FOUR OF THEM STILL AT LARGE.

Prison Officers Were a Few Feet Away When the Priseners Scaled the Fence, but a Thick Fog Obscured Their View - The Escape Not Premeditated-Knives Found in the Cells.

Six convicts escaped from the House of Correction on Monday morning. They scaled a high fence in



There were two offleors of the prison in the yard standing within a few feet of the prisoners at the time. They say a thick fog had lowered over the country and bscured from their view the corner where the escape was ef-

Charles Whittle, feeted. It was 1:20 o'clock when the break was made. At that hour the Superintendent,

Martin Fragley, was engaged in directing the removal from the prison of the thirty or more convicts who were detailed to work in the stone quarry about a mile from the prison. With him were two guards, Charles McMahon and Joseph South, whose duty it was to accompany the convicts to the quarry and supervise their work. They were armed with repeating rifles

and were stationed with Fragley at the front gate with the wagons loaded with convicts and tools. H. Mead, keeper of the front gate, was with them

Stepping outside the gate Fragley happened to glance along the south wall. He saw through the rails of a fence the shadow of a man in a crouching attitude making his way toward the track of the railroad that passes the prison. The spot where Fragley saw the shadow is about seventy-five yards from the gate where he stood. CHASING THE ESCAPES.

The suspicions of the Surerintendent were aroused, and stepping inside the gate, a single giance towards the end of the wall sufficed to convince him that an escape had been effected. What Frag-ley's eyes beheld was something that looked like a high board leaning against the fence in such a position that the top end was about three fost below the top of the

fence. Calling upon Thomas Murphy. Mead to pursue the man whose shadow he had seen, Fragley sounded the alarm-bell, closed the gate and sent the wagon load of convicts back to their cells.

In an instant the news that prisoners had escaped flashed through the prison. The convicts were all put in safe places and the guards reported to the Superintendent. As guickly as possible they were detailed to scour the surrounding hills. While some were sent in the direction of Golden Gate
Park others were detailed to cover the

BURGIN'S EXPENSES country toward the Almshouse, while others were sent toward the city, and still others

convicts had escaped. THE SIX PUGITIVES.

They are entered on the prison books as



degree; born in Cali-fornia, 21 years old, 5-feet 4% inches high, light complexion, gray eyes, brown hair, besierarm.
Thomas Murphy, sentenced by Judge Sullivan to serve three years for grand far eny; born in California, 20 years ad, 5 feet 6 inches high, light councies in grand.

in California, 20 years
1d, 5 feet 6 inches high,
light complexion, gray
ves, light hair, team-

serve three years for assault with intent to rob, born in California, nineteen years old, 5 feet 714 inches high, light complexion, blue eyes, Charles Whittle, sentenced by Judge Shafter

charges whittle, sentenced by Judge Shatter to serve three years for robbery born in England, twenty two years old, 5 feet 5½ inches high, light complexion, blue eyes, light hair, bollermaker.

Frank J. Reagan, sentenced by Judge Van Reynegom to serve three years for grand largery.

George Wores is the man who was par-

doned out of San Quentin by the late Governor Waterman. A few days after his release he was arrested in this city while lurking in the shadow of some houses in the stands at the present time was made.

Western Addition with a cobblestone "What are the earnings and expenses of wrapped in a cloth in such a manner that it ild be used as a slung shot. He was evidently waiting for a chance to stone a pedestrian and rob him.

W.

南西

THE WAY THEY GOT OUT. Notices of the escape containing descriptions of the mon were sent to the Chief of Police. Efforts were made to telephone the information to places along the routes which convicts would travel, but the telephone was

not in working order, and to this fact is at tributed much of the success of those who An investigation is An investigation in to the manner in which the escape was effect

was ascertained George Worse, glias that all the escapes Thomas Class were "trusties," or prisoners who, in recognition of their good behavior, had been given work that allowed them more free

om in the yard than was enjoyed by less favored prisoners. They had charge of the bathroom, carpen ter shop, paint shop and other departments of the prison, all of which are located in the yard, near the corner where they scaled the Reagan had charge of the bathroom

fastenings the wooden grating on the floor and passed it through a side window to the prisoners on the outside. The grating was placed against the fewce and up it climbed the convicts, who dropped one after another on the other side. The north fence was being patrolled at the time by George A.
McDonald, a guard, and Captain John Daly,
Assistant Superintendent of the Prison, was
a short distance from him.

OVER THE PENCE.

the men made their way over the fence without being seen.

The explanation for this circumstance vouchsafed by Daly and McDonald is that the morning was so foggy that they could not have seen a mon twenty feet away. This explanation is in conflict with the state ment of Fragley, that he saw the prisoner skulking away by the rail fence at a far greater distance than the space between Daly and McDonald and the convicts.
A search of the cells

Frank J. Reagon. large number of knives and other weapons which the pris oners had concealed. A short time after the guards had been sent in pursuit of the escapes. Guard Ed-

ward Toland returned to the prison bring-ing with him convict Frank Reagan. Reagan in dropping from the fence had received a shock that stunged him, and he was lying on the ground close to the fence when Toland stumbled over him. The cap-tive stated that the escape was not premeditated, but was decided upon on the spur of the moment when the opportunity pre-

sented itself. As punishment the Superintendent de cided to deprive Reagan of his good-behavior credits, consign him to the dark ceil on a bread and water diet for twenty-four hours and make him perform hard manual labor during the remaining months

BID IN A VEGETABLE WAGON. The most dangerous criminal of all, George Wores, was captured yesterday by Policeman Callahan on Davis street. Upon returning to the House of Correction he stated that after dropping from the fence he made his way to a regetable garden a couple of miles away and induced an Italian laborer to give him an outfit of clothing in exchange for his striped suit. The farm hand was also obliging enough to give him a ride into the city in his wagon. As he was walking along Davis street the policeman recognized him and took him into custody. His nunishment will be to lose his credits serve seventy-two hours in the dark cell on bread and water and work with pick and shovel in the quarry afterward.

A MILLIONAIRE'S ESTATE.

Creditors Object to Mervyn Donahue's Executors Paying Out \$41,000.

PRESIDENT BURGIN'S PERT REPLY.

He Paid the Money to the Seligmans in Order to Secure Control of the San Francisco and North Pacific Road.

The first matter was an item of \$41,000 paid to the firms of Ladenberg, Thallman & Co. and J. & W. Seligman of New York, bankers, who hold \$900,000 worth of railway stock in pledge for money loaned Donahue. The \$41,000 was paid by the executors to secure enough stock to bring the control of the Donahue line once more into Californian hands.

The First National Bank, which is a creditor of the estate to the amount of \$34,000, protested against the transferring of any of the assets in California to the East in pay-

BURGIN'S EXPENSES.

J. F. Burgin, President of the San Franwere given a roving commission to go cisco and North Pacific, testified that the wherever they liked. A number of guards were mounted and payment of the money and the obtaining of all were armed with repeating rifles. After the pursuers had been sent away a census G. Murphy, President of the First Na-10,000 trust certificates, each representing a share of stock held in trust, had been half the weight of the buoy. When the hypothecated with the New York bankers. A contract with the Seligmans gave the estate the right to obtain control of the road by July 1st, and the executors had simply taken advantage of that contract. The expenses of Mr. Burgin for the trip were \$404 55. His co-executor's, Peter

McGlynn's, were \$375. Ryland Wallace, representing Mrs. Belle Donahue, the widow, asked Mr. Burgin if he had prepared an itemized account of his expenses on the trip. The witness replied that he had not.

It was ascertained, however, that both Burgin and McGlynn had given their passes to the estate and only charged for hotel accommodations and other legitimate ex-Mr. Wallace asked if J. N. E. Wilson had

not been retained by the executors and paid a fee of \$250, when it was expected that the wife would contest the will Yes," replied Mr. Hanlon, "he was re-

tained by my advice, being a resident of Mr. Wallace thought the executors had no right to draw upon the estate's funds to defend themselves.

Judge Angelotti finally took the account inder advisement, although he intimated it looked satisfactory.

THE MAGUIRE CHILDREN.

Then the demands of the Maguire chil-dren, who are heirs under the will for about \$60,000, came up. They wanted their share right away, claiming the estate Burgin was again called to the stand, and

the attempt to find out just how the railroad the road?" asked one of the attorneys for

'I object to this fishing excursion," said Hanlon, "This application is made in undue haste. The Court must first be just

before it is generous, and the estate must first pay its debts before it makes Christ-'It seems to me the Christmas gifts are all going to the executors and their attor apped one of the attorneys for the

in ant Maguires. Father Casey, who is guardian of one of the minors, applianted this rally and oc casioned a mild sensation. The Judge riared, the lawyers looked astonished and

the audience grinned. This little excitement blew over, and the Court said, "I would like to know, just out of curiosity, what this road earns,"

of curlosity, what this read carns.

"The Court has no right to entertain such a curiosity," shot in Handon.

Judge Angelotti smiled and sustained the objection. He refused to allow the railway. affairs to be gone into under any circum-stances and refused the Maguires' applica-

tion for partial distribution.

The application of E. S. Lippitt, a law-yer, for a fee of \$5,000 for services alleged en rendered and an application of Hepburn Wilkins for a legal fee were laid

The semi-annual statement showed that the present value of the estate is \$2,367,617.55. Of \$579,883.15 claims presented, \$147,062.53 has been allowed.

LOCAL BREVITIES

Extra mince pies at Swain's, 21.8 Sutter at 4 Atlast night's meeting of the Sportsman's rotestive Association it was reported that ish Commissioner Wilson, had been seen and

The aut of Margie Holmes against the Southern Pacific Redicoad Company to recover \$30,000 for the kilming of her husband, George A. Holmes Fr., at Alameda on May 19th last, was on trial before Judge Sanderson yesterday and

the Pacific's Power.

WAITING FOR A FAVORABLE DAY HAWAII'S NEW MINISTER OF FINANCE.

Billows, Instead of Their Pushing and Pulling, as Formerly Tried.

Whitelaw has his wrecking scow, the cean. The Sampson is anchored out under | ing items of interest are gleaned: the lee of Fort Point, and is only waiting

Holland, and is backed by J. A. Fischer, the mining man. It has been ready to com-



PART OF THE MACHINERY NEAR THE CLIFF

[Sketched by an " Examiner" staff artist,]

nence business for several weeks, but there has been a plethora of the power that in and breezes have been making whitecaps to an extent that forbade the nice adjustment of the moorings that are to hold the business part of the motor in place.

The gentlemen interested in the scheme to operate things without paying coal bills are desirous of keeping the invention from the world until it has been proved a success, and to this end they decline to impart information at present, and keep a man on guard to prevent inspection of the land works at

A big water pipe climbs the steep face of The proceedings in the matter of the estate of the late Mervyn Donahue caused some little heat among the lawyers to-day.

WHAT IS CONCEALED THERE.

The scaffolding there has been a mystery for some time, but it only partially conceals a support for a pump, a pipe through which water will be hoisted and an immense pulley block capable of sustaining several tons. The gear on the Sampson consists of a couple of mushroom anchors, a tremendous buoy and some chains, which are to be fastened to the buoy and run over the pulley block in question. The operation of the motor is vastly different from that of the wave motor that had its existence in nearly the same place some four or five years ago. That operated in a wiggle waggle sort of way depending on the pushing power of the waves against a broad surface, something like the centerboard of a flat-bottomed vessel. This one works with a lift-up and pushdown movement, and is really a great horse

if the proper harness has been found for it.
The immense iron case buoy has a dead weight of several thousand pounds and a heavings of the Pacific ocean lift up the oy the weights will aid in the h When the buoy sinks in the trough of the sea again its extra weight is sufficient to haul the weights up again. Connected with the pulley wheel over which the connecting chains run is a shaft, which ends in another wheel, to one edge of which is fastened the pump piston. A very simple pall and ratchet contrivance prevents the wheel from ever turning but one way, and consequently the pump pumps a stroke with the fall as well as the rise of the buoy.

WHAT THE MOTOR SHOULD DO. A calculation of the average frequency of the ocean's swells at the point where the plant is to be operated gives about eight strokes per minute, which, with the pattern of pump used, will raise an immense volume of water.

It is this column of water from which the power is to be obtained. It is holsted away up on one of Mr. Sutro's hills, so that it can have fall enough to work half a dozen different forms of motors. The overshot wheel is the most common and the most powerproducing form in common use, but Mr. Holland, the inventor, is sanguine a water engine that he has been calculating on will produce even calculating on will produce even better results. Once secured, the power is to be converted into electricity and sent over wires to the manufacturing districts

of the city.

Mr. Whitelaw expects to find a smooth day and carry out his part of the contract before the end of the week.

The location is a rugged spot near the secone of the original wave motor, which was so sadly ruptured by the explosion of 300 tons of dynamite in the schooner Par-allel, which went ashore near by and wrecked everything on the neck of the peninsula some four and a half years ago.

A WIDOW'S COMPLAINT. Not Allowed to See Her Husband When

He Was Dying.

Mary A. Brunings has brought suit against the German Benevolent Society and John H. Brunings to recover \$25,000 damages for preventing her from seeing, visiting and holding conversation with her husband while the latter

conversation with her husband while the latter was sick and dying at the German Hospital. The complaint alloges that Martin Brunings, husband of the plaintiff, became sick about August 1, 1890, and died on August 7th, and that the refusal on the part of the defendant a corporation—to allow plaintiff to see her husband was brought arout by John H. Brunings. Dr. Bommelly, Mrs. Brunings' prysician, called at the hospital at Mrs. Brunings' request, it is alleged, and was also refused permission to see the dying man.

Deceased left an estate valued at \$22,732, but no will. The only heirs at law are the widow, the replace, who is co-defendant in the

but no will. The only heirs at law are the widow, the nephew, who is co-defendant in the suit, and a sister. The widow claims that the nephew, John H. Brunings, was coospiring to prevent her hus-band making a will in her favor, and that in furtherance of his purpose he prevented her from seeing her husband pefore his death.

The Mexican Anniversary. A meeting of the Mexican Celebration Committee was held yesterday at Consul Coney's office and preliminaries were arranged for the

Odd Fellows' Hall was chosen as the place for the Eterary exercises There will be vocal and instrumental solos by artists yet to be determined upon. They will be assisted by a chorus of 1.50 Mexican indies. The singing will be under the direction of Professor Rocckel and Miss Ellen Coursen.

Joseph F. Godor will be the Spanish and Alfred Treadwell the English orator. There will be a military street parade and fireworks.

Erns tested according to physiological laws of

HARNESSING THE OCEAN. PARADISE OF THE PACIFIC. months of 1891, as compared with the cor-

A New Wave-Motor Ready to Steal Resume of Happenings in the Far Off Pacific Isles.

It Will Operate by the Rise and Fall of Thirteen Kanakas Rescued Froma Watery Grave - Will Celebrate the Queen's Birthday - Taxation of Plantations.

From Honolulu advices that arrived per Sampson, loaded with harness for the the steamer Australia yesterday the follow-A decision was arrived at on July 15th

for a still day to tow out to Point Lobos and | between the Cabinet and Tax Assessors on put the bit in the Pacific's mouth. If the the one hand and the sugar-planters on the scheme works the Keely motor will be no- other in regard to taxation. The conference was for the purpose of obtaining a re-The thing is a wave-motor, which was duction of plantation taxes on account of onceived in the brain of inventor Henry P. the depreciation of the value of sugar. The result is a reduction of 20 to 30 and an average of about 25 per cent of the taxes on plantations, including machinery, crops and all connected with the plantation.

On July 2d an incendiary fire in the night was started from several points and burned twenty acres of cane belonging to the Beecroft Plantation. A reward of \$500 is offered for the conviction of the guilty par-ACTING POLICE JUSTICE APPOINTED.

Charles L. Hopkins has been appointed by the Cabinet and Supreme Court as District Justice for Honolulu district, also Acting Police Justice of the port of Honolulu during the absence of W. Foster. Work has been commenced on the arte-

sian wells at Waikiki on the plot of ground given by her Majesty the Queen Dowager. The wells will have to be put down pretty deep to avoid having sea instead of fresh water. The new steam fire engine for Honolulu

bark Ceylon. The engine will be housed is to operate it. Waves have been rolling with fitting ceremony as soon as turned over to the department. A decision, in the case of the Hilo Sugar

Engine Company, No. 1, has arrived per

Company vs. H. C. Austin, on appeal, Assessor and Collector of Taxes, has been given by the Supreme Court. The plaintiff corporation has been denied its appeal from the increased assessment. A DEED OF HEROISM.

On the morning of Saturday, July 11th, a terrible gale sprung up, and with such sud-

denness that three canoes, containing thir-teen men and a boy, were blown off to sea and upset. The waves were running to a tremendous height. One of the three canoes, the bluff on the mainland, but the wave after battling with the waves till noon, managed to reach Puako with its owner cated on a rocky island several yards from clinging to it for life. As soon as the news was carried to shore Mr. Kanehaku and a volunteer crew of five persons put off in a sloop. A lookout was lashed half-way up the mast, but his vigils were not rewarded until near sundown, when the two canoes were discovered, with their passengers still clinging to their beats. They were taken on board more dead than alive after

being in the water from early morning.

The sixtieth annual exercises of the above institution took place on Thursday, July 16th. Public examinations of classes were conducted by the teachers in the school building. Considerable deviation from the traditional methods of teaching were noticeable, says the Advertiser, and it is hoped that these changes will result well. ENTERTAINED BY THE QUEEN.

ENTERTAINED BT THE QUEEN.

Her Majesty Queen Liliuokalani recently entertained at breakfast his Excellency Samuel Parker, Mrs. Ellen Graham of New York, Mrs. Haalelea, Mr. and Mrs. S. C. Allea, Mr. and Mrs. Julian Montserrat, J. A. Wilder, J. M. Montserrat, Mrs. W. H. Aldrich, Her Majesty's Chamberlain, Jas. W. Robertson.

grown on the farm of P. Camarinos, at Sheriff. Kalihi, justunakai of the O. R. & L. Company's line. The ranch has been under cultivation a little over one year.

Just previous to the sailing of the Australia for this port the Daily Pacific Advertiser issued an extra containing the following proclamation:

A NEW MINISTER OF FINANCE

It has pleased Her Majesty the Queen to ap-point the Honorable John Mott-Smith to be Minister of Finance, vice Honorable Hermann A. Widemann, resigned,

Iolani Palace, Honolulu, July 28th, 1891.

S. Kaiu, Waimea, and E. Kaaloa, Roloa, both recently appointed District Judges, have refused to take out their commissions, as they are at present Deputy Sheriffs, re-ceiving better salary than the judgeship would give them. OFFICERS ELECTED.

The Hanalei Sugar Mill Company have elected the following named officers for the ensuing year: President, Charles Koelling; Vice-President, J. N. S. Williams; Secretary, J. O. Carter; Treasurer, George H. Robertson; Auditor, J. O. Carter.

On the Hawalian Commercial Sugar Com-

pany's plantation at Spreckelsville there has been of late more or less trouble with the new Japanese laborers. Mr. Center, the new manager, has succeeded in satisfying them in their demands, at the same time requiring them to fill their engage-ments. The result shows great improvements. ment in the quantity and quality of the work done by them.

CULTIVATING A NEW PRUIT. Something new for the islands in the way of fruit has been cuitivated by A. Jaeger, who is the owner of the only tree here. A specimen is on exhibition in one of the win dows of the Hawaiian News Company's store, and is known as Jack-fruit, a species of bread-fruit, native of Southern India. It is similar to the bread-fruit of Polynesia.

The leaves of the tree are not lobed or divided. The wood is much used for making furniture. It is at first of a pale color that becomes darker as it grows older. The fruit is a favorite article of food among the natives of Southern Asia, as are also the roasted seeds. The fruit is eaten raw as well as cooked, although by the former way

it must be thoroughly ripe.

The steamer Mokolii, that arrived recently from Molokai, brings news that the island is suffering greatly for want of rain. No rain has fallen at Kalae for several, weeks, and that is a place where it usually rains every other day or so. The pasturage of the whole island seems to be drying up. September 2d, her Majesty's birthday. will be partly celebrated by hookupu and a

A large freight warehouse at Kabului, ten freight cars, all the building materials in the warehouse belonging to the Kabului Railroad Company, also most of the merchandise landed from the steamer Likelike on her late trip, were entirely destroyed by fire on July 18th.

Honelulu's festive burglar is still abroad, and of late has been making things lively London's Jack the Ripper, and works in about as stealthy a way. Barefooted and with the crudest kind of tools he enters merchants' places at will, generally makes a haul and skips out, leaving no truce be rette stumps. The residents are greatly ex-cited over his exploits, and as they all ec-cur in the vicinity of the police station, it is hinted that the willy thief is an attache

BAWAII'S EXPORTS The Bureau of Custems of the Hawaiian Islands furnishes the following table of ex-

colouring leases in a see		
ARTICLES.	1891.	1890.
Sugar, pounds	228,266,081 1,119,400 14,906 58,319 2,973 4,125 27,225 46,242 150 500	180,257,027 4,071,800 15,364 48,195 4,230 10,540 48,663 110 85,023

TROUBLES OF PIONEERS. Isadore Blum Claims That Marshal

Vreeland Is Jentous. There is trouble among the ploneers growing out of the recent election of officers. Charges have been made by Marshal E. B. Vreeland against Isadore Bium, the insurance man, and a committee will be named by President L. L.

against Isadore Bium, the insurance man, and a committee will be named by President L. L. Baker to investigate them.

Vreeland, in his statement, alleges that Blum necepted money from candidates on both tickets to secure his influence, and that he had not been true to his promises. He also claims that Blum, in some way not yet made clear, took upon himself the task of vilifying certain candidates without just cause.

The charges were referred to a special committee, and Vreeland claims that he will make them good. Blum, he says, has been in the habit of selling his services promiscuously at election times, and as complaints were made on every side, he felt called upon to do what he could to put an end to the practice. He proposes to produce his evidence at the next meeting of the society.

To this Blum enters a general denial. He brands the charges as utterly false and malicious, and asserts that he can prove them so without difficulty. He attributes the attack to a spirit of jealousy rife in the society, and urges that Vreeland is actuated entirely by motives of spite, as he was not given Blum's support.

Order of the Beacon Light. The corporation known as the Order of the Beacon Light has made application to the Superior Court to be dissolved. The application is made by the Board of Directors composed of Louis F. Dunand J. T. Burns, E. L. Wagner, C. H. Halle, K. J. Willatts, H. R. Morton, L. Vincent and M. D. Slattery.

J. sets forth that at a moeting held February 27, 1891, it was resolved by a vote of two-thirds of all the members to dissolve, and that all itsiams against the corporation have been

all claims against the corporation have been satisfied and discharged.

Judge Wallace made an order for the publication of the requisite notice before final dissolu-

WILL THEY BE HANGED?

Eighteen Murderers Waiting for the Supreme Court.

THE NEW LAW IS NOW ON TRIAL.

If It Is an Ex Post Facto Law It Is Null and Void-The Criminals May Not Be Hanged at All-Hart's Opinion. Eighteen men in the State of California

are intensely interested in a forthcoming

decision of the Supreme Court. They have been condemned to be hanged, each in his own county by the Sheriff he voted for or against, as the case may be, and they hope and even pray that the Supreme Court may decide that the execution law passed by the last Legislature is unconstitutional in cases where murder had

If the Supreme Court makes a mixed or compromised verdict these hopeful murderers will be hanged. If the verdict is straight one way or the other they cannot be hanged, and it will be a puzzle as to

been committed before the passage of the

what will be done with them. Attorney-General W. H. H. Hart says: This whole controversy hinges upon the case of the People against McNulty, sentenced in San Francisco to be hanged in the County Jail for murder. The lower resulted in the discovery that six ts had escaped.

G. Murphy, President of the First National Bank. The witness explained that the behanged in the first national Bank. The witness explained that the behanged in the first national Bank. The witness explained that the behanged in the city and county of San Francisco by the state of the buoy chains will run over a grooved wheel and connect with pendent waights of the several thousand pounds and a buoyancy of as much more. From the top of the buoy chains will run over a grooved which are the county Jan for murder. The lower court in its judgment, which was that of death, ordered that he be hanged in the city and county of San Francisco by the Nulty and the rest of the eighteen had been sentenced to be hanged in their respective counties by their respective Sheriffs, passed an Act providing that all prisoners victed of murder must be brought to the San Quentin Penitentiary after sentence and there be hanged by the Warden.

HOW IS THE CONDEMNED INJURED? "The judicial judgment in the case of a man convicted of murder of the first de-gree is that he should suffer death by hanging. Under the law the place of execution should have been announced by the Court at a future date. But in the case of Mc-Nulty the Court committed the error of naming the place at the same time that he pronounced the judgment and the date of

Under the old law a person sentenced to be hauged must be hanged in his own county, and until the time of his execution he could be visited by his attorney, his friends and by a clergyman of his own religious persuasion. Whereas under the new law these persons could not visit him unless at heavy cost. This was practically adding

to his punishment. "That is the stand taken by the defendant's attorney. My position is that it does not increase the punishment because it is as easy to go to San Quentin as to the County Jail in San Francisco.

"If the Court holds that the new law does however his punishment, the law accounts to the law are the law are law and the surpressed by punishment."

does increase his punishment the law ac-complishes what was never intended by the egislature, and is therefore null and void. If the Supreme Court should hold that the law is unconstitutional and that it does increase the punishment, and that these con-victed murderers cannot be banged under the new law, every one of those muderers will escape hanging.

A CHARMING ARRAY OF DOUBTS. "The contention of the defendants is that the new law repeals the old and that they cannot be executed under the new law be-cause it increases the punishment. The old law having been repealed, it naturally fol-lows that they cannot be executed at all. "My position is that if the new law in-creases the punishment in these cases it vio-lates the constitution, because the Legisla-

ture did not intend to increase the punish-ment of the old offenders. "If the court should hold the law ex post facto because it provides for an increase of the punishment of past offenders I should claim that the law was also unconstitutional because it violates the intention of the Leg islature, which was to apply only to future

" If the court should hold that the law is constitutional as to future cases, but ex post facto and repeals the old law, those murderers now under sentence of death can not be hanged at all." What will be done with them!" was

asked "I don't know," replied the Attorney-

PERSONAL.

F. A. Hihn of Santa Cruz is at the Palace C. A. Campbell of Stockton is at the Grand Judge W. T. Dudley of Stockton is at the Occidental.

Theodore C. Marceau and wife left last night for New York. Surgeon Major B. Doyle of India has returned to the Occidental Hotel. Finlay Cook, ex-Recorder of the University, has returned from Sisson.

Justice Stephen J. Field left the Palace Hotel yesterday for Montercy. Charles M. Shortridge of the San Jose Mer-cery returned yesterday from Honolulu. Boxr's "Compound Sulpaur Powder," the most The space between the officers and the escaping prisoners was about 100 feet, pet resulted in plaintiff being nonsuited,

Errs tested according to paystological laws of medical ports from the islands furnishes the following table of experience and cathartic known to medical ports from the islands furnishes the following table of experience.

Islands furnishes the following table of experience and cathartic known to medical ports from the islands furnishes the following table of experience and cathartic known to medical ports from the islands furnishes the following table of experience and cathartic known to medical ports from the islands furnishes the following table of experience and cathartic known to medical ports from the islands furnishes the following table of experience and cathartic known to medical ports from the islands for the first six between the officers and the experience and cathartic known to medical ports from the islands for the first six between the officers and the experience and cathartic known to medical ports from the islands for the first six between the officers and the experience and the ex

WRANGLING FOR NOTHING.

A Dispute Over a Seawall Claim That Has No Standing.

IN FAVOR OF CREOSOTED PILES.

Establishment of an International Code Signal Station at Carmanah Light-Another Elevated East-Street Road,

Along the Water Front, August 4.—The Powell-street section of seawall kept the Harbor Commissioners busy through a long session this afternoon. First J. M. Wood, the former attorney of the Owens Bros., filed a petition for all funds due on the contract on the ground that he was an assignee and preferred creditor to the extent of \$7,000. Then one of the Owens brothers came is with a petition to be allowed to transfer the contract to Darby Laydon, and he was followed by Mr. McPike, the new attorney for the brothers, with a request that whatever money was due on the contract be devoted to paying the laborers.

This provoked a sarcastic objection from Wood, who said he desired to get his money first, regardless of the unfortunates who spent time and muscle in hauling the rock and earth. McPike also grew sarcastic, but could not get a blush to Wood's cheek, that individual standing up for the first

grab at the money.

In the midst of all the squabble it was discovered that the only money due on the contract was something under \$1,500 for work performed in July, and against this a penalty of \$50 per day for non-completion has been running since the 15th of June. The matter of turning the contract over to Darby Laydon was continued until the next meeting, when, if such action is taken, the Commissioners will probably insist on cut-ting loose from the old contractors entirely. LIEBES AND THEIR PARTNERS.

The little schooner Undaunted arrived from Kadiak this morning with 360 seal-sitins for Liebes & Co. The Undaunted has been in northern waters for two years past, and this spring Cowell & Cope fitted her out at Kadlak for a sealing cruise. She picked up all her skins on the Pacific Coast, picked up all her skins on the Pacific Coast, and did not get into Bering sea at all, hearing of the pronunciamiento before getting that high up. Her skins were sold to the Liebes, who are making heavy purchases in the north coast ports where scalers put in. Being dealers and manufacturers they have a considerable advantage over their partners in the North American Company, as the losses of that institution are widely distributed, while the heavy rise in skins brings the firm in a good baiancing profit. balancing profit.

Harbor Commissioners Brown and Bas-sett, with Engineer Manson, turned out in their working clothes at 5 o'clock this morning and prowled around under the wharveall during low tide inspecting the piles that all during low tide inspecting the piles that have been treated with various guards against the teredo. Half a dozen sticks that have been down for two years and more in the worst haunts of the wood-devouring worm were pulled up and dissected, with the result that the creosoted piles were found to be in the best possible condition. The small of the distance of the condition. condition. The smell of the oil was very strong, and the heart of the wood was so saturated that it exuded like sap when the sticks were cut. Estimates based on exsticks were cut. Estimates based on experiment give a pile about twenty years of life when crossoted under 125 pounds of pressure for a process which costs about \$15 per pile. The Commissioners are in favor of erecting a crossoting plant something like that of the railroad company's, which cost \$40,000. At present it costs the State \$250,000 a year to replace unprotected piles destroyed by the teredo.

The steamer Australia arrived from Hopo.

The steamer Australia arrived from Honolulu this morning with news of a change in the Cabinet. H. A. Widemann resigned his portfolio as Minister of Finance, and Queen Liliuokalani appointed John Mott Smith as his success cessor. A new law regarding contract coolie labor has been adopted in the islands, and the first subjects of it were a batch of 440 Chinese who arrived on the ship Pactolus on the 20th inst. The planters by whom they are engaged were compelled to give bonds of \$75 per head for the coolies return to China at the expiration of their contract time, which, in most cases, amounts to three years. MORE COAL PACILITIES.

John Rosenfeld's Sons have obtained per mission from the Harbor Commissioners to construct an elevated tramway from Mission-street wharf No. 2 across East street to water lots 653 to 657, inclusive, where they propose to maintain the largest coal yards in the city. The road is to be built of steel or iron and maintained at an elevation not to interfere with traffic. Since the increased output of the north coast mines the Rosenfelds are handling half a million tons of coal per year and eccompanying the perof coal per year, and accompanying the per-mit for the tramway they are granted the exclusive use of 400 feet of the north side of the wharf for berthing their vessels, at a monthly rental of \$250.

A number of the fireroom crew of the Southern Pacific Company's collier San Benito quit when the vessel docked at Oakland yesterday, and gave as a reason that they could not do the heavy work required on the provisions furnished them. On the last two trips, they state, there was no fresh meat after the first day out of port, and the salt substitute furnished was spoiled because of lack of saltpeter in the pickle. A delegation who waited on Cap tain Colwell with a sample and a complaint were informed that the meat was good enough for them, and that they would get no better if he (Colwell) had anything say about it. A BIG LOAD OF PILES.

The Noye again broke her record to-day by landing a raft of 663 piles safely in the bay, in addition to a hold and deck load of 12,000 railroad ties and 18,000 feet of lumber. Mission bay was full of the big timbers to the extent of shutting off navigaion for several hours. North-coast mariners will be much inter-

ested to learn that the Government of Can-ada has established telephone stations at Port San Juan near the mouth of Gordon river, at the Carmanah lighthouse and the Cape Beale lighthouse.
At Carmanah light a flag station has been established for communicating with passing vessels by the international code. Vessels exhibiting their numbers will have

charge for signaling between the station and vessel. Cipher dispatches will be re-ceived and transmitted as ordinary an-The belt railroad engine arrived from the East this morning. Ed Wall, a deckhand on the Mary Gar ratt, was seriously crushed between the vessel's guard and the dock this morning.

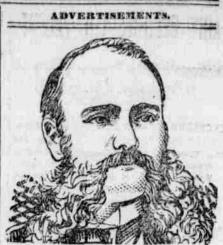
warded at regular tariff rates, but withou

He will probably lose a leg.

James Laffin, the whaler's shipping mas

James Lanin, the whater's snipping mas-ter, is lying at the point of death. Captain Rasmussen of the Sea King has taken command of the Monarch. The Sea King is to he up for repairs. The ships Tam O'Shanter and Oceana went to Port Costa to day for wheat and the Landscrona came down ready for sea. The Sardomene docked at Harrison street, the whaler Mars at the oil works, the Clan Mackenzie at Oakland and the Highland Light went into Pacific street for stiffening.
To-morrow the Lech Eck comes down
from Port Costa loaded and the Helen W. Almy goes on the Merchants' dry dock

Nonony can have dyspepala if they take Simmons



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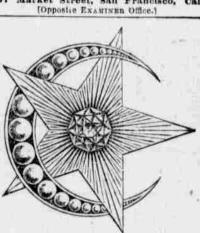
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