

case was not presented to the court. It was decreed away by means of deceit, false statements and perjury.

"Equity abhors all such nefarious and detestable means to mislead and deceive courts of justice, and deprive persons of their rights, especially when the victim is insane.

"If the fraud now relied on to set the decree aside had been in issue in that case and fairly tried, it could not be retried; but such was not the case. There was no contest before the court on the trial in that case. The fraudulent devices employed by the plaintiff in that case prevented the formation of any issue for trial, and they were effectual in suppressing the truth. This insane man's case was not exhibited to the court. The decree or the deed of the alleged guardian made in pursuance of it cannot be permitted to stand. (Two Freeman on Judgments, secs. 491 and 493. U. S. vs Throckmorton, 98 U. S. 61.)

"The decree of the court below dismissing plaintiff's suit is reversed, and the case is remanded with directions to that court to set aside its conclusions of law, and to state others in accordance with this opinion, and to grant a decree annulling and setting aside the decree of Sept. 1, 1893, in the case of Gisborn vs Emerline Dressler, guardian of the person and estate of Daniel S. Mosby, and vacating her deed in pursuance thereof to Gisborn, and adjudging the title to one-half of the Geyser-Marion claim, the property described in the complaint, to be in Daniel S. Mosby, with costs of this appeal to plaintiff."

Justice Miner concurs in the decision. Justice Barch is out of the city.

It is understood that plaintiffs will now commence proceedings against Gisborn and the Geyser-Marion company to recover the value of one-half of the ore taken from the Geyser claim.

#### JOSEPH JACKSON LISTER.

##### [Medical Record.]

That Lord Lister's father was a very great man is a fact that does not seem to be generally known. He was almost as eminent in his particular branch of science as is the discoverer of antiseptics, but the fame of the father has been overshadowed by that of the son. Joseph Jackson Lister, although a man of business, found time to make perhaps the most important improvement in the microscope ever effected and to render possible the marvellous researches in bacteriology of modern times. In addition to this he was also the first to describe the tendency of the red corpuscles of the blood to arrange themselves in rouleaux. Dr. Henry Smith Williams, in Harper's Monthly, referring to the older Lister, says: "To Joseph Jackson Lister is due the chief credit for directing those final steps that made the compound microscope a practical instrument instead of a scientific toy, combining mathematical knowledge with mechanical ingenuity; and, having the practical aid of the celebrated optician Tulley, he advised formulae for the combination of lenses of crown glass with others of flint glass, so adjusted that the refractive errors of one were corrected or compensated by the other, with the result of producing lenses of hitherto unequalled powers of definition. Lister had begun his study of the lens in 1824, but it was not until 1830 that he contributed to the Royal Society the famous paper detailing his theories and experiments. Soon after this, various continent opticians, who had long been working on similar lines, took the matter up and their expositions, in particular that of Amici, introduced the improved compound telescope to the attention of microscopists everywhere."

## WESTERN NEWS ITEMS.

An attempt was made last Wednesday at Stevenson, B. C., to blow up the police station and court room with gunpowder. A can containing twenty-five pounds of powder was found underneath the building, directly under Magistrate Plerson's chair. The fuse had burned within six inches of the powder.

Nathan Hollenbeck, a deputy poundmaster of Oakland, Cal., was shot dead late Thursday night by Quang Mon, a Chinese gardener, who was watching for vegetable thieves. Hollenbeck was passing through a corn patch and was fired at four times by the Chinese, one of the shots proving fatal. The murderer surrendered himself.

A. Thompson Rei of Santiago, Chile, commissioner of the Chilean government to the Omaha exposition, is in San Francisco. He went to California to make a study of the horticultural and farming industries as conducted there, and he expects to spend at least a month in the fruit and farming districts of Northern and Southern California.

Stanley Hollister, one of Roosevelt's rough riders, who died Wednesday night at Fort Monroe from a wound received at the battle of San Juan, was the son of the late Col. W. W. Hollister, one of the most prominent and wealthiest pioneers of this part of California. He was attending Harvard when the war broke out, and immediately left college to enlist.

Private John Tallon, Company H, Twenty-third infantry regiment, United States army, has been arrested at San Francisco, charged with robbing the mails. He is accused of abstracting a money order for \$18 from a letter written by Private W. M. Gurton of Company D, First Nebraska volunteers, and attempting to cash it at a saloon near Camp Merritt.

The San Francisco chamber of commerce and the Manufacturers' and Producers' association of California have each telegraphed to the national conference on the future foreign policy of the United States at Saratoga, urging that the government retain all the territory conquered in this war, and also strongly favoring the building of the Nicaragua canal and its control by this government.

It is reported at San Francisco that some of the men of the First Tennessee will be subjected to a military trial for complicity in the attempted lynching of Dan Thomas on Monday last. The report of Lieutenant Fowler of that regiment is in the hands of Gen. Miller. The report deals only with military offenses. The question of money damages is the subject of an entirely distinct investigation.

Three schooners with gold hunters are still scheduled to arrive in San Francisco from the East. Of these the Mildred E., now out 161 days from Boston, is the only one likely to get here. The Actaea party, when last heard from was stranded at Buenos Ayres, and the Stowell-Sherman crowd was in the same predicament at Montevideo. The Actaea is 174 days out from New York and the Sherman 268 days from Boston.

Frank Uorlega, president of the Madrid Mutual Benevolent association, has notified the San Francisco Red Cross Society that the annual ball of his organization will be held November 5th, and it is desired to make the Red Cross a joint beneficiary. "For the last 11 years," says Mr. Uorlega, "this association has annually given a Spanish carnival, but this year, with all due

respect to our country, it will be called 'The American Carnival.'"

A letter was received here yesterday by John Gomes, keeper of a sailors' boarding house, giving information that the steam whaler Alexander, which was reported wrecked near Fox Island, in the Aleutian group, had been sighted and was safe, with five whales as her season's catch. The writer, Frank Tra-warey, is fourth mate on the steam whaler Grayhead, and the letter is dated August 1st, at Dutch Harbor, where the Grayhead was then at anchor.—S. F. Chronicle, 17th.

Frederick Primrose, at one time a well known minstrel, was arrested at Portland, Ore., Thursday, on a charge of stealing some clothing from a Chinese. He claims to be a brother of the well known minstrel George Primrose. When taken to the police station he said: "I was a good minstrel once. But all my luck left me suddenly. Now I am a poor man, 56 years old, without a single chance of regaining my lost prestige; while my brother, George, is at the head of a great minstrel organization. He is wearing diamonds and I am sporting around in rags."

The steamer Alice Blanchard, Capt. Broderick Warner, has arrived at San Francisco from Clipperton Island, after a passage of 11 days, with 1,150 tons of pulverized phosphate rock. Among her passengers is Theodore Gusman, who has been on the desolate island for nearly thirteen months. Mr. Gusman figured in a somewhat heroic light on Clipperton a few months ago, when he refused to haul down the American flag when ordered to do so by the Mexican man-of-war Democrata. The crew of the Mexican ship raised their flag over the island in place of the Stars and Stripes, but it was taken down as soon as they left. Mr. Gusman says that since that time the American flag has been flying over the island.

John Packard, whose death is announced at Lonsburg, Cal., was a prominent business man in Chicago for twenty years. About eight years ago Mr. Packard disposed of his Chicago business interests and went to California and invested largely in real estate. He was the principal owner of the Pomona winery. His California home of 170 acres, "Evergreen ranch" at Lonsburg is an ideal place. There for the last few years he has led the happy life of a gentleman farmer. Aside from his California interests, he is said to have valuable residence and business property in Chicago. He leaves a widow, a married daughter, Mrs. Henry C. Norris, and a son, John E. Packard, owner of the big Packard orange grove tract. The remains will be sent to Chicago for interment.

The first steamer of the California and Oriental Steamship company will sail from San Diego for Japan and China via Honolulu in December and thereafter steamers will leave that port for the Orient every twenty-five days. This was the assertion made last night by A. H. Butler of San Diego, president of the steamship company. Mr. Butler has just come back from New York, where he had been for several months successfully endeavoring to interest capital in the new steamship line. He returned last night to so arrange his business affairs so that he can leave for Honolulu, Yokohama, Hongkong and other important ports to be touched by the steamers of the new company. On his trip to Asiatic cities he will be accompanied by Vice President Tweedle of the company, their purpose being to establish agencies for the company in all the import-