

ON BOGUS PLANS.

An Alleged Architect as a Confidence Man.

HE INTRODUCES A NEW GAME

Many Contractors Caught With a Clever Swindle.

THEY PAID HIM FOR CONTRACTS.

J. S. Brien and a Companion Were to Build Flats, but Disappear With Builders' Money.

When the building contractors met yesterday afternoon at the Builders' Exchange on Post street they found a novel topic for discussion. Some of them had been inveigled into a scheme which promised much, but resulted in swindling the unfortunate, and the rest regarded it with mingled feelings of surprise and merriment, although there was nothing particularly funny in it for the dupes.

The subject of the builders' conversation was an original trick, involving a confidence game, that was tried successfully on M. J. Gallagher, the carpenter, at 536 Turk street, and on other contractors. Who the latter victims are may never be known to the public, as they have had sense enough to say nothing on discovering the scheme. It was stated by more than one contractor that Henry Williamson, the Sutter-street plumber, had been caught, but Williamson claims he was not. Had Gallagher thought the matter over, he, too, would in all probability have taken his dose of unpleasant medicine and said nothing, but it angered him so much he told his woes to fellow craftsmen.

And so it was the story leaked out. The scheme is new to San Francisco, and for that reason it proved an easy game to dupe contractors who were willing to pay a bonus to architects to secure a contract.

About six or eight weeks ago a young man named J. S. Brien arrived in this city. He came from Denver, or, at least, he said that was the last place he had been engaged in business as an architect, and he opened an office in room 89 in the Donohoe building at Market and Taylor streets. Two wooden "horses," a large drawing-board and a few pieces of furniture were his stock in trade, so far as appearances went. He engaged a draughtsman named Ed Harrison, and was ready for business.

Before he had well started a man calling himself Walker appeared on the scene, and while other architects were bustling for work Brien was busy on a \$40,000 building. Designs were drawn for twelve magnificent flats with all the most modern improvements, including \$1000 worth of electric wire. According to the plans these stylish flats were to be built for Walker on O'Farrell street, between Jones and Leavenworth. The frontage was 168 feet and the depth 137 1/2 feet.

When everything was ready contractors were invited to bid on the buildings. There was a constant stream of builders for days passing in and out of Brien's office—carpenters, plasterers, plumbers, painters, electricians, etc.—all eager to get the contract, because they were given to understand that no expense would be spared, and only the best work would be accepted at good prices.

Among those who estimated on the plans was M. J. Gallagher, and he got the contract for the carpentry work, a very considerable item, over which he congratulated himself until visions of a neat little fortune floated before his delighted eyes. The architect got \$150, and it is asserted that another \$300 was added in consideration of his awarding the contract. But it seems that this was not enough and an additional \$500 was demanded. Then Gallagher grew suspicious. Of course the plans and contracts had been duly signed by the owner, the mysterious Mr. Walker, who spoke like a man of substance and everything was regular on the surface. Still the contractor made a quiet little investigation on his own account.

To his intense astonishment and chagrin he discovered that Mr. Walker's name did not appear on the block books. A further search was made in the official municipal records, and with like result. No. 516 O'Farrell street, where the flats were to be built, stood in the name of C. Curtin, the dry-goods man, who owns fifty-two feet on O'Farrell street at that place, with dwellings upon the land. Adjoining Curtin's property is twenty-five feet owned by Henry Coffin; next to that twenty-six feet in Dr. A. McFarland's name, and beyond John C. Wade and E. Haquette own sixty-nine feet. But nowhere could the alleged capitalist Walker's name be found. The contractors say Mr. Walker is a myth.

Architect Brien was sought for an explanation, but he could not be found. Last Friday his draughtsman sat idly by the big drawing board and answered questions somewhat reluctantly and with considerable hesitation.

"Will Mr. Brien be back to-day?" was asked. "I don't know," was the answer. "He is in the country and said he would not be back until Monday."

"Where can Mr. Walker be found?" "I never heard of him."

"Do you know anything about the flats Mr. Brien is building on O'Farrell street?"

"Don't know. I believe he has some flats, or something like that, on hand on O'Farrell street."

The draughtsman was in the same place Saturday, but early yesterday morning Brien's name was scraped off the glass door and the janitor locked the door. "Brien left here Wednesday," said he. "It was supposed he went to Oakland, as he said he would be back, but he skipped town and nobody knows where he went. He stuck his draughtsman for a month's salary and must have owed considerable, as creditors were after him all the time."

The draughtsman stated that Brien had borrowed \$500 from a young man last week on the strength of a new flats contract, and got money from several contractors and merchants, who paid him for giving them the contracts or orders. The total amount of Brien's operations reached just \$2500, of which nearly \$2000 was got from contractors on Brien's bogus plans. All this bold piece of confidence work was done within four weeks, so cleverly that it is believed now that Brien is an accomplished confidence man.

Gallagher will not discuss the matter, nor will other contractors who are supposed to have been swindled. No builder cares to be found out in giving money to architects to secure a contract, preferring to let the matter pass. That more than one or two have been duped is there is not the least doubt. The lesson is not with-

out bearing fruit for those who escaped, and in future every contract will be investigated before money passes hands on mere architectural drawings.

FLOATING IN THE BAY. The Body of an Unknown Man Found Yesterday.

The body of an unknown man was found floating in the bay off Powell street what yesterday afternoon. It was much decomposed, having been in the water some time, and the only way in which it can be identified is by the clothing. The body was dressed in a dark brown overcoat, a dark blue tussled coat and vest and a pair of dark trousers. In the pockets were found two white silk handkerchiefs and a programme of the races, dated November 15. The man was about 5 feet 10 inches in height.

It will be remembered that a well-dressed man was reported as having been seen to jump off Lombard street last night. He is said to have sunk at once and did not rise to the surface. It may be, as the Morgue officials think, that the suicide and the body found represent the same man.

ALMOST like electricity: Dr. Price's Baking Powder because it works so quick. No other works so fast.

ANOTHER PIONEER GONE. Death of J. C. Meussdorffer, the Well-Known Merchant.

The death is announced of J. C. Meussdorffer, the well-known pioneer and for a generation one of the leading hat makers of San Francisco. He was 71 years of age at the time of his death. Mr. Meussdorffer had a wide circle of friends and held a high place in the business community, although he retired some years ago. He was a native of Culmburg, Bavaria, and was married, leaving a widow and five children. Besides being a member of the Society of California Pioneers he was ex-president of the German Benevolent Society of this city. The funeral will take place to-morrow morning from the residence, 509 Van Ness avenue, and will be attended by the members of the society, as well as by a large number of personal friends of the late merchant.

WATT IS ON TOP.

Will Be the People's Bank Attorney.

No By-Law of a Corporation Is Valid Which Interferes With Express Provisions of the Code.

The Supreme Court has granted the petition of James Alva Watt to be substituted for the firm of Delmas & Shortridge as attorney for the People's Home Savings Bank in the suit now pending in the Superior Court of the city and county of San Francisco.

The trouble arose out of a suit commenced by E. H. Knight, a creditor, against the bank and its directors, for the purpose of enforcing his demand, and asking that the directors be enjoined from the further transaction of business, be removed from office, that a receiver be appointed and the bank thrown into liquidation. Fraud was also charged. John F. Sheehan was appointed receiver, and he retained Watt as his attorney.

After this the People's Bank made an application to the Supreme Court for a writ of prohibition asking that the proceedings of the Superior Court be annulled as regards the appointment of a receiver. This application was made by the bank through its regularly appointed attorneys, Delmas and Shortridge. Thereafter this motion for substitution of attorneys was made, based upon a showing that subsequent to the inception of the prohibition proceedings the directorate of the bank had been changed at a stockholders' election, and that the new directors appointed James Alva Watt as the attorney for the bank, and that the former attorneys, Delmas and Shortridge, the latter firm resisted the substitution, claiming that Watt's election was invalid, just as the election of the new directorate was also invalid.

The Supreme Court says: The legality of Watt's appointment depends upon the validity of the election of the board of directors appointing him, and the serious question presented as to the validity of such election involves the right of a person not a stockholder to participate in the election by virtue of his position as a proxy of a bona fide stockholder, and to this question we shall direct our attention.

While it is provided by section 312 of the Civil Code that stockholders of corporations may be represented at all elections by proxies, the by-laws of the petitioner bank provide that no proxy shall be voted by any one not a stockholder of the corporation; and it is upon the validity of such by-laws that the merits of this case hinge.

It is suggested in argument of counsel that all banking corporations in this State are subject to the same law, and that the making of such a law is without the power of the corporation. Corporations have no power to create by-laws that are unreasonable in their practical application, or that are violative of the public interest; and we think this by-law an infringement upon the statute, and a most substantial limitation upon the rights of stockholders granted by section 312 of the Civil Code.

The stockholders of many of our corporations are limited in number, and the case would undoubtedly often arise when the absent stockholder desires to be represented at an election would be unable to do so, and in whom to trust his interests. The statute contemplates no such conditions and there is no reason why the law should be applied to the petitioner bank, when such stockholder would be deprived of his right to vote by proxy.

The principle of cumulative voting has been authorized and approved in the interests of minority representation, yet this by-law strikes at the very principle and should be carefully fostered. The substantial rights of a stockholder under the law cannot be taken away by a by-law, and the by-law is void inasmuch as it is in violation of the statute, and we are unable to see that it is of any concern to them who represent the various banks in this proceeding.

As to Mr. Watt's conduct in the litigation, all that has been done has been to declare the business relations theretofore existing between the bank and its attorneys, Messrs. Delmas & Shortridge, were severed by the election of the newly and legally elected board of directors, and such being the case, the attorneys opposing this motion stand before us as strangers to the proceeding, having no interest or standing in the litigation; and we are unable to see that it is of any concern to them who represent the various banks in this proceeding.

The motion for a substitution as prayed for is granted. The court's opinion was written by Justice Garretts, and concurred in by Justices McFarland, Van Fleet, Harrison and Chief Justice Beatty. Justice de Haven, dissenting himself disqualified, did not participate in the decision.

CHRISTMAS cards, booklets, calendars now ready. Saaborn, Vail & Co., 741 Market. TISSUE paper for lamp shades and flowers, all colors. Saaborn, Vail & Co., 741 Market.

AS SOLDIERS ARE.

Uncle Sam's Troops in Action.

MILITARY SPECTACLE IS ON.

Redskins Bite the Dust at Wounded Knee.

DARING FEATS ON HORSEBACK.

Grand Tableaux, Assaults-at-Arms, Yelling Indians, Crazy Ghost-Dancers, at the Pavilion.

Guns cracked, sabers flashed, bayonets glistened, Indians whooped and yelled and the soldiery of Uncle Sam charged and charged again on the tank in Mechanics' Pavilion. Custer again rallied his men on the fateful field of the Little Big Horn, and once again did the red demons send the riders of the Seventh Cavalry to their deaths.

Once again, the turbulent Sioux went through the maneuvers of their ghost-dancers at Wounded Knee, and then the command of General Forsyth descended upon them, wiping them out of existence. The boys of the Seventh Cavalry had avenged on the black-hearted reds the mas-



BRAVES AND SQUAWS IN THE STREET PARADE.

sacre of the gallant Custer and their comrades.

Three thousand rounds of ammunition were exploded in a brief three minutes in the big pavilion and Indians fell like autumn leaves. The big Gatling rattled out death at a tremendous rate and great clouds of smoke nearly obscured the reserved stand, as the calcium was thrown on the last tableau.

Every feature of the grand military tournament was rplete with interest and brimming over with action. The nearly four thousand people who witnessed the display were almost wild in their enthusiasm at the times, while the daring riders of the Fifth Artillery and the Fourth Cavalry, who were the performers, never flagged in their efforts.

From beginning to end the numbers offered were executed without a hitch. The musical ride brought down the house, while the first contest between Sergeant Davis and Professor Crowley, with swords, was an exciting affair. It is a question between these two which is the best swordsman in the United States. Both have had contests with Duncan C. Ross, Crowley defeating him at Tiburon, and Davis fetching him to a draw. There is some talk of having them, before the tournament closes, come together in the arena in full armor, with real broad-swords, to decide the supremacy.

The rough riding was loudly applauded, as were the comic efforts of Alie Miller and his mule McGinty, out of Conhole, by Derriek; the lancers' quadrille caught the ladies, and everything went swinging along at a rapid pace.

General Graham and some of his staff occupied one of the boxes and there was a good sprinkling of society folk throughout. To-night it is supposed that General Forsyth, the commander at Wounded Knee, will be present.

The crowd gathered early and was ready for the ball to open when Ringmaster Mapleton put in his appearance. Bugler J. S. Blaw raised the roof with the officer's call, up went the light, the cornet rang a warning note, the band struck into the swinging measures of the "Manhattan Beach March," and the grand entry began. At the head moved the Fifth Artillery band, under the leadership of Professor Frank, then swinging from the south gate Lieutenant-Colonel Dennis Geary of the Second Regiment, N. G. C., commander of this garrison of the R. A. N. U., with his staff; and from the south a north gates followed the dismounted artillerymen of the Fifth, the lancers of troops I and K, Company D of the Naval Battalion, several companies of the Second Regiment, N. G. C., and the troops who were to take part in the mounted contests, dressed in pads and masks. They formed a brilliant border completely around the center of the arena, into which, with wild whoops, leaped scores of Indians as red as brickdust could make them—some on horse, most afoot—keeping up a horribly yelling, brandishing their weapons in mock menace of the surrounding army.

The whole effect was spectacular in the extreme and the already well-filled house attested its admiration in vigorous applause.

Presently the bugle sounded a few shrill blasts and the trained horses of the artillery and cavalry rode into the ring to the tune of an inspiring air played by the army band. A single file was formed and the soldiers galloped around once, black and white horses alternating in succession. This was a musical ride, participated in by Sergeants Sovuleski, Thomas Singer and Wunderlich; Corporals Farrell, Foerster, Kalb, Austin and Sadder; Privates Tinker, Inman, Procknow, Boston, Beckett, Bowers, Lefler, Rholing, Cummings and White.

It showed what the soldiers could do

with their horses, and no prettier spectacle of horsemanship could well be imagined. They rode in a great variety of figures with the precision of Amazons on a stage, and with each new evolution the riders received applause.

Lieutenant O. Davis, champion swordsman of United States army, and Professor Crowley of the regular Army and Navy Union, appeared next on their chargers to contest for supremacy with the sword. The ringmaster announced that the swordsman making the first three points out of five would be declared the winner. Both contestants rode into the arena, taking their positions at opposite ends of the lists, and, at the word of command, charged. As they met there was the sound of a club striking a balloon, Crowley's sword striking full on the padding over Sergeant Davis' wishbone, and he was credited with one point. They met again and again, steeds going full tilt, and some pretty cuts and rapid counters were exchanged. Mr. Crowley being finally declared the victor, having outpointed his opponent.

The lance drill by sixteen mounted troopers, which followed next, was very pretty, the precision of movement and the neatness of execution bringing down the house. A little comedy was interjected at this point by the introduction into the ring of young Aleck Miller, rigged out as a papoose on his trick mule McGinty in the track of Farrier Ringler, as a big buck on a gray mare. The comedy was furnished amid yells of laughter by the mishaps of the poor papoose through the evident fondness of the mule for the horse. Away would ride Ringler on his white animal, the mule with young Miller on his ears charging madly after. In mid-career the mare was suddenly brought to her

play cards and while away the time. The rings of the resting soldiers come together and all unite in a song, "The Soldiers' Farewell," when a scout's shot in the distance is heard. Suddenly all is confusion as the scout rushes into camp. "To horse, saddle," is sounded, and a minute and a half later every man is in his saddle and rides off at double-quick or trot march.

Indians then appear on the scene, all covered with war paint, and with much ado set up a wickiup, light fires, and dance their weird ghost dance. They are surprised by the soldiers dashing in upon them. Captain Wallace goes to their chiefs with a flag of truce, seeking peace, but while telling them his message he is shot down in front of his comrade. The soldiers dismount and their horses are removed to the rear of the hall, leaving the troop deploying in a skirmish line. Shooting begins and is carried on wild and furious on both sides until the riders fall back to let the Gatling gun belch forth death in a torrent of fire. The field gun fulfills the battle, which is followed by a spirited cavalry charge that ceases only over the prostrate warriors. With the smoke of powder still in the air and the din of musketry and Gatling guns still ringing in the ears a realistic tableau of victory is given, while the field music plays "The Star-spangled Banner."

The unique entertainment, with new features, will be given this evening and will doubtless draw a large attendance.

GROCCERS often say, "It's just as good as Dr. Price's" when they want to sell an inferior baking powder. But there is no powder half so good—millions of cooks know this.

A LINE AND BOOM.

Saved Lives From a Ship in Distress.

Total Loss of the American Bark Richard Parsons—Story of the Wreck.

Readers of sea stories will remember the reported loss of the American bark Richard Parsons. It was told here by the wires about two months ago. Her skipper, Captain B. W. Joy, came back to the United States in the steamer Rio Janeiro yesterday and he says that he is glad that he is living. Numerous persons nowadays are accredited with this same expression, but in the case of Captain Joy one cannot help from remarking, "Well, he ought to be," that is after hearing how the mariner escaped from his wrecked ship.

"The Richard Parsons," said Captain Joy, leaning meditatively against the Rio's rail and gazing longingly toward the dock, for the captain was awfully anxious to get ashore, "started from Manila for Newcastle to secure coal. While we were off the Philippines it looked stormy so we put in at Palun Bay, at the island of Mindoro. We remained there several days, then started for our destination.

"Scarcely had we cleared the harbor and stood away on our course under a pretty good sheet of sail when the smallest of small black clouds appeared on the horizon. It seemed to be scurrying along at a high rate of speed, so I ordered all hands to take in sail. I was convinced that it was getting ready to blow.

"Sail was shortened. The wind veered round and forced us to beat off shore. Then it shifted again, and continued to shift until it was almost impossible to keep the yards braced up on the right course.

"The storm came down on us with great fury. I decided to put back to Palun, but before the bay was within a reasonable distance the gale turned into a hurricane.

"We were blown straight toward the rocks south of the harbor and struck very soon thereafter, it being impossible to prevent the ship from drifting with the tide and wind.

"We were in a very exposed position. The waves broke over us with force forward, smashing all the boats and making it impossible for a man to leave the poop without risking his life. We were all huddled together near the stern expecting every moment to be our last.

I suddenly thought of an idea. The extremity of a cliff was not far from where we lay. At the foot of the cliff was a beach that shelved in such a manner that it was above-water at various points. We cut away the heavy mizzen-boom, attached a strong line to it, then pushed the boom overboard. It drifted ashore and was thrown by a big wave well up on the rocks.

"Over the line we had to haul ourselves, one by one, until half exhausted, and nearly dead from submersion, we would drag our bodies out of the surf.

"The ship's carpenter and a Malay sailor tried the life-line first. They reached the shore in safety, but the Malay American brose F. Flower and Starard Archibald lost their hold on the rope, went down before our eyes and were drowned. Cook Kileh and three Malays of the crew lost their lives before all had dragged themselves from the bay.

"There was no hope for the vessel, so the survivors of our little company, headed by myself, made our way over the hills to the native settlement. We were received kindly, fed on the best the poor inhabitants had to give us, and housed. We were sixteen days on the island, during which time we had to subsist on mice mostly, for the natives were short of food.

"One day we were trapped across the island to the other side and there found a fishing settlement. There was a small schooner in port, which we chartered, and on her made our way to Manila, thence to Hong-Kong.

"The Richard Parsons was owned in New Bedford. I am on the way there now."

When Mexican Mustang Liniment goes in, Inflammation goes out.

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