

AL FOR SELF.

Mrs. Murphy's Agent Said to Have Been Interested.

THREE GIRLS WERE GOOD.

They Stood by Their Dear Mother in Her Deep Troubles.

THE WILL IS IN EVIDENCE.

"I Think It Would Be Wise to Advise My Mother to Make a Will."

If there was anything novel to pick out of the tangled web of Mrs. Murphy's case in Oakland yesterday it was this. Miss Mary Murphy and her sisters, Fannie and Isabella, did not poison their mother's mind against Lady Wolsley and their brothers.

"Undue influence" on the sister's part is the chief cause for action in the present squabble over an estate. As the trial progresses the influence gradually appears to have been among legal advisers. Indeed the testimony and letters bearing upon the subject show that prejudice was not created in Mrs. Murphy's mind against any of her children.

But there's nothing that the lawyers may do. Of course the breezy letters of Miss Mary Murphy caused a ripple of excitement. Their disregard for ought else save the writer's opinions was refreshing, and how cutting to a woman ever say such cutting things as Miss Mary penned? She wrote too freely and bitterly, particularly about woman; but then—these girls do love one another.

And this fair-writer, this fearless young lady who had the courage to defend her mother's will for her sisters and herself, is beginning to appear as a brilliant woman capable of managing her own affairs with a mind of her own.

It is not disputed that Dan Murphy was a peacemaker, or that he dreaded the scandal of a law suit, and offers to compromise to avoid notoriety in an unenviable case.

They sat at different ends of the large courtroom occupied by Judge Henshaw, but their eyes never met while family affairs were discussed with light gaiety or gravity, according to moods of all concerned.

Whoever gets the money there will be but little happiness in the victory. In his deposition, which was read yesterday morning by Attorney Earl for the plaintiffs, Victor H. Metcalf said he first met Mrs. Anna Murphy, the deceased, in the latter part of 1886. He was employed to represent her as Eugene's executor, her eldest son, in the matter of the estate.

"My first business with Mrs. Murphy," said Metcalf, "was when she gave me power of attorney just prior to her departure for New York and London. Miss Frances, Miss Mary and Miss Isabella Murphy also gave me powers of attorney."

The remainder of the deposition is devoted to correspondence and an effort to bring out the fact that Mrs. Murphy had made a will without prejudice.

"Did you have any discussion with Mrs. Murphy in 1887 with regard to a will?" "She spoke to me, not about making a will, but about the disposition of her property."

"What did she say to you with reference to the disposition of her property?" "She told me she intended to leave her property to her three girls, because they had stood by her and had always been living with her. She said they stood by her in the trouble she had had with her husband's estate, as I have written you before, to take any portion of it to themselves, but to let her have their portion of the property, and considering that they were girls she thought they should have her property, and she intended to leave it to them."

After the reading of the deposition Metcalf asked for the plaintiffs' attorney to take the witness-stand.

"Now, Mr. Metcalf," began Wheeler, "I will ask you to produce all letters from Miss Fannie Murphy to you."

The witness delivered into a tin box full of family letters, and after rummaging among the many documents brought forth several tiny sheets of fashionable note-paper, with a strong thread stitched around, and with writing crossed and margins utilized with bewildering freedom.

"I will show," declared Wheeler, "that Mr. Metcalf was biased against Daniel T. Murphy. We propose to show that Metcalf was acting as agent for the young ladies and produced undue influence on their mother to make a will in their favor and also for personal motives, that she might give her property to her daughters and appoint him administrator."

One of Metcalf's letters to Mrs. Murphy was read as follows as a basis for a charge that he sought to influence her against Dan by her.

I do not see much of Dan now. I regret very much his withdrawing from the firm, but he had fully made up his mind to do so, and nothing could change him. I wish that you would get him to leave San Francisco for a few months at least. As I have written you several times, the more I see him the better I like him. Dan possesses a great many noble qualities, but at the same time he was weak-willed, and if I could get him to make you a visit for a few months it would prove beneficial to him.

A business letter from Mrs. Murphy was read, as follows: April 6, 1890. Mr. Metcalf—Dear Sir: Your letter of the 7th of March with the check for \$250 pounds, 15 shillings, 4 pence, and 10 pence, I have been quite ill, and I write, therefore I dictate a Fannie's letter. I called you to-day not to sell Point Lobos avenue lot. I am nervous about having so much in the Contra Costa Water. Do you think it as safe as the Spring Valley? I see so many complaints in the paper. Have you collected my railroad dividend? As to the tenants not paying for the gas they use, I do not think it as safe as the agent made a thorough and positive arrangement at the time he is letting the rooms, and telling the tenants "if they objected to paying the gas-bills they would have to leave the building." Such a stand must be taken, and the agent must do it, as we cannot afford, with the low rent we get, to pay for their gas.

They must give up their rooms or pay a higher rent, and the agent must insist upon it. I wish we could get the tenants that would say no to the building during the day; it would save an amount of trouble. I have attended every cleaner since I have arrived and prayed for Fannie's bills and the expenses for Mr. Murphy to send you on the papers for \$1000, giving you the full statement of all that was sent by me out of the \$1000. The other bills have been as much reason to complain as Dan. The papers shall be by this mail. To be not as much owing Dan out of the \$1000 as he owes Isabella and myself. When you receive the papers do not let any promises from Dan or his law-

yers persuade you to give him his money until he pays up those notes with interest, most especially all that belongs to Isabella, as I was the cause of her lending. Have no feeling in the matter. Dan should be ashamed of his conduct. I wish I could take a deed of my property, as I have no faith in wills, but I want it done privately, that no one would know it but you and myself. Could it be done? Hope you will give me the P. L. bond. With kindest regards from all and hoping you are quite well again, I remain yours sincerely, A. L. MURPHY. Miss Fanny was full of business, as may be inferred from the following letter she wrote before her mother's death to Metcalf:

Of course I notice, this month is \$100 less than when I was in the city. I shall see to it that I arrive in San Francisco on the 1st of June. In your letter to my mother you, or rather mention that the fire is thought to be an incendiary one, but you say no more. Now I feel quite certain that you have sifted it to the bottom and have discovered the cause, and I wish you would tell us as you have promised you would; let us know what you know of the fire and why it was done; perhaps there must have been a cause. Please do not bring the principle that it is no use troubling ladies with these things. Now, we are not persons who go into hysterics and being concerned in the property of the estate, we ought to know. I hear the "Woman Educationist" something has taken up quarters in our building. Is it good? Will it bring good tenants? My great wish is that our building could have tenants who simply remain there during business hours, not sleeping. However, that is only my wish, and I am only one. Have you invested in water for me? Gas, I see, sticks to 60¢.

A letter from Metcalf to Mrs. Murphy, dated April 7, 1890, was also read. It was an extract from a note considered pertinent:

Your letter of the 24th inst. was duly received. I need not approve of the idea of your making a will. I have examined the document sent by you, and having found two or three irregularities in it, I have had an executor drawn up, made out a draft which you can copy in your own handwriting. It will be necessary for you to name an executor in your will. You can select any person whom you wish to act in this capacity, but would suggest that you also name one of your daughters. I will be pleased to meet Mr. Hie, and as soon as he returns to San Francisco I will call upon him at once. Dan informed me a short time ago that he had received a letter from you inviting him to make you a visit and that he thought of going. I see how quiet he is in the city. I would like to see you taking an interest in the Market-street property. He makes his headquarters at the building, and spends about an hour a day at the building. Have no doubt but that the reports concerning your property are exaggerated. He is a young man, and like all young men wants to have a good time.

A week previous to the execution of the will Metcalf wrote the following letter to Mrs. Murphy—on a separate sheet of paper, for obvious reasons: May 7, 1890. Dear Mrs. Murphy: I answer one question in your letter upon a separate sheet, as you may possibly want to read my letter to your daughters.

I can make out a deed for your property in California as requested by you. It will be necessary, however, in order to constitute a valid conveyance that there should be a delivery of the deed to the parties to whom the property is intended to be conveyed, or that it should be placed in escrow—i. e., in the hands of some third party with instructions to deliver the deed to the grantees at a certain time. Of course there are cases where deeds are placed on record until after the death of the grantor, but in the event of any contest being made, if it should be proven that there was no delivery of the deed in the lifetime of the grantor it would not take effect. I would recommend, however, that you make a will. If the will is properly drawn and executed there can be no question as to its validity, nor can any unnecessary expenses be incurred.

If you will let me know what your wishes are in regard to the disposition of your property I can arrange matters for you at once and without any unnecessary expense. I would recommend that you get your matters in shape now, as in the event of your death without a will your son Dan, if he were living in California, would be the one to administer on your estate, and falling him the Public Administrator. If you are willing to let those whom your property is to go in the event of your death know what your desires and wishes are, I can readily arrange the matter by deed; otherwise not. Yours very respectfully, VICTOR H. METCALF.

In the afternoon the examination of Metcalf was continued. The first letter introduced by the contestants was Mrs. Murphy's request to Metcalf asking him to make two drafts of her will. A draft which had been published already was drawn up by the witness and sent to Mrs. Murphy in London, England.

After Mrs. Murphy's death this document, bearing marks of careful supervision by the deceased, was found by Metcalf at her late home on Charles street, London, in a tin box. He went there in search of the will, and found it in a tin box, and recently filed in the Alameda County court for probate.

Metcalf was asked for cablegrams which he had received about Mrs. Murphy's death in London, and her will. One dispatch from Miss Mary asked him for advice and instructed him regarding action in testamentary affairs.

"How long were you in England before you discovered that these young ladies said they had been unable to find a will?" "Several days," replied Metcalf.

"Who examined the papers?" "We all did it; was a very large box and we examined the papers together to expedite matters."

"Did the contents appear to have been disturbed?" "Oh, they seemed to be tolerably methodical in the way they were placed."

"Did you bring those papers from England with you?" "Only the two wills."

"Who first found this instrument with the instrument on the back?" "Miss Fannie Murphy. She found it after we had been searching in the box for an hour and a half."

"How long after did you find this original draft bearing corrections by Mrs. Murphy?" "My recollection is it was found first."

The documents were shown witness, who was requested to identify which portion he found in the tin box.

"Read, if you please, the entire portion that you found in the tin box," said Attorney Wheeler.

By Mrs. Murphy, but she failed to date it. The document was as follows: I, Anna L. Murphy, temporarily residing at London, England, and being in perfect health and in full possession of all my faculties, yet knowing the uncertainty of life, do make, publish and declare this my last will and testament, as follows: I, the said Anna L. Murphy, do direct that all my just debts be paid.

I give, devise and bequeath all the property which I may die seized or possessed, and wherever situated, to my three daughters—Mary Helen Murphy, Frances Josephine Murphy and Margaret Isabella Murphy—share and share alike. Should either or any of my said daughters die before distribution of my estate, having no issue her or them surviving, then the portion of my estate which said deceased daughter or daughters would be entitled to if living is to go to the survivor or survivors of my said daughters.

Should either or any of my said daughters die before distribution of my estate, leaving her or them issue surviving, then the portion of my estate to which said deceased daughter or daughters would be entitled if living is to go to the issue of such deceased daughter or daughters.

Should all of my daughters die without issue before distribution of my estate, then it is my desire, and I do direct, that all of my estate

CROCKER THE MAN.

The Olympic Directors Find a President.

A GOOD MAN SELECTED.

Australian Cricketers Who Will Not Visit America—The Crack Pigeon Grassers of the Coast.

THE WRONG MAN.

Jacob Pollen Tries to Sell Lottery Tickets to Officer Dawes.

AN IRATE LANDLORD.

Arrests Two Sailors Who Buy Beer Before Paying Bills.

No Skipping, No Skimming.

ILLEGAL SHIPPING INTELLIGENCE.

ILLEGAL BRANDY.

The Government Seizes a Distillery.

Messenger & Co. Los Angeles Liqueur Dealers, Charged With Violating Revenue Laws.

GOLDEN GATE VALLEY HAPPY.

"The Call" Credited for Ridding the Section of a Nuisance.

NOXIOUS POOLS OF WATER.

The Board of Health Asked to Order Them Filled Up.

IN FIVE PARTS.

The mammoth special edition of "The Call," to be out next Sunday, will be in five distinct parts, each of them similar in size to to-day's issue. It will be five "Calls" in one. See that you get the whole paper. Five cents a copy in wrappers.

deuce of a number of reliable citizens

There are hundreds of people in San Francisco who make a living by selling lottery tickets. They mask their real business by pretending to sell notions, sewing-machine attachments and other small articles.

When Dawes came to the door Pollen did not make the usual subterfuge of trying to sell other articles. He asked if Dawes didn't want a lottery ticket.

The present board is not desirous of amusements for the members, and as a consequence entertainments of any kind will be few and far between until the election of a new directorate in September.

James Cole is a boarding-house keeper at the Potrero. In the last two months he has lost about \$200 by having sailors surreptitiously pack their bags and leave his place and their unpaid bills.

Charles Davidson and Charles Johnson for ten weeks have been living on the fat of the land as purveyed by Landlord Cole at \$4.50 per week. During that time they have had two jobs. One amounting to \$6.55. This sum they paid over to Cole.

Monday they were paid off and went on a spree with the money instead of paying any to their landlord.

Big special editions of daily newspapers are often skipped through and skimmed over by the editor.

Per Los Angeles—Post & Herald; F. Uri & Co.; Getz Bros & Co.; E. W. Whitney & Co.; Hills Bros; Dairyman's Union; De Bernardi & Westfall; L. J. Stone & Co.; W. R. Knight & Co.; J. Smith & Co.; Porter & Brown; Kowalsky & Co.; J. Hoffman; W. B. Sweeney & Co.; Lovell & Co.; J. H. Resing; F. A. Baldwin; G. Camilloni & Co.; J. Vancovich & Co.; J. H. Gandy; J. H. Gandy & Co.; J. H. Gandy & Co.; W. H. Sanders & Co.; Leavitt & Barber; R. A. Line & Co.; Hills Bros; H. N. Tilden & Co.; Roth & Co.; Marshall, Teggert & Brown; M. Kalish & Co.; M. F. Freitas & Co.; F. Daneri & Co.; S. C. Brown; J. H. Resing; Kohler & Co.; L. S. Galt; S. H. Wray; Garner, Laniel & Co.; L. S. Galt; W. M. Graff; Frederick Brewery; H. Sison & Oregon; A. Fay.

Those who have taken Simmons Liver Regulator declare that it sets the liver in action and invigorates the system in such a way as to destroy the craving for strong drinks.

Birth, marriage and death notices sent by mail will not be inserted. They must be handed to either of the publication offices and be indorsed with the name and residence of person authorized to have the same published.

IVERS—In this city, May 21, 1893, to the wife of N. Ivers, a son.

SCHOTT—In this city, May 21, 1893, to the wife of H. Schottler, a daughter.

HELMKE—In Oakland, May 22, 1893, to the wife of W. Helmke, a daughter.

LAUER—In Alturas, Modoc County, May 21, 1893, to the wife of L. Lauer, a son.

GALL—In Prunedale, Alameda County, May 23, 1893, to the wife of C. Gall, a son.

UNITED UNDERTAKERS' EMBALMING PARLORS.

McAVOY and McAVOY, FUNERAL DIRECTORS and EMBALMERS.

EUGENE MCGINN, THOMAS MCGINN, MCGINN BROTHERS, EMBALMERS.

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TO THE UNFORTUNATE.

DR. CIBBON'S DISPENSARY.

DR. J. F. GIBSON, 257 S. VALLEJO ST.

DOYLE-BEAL—in this city, May 23, 1893, by the Rev. F. A. Doane, Thomas R. Doyle and Mollie L. Beal.

BROWN, David; Jones, Harrison; Esch, Robert E.; Kilduff, John; C. Hill, Annie Frances; Lippage, Theresa; Isabella M. Jones, aged 59 years; 1 month and 23 days. (Richmond and Louisville papers please copy.)

CREIGHTON—in this city, May 22, 1893, Robert J. Creighton, husband of Margaret Creighton, a native of Londonderry, Ireland, aged 58 years.

WATSON—in this city, May 23, 1893, Elizabeth A. Watson, aged 61 years.

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DRY GOODS.

Hale Bros (INCORPORATED) LOOK OUT FOR OUR AD. IN SUNDAY'S PAPERS. WE'LL MAKE IT AN OBJECT FOR YOU.

SO FAR This week we've been crowded daily. Our Great Forcing Sale has each day brought out a multitude of eager purchasers.

9c Each. LADIES' APRONS, 34-inch, lawn, fancy openwork borders.

50c Each. LADIES' MUSLIN GOWNS, fancy embroidery trimmed, finished with ruffle at neck and sleeve.

25c Each. MEN'S SILK TIES, puffs and necks, satin lined, well made, regular value 50c each.

15c Each. FLEUR DE LIS TIES, natural colorings, knotted fringes.

7c a Yard. INDIGO BLUE CALICOS, guaranteed fast colors, neat patterns, everywhere price 8 1/2c a yard.

2 1/2c a Yard. MATELASSÉ DRESS GOODS, 30-inch, all popular colors, are 40c a yard.

You can best judge of these Goods by seeing 'em. Try it.

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PERFECT AND ECONOMICAL. CALL AND SEE THEM AND TRY A CUP OF BOHEMIAN CLUB COFFEE. MADE IN THE "PATENT" COFFEE POT.



These Pots are meticulously constructed, save labor and are making a delicious liquid coffee as clear as water. EVERYBODY INVITED TO SEE IT WORK AND SAMPLE THE RESULTS.

TRAVELERS' AND PICNIC SUPPLIES! BEST STYLE! LOWEST PRICES!

DAVIS BROTHERS. 718 MARKET ST. AND 1234 MARKET ST. 1626 SoVal

JACKETS! JACKETS! 50 Per Cent Reduction. ARMAND GAILLEAU, 46-48 Geary Street.

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