Bros. Hardware Company, California Wire Works, Parke & Lacy Company, D. L. Beck & Son, Woodin & Little, J. Roylance Brass Works, Gaskill & Regan, Joseph Budde, Wilmerding & Co., Payot, Upham & Co., King Morse Canning Company, Kittle Bros. & Co., Buckingham & Hecht, London, Paris and American Bank (limited), Porter, Slessinger & Co., Whittier, Fuller & Co., Yates & Co., Pope & Talbot, John Morton, Bruce & Guier, The Anglo-Californian Bank (limited), Murphy, Grant & Co., Greenhaum & Co., Friedlander & Koch, Bachman Brothers, Lilienthal & Co., McCarthy Brothers, Frese & Philip, H. Barbe, Louis Sloss & Co., Newhall's Sons & Co., Sachs Bros. & Co., J. C. Johnson & Co., Levi Strauss & Co., E. Ehrmann & Co., S. L. Jones & Co., Eisenwood & Sherwood, Cadwalader & Butlers, Esberg, Bachman & Co., Getz Bros & Co., Wellman, Peck & Co., Carolan & Co., David N. Hawley, C. Altschuil, I. Steinhart, Samuel E. Beaver, J. D. Fredericks & Detrick, Haas Bros., Bothin Manufacturing Company, Siegfried & Brandenstein, J. A. Folger & Co., I. S. Van Winkle & Co., S. G. Murphy, the Bank of California, Allen, Lewis & Clarkin, Hoppe & Co., Mahoney Bros., Hencken & Schroeder, Root & Sanderson, Dodge, Sweeny & Co., W. T. Y. Schenck, Ainheus Bull Jr., Daniel Meyer, Thos. Brown, J. Curry, Neville & Co., A. Montpelier, George W. McNear, Chauncey Taylor, Higgins & Collins, Edward Bosqui, Herman Cohen, San Francisco Savings Union, J. W. Grace & Co., Tallant & Co., Dutton & Partridge, Rutte & Co., G. Niebaum, John Rosenfeld, A. K. P. Harmon, B. H. Madison, Solomon Wangenheim, F. Cartan, The German Savings and Loan Society, Wilshire Safe and Lock Company, Malin & Wingchester, John Bermingham, Karluk Packing Company, Bissinger & Co., Columbus Warehouse, J. C. Rued & Co., Livingston & Co., Muser Bros., French Savings and Loan Society, Barrot & Co., Thomas R. Hayes, Sperry & Co., H. Oppenheimer & Bro., E. Wassermann & Co.

BLYTHE'S WIDOW.

Conclusion of the Argument Against Her Claim to the Estate.

W. W. Foote concluded his argument yesterday afternoon against the claim of the widow in the Blythe estate. He scouted the idea of a marriage contract between Blythe and her, insisted that Blythe had not troubled himself much over representing her as his wife to his friends, and declared that although she had testified that Blythe had promised to introduce her generally as Mrs. Blythe, when the Nellie Firmin imbroglio was over in 1879, yet five years after that she had her visiting cards printed with the name of Miss Dickson.

Mr. Foote backed away from his notes for a few minutes to emit a scathing attack upon Wendell, whom he characterized as the chief conspirator in the plot to defraud Florence of her rights. Wendell was in the room at the time and was pointed out by his accuser, to the amusement of every one present but the accused. Referring to the statement of E. D. Wheeler, counsel for the widow, that Florence was entitled to one half of the estate, Mr. Foote said that if Alice Edith were even given a fraction of the property it would be a premium on conspiracy.

Then his eyes roved in search of Dr. Taylor, and he dubbed that gentleman "the watch-dog of the treasury," "the faithful guard against the spoliation of the Blythe millions." He declared that when the waist of the Williams infants rent the air, the doctor was all eagerness to have the treasure bestowed upon them alone; but when the voice of Florence was raised in supplication, the doctor's heart grew hard as adamant.

The testimony of the witnesses who saw the adoption pillowing paper signed by Blythe, it was contended, is worthy of every credence, and the proper recognition of the import of that testimony will be sufficient to send the widow on a long voyage in a canal boat.

Dr. Taylor will open the argument for the Williams infants on Monday next.

WAYWARD GIRLS.

They Are Taken From Their Dissolute Life by Policemen.

Two young girls, May Hurley and Maggie Harrington, the latter not quite 16 years of age, were locked up yesterday in the City Prison to be committed to the Magdalen Asylum.

Maggie's home is in South San Francisco, but she has been to the Magdalen Asylum and regained her freedom. This time she was traced by Officer Shea to 1 Eddy street, where she was found in a room with five young hoodlums. While the officer was trying to force in the door Maggie made good her escape through a window and found her way to the roof, where she was captured.

May Hurley was her companion. She came from Livermore recently—strayed away from her home—to live in a lodging-house on Sixth street with hoodlums, where she was found by Officers Harris and Fay yesterday morning.

Three Unfortunates.

John Wallace, the young man who tried to steal a sack of money from a collector of the Hibernia Bank, was committed to the Agnews Asylum yesterday. His mania was caused by starvation beyond a doubt, not having eaten for four days before he tried to steal the money. He is a native of Scotland, aged 20 years.

Martin Fogarty, a native of Ireland, aged 47 years, was sent to the Napa Asylum, as was also Mary Morrison, a native of Ireland, aged 45 years.

Divorces Granted.

For desertion and failure to provide, divorces were granted yesterday to Jennie C. from George W. Potts, by Judge Lawler, and to Mary J. from Joseph L. Cutler, by Judge Rearden.

Judge Levy has granted divorces to Gertrude A. from Frederick Stephenson, for desertion, and to Virginia H. from Lowell C. White, for failure to provide. The late Mrs. White will resume her maiden name Virginia H. Martin.

Hoisting the Flag.

Superintendent of Schools Anderson has issued an order that the janitors of the various schools in the city shall hoist the American flag on the school buildings on June 17th, the anniversary of the battle of Bunker Hill, and also on July 4th.

SEA AND SHORE.

An Apprentice of the Ship Eudora Drowned at Sea.

Birth of a Child on Board the Australia—The Ship Borrowdale on Fire at Honolulu. Arrival of the Noyo.

The British ship Eudora, Captain Donaldson, arrived yesterday 133 days from Liverpool. The following is taken from the captain's report of the passage: Sailed on January 31st; crossed the equator twenty-six days out in longitude 25° 30′ west; was twenty-one days off Cape Horn with a succession of west-northwest gales, during which had two boats carrried away from the forward house.

The chicken-coop was also washed away and other damage done on deck. The heaviest part of the hurricane lasted sixteen hours. On April 11th, while the gale was at its height, David Marshall, an apprentice, fell from the main yard to the mainrail and thence overboard and was drowned. It was blowing a hurricane at the time and several sails being blown away, it was impossible to pick him up. Marshall was a native of Scotland and 17 years of age.

The weather was hazy at Point Lobos yesterday. At 9 o'clock in the morning a calm prevailed, with the barometer at 30.01 at 8 o'clock, and 29.95 at noon, when there was a sixteen-mile breeze from the west, which at 3 o'clock in the afternoon hauled to the northwest, blowing then twenty-eight miles an hour. At 5 o'clock in the afternoon the barometer was at 29.90.

A CHILD BORN AT SEA.

The steamer Australia, Captain Houdlette, arrived yesterday 7 days from Honolulu, bringing 58 cabin and 66 steerage passengers. Three days after the steamer left Honolulu a female child was born to Mrs. Charles Atherton, one of the passengers. Among the cargo brought by the Australia were 10,953 bags sugar, 6083 bags of rice, 5368 bunches and 832 boxes bananas, 9 cases betel leaves and 88 cases fruit.

The United States surveying steamer Hassler came down from Mare Island yesterday and anchored off Broadway Wharf. She will leave to-morrow for Santa Barbara channel, to lay off a speed course for the trial trip of the new cruiser San Francisco.

The new barkentine Irmgard left Honolulu for this port on May 31st and the Mary E. Winkelman Port Townsend on the same date, in ballast.

The United States steamer Adams was to have left Honolulu for Sitka port on Monday last.

H. B. M. ship Champion sailed from Honolulu for Esquimalt on June 1st.

FIRE ON THE BORROWDALE.

On Thursday evening of last week, the day before the steamer Australia left Honolulu for this port, a fire was discovered on board the British ship Borrowdale, Captain George Guthrie. Some crates of fancy ware stored in the forward deck, near the forehatch, but the Honolulu Fire Department extinguished the flames after about one hour's work. The extent of the damage was not ascertained when the steamer left. The Borrowdale is on the way to this port, where she is chartered to load wheat.

From private advices received yesterday from England it is learned that Captain Wills of the British ship Dumbiedykes, who is well known in this port,