

A CONSPIRACY THAT FAILED. STARTLING PLOT OF TRAIN ROBBERS.

Vanderbilt Escaped Being Abducted.

ONE OF THE GANG SQUEALEED.

HIS LETTER TO DETECTIVE GEO. E. GARD.

The Southern Pacific Was Informed and Ran the Special Only by Daylight.

George E. Gard, late chief of the Southern Pacific Company's detective service, came up from Los Angeles yesterday and gave publicity to one of the most remarkable stories of an anarchistic plot that was probably ever

from Los Angeles. I have not been fully advised. It was suggested that a pilot engine be sent out ahead of the special train, but as far as I know this was not done. The anarchists, if they may be called such, had laid their plans to hold up the train at some convenient point in the San Joaquin valley, and it therefore seemed unnecessary to fear any violence below Bakersfield. This side of Bakersfield the special train was run only during the daylight and it is barely possible that this precaution upset the plans of the conspirators. As every one who kept track of the Vanderbilt party will remember, the visitors remained over night in their train at Bakersfield after visiting Santa Barbara, and came up through the San Joaquin valley by daylight on Tuesday last. This or some other cause upset the plans of the robbers, for the train was not held up, and Cornelius Vanderbilt was not abducted. I am rather inclined to think that the men who concocted the plot became frightened into an abandonment of their plans.

Without any more proof than the letter he received some two months ago Mr. Gard is thoroughly convinced that there was a plot to hold up the Vanderbilt special train among a gang of desperadoes now in this city. He says he knows the author of the letter and has every reason to believe that the letter was all that it purported to be. Detective Gard enjoys the distinction of being probably as well acquainted with train robbers, stage robbers and crooks of other stripe as any other man in California, and the statement that he knows the person who assisted in the conspiracy and then divulged the plans of the conspirators to him can hardly be considered as surprising. While Sheriff of Los Angeles

NO RED FLAGS FOR DR. LEVINGSTON.

Signals of Compromise Lacking.

TWO WILLS AND NO WAY.

MRS. CRAVEN KEEPS HER OWN COUNSEL.

She Has Deeds From the Ex-Senator, but Perhaps No Marriage Contract.

No red flags fluttered yesterday from the windows of the office of Dr. Marc Levingston. This agreed upon signal of a compromise in the Fair will contest was missing. The rustle of the stiff bank notes could not be heard in the haunt of the Levingston tigers and not even the faintest jingle of settlement gold could be detected in the doctor's inside pocket, even with the aid of his most delicate stethoscope.

All the signs of a compromise were absent and the most diligent inquiry failed to reveal the fact that a single step forward had been made. Indications on every hand pointed to the conclusion that every single party in interest, with the possible exception of Charles L. Fair, were favorable to an early settlement for cash out of court. Counselor Russell Wilson was supposed still to have his hand upon the necessary sack, but as that eminent counsel refuses to work on Sunday, the pucker string remained unbroken. Mrs. Nettie E. Craven, with the alleged marriage contract, the deeds to the Lick House and other valuable city property, kept close to her room in her Guerrero-street residence and refused to be seen concerning the documents, while most of the attorneys were in the bosoms of their families and negotiations were at a standstill.

It was an off day, even for the Fair millions, but that did not prevent the parties in interest from doing considerable thinking. Several of them thought out loud to the effect that the opposition of Charles L. Fair to the probate of the pencil will, was not altogether a disinterested one on behalf of the attenuated virtues of the trust will. It was pointed out that, while, under the Craven will, young Fair apparently got \$500,000 more than he did under the first will, he really would lose something like \$750,000, presuming the estate to be worth only \$15,000,000. To this discovery made at a late day by his attorneys, the supporters of the pencil will attribute the opposition of the son of the dead ex-Senator.

In the pencil will there is a clause to the effect, "All the rest of my estate, properties of whatsoever nature, I bequeath to my three children, Theresa Oelrichs, Charles L. Fair and Virginia Fair, share and share alike, and to their children forever."

Attorneys for Dr. Marc Levingston will make the claim, it is said, that the wording of this clause is subject to but one construction, and that is that the three children of Fair and their children shall share alike in the estate. This at the present time would take in Baby Oelrichs, making four parties to share alike out of \$15,000,000, giving each \$3,750,000. This amount, with the addition of the special bequest of \$500,000 to the son, would make his share under the pencil will \$4,250,000, while under the trust will he would get \$5,000,000, provided, of course, the Supreme Court sustains the decision wiping out the trust.

But that is only one phase of this peculiar clause in the pencil will. The other is that the believers in the pencil will cannot understand why, under their construction of its language, Judge Van R. Paterson should make such a fight on that document. Under the trust will Baby Oelrichs gets nothing directly, while if the new share-and-share-alike proposition of the pencil will is correct the son of the dead ex-Senator's eldest daughter comes in at once for \$3,750,000. The attention of Charles L. Fair and his attorneys was early directed to this clause in the pencil will. In fact, working in harmony with counsel for their client's sisters in the attack on the trust will, the matter of a thorough examination of the pencil will was left to Charles Wheeler. The latter at once secured a copy of the pencil will and had it enlarged until it was as "high as a house," and after he had carefully studied every word and sentence in relation to every other in the document he set to work comparing it letter by letter with other writings of the deceased. The "share and share alike, and to their children forever" clause came under his scrutiny, but, according to the attorney for Charles L. Fair, did not excite in his mind any fears.

"There is nothing in that clause," said Mr. Heggerty last night, "to worry us that I can see. The idea of stating that it would operate to the disadvantage of Charles L. Fair to the favor of young Oelrichs is positively ridiculous. That clause is capable of but one construction, and that is exactly the same construction the law has given the words 'and to their heirs and assigns forever' in the habendum of any deed. No one for a moment would have the temerity to contend that if a person conveyed property to the three Fair children, share and share alike, 'and to their children forever,' that any court would hold that the children should derive benefit from it more than a man's heirs or assigns under any other property conveyance.

"The clause does not worry us and it is not the reason for our opposition to the pencil will. We are opposed to that document for the reason I have already stated, that we believe it to be a forgery."

Dr. Marc Levingston, who is the big figure alongside the pencil will does not agree with Mr. Heggerty. He said so yesterday. "They say this pencil will is a forgery, do they?" he asked. "Well, it occurs to me they sang a different song some time ago. The daughters of Senator Fair filed a petition for its probate, and some time later, on August 16, 1895, Charles L. Fair filed an affidavit in the Superior Court attacking the genuineness of the will of September 21st, which he now considers such a good thing. The paragraph of that affidavit makes good reading in the present light. Listen to it: 'I do now and here deny the genuine-

ness of the will dated September 21, 1894, and also deny the due execution of that alleged will, and do now deny upon my information and belief that it is the purported copy of any will ever made by James G. Fair, deceased.'"

"Mr. Heggerty," continued the doctor, "who says now that he does not think so very much of the pencil will, evidently forgets that he was quoted in a different key last July. At that time he said, among other things: 'It is a fact, however, that we have advised Dr. Levingston not to push his petition for we have serious doubts whether the Court would grant him letters. The truth is, I was almost certain that the doctor would receive a black eye if he insisted on his claim and this would naturally affect the two other executors named in the pencil will, which would mean a severe blow to the previous will, for the two gentlemen associated with Dr. Levingston's will are named as executors in the other will.'"

"In short, Mr. Knight and myself fear that the Levingston proceedings would injure our case, if they were undertaken before we had obtained a decision in the fight against the trust." "The pencil will at that time," resumed the doctor, "evidently cut a considerable figure in the calculations of the attorneys of Charles L. Fair, and there was no talk then of forgery. It is only since the trust was partly wiped out that the change of heart has come."

To these controversies still open, is added the weight of the rumors concerning the alleged marriage contract of Mrs. Craven to ex-Senator Fair and the deeds to valuable city property. Mrs. Craven herself refuses to be seen concerning the matters, but there are a number of people, including some of the contesting lawyers, who are certain she has some, if not all, of the documents. One of these persons, who absolutely refuses the use of his name, talked quite freely on the matter yesterday. "I am certain," he said, "that Mrs. Craven has all the papers rumor ascribes to her—all except the marriage contract. I am somewhat in the dark concerning the whereabouts of the deeds to her room in her Guerrero-street residence and her possession, I rather think, adds to the monetary difficulties in the way of a settlement of the will contest. These documents, which they claim to be forgeries, you must understand, to recognize their importance, were not left by Senator Fair in the hands of Mrs. Craven. She did not know of their existence until after the filing of the pencil will. They were left, however, in the hands of a man who stands so high in the community that all suspicion or doubt as to their genuineness would at once vanish at the mere mention of his name. I do not know who he is, but I could give a pretty good guess."

"It is within the past two months that these documents were delivered to Mrs. Craven by their custodian. There is not a doubt as to their genuineness. If the people opposed to the pencil will are going on the proposition I see they advance in the papers that these documents and the pencil will are forgeries, they will find out to their sorrow that it is not Mrs. Craven who produced these papers, but the gentleman to whom I have referred."

"As to the marriage contract, that is another matter. I understand that Mrs. Craven has been asked directly if she had a marriage contract and that she replied: 'I will tell my story when I am on the stand.' My private opinion is that she has no such marriage contract."

Mrs. Craven, her attorneys and Dr. Levingston are probably the only persons who know exactly all about these mysterious documents. Just at present they refuse to make any disclosures and that does not help matters any. Other parties in interest, while affecting to believe that there is nothing in the story of the deeds and the contract, certainly hope there is not. Also, while thus hoping, it is undeniably apparent that all parties expect Charles L. Fair and his attorney to call for their arrival in the next few days. With this feeling in the air the lessons of Lent may be of advantage in the first week after the return to the fleshpots at the wished-for compromise.

DEFINITION OF PATRIOTISM.

REV. D. M. ROSS' ADDRESS AT THE TEMPLE.

He Contends That the Catholic Church Controls the Votes of Its Members.

"The Evolution of Patriotism" was the theme under discussion at the Metropolitan Hall meeting yesterday afternoon, and Rev. Donald M. Ross was the principal speaker. The musical programme was varied with patriotic selections.

The meeting was opened with prayer by Rev. Ross. Chairman Kutzow in his opening remarks called attention to the existence of a powerful organization of German-Americans known as the North German Turn Bund. One of the tenets of the order was, he said, that a member must become a citizen of the United States if he had not previously done so. "And is not that a patriotic act?" he asked.

"Before entering upon this subject," said Ross in opening his lecture, "I would like to give the name of the organization, 'patriotism.' It means before everything else an intense love for country. Unless a man or a society of men is prepared to lay aside his peculiar interests for the sake of his country he is not a patriot. I am going to show you that the teachings of the Catholic Church do-day militate against patriotism. I cannot blame the laymen of the church for not being patriotic. They would be, I am sure, if they could. That they cannot be is the fault of the Roman Catholic Church. I do not give the name of the church, but I will show you that the vote and must follow them—it is impossible for them to be faithful. At a recent election, on the day before the polls were open, a dispatch was sent out over the State for this city which read as follows: 'Work for Work and vote for these men. They have been placed on the ticket to defeat the A. P. A. men. Circulate widely.' I do not give the name of the man who sent the dispatch, but the reason that it would be unwise just now. But we have them—Judges, Senators and Railroad Commissioners, two Republicans and two Democrats, and I will show what a hold the priests have upon the laymen in politics. 'Can the man who says he cares nothing for Constitution or for a patriot's No. Yet Catholic liturgy from the earliest days down to the present time rings with the doctrine, 'When the laws of the church and the State are in conflict the laws of the church prevail.' No Catholic priest in this town can stand up and deny this."

REUNITED IN THE SHADOW OF DEATH.

Pathetic Meeting of Old Friends.

BOTH DOOMED TO BE HANGED.

FACE TO FACE IN A CELL FOR THE CONDEMNED.

Marshall Miller and "Kid" Thompson Clasp Hands Beneath the Gallows.

In the annals of crime there probably never was enacted an event as once so uniquely romantic and so awfully pathetic as that which transpired a month ago within the walls of the California State Prison at San Quentin. Two men, who but a few years ago had grasped each others' hands with the consciousness that comes of virtuous thought and honest toil there met face to face in the shadow of the gallows. In the close, dark confines of a cell for the condemned—in reality almost upon the brink of a dishonored grave, these men who had been friends when neither had ever done his neighbor harm, again locked hands in the cold, clammy grip of despair, and gazing into the eyes of each other—eyes from which the light and luster of hope had died away—recognized the semblance of their former selves.

When a little over a month ago "Kid" Thompson, convicted with Albert Johnson of having wrecked and plundered a Southern Pacific train at Roscoe, Los Angeles county, February 15, 1894, was taken to San Quentin prison to await the execution of the death sentence that

been working refused to pay him his wages. Thomas Jackson, a youth about the age of Thompson, through some foolish declarations made in connection with the matter, was arrested and tried with Thompson for the theft of the horse. He was convicted and given the same sentence that was meted out to Thompson, although Thompson says now that Jackson had nothing to do with the stealing of the horse. After their trial Thompson and Jackson separated.

In telling of the circumstances under which they met again, Thompson says: "I got in here and looked across the street and there was my old side-kicker." It was Jackson. He, too, had snared his feet in the coils of the law. He was serving out a term of life imprisonment for having robbed a stage in Arizona. Thompson has given up all hope of saving his life. In discussing his case he said that when the Supreme Court refused to grant him a new trial he lost heart and decided to make no further efforts to prevent his being hanged. His attorneys, he says, in all that they are doing now are working on their own accord. He has not asked them to carry his case any further.

"It is to be hanging," said Thompson, "I had just as lief go now as six months later. I am not a bit afraid to die. I expect on the 22d of May to climb the golden stairs over there, so let her go, Gallagher! I wouldn't ask that half-civilized Governor for anything."

"I have got the wrong end of this thing all the way through, and I'm tired of it all. They cinched me on every proposition. The prosecution came to me and told me I was bound to be convicted and tried to get me to plead guilty, but I would never plead guilty to a crime I had never committed. But it does me no good to turn those fellows down, for they only hit me harder for it. Their idea is this: They want to hang a man to stop train robbery, and it don't make any difference whether I'm innocent they're going to hang me. The only person in the world that I hate is the Southern Pacific. It convicted me on perjury and jobbery straight through. It got my witnesses



MARSHALL MILLER AND KID THOMPSON, WHO HAVE RENEWED THEIR ACQUAINTANCE IN THE SHADOW OF THE GALLOWES.



had been pronounced upon him, he was assigned to a cell for the condemned which was occupied by Marshall J. Miller, the confessed perpetrator of one of the foulest murders that has come to the notice of the people of this State. Upon the night of May 1, 1895, Miller, in company with a young electrician named Stewart A. Green, entered the sleeping apartments of Julius Pierre, an elderly Prussian Jew who had dealt in second-hand clothing in the town of Marysville, and, laying in wait until he had entered his room, felled him to the floor by a blow from a slugsnot, seized, bound and gagged him, and upon his removing the gag from his mouth, pounced upon him, clutched him by the throat and choked him until he was dead.

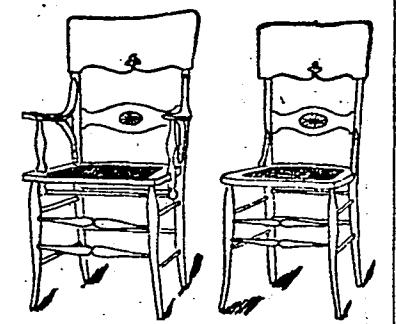
"The commission of this deed by Miller and Green was in carrying out the plan which they had formed to rob him of the money they supposed he had stored away in his room. Both men confessed their crime, and Green, who was at the time only 23 years of age, was sentenced to life imprisonment at San Quentin, and Miller, who was 50 years of age, was sentenced to be hanged.

He was awaiting the execution of that sentence, which had been stayed pending an appeal of his case to the Supreme Court, when Thompson was ushered into his presence to keep him company in the last sad converse. Upon the instant the tall, muscular form of the convicted train robber crossed the threshold of that place of death Miller recognized in it and in the pale, prominent features which surrounded it, a person whom he had before known.

Going forward in his cell he said: "Hello, Thompson, what are you doing here?" For a time Thompson did not recognize Miller, but gradually the memory of the face and where he had seen it returned to him. It was his old employer.

Years ago—in 1888 it was—Miller was the owner of a mine near Prescott, Yavapai county, A. T. Thompson, who was then but 16 years of age, was employed by him as a teamster. Miller was at that time fairly prosperous, and Thompson had with him steady and remunerative employment. They continued in their relation of employer and employe for several months, when Thompson sought other employment. When he last heard of Miller he was still working the mines near Prescott, but was not so prosperous, the properties in which he was interested having come under the control of a corporation, which was trying to freeze him out.

MISCELLANEOUS.



Good-bye to "straight-back" dining-room chairs. People are not asked to be uncomfortable at meals for style's sake any more. Dining-room chairs are made for comfort along with style, nowadays.

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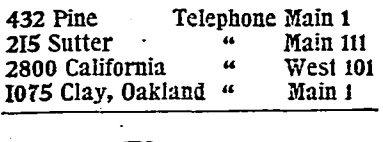
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GEORGE E. GARD, LATE CHIEF OF THE SOUTHERN PACIFIC DETECTIVE BUREAU, WHO DISCOVERED THE PLOT TO KIDNAP CORNELIUS VANDERBILT.

heard in San Francisco. The plot, according to Mr. Gard, was nothing less than a conspiracy to hold up the Vanderbilt special train and abduct Cornelius Vanderbilt, and it has transpired that the officials of the Southern Pacific Company, who were informed of the matter through Mr. Gard before the Vanderbilt party reached El Paso, have been taking all possible precautions to prevent the carrying out of the plot.

"Shortly before the Vanderbilt party reached El Paso," said Mr. Gard in speaking of the affair yesterday at the Palace Hotel, "I received a letter which detailed in some degree the plans of a gang of extremists for making money out of the kidnaping of Cornelius Vanderbilt. As to my informant, I do not think it is necessary to say any more than that he is in San Francisco. The letter was written from here and the men who were working out the plot, so I was given to understand, were making San Francisco their base of operations. The letter went on to say that the men had been conspiring for some time, but had not been able to agree on any plan for making a haul until the announcement appeared in the papers that Vanderbilt and Depew were on their way to California. They immediately picked out Vanderbilt for a shining mark and proceeded to lay plans for a hold-up. My informant was one of the gang, and in his letter to me he said that he would continue to act in the role of conspirator and keep me informed of their movements and any further developments in their plans.

"The letter was the most startling epistle I ever received, but I was convinced immediately of its genuineness, for I knew the person that wrote it, as well as his history and associations. I lost no time in going to J. A. Muir, superintendent of the Southern Pacific Company at Los Angeles, and laying the whole case before him. We deemed the communication of such startling importance that we immediately entered into telegraphic communication with the officials of the general office of the Southern Pacific in this city. Mr. Muir telegraphed the facts contained in the letter, so that the officials in the general office might have plenty of time to take such precautionary measures as the occasion demanded. If there was to be a hold-up and a lot of murdering and kidnaping it was well that the company should be forewarned. There is always an advantage in being prepared for such an emergency. That was conclusively shown in the recent disastrous attempted hold-up between Goshen and Tulare, and the letter from my informant accordingly gave us more comfort than fear."

"From what I could judge by the letter the conspirators had at that time perfected no plans farther than to agree among themselves to hold up the Vanderbilt special train at some point in the San Joaquin valley and make the best haul that was possible. If no money was to be had any other way, Cornelius Vanderbilt was to be kidnaped and every one else in the party was to be killed, if necessary, in the accomplishment of the end in view."

"Just what steps were taken by the railroad company to prevent the hold-up after being warned by telegraph and United States Marshal for the Southern district of California he led a busy existence chasing train robbers. He assisted in rounding up Evans and Sontag, engineered the second capture of Chris Evans, and while chief of the detective bureau of the Southern Pacific Company laid the plans which resulted in the capture of Jack Brady, the Yolo bandit. Since the first of the present year Mr. Gard has been conducting a detective agency of his own at Los Angeles and is attending to the Southern Pacific Company's detective work in that part of the State. It was probably this connection with the railroad company that made him the recipient of the letter referred to, rather than the police authorities.

Mr. Gard said yesterday that he was not thoroughly satisfied that the conspirators had abandoned the idea of holding up Mr. Vanderbilt's special train, and said he would breathe easier after they had left the State. Neither Mr. Vanderbilt, Mr. Depew nor any of the members of the visiting party were informed of the anticipated holdup, and left the city last evening on their way East without learning that they had been made the objects of a conspiracy by a gang of desperadoes. Upon the insistence of General Manager Julius Kruttschnitt and Vice-President C. F. Crocker the special train was run only by daylight in order that the visitors might see as much of the natural scenery of the State as possible. This precluded the possibility of any holdups, and added, at the same time, to the enjoyment of the visitors. Mr. Vanderbilt and the members of his party were not needlessly alarmed by the story that came to Detective Gard, and they all concluded to stay without experiencing any unpleasant incidents tending to mar the pleasure of their trip.

THE VISITORS DEPART.

Before Leaving They Visit the Park and Sutor's Baths.

Cornelius Vanderbilt, Chauncey M. Depew and the other members of the distinguished party of New Yorkers attended the Easter service in Grace Episcopal Church with Colonel C. F. Crocker yesterday morning. After the service the visitors returned to the Palace Hotel, and shortly after lunch took a drive to the Park and Cliff. Owing to the inclemency of the weather they had to see the sights from closed carriages, but they all expressed themselves as highly delighted with all they saw. Upon their arrival at the Cliff the visitors were shown through the Cliff House and Sutor's baths by Manager T. J. Robinson. Both Mr. Vanderbilt and Mr. Depew declared that in all their travels around the world they had never seen anything to compare with the baths, and were profuse in their expressions of praise. They made a hurried trip through the baths and then drove up to Sutor Heights to get a glimpse of the ocean and Golden Gate. Before they left they were introduced to Mayor Sutor. The visitors left at 6 o'clock last evening for Mount Shasta. They will return to Sacramento to-morrow and will then go East via the Central route."