

A DPOV CAPSED

THE TROUBLE

**D'Aubertin, the Sculptor,
Has an Experience
With the Police.**

**Guardians of the Peace Refuse
to Put the Bird Out
of Misery.**

**The Chief, a Sergeant and a Patrol-
man Finally Figure in the
Episode.**

D'Aubertin, the well-known sculptor, caused the police force, from Chief to patrolman, no end of worryment the other evening, and all because of one poor lame duck. The artist is naturally a tender-hearted man, and his sympathies were aroused to a high pitch when, while passing down Jones street, between Ellis and O'Farrell, with a young lady, he discovered a duck that had been hurt by a car lying in the roadway.

He promptly telephoned to the Society for the Prevention of Cruelty to Animals and Secretary Holbrook told him to tell his troubles to a policeman. The sculptor found the guardian of the peace an immediately started to pour forth his tale of woe. The officer asked him who gave him the permission to speak to him in the manner he did. Then the burly guardian of the peace was told that Secretary Holbrook of the society was the one who recommended him to his mercy. The policeman informed him in freezing terms that he recognized no one's authority but his Chief's.

Again D'Aubertin used the "phone," and this time poured his tale into the patient ears of Chief Lees. In pathetic tones he told how the poor little duck was just pining to be killed, etc., etc.

Forthwith Mr. Lees told the molder of clay to tell the policeman to look into the matter. Endowed with this power he again sought the officer, and this time commanded that awe-inspiring person to shoot the duck. Still the policeman was obstinate. He saw visions of an irate owner of the bird declaring vengeance for its lifeless form. He saw fabulous sums being deducted from his salary to pay the damages the owner of the feathered creature would claim.

D'Aubertin despaired not, however, and again paid a nickel to the telephone company, and tried once more to persuade the Chief of Police to end the creature's sufferings. His tale was so pathetic and he was so persistent that the Chief could withstand his pleadings no longer. He immediately dispatched a sergeant to the scene of the trouble.

By the time he arrived quite a crowd had congregated about the scene, only being informed before he left the station that there was liable to be some shooting, and not knowing what the cause of the trouble was, came all prepared, thinking he had nothing to do but to wait for the robber to contend with.

He was taken back, however, when he saw that the cause of the disturbance was only a poor little duck that was ripe to die and on which the sculptor had taken pity.

The sergeant was prompt in action, and in a few moments he had the poor little innocent caught, and, drawing it into a rear alley, ordered it to be skinned. Then D'Aubertin departed in peace.

THE DURRANT TANGLE.

**Attorneys Criticize the Action of
Judge Bahrs in Imposing
Sentence.**

**Should Have Waited for the Mandate.
Rumors of Ex-Mayor Sutro's
Interest.**

Criticism, gentle yet pregnant with meaning, can be heard in many of the offices and lobbies where lawyers are used to congregate on the action and what is termed "undue haste" of District Attorney Barnes and Judge Bahrs in sentencing W. H. T. Durrant to hang before the mandate had been received from the Supreme Court of the United States. The points upon which the lawyers base their criticism are several in number.

One of the principal points of which but little mention has been made is the fact that there is at present in the hands of the State Supreme Court an appeal from the judgment of Judge Bahrs in imposing what the attorneys for the defense choose to call a double sentence. The Supreme Court has not as yet decided the appeal, it being argued before that tribunal the day prior to the sentence being imposed on Durrant for the second time by Judge Bahrs. It is said that the Superior Court was cognizant of the fact that the appeal had not yet been decided, but for some untold reason failed to take judicial knowledge of the fact.

Another point of discussion is regarding the fact that the mandate had not arrived from the Supreme Court of the United States, and that the prosecution cited in behalf of their case the decision rendered in the celebrated Juicio case. It is claimed that this case applies in but in material points to the case in hand, and that the court that sentenced the prisoner made an erroneous interpretation of that finding.

As soon as proof can be made that the mandate or remittitur has come down from the United States Supreme Court it is said that the appeal in the State court can be dismissed on motion of the Attorney-General if that tribunal sees fit. In this way the two supposed endless chains will be severed and the Superior Court may set another day for the carrying out of the judgment of death.

In the event Durrant had been hanged last Friday, and later the Supreme Court had found that the defendant's appeal had merit and decided that the judgment of the Superior Court was void, an appalling tangle would result.

In connection with the case the story of ex-Mayor Sutro's interest in the murderer again comes up. The ex-Mayor and his friends again vehemently deny the rumor that he in any way assisted the defendant financially or otherwise, and are becoming much annoyed over the repeated statements to the contrary.

Printers Out for a Walk.

Four printers and all the pressmen and feeders employed by the Leviston Printing Company quit work early yesterday morning. The concern, which it has not employed any union printers for some time, has always kept pressmen and feeders who are union men. Last Tuesday night one of the union men was placed in the result was that the pressmen and feeders were called out and the printers, although non-union men, followed them. It is expected that the difficulties will be settled in a few days.