



FRIDAY, FEBRUARY 22, 1895

LOCAL NEWS IN BRIEF.

The old coast survey steamer Hassler is to be sold at public auction. The students at Stanford University will produce "Pinocchio" at an early date.

Halfback Frankheimer says the outlook for baseball at Stanford is discouraging. The family of H. C. Stillwell were too much grieved to talk of his death last night.

San Franciscoans approve the CALL's intention to publish the road timetables. Gustave Walter of the Orphan was fined \$30 yesterday for violating the fire ordinance.

Albert J. Stetson and Frank Pitman indulged in a fist fight on Market street yesterday. It is rumored that a number of changes are to be made among the State Harbor employees.

The Labor Exchange will ask local labor unions to assist in relieving the unemployed. The number of deep-water seamen is in excess of the demand, and their wages have been cut.

Officers for the ensuing twelve months were elected by the Barbers' Protective Association last night. Martin J. Burke, the veteran real-estate man, said San Francisco is adjusting itself to new conditions.

The intercollegiate athletic committee will meet at the University Club to-morrow to discuss new rules. The Fire Underwriters' Compact met yesterday and discussed the rate war, but could not agree on action.

Freight and passenger fares between San Francisco and South ports have fallen below low-water mark. Harry C. Stillwell, an ex-clerk of the Bank of California, committed suicide yesterday. He was an embezzler.

Allen gained 220 votes in yesterday's recount for the recorder's office. His gains so far, in 78 precincts, are 378. W. J. Hurley, charged with bribing the McDonald jury, pleaded not guilty before Judge Wallace yesterday.

CYCLER ZIEGLER IS DISGUSTED.

HE WILL NOT RIDE IN THE PAVILION UNDER THE PRESENT MANAGEMENT.

EDWARDS HAS ALSO QUIT.

A FEW CLOSE FINISHES THAT CREATED ENTHUSIASM LAST EVENING.

Otto Ziegler and many other fast riders have become disgusted with the manner in which the tournament at the Pavilion has been conducted.

The famous San Jose rider said that he was not at all surprised that the show was not more liberally patronized by the sport-loving public.

"No one will dispute the fact that cycling is at the head of all outdoor sports," remarked Ziegler, "and a show properly managed would certainly result in a grand success."

"The wheelmen have done all in their power to please the public, but the appreciation extended to them by the managers of this tournament is by no means what the contestants expected. I certainly will not figure again in any more races held in this pavilion under the present management, and with the exception of one or two first-class riders, those who will participate on the last day are of small note, so far as fast riding is concerned."

Ziegler handed the CALL representative the following letter of explanation, which speaks for itself: Manager R. A. Irving guaranteed me a \$150 diamond ring, provided I would ride an exhibition mile race to-morrow (Friday) afternoon. When I conversed with him to-day, he said that he certainly would not give the prize unless three or four other men should race with me. This was a new idea sprung at the last hour, and I politely informed Mr. Irving that he could keep his pin, as I had no particular fancy to indulge in fast riding over a most dangerous track.

The first race of the evening was for a quarter of a mile, class B, and the riders in the first heat were W. A. Terrill and E. O. C. W., and F. G. Lacey, L. A. C., 140 yards. When I conversed with him to-day, he said that he certainly would not give the prize unless three or four other men should race with me. This was a new idea sprung at the last hour, and I politely informed Mr. Irving that he could keep his pin, as I had no particular fancy to indulge in fast riding over a most dangerous track.

The next heat brought out W. F. Foster, O. C. W., and F. G. Lacey, L. A. C., 140 yards. The man who got the best start won, Foster taking first place in 35 2-5 sec.

In the third heat O. Osen and T. Delmas, both of the G. C. C., competed. Osen was never headed, and won by a good margin. Time, 39 sec.

Then came the two-mile, class A, handicap, divided into four heats, the first in each heat to qualify for final. The starters in the first heat were A. W. Jones, G. C. C., scratch; C. W. Conger, L. A. C., 140 yards; W. B. Fawcett, O. C. W., 150 yards; H. V. Ready, B. C. W., 150 yards. Conger soon overtook the men ahead of him and led the race for the entire race. Jones, the scratch man, rode into second place,

but made no effort to catch Conger, who won in the slow time of 5 min. 3 sec. Jones rode a pretty race on the banks of the track and was loudly applauded.

In the second heat were F. M. Byrne, I. C. C., scratch; E. Languetin, 75 yards; E. W. Decker, A. C. W., 100 yards; and F. L. Day, B. C. W., 100 yards. It was a long, stern chase for Byrne, the scratch man, and Day set the pace for the limit men, until the fifth lap, when he gave way to Languetin, with Decker close behind. In a hot finish Decker won out from Languetin. Time, 4 min. 54 sec. Byrne, the scratch man, could not catch the limit men.

In the third heat were: A. J. Menne, B. C. W., 65 yards; E. C. Barley, I. C. C., 100 yards; and W. L. Thompson, B. C. W., 170 yards. It did not take Menne long to catch Barley, who so discouraged the latter that he quit forthwith. Thompson put up a good race, but was out of condition, and Menne soon caught up with him and assumed the lead, winning the heat in 5 min. 10 1-2 sec.

In the next heat the contestants were O. L. Rickard, A. C. W., 100 yards, and E. S. Battles, B. C. W., 125 yards. This was an uninteresting contest and Rickard had little difficulty in winning, the time being 5:09 1-2.

Then came a hot contest—the final of the quarter mile, class B. Those entitled to start were: E. Ulbricht, B. C. W., 75 yards; F. O. Osen, G. C. C., three yards; F. G. Lacey, L. A. C., fifth of a second and had a good lead, with Osen second and Ulbricht close up. On the last lap, however, Osen made a sneak on Foster and beat him out in a hot finish; time, 36 sec. This was a pretty race and the victory was a popular one.

Then followed an exhibition quarter mile dash by A. C. Pillsbury of the Palo Alto Wheelmen, on an old-style Eagle, which he rode on the rear wheel. He negotiated the distance in 59 sec.

The final event of the night was a mile, class B, handicap, only the winner to qualify for the final. The race was run in three heats, and in the first were: Russell Cushing, G. C. C., 60 yards; Tony Delmas, G. C. C., 50 yards, and E. Ulbricht,

quarter mile, class A, scratch; one mile, class B, handicap; one-half mile, class A, handicap; one-mile Chinese sprint. The third annual twenty-five-mile handicap road race of the California Associated Cycling Clubs will be run to-day over the San Leandro triangle, starting promptly at 10 A. M., providing the weather is favorable. In the event of failure the race will be postponed to the 23rd.

The entries and handicaps are as follows: C. N. Langton, B. C. W., ten yards; H. F. Friedlander, C. C. C., ten yards; James Wall, C. C. C., nine yards; George W. Thomas, G. C. C., nine yards; H. Schwall, S. J. R. C., eight yards; W. T. Hobson, C. W. C., eight yards; H. Theisen, C. C. C., eight yards; H. P. Egeberg, C. C. C., eight yards; P. R. Mott, A. C. W., seven yards; W. M. Reid, C. C. C., seven yards; W. M. Greaves, O. Y. M. C. A. C., seven yards; H. V. Ready, B. C. W., seven yards; Frank Gilbert, A. C. W., seven yards; O. McKenzie, S. J. R. C., seven yards; Henry H. Jones, seven yards; Charles W. Conger, I. C. C., seven yards; T. Dodge, B. C. W., six yards; James W. Harvey, C. C. C., six yards; H. H. Goddard, B. C. W., six yards; Charles Mayer, G. C. C., six yards; F. C. Reynolds, I. C. C., five yards; A. A. Maxwell, A. C. W., five yards; D. A. Moody, G. C. C., four yards; J. B. Carey, G. C. C., four yards; E. J. Sherman, G. C. C., four yards; W. B. Fawcett, O. C. W., four yards; T. Delmas, G. C. C., three yards; Charles Stamburg, C. W., three yards; J. A. Howard, A. C. W., three yards; C. H. Cowell, A. C. W., three yards; O. L. Pickard, A. C. W., two yards; J. R. Sampson, A. C. W., two and a half yards; E. W. Decker, A. C. W., two and a half yards; H. Smith, G. C. C., scratch; Davis, G. C. C., scratch; F. McFarland, S. J. R. C., scratch; Emil Ulbricht, B. C. W., scratch; M. F. Rose, A. C. W., scratch; W. F. Foster, O. C. W., scratch.

Valuable prizes have been offered, which consist in part of a bicycle, two gold stop watches, a diamond stud, sapphire and other articles of value. The race will be very interesting and a large crowd of spectators may be expected.

Notwithstanding this warning coming from such a source, the supplemental petition was filed by Mr. McMenery, the latest acquisition to the forces, a few days after Mr. Pierson was seen yesterday afternoon and asked for an explanation of this action, which he had declared to be nothing less than fatal to his case; it did not frame the supplemental petition," he said.

"You advised against it?" "Yes."

"You are still counsel for the executors?" "Yes; but I don't care to say anything more about it. The matter will be argued

THE CONTEST OF THE FAIR WILL.

CHARLES L. FAIR MAY BEGIN IT ALONE, JEOPARDIZING HIS INHERITANCE.

DAUGHTERS MAY NOT JOIN.

A CONFLICT OF OPINION AMONG COUNSEL FOR THE EXECUTORS INDICATED.

The contest of the will of the late James G. Fair was not begun yesterday, although it was the day set by Charles L. Fair's counsel for the formal attack.

The brief proceedings of yesterday were not without interesting features, however, among which were the unofficial announcement that the daughters of Mr. Fair would directly or indirectly take part in the contest; the official declaration that Charles L. Fair would under these circumstances proceed with the contest alone, although it would jeopardize his entire interest in the estate, and the evident symptoms of dissension among the counsel for the executors.

The army of lawyers, recently re-enforced, was drawn up before the bench occupied by Judge Slack yesterday morning, and with them, or one of them, was the technically prepared notice of contest. But it was not filed.

The counsel for Charles L. Fair presented and was allowed to file a demurrer to the supplemental petition recently filed by counsel for the executors. The supplemental petition, as is known, gave notice to the court that the true will of James G. Fair had been lost; it presented a document which it declared was a copy of the lost will and offered it for probate instead of the true will.

It was to this proceeding that the lawyers representing Charles L. Fair demurred. Despite the objection of Garret McMenery that no such proceeding was known to the law as a demurrer to a petition for probate of a will the demurrer was allowed to be filed. The counsel asked for time in which to prepare argument in support of the court granted it, and set the day and hour as Saturday of next week at 10:30 A. M.

So the matter stands just about where it did at the beginning, so far as the court is concerned. But this preliminary fencing and recruiting of eminent lawyers on both sides give every indication of a pending struggle of great proportions.

Counsel for Charles L. Fair declare that the contest will be begun. "The situation is exactly as it was two weeks ago," said Charles Wheeler yesterday, shortly after the little display in court. "I said then that proceedings in contest of the will would be filed as soon as preliminary matters are out of the way, and that statement stands good. Since we were in court two weeks ago the other side has introduced this supplemental petition, which took us quite by surprise, for we understood at that time the suggestion of Mr. Rogers in that direction would not be followed. We have demurred to the supplemental petition, and whether our counsel is satisfied or dismissed we will file the contest on the grounds then presented. We were confronted by an ordinary petition for probate of a will which had been filed and had not been stolen—the straight story—yet we are now we are confronted with a nondescript—this petition for the probate of a will that had been filed and not stolen—amended to cover the case of a will filed and afterward stolen, and an alleged copy presented for probate. When their position is straightened out and made plain by the court then we will proceed."

The counsel in the case for the contest, with the exception of Heber H. Lloyd, are all in the ranks of Charles L. Fair. Yesterday Mr. Lloyd, who represents the daughters of Mr. Fair, said that his clients were not contemplating a contest. It has been understood all along that the contest being determined it would be conducted in the name of Charles L. Fair, thus in the event of failure forfeiting only his share, while he would be reimbursed for the cost of his sisters.

The statement of Mr. Lloyd that the sisters will not participate in the contest is taken as refuting this general acceptance of the situation, and if so it puts Charles L. Fair in the interesting attitude of risking nothing to have Mr. Lloyd and his clients own the executors of the will and his contingent upon their acceptance by the heirs without contest.

Mr. Lloyd's statement may mean nothing more, however, than the ordinary precaution of a cautious attorney in the face of a perfect understanding, as has been indicated, between all the parties, that they will not figure in the contest—just as it has been said that they would not.

It has been understood how he understood it, said: "I have understood that Mr. Lloyd has said that his clients will not enter the contest. We have heard nothing from him in the matter. We would be very glad to have Mr. Lloyd and his clients support us in the case, but if he will not support us in the case, we will support Mr. Fair will proceed on his own motion."

Since Mr. Wheeler, who is the junior of the firm of Garber, Bolt & Bishop, was added to Knight & Hegarty, Fair's original counsel, lawyers have further strengthened their forces by the addition of Garret McMenery, who some days ago left the firm of Stanley, Hays, McMenery & Bradley, to enter into partnership with W. S. Goodfellow, one of the executors of the will and his self a lawyer. He figures as the personal counsel of Mr. Goodfellow. He did all the talking for the proponents in the little skirmish of yesterday.

The friends of the executors are watching the whole proceeding with interest, and proceedings the filing of the supplemental petition is taken as a sign that that entire accord which is expected to prevail among counsel working toward a common end among the executors will be in the ranks of the counsel for the executors.

The perfect uniformity with which the executors differ in their exact opposite in the case of lawyers employed upon the same side of a case. It is almost as common a saying as the executors' proverb that a lawyer can find an excuse in law for taking any position upon any question for which he may be sufficiently well paid.

Two weeks ago Arthur Rogers suggested that the executors should file a petition which they had asked to be probated, had been stolen it would be only proper to amend the petition and submit a copy for probate.

Mr. Pierson of Pierson & Mitchell, who is credited with having drawn the formidable and peculiar will, took very positive exception to any such move. He declared that such a step would invalidate the whole proceeding looking toward the probate.

Notwithstanding this warning coming from such a source, the supplemental petition was filed by Mr. McMenery, the latest acquisition to the forces, a few days after Mr. Pierson was seen yesterday afternoon and asked for an explanation of this action, which he had declared to be nothing less than fatal to his case; it did not frame the supplemental petition," he said.

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100 SELECTED MUSICIANS 100 ALFRED RONCOVIERI, Director.

The Greatest Series of Concerts Ever Given in America. NEW AND STARTLING ELECTRIC AND STEREOPTICON EFFECTS.

ILLUSTRATED MUSIC Will be given for the First Time in History.

SCHOOL CHILDREN ADMITTED FREE AT SATURDAY MATINEES.

FROM FEBRUARY 25 TO MARCH 2

THE CONCERTS AND ENTERTAINMENTS WILL BE GIVEN FOR THE

BENEFIT OF THE NEW FRENCH HOSPITAL!

PROGRAMME: MONDAY AND TUESDAY, FEBRUARY 25 and 26, 1895.

Grand Carnival Cavalcade, H. S. MARTIN Esq., as King of the Carnival; Battle of Connet and Serpentine, as at Paris and Nice.

Superb Costumes, Magnificent Floats. Kermesse and Concert.

THURSDAY, February 28—Grand Exhibition by the Olympic Club, Kermesse and Concert.

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SATURDAY, March 2—Grand Matinee for Children (admission half price). SATURDAY EVENING—Grand Promenade Concert and Dress Ball.

PRICES OF ADMISSION DURING THE FRENCH CELEBRATION:

Adult's Season Tickets \$1.50, Adult's Single Evening Tickets 50c, Children's Season Tickets 75c, Children's Single Evening Tickets 25c.

GRAND BALL—Admission, Ladies 50c, Gentlemen \$1.

BALDWIN THEATER. AL HAYMAN & CO. (Incorporated), Proprietors.

Every Evening This and Next Week Only Including Sunday Evening.

MATINEES SATURDAY ONLY—LIKE ALL THE BEST, SAN FRANCISCO Has Approved the Latest Success.

A GAUITY GIRL AS INTERPRETED BY MR. GEORGE EDWARDS' COMPANY.

From the Prince of Wales Theater, London. Nothing So Dainty or Catchy Ever Seen Before.

REMEMBER. There are Only 10 More Nights, Including Sunday, and Only 2 Matinees.

Seats Now Selling for All Performances This and Next Week, and Twice Best You Bought Them.

Monday, March 4—MARIE BURROUGHS

STOCKWELL'S THEATER. SAN FRANCISCO AMUSEMENT CO. (Inc.), Lessees.

Washington's Birthday Matinee. "BATTLE OF OCEAN D'ALENS!"

GRANDEST SCENERY IN THE WORLD. AN ARMY OF AUXILIARIES.

Will be preceded by "LITTLE JOHN L."

Prices—10c, 15c, 25c, 35c, 50c. Regular Matinees Saturday and Sunday.

Feb. 25—THE GREAT BLACK CROOK.

ALCAZAR THEATER. O'Farrell street, bet. Stockton and Powell.

J. P. HOWE, Manager. SECOND AND LAST WEEK—SPECIAL MATINEE TO-DAY.

LIGHTS O' LONDON! Prices—Orchestra, 75c; Dress Circle, 50c.

Balcony (Reserved), 25c. Matinees Saturday and Sunday; Children 15c.

Monday, Feb. 25—New Electric Musical Burlesque, A Black Crook Up to Date.

MOROSCO'S GRAND OPERA-HOUSE.

The Handsomest Family Theater in America. WALTER MOROSCO, Sole Lessee and Manager.

MATINEE TO-DAY AT 2. TO-NIGHT AT 8. LAST APPEARANCE OF MAUD CRANCER.

In a Careful Production of CLAIRE AND THE FOREMASTER.

Evening Prices—10c, 25c and 50c. Matinees Saturday and Sunday—10c, 15c, 25c.

Seats on Sale from 9 A. M. to 10 P. M.

NEW TO-DAY AMUSEMENTS. THE METROPOLITAN MUSICAL SOCIETY'S CONCERTS.

AT THE AUDITORIUM. Under the Leadership of MR. FRITZ SCHEEL.

EVERY TUESDAY, THURSDAY, SATURDAY AND SUNDAY EVENINGS AT 8:15.

ALSO WEDNESDAY AFTERNOON AT 2:00. Saturday and Sunday Evenings.

POPULAR CONCERTS! During the Popular Concerts Refreshments will be served by the house.

PRICES—To the Popular Concerts, 25c admission; 50c reserved seats.

To the Symphony Concerts, 50c admission; 75c reserved seats.

Reserved seats on sale at Sherman, Clay & Co.'s daily, from 9 A. M. to 5 P. M.

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