

and he at once made an investigation, and the evidence he obtained led him to be-lieve that he knew who the man was who committed the deed. The plan was evi-dently well laid, but, like many of a sim-ilar nature, it miscarried because the per-petrator was ignorant of a few natural laws. Coal oil had been poured all over the floor, walls and portieres that divide the small cardrooms in the rear. The match had been applied, and the flames spread up the wall and consumed the cur-tains and then went out. The reason for this was the fellow who and he at once made an investigation, and spread up the wall and consumed the cur-tains and then went out. The reason for this was the fellow who applied the match did not want the first burst of flames to be seen from the street, and he closed the doors to the main saloon and the fire died out for want of fresh air and a draught. Had the plan been a suc-cess the office of the Breeder and Sports-man paper and a jewerry manufactory in the second and third stories would have been destroyed or badly damaged. Dan Fallon, the night barkeeper, left the saloon safe and securely locked at 2 o'clock in the morning, and at 6 o'clock Fred Schenkel, the day barkeeper, entered the place and made the discovery. None of the doors had been forced or broken, and the only other person who had a key to the premises was Winslow, the pro-prietor.

prietor. Later in the day a telephone message was received from Winslow, who said he was in San Jose. Fire Marshal Towe looked over the premises and decided that there was not over \$500 or \$500 worth of stock and fixtures in the place. He further found that the saloon was run un-der the names of J. S. and M. C. Winslow, although who J. S. Winslow is was a mysand women. Discasses of young, middle-aged and old men which weaken the body and the brain, causing ner-yous debility in all its distressing forms, such as drains which sap the vital-ity, weak and failing manhood, aching back and diseased kidneys. inflamed glands varicoccle hydrocele and in many Marshal learned was that since June Win-slow had taken out two fire insurance policies, one for \$1000 in the name of M. C. Winslow and the cher for \$2500. glands, varicocele, hydrocele and in many cases degradation and untimely death, w. an:

climate, accommodations, cleanliness, table, hot soda hot sulphur tub and swimmin reatment, hunting and fishi ound, croquet and dance hal Take

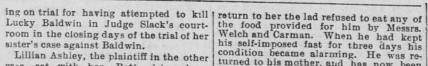
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case, sat with her. Both sisters have spruced up considerably since their appearance in the Police Court. The old white straw hat has been discarded, and the future. in its place sits a rather tasty bit of millinery, characterized by a bright flower and sprightly feather. Both were dressed in the customary black, and Emma wore a bunch of yellow marguerites at her breast.

Emma sat through the day's proceedings with the dazed uninterested expression that has characterized her since the shooting. Only once the sisters spoke to each other, and that was while the jurors were examining the bullet which went so close to its mark, and was afterward dug out of the plaster in the wall back of the court reporter's table. Then they whis-pered a few words and Emma smiled.

some difficulty had been experienced in source of the second second second second second been secured as a result of Tuesday's effort. The talesmen instead of being found to be prejudiced against the de-fendant were objectionable to the prose-cution because of a leaning the other way. Some of them seid the way. Some of them said they could not but feel a sympathy for a woman in such a case, and others always "expected some-thing of the kind would happen to Baid-win."

win." The jurors finally impaneled were: A. S. Perley, N. Davidson, J. G. Burke, L. Krugen, D. Curry, D. W. Pringle, L. G. Flanagan, W. L. Groat, C. Meier, J. M. Willard, R. Rosenberg, M. Gately. Assistant District Attorney Peixotto conducted the case for the people and General Robert A. Friedrichs defended the accused. The jury by order'of the court went to Judge Slack's courtroom, the scene of the shooting, and inspected the hole in the wall where the bullet lodged, and which has been carefully pasted over and which has been carefully pasted over with a piece of paper since the incident. Judge Slack afterward took the witness-

Judge Slack afterward took the witness-stand and told the story as he saw it, and substantially as he told nt in the Police Court. He said he thought the detendant was not of sound mind at the time of the shooting.

A. T. Barnett, an attorney, was in Judge A. 1. Barnett, an attorney, was in Judge Slack's court room at the time of the shooting. He stood near the clerk's desk, and saw Miss Emma Ashiey sitting near her sister at the counsel table. He saw her rise and take a seat on the bench outher rise and take a seat on the bench out-side the railing, and afterward move again to a chair near the railing and within a few feet of Baldwin. She sat there some few minutes and then rose to her feet, drew a revolver, and fired it toward Bald-win. She had great difficulty in firing the revolver, and had to apply both her hands to it.

H. A. Unruh, Baldwin's business manager, told the story over again of how he was attracted to the young lady by the firing of the pistol and how he sprang up and wrested the gun from her hands. Having taken the revolver he allowed her to go and did not notice her again until she was in hysterics in the other end of the

room. James R. McElroy, clerk in Judge Slack's court, corroborated Judge Slack. Charles A. Lee, a reporter of the Report, interviewed the defendant in jail immedi-ately after her being booked there and found her apparently quite calm. She said to him that it was God's will that she had not succeeded in her attempt

condition became alarming. He was re-turned to his mother, and has now been with her some days. It is thought his brief sojourn in .Mr. Carman's establish-ment will make him "toe the mark" for



Judge Sanderson Says the Fee Bill of 1866 Is Repealed by That of 1805. Five Per Cent of a Judgment May No

Longer Be Charged in a Cost Bill.

Judge Sanderson yesterday handed down an opinion of great importance. He says that the fee bill of 1866 has been repealed by the passage of the fee bill of 1895.

The matter came up in the suit of James K. Lynch vs. F. W. Kreling, et al. The plaintiff included in his cost bill 5 per cent of a \$2000 judgment rendered on a note, claiming that he was authorized to do so under the fee bill of 1866, which was a

under the tee bin of 1000, which was a special legislative act, applicable only to the City of San Francisco. The defendant moved to strike out that portion of the cost bill which included the percentage, and Judge Sanderson granted the metion, being his action on the retorney rose to say all the ill things that the prosecution had to say or her hus-band she could stand it no longer, and so the motion, basing his action on the re-cent decision of the Supreme Court in the case of Miller vs. Curry, which is in effect Mr. Bla that the fee bill of 1895 is applicable to

this City. His Honor holds that the fee bill of 1895 repeals the fee bill of 1866, including the allowance of percentage on judgments to be charged as costs. In his opinion he says:

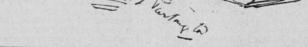
says: This percentage charge is in no sense either a diabursement made or an expense incurred by the plaintiff, but plainly and simply a pen-alty placed on any losing defendant who may have the temerity to defend or litigate an ac-tion brought against him. I have always thought it a most unjust and unreasonable burden to impose as "cosis" (to which it bears no resemblance) on a party to an action, and it is therefore with no small degree of satisfac-tion that I find myself sale to hold that the obnox ous piece of legislation has been elimi-nated from the statutes.

Isham Acquitted.

William Isham was yesterday acquitted of assault with intent to commit murder by a jury in Judge Belcher's court. Isham is a street-car employe, who some time ago shot his street-car employe, who some time ago shot his brother-in-law, E. C. Plum, another street-rail-way map, in the leg. The quarrel arose over a family row. That both are sorry it ever hap-pened was shown by the demonstration they made when the verdict was rendered. The brothers-in-law each fell into the other's arms and shed tears. Afterward they departed hand in hand.

O'Farrell Is Insolvent.

J. J. O'Farrell was yesterday adjudged insolvent by Judge Slack. At a meeting of his cred-itors it was decided not to fight the matter, and when the case was called up, no opposition being made, his petition was granted.



whom Banker James Campbell of Hono-

lulu tells one of the strangest stories ever

From the first the conviction of the de-

fendant was almost a foregone conclusion.

In addition to the efforts of the prosecu-

related in a court of law.

be arrested.

"Gentlemen, have you agreed upon a verdict?" asked Judge Wallace. "We have," replied Foreman Catten. "What is your verdict?" "We find the defendant, Oliver W. Winthe eleven other talesmen, and so ended the most famous local criminal case of the year. It took the jury but five minutes to decide the fate of the man of

throp, guilty of robbery as charged." Winthrop never moved a muscle, but turned to Attorney Bell, who asked that

the jury be polled. The operation was gone through with, each of the jurymen responding that the verdict announced by Mr. Cutten was his.

tion Winthrop by his own actions contrib-Mr. Cutten was his. Bell then asked for time in which to prepare a motion for a new trial, but Judge Wallace refused to allow him longer than until next Monday morning at 10 o'clock, when the ex-custodian of Laurel Hill Cemetery was ordered to ap-pear for sentence. His Honor remarked, however, that if it was then found neces-sary to grant more time it would probably be allowed. uted to the verdict. The anin.osity which he showed against Captain Lees and his officers tended to redouble their efforts to send him across the bay. Attorney Frank Bell and his coadjutor did the best they could for him, but they devoted their efforts almost entirely to an alibi, which proved to have no foundation, and absobe allowed. lutely failed to disprove any of the allega-

be allowed. Winthrop was handcuffed to the Deputy Sheriff, after kissing his children, and taken into the jury-room, where his wife awaited him. After bidding her good-by he was taken to the Black Maria, which conveyed him to the County Jail. Immediately after leaving her husband Mrs. Winthrop saw Mrs. Dunton in the corridor. Mrs. Dunton hurried from the building, with Mrs. Winthrop following close in her wake. Mrs. Dunton became much alarmed and returned to police headquarters and reported the matter to tions of the people. Yesterday's proceedings began with Assistant District Attorney Black's reply to the arguments of Winthrop's counsel. There was a large crowd in attendance, all seemingly anxious to be in at the death. Winthrop's wife and mother-in-law occupied seats in the courtroom until Mr. Black began his remarks, when Mrs. Mr. Black began his remarks, when Mrs. Winthrop hurriedly quitted the apart-ment. She has borne up bravely and has sought throughout to lend the comfort and support of her presence to her hus-band; but when the Assistant District Atheadquarters and reported the matter to Chief Crowley, who detailed a policeman to accompany her to her home.

MUM'S THE WORD.

ocialist Laborers Will Resume Their

bind she could stand it no longer, and so withdrew. Mr. Black's remarks held everybody's close attention. He combatted and ex-plained away almost every point made by Bell against the statements of Camp-bell. He alleged that the defense had itself added corroborative evidence to the stories of Campbell's witnesses. They had seen Winthrop near the cottage at 4109 California street at times when Camp-bell did not know he was there. With regard to the allbi Winthrop sought to establish, Mr. Black said that he had evidently made himself conspicu-ous at the meetings in question, in order to establish that allbi in case he should be arrested.

Solution of the programme of the Socialist Labor set of the Police Peparet of the socialist Labor set of the Socialist set of Socialist Socialist Labor set of the Socialist Labor set As to Urquhart, the speaker contended that Bell would "put his foot in it" should he undertake to prove that he had served time in Canada. Bell, however, contends that he is right, and that he will yet have that he is right, and that he will yet have Urqueart placed behind the bars for perjury for denying it. "Urquhart's ac-tions," said Mr. Black, "were all those of an innocent man. When he learned of Campbell's disappearance, he reported to the nolice what he knew of it. Winthrop, on the contrary, ran away. If Urquhart is guilty, as Winthrop claims, why did not Winthrop come to the police as did the man he accused and tell what he knew? Instead he used every endeavor to de-ceive the police, opened up a decoy cor-respondence with his wife, under an as-sumed name, and when confronted by Detective Cody in Oakland was disguised and had the stolen money concealed about him. When cornered he remarked, "Well, Cody, the jig is up.' The only conclusion to draw from such evidence is one of guilt. "A number of witnesses were called to

The Fair Case.

The Fair Case. The motion to compel W. S. Goodiellow to produce in court the wills of James G. Fair, which are said to be in his possession, will be argued in Judge Slack's court on Friday next.

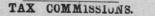
said to him that it was God's will that she had not succeeded in her attempt. Other witnesses gave corroborative tes-timony identical with that given in the Police Court. Mr. Highton is the only re-

other company in the name of M. C. Wen-ceslow. An insurance of \$3500 on \$500 worth of property, taken out in two poli-cies and in two names, caused a grave suspicion in the mind of the Fire Marshal, and he asked the Deputy Sheriff in charge of the saloon to inform him as soon as the proprietor of the place put in an appear-

Late in the afternoon Winslow went to the saloon and Mr. Towe was telephoned for. He questioned Winslow for nearly an hour. The latter said that on Tuesday afternoon he went to Haywards to see a friend about raising money to pay off the claims standing against him, and from Haywards he went to San Jose in a buggy and was there at the time of the fire. He said that the difference in the names

in the two insurance policies was a mis-take of the agent, and that while his true name is Wenceslow he is often called Winslow and so signs himself occasio He stated that J. S. Winslow or Wences-low is his brother, who is now residing in Guadalupe.

Fire Marshal Towe is anything but sat-Fire Marshal Towe is anything but sat-isfied with his investigation and his inter-view with Winslow or Wenceslow. The latter was directed to call at the office of Mr. Towe this afternoon, when a more searching inquiry will be made. He for-merly lived in Oakland, so he said, and at present he lives with his wife on Powell street, near Sacramento.



The County of Sacramento Loses in Its Battle With State Controller Colgan.

The Supreme Court has affirmed the de cision of the lower tribunal in the case of the County of Sacramento against State Controller E. P. Colgan. The action was in mandate, it being sought to compet the Controller, in his next settlement with the Sacramento County Treasurer, to allow the Treasurer to retain \$32,660 10 claimed

the Treasurer to retain \$32,660 10 claimed to be due the county as State tax commis-sions. The Superior Court found ad-versely to the plaintiff. In affirming the decision the Supreme Court reviews at length the statutes gov-erning tax commissions charged by coun-ties upon State taxes. By the act of 1870 the county was allowed as commission on all but school taxes 6 per cent on the first \$10,000, 4 per cent on all over \$10,000 and under \$20,000, and 2 per cent on all over under \$20,000, and 2 per cent on all over the last-named sum. The act of 1874 allows the county 1 per

cent on all taxes. The sole question was whether the act of 1870 or that of 1874 whether the act of 1870 of that of 1874 should govern the award of commissions to the county. The lower court held that the first act was repealed by the second, a ruling which the Supreme Court upheid.

Socialist Lecture.

Liberty branch of the Socialist Labor party held a meeting last night at Socialist Hall, o Turk street.

President Theodore Lynch introduced Miss Jane A. Roulston, who spoke on the principles of the socialist theory of humanity to man-kind.

Leo Gasser and George Barnley followed on

The same subject. President Lynch announced that the next silent open-air meeting would be nel ton next Saturday evening at the corner of Seventh and Market streets at 8 o'clock, at which all were invited to attend and keep "mum."

Father Yorke to Lecture.

Rev. Father P. C. Yorke will lecture at Met-ropolitan Temple this evening on the occasion of an entertainment given under the auspices of the Catholic Knights of America.

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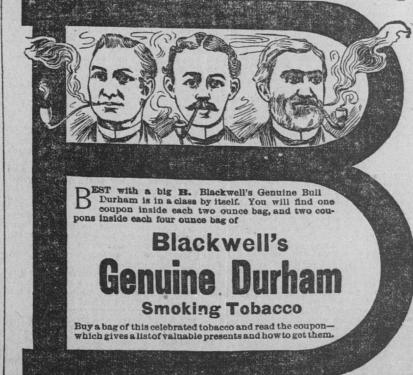


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