

WHY HE RESIGNED

there are other things in connection with it that would seem to argue much for its genuineness.

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 him to leave the bench.

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.

The Judge was found in his chamber at the City Hall yesterday, surrounded by a crowd of legal papers and books, and 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 evening 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."

"Was it this that induced me to resign? Well, not this alone. I have for some time past been thinking of intending to take up practice again, if there was an opportunity for me, and this offer seemed to present the opportunity. Of course it is not the only thing in sight. There are other matters which I have in mind at the same time, for I do not expect the business of Miller & Lux will require all my attention."

"Have I any contract with Mr. Miller? Well, really, that is a matter of which I could not speak except by Mr. Miller's consent. I can only say that the arrangement is entirely satisfactory to me, and that after to-morrow I shall be at his service."

"The last interest of the estate of Miller & Lux, which consist of thousands upon thousands of head of livestock and hundreds of thousands of acres of land in California, Nevada and Oregon, have been managed and cared for by Mr. Miller since the death of his partner, now almost seven years ago."

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 executors 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 on."

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 two years which seems to have elapsed 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.

"I am not satisfied that a division should be made of 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 the business of the firm and make a partition of the property."

TANSILL'S GIFT.

Sale of Lots—The Proceeds of One Goes to the Fair.

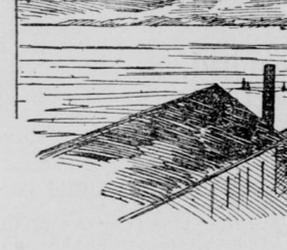
A splendid opportunity to purchase lots near the Midwinter Fair grounds presents itself at the auction sale to be held by Baldwin & Hammond next Thursday at their salesroom, 10 Montgomery street, at the hour of noon.

The catalogue embraces about ninety lots, which are situated on Fifteenth and adjacent avenues, about half a block from the park, between C and D streets. The terms are exceedingly liberal and require a cash payment of only \$25 per lot, with the remainder in monthly installments of \$10 each.

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.

It would appear that these two have been joined by another and it is supposed he will be used as a lookout man while the other two are going through the luckless pedestrian.

They had confined their operations to between 11 and 12 o'clock nights, but freedom from capture has made them reckless. About 10 o'clock Sunday morning S. de Greayer, stockbroker, the latest victim.



THE CITY OF NEW YORK AS SEEN FROM THE SUTRO BATHS YESTERDAY MORNING.

the Midwinter Fair and has subscribed to it in a very liberal way. He invited the finance committee to select any one of his lots and he would have it put up at the auction sale and sold and turn the proceeds over to the fair.

The finance committee has taken advantage of his liberality and selected a lot 25x120 feet on the east side of Eighteenth avenue, 125 feet north of D street. They have announced that they will sell the lot for one-quarter cash and the balance in one, two and three months.

It has been reported that those working on the wreck state that they believe that only one small hole is punched in the steamer's bottom. The tide rises just as rapidly in the New York's hold as it does on the outside. This proves conclusively that the hole in the plates is a very large one.

An officer made the statement that at low tide the water in the vessel was five inches higher than it is on the outside. The philosophical causes for this are too well known to every schoolboy to bear repetition.

A diver sent down in the vessel's hold on Sunday had quite an adventure with the eddy which exists therein when the tide is running. He was down fifteen minutes and during that time he was knocked off his feet and twisted about by the whirling waters like a top. He could not signal to be drawn up and when finally he was brought to the top he was nearer dead than alive.

Vessels were alongside the wreck all day yesterday, and an effort was also made to pump her out, which had not the least visible effect on the depth of water in the hold.

The wind died down slowly toward evening and another fog set in. During the day the bar was very smooth and though there were indications of rain the night was bright.

Captain Whitelaw has placed a number of boilers on board and intends getting his big pump to work if the weather remains calm. It had not been decided last evening whether an attempt would be made to put all the pumps to work to clear the New York sufficiently to enable the tugs to pull her off the rocks, but it was believed the attempt would be made.

The building is 45 by 35 feet. The interior has been finished with a taste and elegance seldom to be seen in a village church. The sanctuary, with its beautiful altar and its rare decorations of palms, cypress, anemones and roses, is a very bowery of beauty. The sanctuary rail and pews are gothic in design and finish.

The church, being in the limits of the St. Helena parish, will be attended by the pastor on alternate Sundays.

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.

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the ocean. Some of these sacks never even touched water and were ritually a gift tendered the boatmen by the panic-stricken crew on the wreck.

It was this waste of cargo that aroused the insurance men to action. A number of marine underwriters visited the New York yesterday afternoon, and it is understood that they were all very much disgusted with the manner in which the company has acted about getting rid of the cargo.

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some wholesome discipline occasionally would be beneficial as a corrective measure. He thought that even the aid of the presbytery might be properly invoked in some cases and that a committee from that body might do good work in visiting churches and aiding the officers in whatever weeding-out process might be found necessary.

The reading of the paper was followed by an animated discussion, which was participated in by most of those present. While some agreed with the essayist in his views, others thought the less discipline exercised the better, kindly remonstrance and persuasion in private being regarded as more likely in the majority of cases, to be effectual than judicial action.

Some thought the discipline should come chiefly from the pulpit, in the form of admonition and preaching against prevalent irregularities. All, however, seemed to deplore the lack of consistency on the part of many church members and to feel that an improved condition of things was in the highest degree desirable.

HIGHWAY ROBBERS.

S. de Greayer, Stockbroker, the Latest Victim.

Numerous complaints are being made at police headquarters by citizens of being held up and robbed on the public streets. The description given of the robbers all correspond in every instance. They are young men, fairly well dressed, one being tall and slim and the other short and well built.

It would appear that these two have been joined by another and it is supposed he will be used as a lookout man while the other two are going through the luckless pedestrian.

They had confined their operations to between 11 and 12 o'clock nights, but freedom from capture has made them reckless. About 10 o'clock Sunday morning S. de Greayer, stockbroker, was garroted by three young men in front of the Rossmore House, corner of Post and Stockton, near where he lives.

After choking and kicking him they relieved him of his gold watch, chain and pocket watch, and then they were able to effect their escape before an alarm could be given.

MARINE NOTES.

Sailors Complain About a Port Townsend Shipping-Master.

Thomas Harding and George Smith, recently with the ship Clarence S. Bement, and two seamen who left the ship Tidal Wave at Port Townsend, have addressed a letter to this city complaining of a man named Benedictsen, agent for the Seamen's Union at Port Townsend.

The sailors claim that Benedictsen enticed them to leave their vessels and come to his boarding street near Grant avenue, in the place for three months up to a few days ago, when they were sent to Tacoma on a sloop guarded by two union patrolmen and have been watched ever since.

The steamer Progress brought up only 280 tons of merchandise from Panama and was a port. Business is very dull on the southern route.

Caught in the Act.

Lawrence McGrath was liberated from San Quentin on Saturday last after serving three years for burglary. About noon yesterday he was caught by Police Officer J. J. Conley in the Sutter-street building, near Grant avenue, rifling a trunk in one of the rooms. He was taken to the City Prison, and when searched a gold watch and chain and other jewelry which he had taken from the trunk were found in his pockets. He was booked for burglary.

Latest Shipping Intelligence.

Arrived. MONDAY, Oct. 30. Stm Bertha, Hays, 4 1/2 days from Nahaiki; 611 tons coal, to John Rosenfeld's Sons.

Amot, Etienne. Holmes, James G. Burtchell, Dora. Healy, Mamie A. Kelle, Isabella. Leowenbach, A. G. Butler, Catherine. McCarty, Mrs. B. Bellini, John. Morrison, Anna. Clever, Elizabeth. Porter, Henrietta. Cahill, John. Parker, Edward A. Decker, Henry. Schreiner, Hubert. Ferrer, George H. Shay, John J. Geary, J. J. Walker, Alexander.

SCHREINER—In this city, October 28, 1893. Hubert, beloved husband of Sophie Schreiner, and father of Frederick, Hubert, Lena and Minnie Schreiner and Mrs. Eug. Becker, a native of Austria, aged 52 years and 19 days. Interment in L. O. O. F. Cemetery.

AMOT—In this city, October 29, 1893. Etienne Amot, beloved husband of Amelie Sal and father of Mrs. A. Cognet, Mrs. M. Lepage, Mrs. E. Schumacher, Louis, Joseph, Charles, Marie, Amelie, Louise, Auguste, Armand, Cecile and Eugene Amot, a native of France, aged 57 years and 7 months.

FRIENDS and acquaintances are respectfully invited to attend the funeral THIS DAY (Tuesday), at 2 o'clock P. M., from the late residence, 819 Twenty-sixth street, near Valencia. 2 P. M.

FERRER—In this city, October 28, 1893. Henry Ferrer, a native of Spain, died at his residence, 858 Chestnut street, between Mason and Powell, thence to Teutonia Hall, on Howard street, between Ninth and Tenth, where the funeral services will be held at 2 o'clock P. M. Interment in L. O. O. F. Cemetery.

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LOEWENBACH—In this city, October 29, 1893. Adolph Loewenbach, dearly beloved husband of Louise Loewenbach and brother of Malvide, Pauline, Edmund, Charles and Ernest Loewenbach and Mrs. J. Grunwald, a native of Prussia, aged 20 years 7 months and 5 days. (Marsylvia papers) please copy.

FRIENDS and acquaintances are respectfully invited to attend the funeral THIS DAY (Tuesday), at 2 o'clock P. M., from the late residence, 313 Mariposa street, between Mission street and North. Interment in L. O. O. F. Cemetery.

HOLMES—In this city, October 29, 1893. James G. Holmes, beloved husband of Malvina Holmes, son of J. G. and M. H. Holmes, brother of William B. C. Holmes and the late Maria Holmes, a native of Philadelphia, Pa., aged 35 years and 17 days.

FRIENDS and acquaintances are respectfully invited to attend the funeral THIS DAY (Tuesday), at 2 o'clock P. M., from her late residence, 1336 Natoma street, thence to St. Charles Church, where a Requiem Requiem will be celebrated for the repose of her soul, commencing at 10 o'clock A. M. Interment Mount Olivary Cemetery.

DELE—In this city, October 29, 1893. Richard C. Dele, beloved husband of Margaret Henrietta Dele, son of the late Richard and Elizabeth Dele, and brother of James, Edward, Catherine, Charles and Margaret Dele, a native of San Francisco, aged 23 years.

FRIENDS and acquaintances are respectfully invited to attend the funeral THIS DAY (Tuesday), at 8:30 o'clock A. M., from his late residence, 4 Kate place, between Bryant and Buchanan streets, Seaside, Oregon, thence to Holy Cross Cemetery.

BELLINI—In this city, October 29, 1893. John Bellini, beloved husband of Annie Bellini, a native of San Francisco, aged 1 year and 25 days.

FRIENDS and acquaintances are respectfully invited to attend the funeral THIS DAY (Wednesday), at 2 o'clock P. M., from his late residence, 428 North Market street, between L. O. O. F. Cemetery.

MCCARTHY—In this city, October 30, 1893. Mrs. E. McCarthy, beloved wife of Peter McCarthy, and daughter of John and Susan McCarthy, aged 21 years 9 months and 15 days. (Boston papers) please copy.

FRIENDS and acquaintances are respectfully invited to attend the funeral TO-MORROW (Wednesday), at 2 o'clock P. M., from his late residence, 315 Austin street, thence to St. Mary's Cathedral for services. Interment Mount Olivary Cemetery. Friends omit flowers.

BOLE—In this city, October 30, 1893. Isabella, wife of John Bole, and mother of Willie Bole, Mrs. David Kerr and Annie, Johnnie, George, Berta and Jennie Bole, a native of County Antrim, Ireland, aged 48 years.

FRIENDS are respectfully invited to attend the funeral TO-MORROW (Wednesday), at 2 o'clock P. M., from her late residence, 909 Battery street, thence to Calvary Free Will Church, corner of Powell and Geary streets, where services will be held, commencing at 2:30 o'clock P. M.

MORRISON—In this city, October 29, 1893. Amelia, beloved wife of James Morrison, a native of San Francisco, aged 21 years.

CAHILL—In this city, October 30, 1893. John Cahill, beloved husband of Rose Cahill, and father of Dolie, Howard, John, Joseph and Ethel Cahill, a native of Ireland, aged 65 years.

DRY GOODS.

Hard Times Beget Low Prices!

Every day some new line is arriving, which our Eastern buyers have secured at the great PEREMPTORY TRADE SALES at LESS THAN COST of manufacture. These are the wonderful offerings which cause the crowds to flock to our

Great Spot Cash Sale

Some of the Great Specials for this Week.

- DOUBLE WARP, CHANGEABLE SURAH silk, 20 inches wide, large assortment of colors, sold nowhere less than 75c a yard, 15 Cents.
FANCY CHEVIOTS, 38 inches wide, every thread wool, many popular colors, value at 50c a yard, 39 Cents.
GRAY COTTON BLANKETS, 58x74 inches size, a big drive at the sale price, 35 Cents.
WHITE ALL-WOOL BLANKETS, 68x78 size, very fine quality, extra value at \$5 a pair, \$3.85.
BLEACHED TABLE LINEN, 62 inches wide, fine quality Irish linen damask, patterns art figures, real value 55c a yard, 45 Cents.
UNBLEACHED TABLE LINEN, made of flax, 50 inches wide, vine and floral patterns, a snap at 35c a yard, 22 1/2 Cents.
BLACK CORSETS, silk stitched tops, well made and perfect fitting, we can't mention the make, they would be snapped at for 75c each, 40 Cents.
CHILDREN'S BLACK RIBBED HOSE, sizes 7 to 10 wide ribs, double heels and toes, extra heavy, a big value at 25c a pair, 10c dozen pairs at 15 Cents.
LADIES' BLACK COTTON HOSE, Ribbed ribbed, the celebrated "Hermidor" dye, the 3 pair for \$1 kind, 25 Cents.
GENTS' SOCKS, fancy silk figured, tans and fast black, a value at 25c, 15 Cents.

Hale Bros. Hale Bros. (INCORPORATED) (INCORPORATED) 937, 939, 941 MARKET STREET, San Francisco.

GOLDEN RULE BAZAAR. GAS BLS REDUCED!

YOU ARE PAYING \$2.00 PER 1000 FOR GAS. WHY PAY THIS WHEN YOU CAN HAVE A Charming Light for Much Less? LAMPS! \$1.40.

Decorated Bisio Shade and Fount, center draft, self wicker, assorted designs, \$1.45. Little Jewel, all metal, center draft, 40 candle power, Porcelain shade, \$1.00. Nickel G. R. B. Electric Lamp, center draft, 60 candle power, \$1.45.

DAVIS BROTHERS 718 MARKET ST. AND 1234 MARKET ST. TO ELECTROTYPERS! FOR SALE ROUTING MACHINE! SUITABLE FOR Metal or Wood Routing. APPLY THIS OFFICE. GAS FIXTURES AND GLOBES AT LOW PRICES. HENRY HUFSCHMIDT, 623 Golden Gate Avenue, Tel. Van Ness and Franklin St. Telephone 2365. Sanitary Plumbing and Gasfitting. Jobbing of all kinds promptly attended to.

PACIFIC DEPARTMENT. WM. MACDONALD, Manager. D. E. MILES, Asst. Manager. 315 Montgomery Street, S. F. PALACE HOTEL. THE PALACE HOTEL OCCUPIES AN ENTIRE block in the center of San Francisco. It is the model hotel of the world. Fire and earthquake proof. Has nine elevators. Every room is large, light and airy. The ventilation is perfect. A bath and closet adjoining every room. All rooms are of access from broad, light corridors. The central court, illuminated by electric light, its immediate glass roof, broad balconies, carriage-way and tropical plants, are features unknown to other American hotels. Guests are trained on either the American or European plan. The restaurant is the finest in the city. Secure rooms in advance by telegraphing. TIER, FALGOUT & CO., San Francisco, Cal.