

DELMAS DENIES THERE IS A ROW. Not a Party to Any Legal Scandal in the Lux Case.

GOES OVER THE STORY. Says Campbell Hastily Assured Him of His Friendship.

GERMAN HEIRS 'HAD A KICK.' Ridicules the Chronicle Story of the Affidavit as False on Its Face.

D. M. Delmas indignantly denies that there is a great legal scandal brewing for himself and James H. Campbell of San Jose as rival attorneys for the Lux heirs. When seen last night he said regarding his knowledge of the affair and his relations with the interesting case:

In the first place, no row is pending between James H. Campbell of San Jose and myself. In order to understand the nature of the proceeding now pending in Redwood it will be necessary briefly to review the history of the Lux litigation and the conduct of James H. Campbell with it. In March, 1887, Charles Lux died, leaving a will by which half of his property passed in equal shares to his widow, Miranda W. Lux, and the remaining half, in practically equal parts, to his five brothers and sisters or their children.

John Reynolds, then a practicing attorney and now Judge of the Superior Court of Santa Clara County, was appointed by the court at Redwood as the attorney for absent and minor heirs. This included his representation of the five brothers and sisters of Charles Lux. He continued to represent them from March of April, 1887, until January 6, 1888, when Henry Lux and James H. Campbell were appointed the attorney in fact for the absent heirs.

As attorney in fact Henry Lux then made a contract with James H. Campbell, whereby he was to act as the attorney for and fight the legal battles of the German heirs, that is, the brothers and sisters of Charles Lux. At the termination of the litigation a special order of the court should be deducted from and credited upon the 3 per cent. Under this contract an order was made, with the consent of the German heirs, allowing Mr. Campbell \$12,000 a year, to be paid in quarterly installments of \$3,000 each, for a period of four years, and was made retroactive, so that he should receive this \$12,000 a month from the time of his first employment.

Under this order and contract the German heirs claim that Mr. Campbell has received \$93,000. He admits having received \$88,000, the balance being money which was advanced under the contract from the sale of the Buri Buri ranch.

When discussion arose between the German heirs and Jesse S. Potter as executor, Potter refused to make any further payments to Mr. Campbell. Pending that litigation a special order of the court was made, during which and a half months Mr. Campbell received nothing. He claimed that for this period he was due \$120 and sought to have an order made by the court allowing him this sum.

The German heirs claim that under his contract with them Mr. Campbell was to receive more than 3 per cent of what they would receive under any conditions, and that the \$93,000 he had received was in excess of the 3 per cent to which he was entitled. He contended that the \$93,000 plus the \$10,500 which he was then seeking to obtain would be short of the 3 per cent to which he was entitled. He contended that the payments made under the order of allowance were independent of the 3 per cent provided for in his contract, and that the 3 per cent being thus wide apart as to the construction of his contract the German heirs were forced to present the matter to the court for its determination.

I had been employed by the German heirs as counsel for their interests in these matters under a separate contract which was drawn up by Mr. Campbell himself. When they came to me directing that I should present Mr. Campbell's contract and ask the court to set it aside, I had no option in the matter, but before the petition was filed in response to a letter from Mr. Campbell I had fully and fully in regard to the matter on July 29, 1896. The petition was filed by the German heirs on August 8.

In an answer filed by Mr. Campbell it was alleged that the proceeding had been instituted to further the interests of Thomas B. Bishop to receive the 3 per cent to which Mr. Campbell in other matters. Of this I have absolutely no knowledge. The proceeding was brought upon the written direction of Mr. Campbell's own clients and mine.

On August 27 when the matter came up for hearing before the court that should cause the setting aside of the contract, anything contained in that answer to the effect that Mr. Campbell's clients, or as their attorney, were not present in court, but yesterday I received from him a personal letter, written entirely by himself, dated August 28, and couched in the most friendly terms, in which he stated that my remarks had been reported to him and that he felt deeply regretted that anything contained in his answer should have given rise to them, that there was nothing in the matter pending before the court that should cause the setting aside of the contract, and that nothing had been further from his intention than to impute in any way that I had been moved in the matter except under my duty to our mutual clients.

As to the story contained in the Chronicle this morning that I was attempting to prevent the filing of an affidavit by Mr. Campbell, I can only say that its absurdity is apparent upon its face. I could not prevent the filing of an affidavit by any one. All that I could do is to present the affidavit to the clerk of the court and tender him the trifling fee and it must be filed. As to the statement contained in that affidavit as to the report I know absolutely nothing. I had never heard of the report until the Chronicle spoke of it in the affidavit until the Chronicle was informed to me this afternoon. I was not consulted in any way.

I am indignant to-night that James H. Campbell, who, it was reported, made the affidavit, denials ever having done so, or ever having such an affidavit made of his connection with any such statement, and also that it is absolutely untrue. I sincerely hope that my information on this point is correct.

CHOYNSKI WAS A STAR. The Pugilist Figured With Big Actors at the Stockwell Benefit.

L. R. Stockwell was yesterday given a testimonial at the California Theater by the best theatrical talent now in this City. Actors, musicians and specialty artists combined in producing a diversified matinee performance, and in the evening Miss Rose Coghlan and company played "Carmen."

NEW TO-DAY. Get Wet?

A dose of Fred Brown's GINGER will fix you up. Warms the stomach and cures indigestion. Best remedy for colds, coughs, and rheumatism.

Fred Brown's JAMAICA GINGER. For all stomach disorders. Sold everywhere. FRED BROWN CO., Philadelphia.

As a result of the entertainment a most substantial part of the testimonial will be about \$650 for the souvenir pocket of the actor favored by his fellows of the profession.

ABOUT MUSIC. Rev. William Rader on Its History and Origin.

At the evening service in the Third Congregational Church last evening Rev. William Rader spoke on music, and said music antedates man. It began with creation. Thousands of years before Pythagoras dreamed of harmony the reeds and forest trees and waves were a part of nature's orchestra.

The highlanders, with a true reverence for this melody, laid their dying under the stars, that they might catch this flood of natural music. This simple custom contradicted Mr. Hawley's claim that "music is the creation of man."

The patriotism of men has been estimated by music. The "Marseilles" thrilled all France, and "America" and "Yankee Doodle" have become the language of our Nation. When Jenny Lind sang the "Star-Spangled Banner" in Washington Daniel Webster arose and joined in the immortal hymn until his wife pulled him back into his seat.

The Christian faith has been preached by the ministry of music. The oldest scriptures contain fragments of immortal hymns. The "Psalter" is the oldest hymnbook. The "Magnificat" and "Te Deum," the dogmologies and anthems of the early church, remain to us as the expressions of the deepest life of the soul.

A HIGHBINDER ARRESTED. Lee Gin's Man Takes a Shot at Dang Quong, but Misses His Mark.

Lee Gin, a Chinese highbinder, was arrested last evening by Sergeants Woolweber and Anderson, and was detained at the California-street police station on a charge of assault to murder.

About 6 o'clock last evening, while Dang Quong, a merchant and member of the Suey Sing Tong, was on his way to his store, 5 Sullivan alley, he was assaulted by Lee Gin and two followers. Lee Gin was heard to say, at the same time pointing at Dang, "There he is, kill him." With-out warning one of the highbinders drew his revolver and fired a shot at the merchant.

The bullet missed, and without waiting to see the effect of the shot the fighting man disappeared in the crowd.

Sergeants Woolweber and Anderson were informed and started out to find the highbinders. After a short search they found Lee Gin and placed him under arrest. They also discovered that the shooting was the aftermath of a stabbing affray which occurred in Bartlett alley about a week ago, in which a Suey Sing Tong man seriously stabbed a Bo On Tong man.

After receiving this information the sergeants visited the headquarters of the Bo On Tong, 11 Brenham place, and searched the building. A number of knives, revolvers and large quantity of cartridges were found, showing that the party was ready for war. They also found a coat of mail weighing fully fifty pounds and which would defy the bullets of even a Chinese highbinder revolver.

After demolishing this place the headquarters of the Suey Sing Tong, 742 Commercial street, was visited and laid in ruins.

The police are confident that "other war is brewing in Chinatown, but will do everything in their power to preserve order."

High School Alumni. At a recent meeting of the Alumni Association of the Polytechnic High School, in Shasta Hall, Native Sons' building, there was a large attendance.

The speaker of the occasion was the school, which presented an entertaining address. This was followed by the following program: Piano solo, Max Schwartz; recitation, Miss Mae Purdie; violin and piano duo, Messrs. Nathan and Waldman; recitation, Will Curtis; address, which only graduates of the school are eligible, in the presence of the following: Henry F. Perman, president; Henry C. B. Morris, first vice-president; Miss M. Hagans, second vice-president; Miss Agnes E. Boyd, recording secretary; Mark Wolfson, financial secretary; John Knapp, treasurer; Fred H. Martens, W. G. Barr, Will Bush, L. H. Stoltz, Benjamin Taylor, Elsie Boyd, Miss Lulu Fay, William Hobro and Carl Kosier, directors.

The Mormon Mission. Elder Henry S. Tanner, president of the California Mormon Mission, spoke last night to a good sized congregation in Pythian Castle on the necessity of continued revision, and concluded by saying, "Let us develop the divine within us and live by every word that proceeds from the mouth of God; that we may be his kingdom. Let us be diligent, let us be God's kindred."

POLICE ATTACKED BY SOCIALISTS. Demanded for Interfering With Labor Party Meetings.

They Declared the Blue-coated Guardians Were the Servants of Capitalists.

WILD EXCITEMENT REIGNED. Captain Lees and Chief Crowley Also Made the Victims of Hatred, Abuse, Etc.

At a meeting of the Socialist Labor party, held at Pythian Hall last night, the police were denounced in unmeasured terms for their interference with the silent

meeting held yesterday afternoon seem to verify the position. Socialists to the number of thirty or more had gathered at the corner of Grant avenue and Market street. Hardly had the first speaker, Charles D. Sunflower, uttered a dozen words before a great crowd gathered about the stand. The sidewalk was fairly well filled, though not sufficiently to hamper in any way pedestrians. Officer J. M. Heard was on duty at this particular point and apparently experienced no difficulty in keeping a clear passageway.

When the second speaker, George Speed, mounted the platform it was observed that Officer Heard was becoming nervous. Finally he rushed across to a cigar-store and telephoned to headquarters for instructions. Just what instructions were given is not known, but the officer went directly to the Hammam Baths and, it is claimed, begged authority to arrest the speaker. The stand, by the way, had been placed directly in front of this institution, hence it was necessary for the management to protest in order to make arrests legal. It so happened that the proprietor was absent and no present appeared willing to authorize the arrest of the alleged offenders. A colored clerk finally told the officer to clear off the steps, but not to adopt violent measures. Policeman Heard had his authority. Without stopping to clear the steps as authorized, he pushed roughly through the crowd and informed Speaker Speed that he must stop instantly.

"I have only one more word to say—I am nearly done," protested Speed. "That is all right," replied Heard as he placed his hand on the speaker. "You must stop now or I will arrest you."

Without another word the Socialist stepped from the stand, and then some one suggested that it be moved to the opposite side of the street. This was done, and for more than an hour the speaker, uninterrupted, harangued an audience of more than a thousand on the needs of the hour from a socialistic standpoint.

"Last night our speakers were arrested and cast into prison for holding a silent meeting," said O. H. Davies. "Today we hold a public meeting, and we feel indignance to our sentiments, and we are simply required to move from one side of the street to the other. This shows conclusively that it is a matter of police persecution and not legitimate position. We have rights and we propose to exercise them, though we are practically satisfied that justice is not to be had in the police courts. The juries there are biased in conviction, but thank God, there are higher tribunals, and we feel confident they will interpret the law justly and honestly."

The men arrested Saturday night are indignant over the action of the authorities. "I consider that they exceeded their authority," said Oliver Everett, Socialist candidate for Mayor, yesterday. "We don't desire last night was to test the sincerity of the Odd Fellows, who had protested against noisy demonstrations. We think the result shows that they were not honest in their intention. We don't propose in future to be muzzled. We will maintain the right of free speech at all hazards. I do not see how an intelligent jury can possibly convict us. Heretofore juries have been against us, though neither through ignorance or prejudice I am not prepared to say. There will be a different ending this time, for there are higher courts in California."

T. F. Burns, president of the Labor party, was among those arrested Saturday night. In explaining the occurrence he said yesterday:

"I was not speaking, neither was I attempting to speak. I was standing on the east side of Seventh street and there were perhaps 150 people in that immediate vicinity. Suddenly the crowd shifted to the west side of the street. I went over and saw a policeman endeavoring to make two ladies get out of the street. The officer failed to intimidate the ladies. I was probably seven or eight feet away when the policeman turned to me and ordered me to move on. I started to move on, but I didn't happen to move as fast as he thought I should, whereupon he ordered me to move faster. I replied that I was perhaps the best judge to how fast I wanted to move. The fellow then grabbed me by the shoulder, and drawing his club, said, 'I will knock your brains out.' I replied that I knew he was anxious to use his club on me, and was then carried to the station and charged with obstructing the street. I have no particular comment to make at this time except to say that it was an outrageous, high-handed proceeding. We have the law on our side and I am sure that an honest court will so decide."

Participants in Saturday Night's Silent Meeting Disgusted With the Authorities. The Socialists are highly indignant over the results attending their attempt to hold an open-air meeting Saturday night. They declare with much earnestness that the police are persecuting instead of prosecuting them. The officers go out of their way, they say, to antagonize them in their constitutional right of free speech.

Whether this be true in fact or simply an assumption based on observation is not clear, but the developments at the meeting held yesterday afternoon seem to verify the position. Socialists to the number of thirty or more had gathered at the corner of Grant avenue and Market street. Hardly had the first speaker, Charles D. Sunflower, uttered a dozen words before a great crowd gathered about the stand. The sidewalk was fairly well filled, though not sufficiently to hamper in any way pedestrians. Officer J. M. Heard was on duty at this particular point and apparently experienced no difficulty in keeping a clear passageway.

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TURNE FROM THEIR OLD PARTY. Will No Longer Cast Their Ballots for Democracy.

SOUND MONEY THE ISSUE. Two of Berkeley's Town Board Turned in Favor of McKinley.

DEMOCRATS FOR 20 YEARS. Professor William Carey Jones and John Martin Speak in Favor of Republicanism.

BERKELEY, CAL., Aug. 30.—Two of Berkeley's most prominent citizens and members of the Board of Town Trustees, who have voted the Democratic ticket for the last twenty years, have declared themselves in favor of McKinleyism and will vote the Republican ticket at the coming Presidential election. They are Professor William Carey Jones, head of the department of jurisprudence at the State University, member of the board from the Second Ward, and John Martin, a prominent San Francisco business man and representative from the Fifth Ward.

Both men are members of families that have long been distinguished for their staunch adherence to the Democratic party, and both have never before felt the least inclination to turn from the political paths followed by their ancestors. But they say that the issues of the present campaign are such as will amply justify them in breaking the long chain of precedent forged by their ancestors.

Professor Jones, who has been more or less prominently connected with the administration of affairs in Berkeley for the past six or seven years, having served a brief term of office on the Town Board, while determined to vote for McKinley in November, says that his official position in the university will not admit of his making a statement as to why he has turned from the Democratic party. He states that the financial policy of the Democrats does not suit him.

"A man in my position," said Professor Jones to-day, "is in a dilemma to know what to do when he has the interests of the United States on one side and the interests of his country on the other. He cannot speak with absolute freedom for fear of criticism on the part of those who might mistake his views given from the standpoint of a private citizen for those of a professor of jurisprudence in a State institution."

"It is most unfortunate for the Nation that the present money question has to be so intensely contested as it is. Some men think one thing to-day and another to-morrow. Certainly affairs are in a great turmoil. While I have an honest respect for Democratic principles I cannot support the issues they now have before the people of the United States."

Trustee John Martin when interviewed this afternoon was very outspoken in his views, and stated concisely his reasons for laying aside the party of his forefathers and the party he has supported since the nomination of Hancock, for McKinleyism.

Mr. Martin has been known as one of the strongest Democrats in Berkeley, having organized, four years ago, the first Democratic club at Lorin, which cast a vote of 68 for Cleveland as against 63 for Harrison in the last election.

"The Democratic party," said he, "has not carried out the principles under which it was founded, especially with reference to the tariff. Instead of providing revenue enough by the tariff they deliberately prepared a bill for the purpose of decreasing the revenue and then attempted to make up the deficit by passing an act to collect an income tax. This income tax was declared by the Supreme Court to be unconstitutional, and then we were left without any revenue."

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NEW TO-DAY-DRY GOODS. NOVELTY BLACK DRESS FABRICS! THE LATEST NOVELTIES FOR FALL 1896.

44-INCH BLACK PIREOLA CLOTHS, assorted styles..... \$14.00 Dress Pattern

45-INCH BLACK NOVELTY SUITINGS, Astrachan effects..... \$14.00 Dress Pattern

44-INCH BLACK NOVELTY MOHAIRS, in a variety of designs..... \$10.50 Dress Pattern

48-INCH BLACK ENGLISH BOURETTES, eight different patterns..... \$8.75 Dress Pattern

52-INCH BLACK NOVELTY CHEVIOTS, extra heavy..... \$6.00 Dress Pattern

54-INCH BLACK NOVELTY CHEVIOTS, Diagonal..... \$4.50 Dress Pattern

WRITE FOR SAMPLES. TELEPHONE GRANT 184.

O'Connor, Moffatt & Co. INCORPORATED 1892. 111, 113, 115, 117, 119, 121 POST STREET.

COLDBERG BOWEN & CO. To-morrow Autumn comes and with it the season of dinner-giving, teas, luncheons.

We're handy helpers; have lots of suggestions—novel things to eat, and assist in serving.

SPECIAL SAVING SALE. Monday—Tuesday—Wednesday Mandarin Nectar Tea 45c regularly 60c.

One of our trade-bringers; blended to get trade and keep it. Curio Tea in beautiful bronze canisters in windows at special prices.

Claret gal. 45c regularly 75c. Like the Tea, we're glad every gallon goes out bearing our label—sure to please.

Sardines 20c regularly 25c. Bezie's, large tin, small fish, good.

Cologne Water 25c regularly 35c. Genuine imported.

Old Virginia Sweet Pickles 35c formerly 50c. A genuine F. V. condiment.

Duffy's Malt Whisky 75c regularly 85c. Not cheaper by the case.

Raisins, Choicest Clusters 10c regularly 20c. New crop coming. New Recipes—California Raisin, Black Bean Soup, Salted Almonds. Catalogue free. Groceries, hotels and all large buyers have wholesale prices. \$5 Belts for \$30. Old-fashioned and poorly made can be had by paying your money to electro-plate "quacks" and traveling "hawkers." For a first-class article at a reasonable price write or call for free copy of our new book. LEE FIERGE & SON, 704 Sacramento St., Cor. Kearny, second, third and fourth floors, San Francisco. W.M. FAHEY, Proprietor. COSMOPOLITAN. Opposite U. S. Mint, 100 and 102 Fifth St., San Francisco, Cal.—The most select family hotel in the city. Board and room \$1, \$1.25 and \$1.50 per day, according to room. Meals 25c. Rooms 50c and 75c a day. Free coach and from the hotel, and vice versa. Look for the coach bearing the name of the Cosmopolitan Hotel.

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