

WHY HE RESIGNED

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Judge Garber's Future Work Outlined.

At any rate, whether he is to receive this sum for his services or there is some other arrangement, it furnishes the explanation for Judge Garber's action in forsaking the bench and returning to a position among the active practitioners in the city.

MILLIONS IN LITIGATION.

The Partition of the Miller & Lux Property.

FROM THE BENCH TO THE BAR.

The Ex-Presiding Judge of the Superior Court Engaged to Represent Mr. Miller.

When Presiding Judge Eugene R. Garber announced his determination to doff the ermine, and placed his resignation in the hands of Governor Markham a few days ago, no small amount of speculation was indulged in as to what could have induced a man of his position to leave the bench, there is material in the explanation of Presiding Judge of the Superior Court of San Francisco is one for which many an attorney would forsake a practice which pays twice as much as the judgeship, and Judge Garber's friends and associates were divided in opinion as to whether the resignation was due to a growing distaste for the duties of the bench, or whether other inducements had been held out to the Judge, and had been made so strong that he felt compelled to accept.

Regardless of the figure which the first of these reasons may have put in the Judge's determination to leave the bench, there is material enough in the second one to induce almost any barrister who is not already a Ceresus in his way to forego the pleasure of overruling objections and listening to the arguments, long drawn out, by opposing counsel.

Judge Garber has been chosen as his attorney by Henry Miller, and in the coming litigation over the partition of the property owned by Miller & Lux he will represent the surviving partner. Beginning with a material partition of the property, the case will be a long one, and the Judge will be engaged in closing up his judicial affairs and in gathering up the loose ends of the business and preparing them for his successor, for when the Judge bows himself to the duties of the bar, he will leave his judicial robes and judicial authority behind him.

"Yes," he replied in answer to a question, "after to-morrow I shall be attorney for Mr. Miller and represent him in any litigation which may follow in the partition of the vast amount of property owned by the firm of Miller & Lux."

"So far as the details of my work are concerned I can say that I have not purposely kept from familiarizing myself with the case as it stands at present, so that I might have my mind as free from it as possible until the time came for me to appear in my judicial duties. I do not even positively inform as to Mr. Miller's intentions so far as litigation is concerned, but I know that he has yet some hopes of settling matters peacefully, and in effecting a compromise without the necessity of an appeal to the courts."

"Was it this that induced me to resign? Well, not this alone. I have for some time had the attention of intending purchasers to this piece of real estate."

A CHURCH DEDICATED.

The New Catholic Structure at Calistoga—The St. Helena Church.

Correspondence of THE CALL. ST. HELENA, Oct. 30.—His Grace Archbishop Riordan dedicated to divine worship yesterday the new Catholic church of Calistoga. The church, which was built some three years ago by the Baptists, came into the possession of the Catholics last summer. Since then it has been in the hands of the plasterers, carpenters and painters, who gave the building its present appearance.

Many years ago the members of the firm executed a contract to the effect that in the event of the death of either of them the survivor should have seven years in which to wind up the business of the firm, and that during that time he should have absolute control of everything, not subject even to the interference of the executor or legatees of the deceased partner's estate. This arrangement was made because of the character of the property and the impossibility of disposing of it at once without selling it.

When Mr. Lux died in 1887 Mr. Miller at once assumed control in accordance with the terms of the contract which had been executed, a copy of which was included in the Lux will, and everything went well until about two years ago, when Mrs. Lux became dissatisfied with the length of time consumed in settling up her husband's estate and finally brought suit to compel Mr. Miller to wind up the business of the firm and make a partition of the property.

Miller has been represented up to this point by William E. Herrin, but his appointment as chief counsel for the Southern Pacific necessitated the selection of some one to succeed him, and the choice has fallen upon Judge Garber, though Herrin will still be associated with him as counsel.

The suit has not yet been brought to trial, and there are some prospects of the matter being amicably settled, as the Judge has been engaged in settling up his estate, and the contract will expire on March 15, 1894, and the question in dispute now is as to the method of the division.

"Judge Garber will represent me if I am allowed to go into court," said Mr. Miller last night, "but I have strong hopes of being able to settle matters peaceably. I insist, however, that I shall have what is rightfully due to me—not exactly in a financial sense, but there are certain concessions that I claim should be made, because I have created the value of the estate."

"I am not satisfied that a division should be made in which seems fair and even, and then draw straws to see which share shall fall to me. I do not propose to trust to luck and take what fortune may throw me. I wish to bid for choice. That is, we will draw through all the property we own, and if I am willing to give more for any piece of land or for anything else then they will bid, then I claim the right to do so. On this basis I will agree to settle."

WHO'S TO BLAME

For Throwing the Cargo Overboard

FROM THE CITY OF NEW YORK?

Pumps Put in Place With the Expectation of Floating the Stranded Steamer.

Captain Whitelaw has not given up all hope of saving the steamer City of New York, but most everybody else has. Practically nothing was done toward floating the wreck yesterday, except the placing of pumps in position and the discharging of several hundred tons of cargo.

Now that the excitement that first attended upon the news that the New York was on the rocks has subsided, people begin to see in what a rattled fashion the Pacific Mail Company's representatives and officers acted throughout the whole affair. Several hundred tons of cargo were thrown overboard that could just as easily have been saved as not. An illustration of this fact, which borders almost on the ludicrous, was given by the manner in which fishing and whiteball boats crowded alongside of the stranded steamer and caught sacks of flour, thrown—as the New York's crew supposed—into

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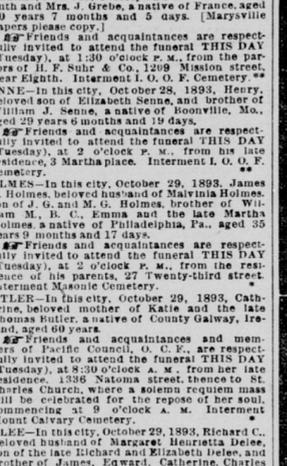
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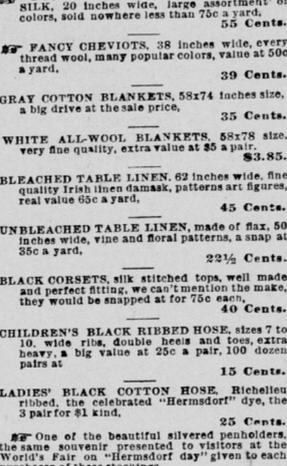
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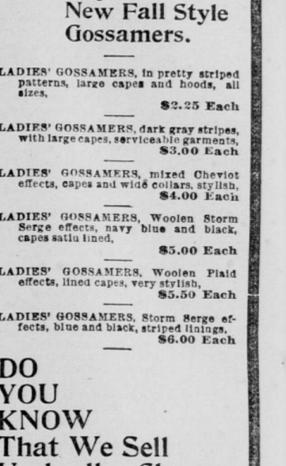
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