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SURPRISED THE ASTUTE CLUNIE,

W. S. Barnes Moves for Dismissal of the Siebe Case.

DUMFOUNDED THE JUDGE

The Assessor Prefers to Have a Chance to Prove His Innocence.

MANY AUTHORITIES QUOTED.

The Court Took the Motion Under Advisement and Will Pass on It Next Week.

District Attorney Barnes sprung a sensation in the Siebe case yesterday. When Judge Wallace opened court, and before Attorney A. J. Clunie could present his prepared order of commitment, Mr. Barnes knocked out all calculations by announcing that he wished to submit a motion to dismiss the charge of perjury against the Assessor.

Nearly every one in the courtroom was completely surprised. Judge Wallace stared and the attorneys looked most uneasy. A. J. Clunie was the first to regain his speech.

"I object to the District Attorney making an argument of any kind in this case," said he. "He is not interested here, and I submit that he has no right to make any such argument as he proposes."

Judge Wallace, however, decided to hear what Mr. Barnes had to say, remarking that the District Attorney has a right as chief of the criminal department of the City and County, to take part in any criminal case.

Barnes then told how the Siebe perjury case has occasioned him great anxiety by clogging the criminal calendar in Department 8 and interfering with the working of the Assessor's office. Judge Wallace said he, as a subordinate to a judicial officer and as such responsible and cannot be brought to trial for an error of judgment. It must be shown that he has acted corruptly first."

A large number of authorities were quoted by Mr. Barnes to show that this is not a case for a criminal case, and then Attorney Clunie showed that he had not been taken entirely by surprise by getting right in and giving a few authorities that seemed to show the District Attorney to be wrong.

Clunie referred to the perjury charge as a "bugaboo" with which to scare people and Mr. Barnes promptly announced that he intended to also move its dismissal. Then Clunie attacked Barnes' argument on another side.

"There have been no new propositions of law raised," said he. "All this has been threshed out in the case of Siebe vs. McElvaney, and it has been passed upon by your Honor. Mr. Barnes has no right to make one motion unless he claims the right to dismiss the case."

Attorney Vredenburgh, representing Siebe, said that the Assessor would prefer a chance to prove to the public the true value of the railroad property by calling expert witnesses, but that the District Attorney's motion was agreeable to him.

Judge Wallace finally took the motion under advisement and will pass upon the matter on Wednesday next.

TO CONSERVE HEALTH.

Action Taken by the Committee Recently Appointed at a Public Meeting.

An important step toward the protection of the health of San Francisco was taken yesterday by the adoption of the following resolutions by the recently appointed health committee:

Resolved, That it is the sense of the committee appointed at the meeting in the Chamber of Commerce May 26, 1896, to discuss the public health, and to devise means for the same, recommend that the Board of Supervisors of said City and County should appropriate the sum of $5000 out of the moneys in the General Fund, $24,000 dollars over and above the amounts and sums appropriated in the year 1895 for the Health Department for such and other inspection and expenses as to the Board of Health may seem necessary for the purpose of the better preservation of the public health in said City; and further

Resolved, That it is the sense of the committee that there should be established in this City, immediately, an exhaustive system of bacteriological examination of all cases of contagious diseases and that the same should be maintained, and that there should be established immediately a chemical and bacteriological laboratory, at a cost not to exceed the sum of $5000 per annum.

Committee—Albert Gallo, of San Francisco Chamber of Commerce, S. H. Tay of Mansfield Club, Dr. Rosenthal, president of the Medical Society, Professor of Materia Medica, D. D. Ball of Mercantile Association, Fred Talbot of Mechanics' Institute, Dr. Wm. Watt, Dr. Hirschfeld, Dr. Hesse, Jacobson, Prof. Jaccaci, secretary, A. Anderson, president of Wine Association; J. Lick, Dr. Cooper, Dr. Wm. Watt, Dr. Wm. Tabor, Dr. Wm. C. Tabor of Mechanics' Association, Rev. Horace Stebbins of Unitarian Society, L. H. Mome of Mechanics' Institute, Charles Rosenbaum of Real Estate Association.

HUGH CRAIG, Chairman.

JACOBS, Secretary.

Among the prominent citizens who indorsed the resolutions are the following:

Levi Strauss, Adam Grant, J. D. Phelan (president Market-street Railway Company), Claus Spreckels, A. S. Hinckley, George W. Haslett, Secretary Sylvan Wahl, Lazarus, Rosa and Company, Hibernia Bank, Wells, Fargo and Company, Col. A. S. Hinckley, Pacific Coast Borax Company, Wm. J. Hotaling, The Empire Building and Loan Association, Lazard Freres, Levy & Bro., Bendorf, Frank & Co., the Nevada Bank, the Anglo-California Bank Limited, Crocker-Woolworth National Bank, Wells, Fargo & Co.'s Express, Crocker-Woolworth National Bank, the American Bank and Trust Company, Union Trust Company, Donahue, Kelly & Co., Donahue Iron Works, Donahue Ancestral Cemetery Company, Newman, Levinson & Co., Pacific Coast Steamship Company, Cal. Cotton Manufacturing Company, Cal. Ribbon & Silk Company, Pioneer Rubber Mills, Pacific Rolling Mill Company, Pacific Coast Steamship Company, Pacific Building and Loan Association, Mutual Building and Loan Association, Colonial Mutual Building and Loan Association, Mutual Building and Loan Association, Columbia Woolen Mills, Lebenbaum & Bros., Home Mutual Insurance Company, Home Mutual Building and Loan Association, Golden Gate Building and Loan Association, Golden West Building and Loan Association, Alta Loan Association, Mechanics' Savings Loan Association, Bankers' Mutual Building and Loan Association, Fireman's Fund Insurance Company, Hutchinson & Co., Hutchinson Commercial Company, Hutchinson Sugar Plantation Company, Hawaiian Commercial and Sugar Company, Spreckels & Brothers Commercial Company, Spreckels Sugar Refining Company, Spreckels Building and Loan Association, Spreckels Mutual Building and Loan Association, Mutual Savings Bank, Mutual Loan Association, Mutual Building and Loan Association, Mutual Building and Loan Association, Mutual Building and