

MRS. STANFORD'S CASE.

Ex-Judge Garber Has Finished His Statement for the Estate.
ATTORNEY M'KISICK TO REPLY.
The Great Suit is Nearing a Close and the Decision of the Appellate Judges.

Ex-Judge Garber concluded his argument before the United States Court of Appeals yesterday in the case of the United States against Jane L. Stanford, to recover some \$15,000,000 alleged to be due the Government as the proportionate obligation of the Central Pacific Railroad Company.

It was a remarkable effort, the two days' talk being made wholly without notes or memoranda, except the citations of law. Mr. Garber dwelt most of the morning upon that feature of the case relating to the constitutional provision which provides for the liabilities of stockholders, his argument going to show that it was not self-executing, but depended upon legislative action to make it effective.

"The constitution," he said, "does not say that the stockholders are liable for their proportion of the liabilities. The act of the legislature says that. That act itself creates the obligation. The United States coming to collect under that obligation must observe all the conditions governing it in order to all come within the power of the law. Who should be held so? Are all others to be held by the conditions and the United States to be exempt? Shall the sovereign say, 'the mere dry limitations as to the obligation shall apply retroactively as I am concerned, but the time condition, which is a part of the same law, is not for me?'"

"Here was a creation by the State of California of a liability unknown before, but it was not created until it was recovered upon it must be brought within three years. Therefore no action can have standing here—not even if brought by the United States—except it is subject to the conditions prescribed by the power creating the obligation."

"I say, as the constitution is not self-executing, as the Legislature had the right to prescribe the terms and the conditions of the stockholders' liability, subject only to the requirement that the stockholders should be liable imposed; as this whole matter was left to the Legislature; as, in the absence of legislation, there would be no liability which could be enforced, it follows naturally that this is the construction to be put upon it, as it has been held elsewhere, the creature of the statute and the creation of the statute."

It follows from that, as I said before, that when the Legislature has created this statutory liability, it having the power to do so, and to prescribe the terms upon which it should exist, that the terms entered into and conditioned the thing created, and that no man can come to enforce that which the Legislature created for his benefit without coming also under all the conditions, limitations and restrictions imposed.

"Would any man contend for a moment that this constitution of the State of California took away from the Legislature the power to prescribe the manner in which, and the remedies by which this individual liability should be enforced, and to exclude the remedy of the writ of habeas corpus? I conclude that? Is it self-executing in that sense? All that the Legislature is bound to do is to create some individual liability for the proportion, or some proportion, of the debt, and to prescribe the terms, and all other, the time within which those remedies shall be applied, the time when the liabilities shall commence, and the time when they shall be extinguished, and the terms of the Legislature, and not fixed or determined by the terms of the constitution. The Legislature may, as it is settled in the State of California, and as nobody has ever doubted, make the stockholders liable for all the debts and liabilities of the corporation, whether contracted before they bought the stock or contracted after they sold out their stock, and cease to be stockholders, but as the Legislature decided, and as has been always since understood to be the rule, they may say that only those who are stockholders at the time the debt was contracted shall be liable. Can the Legislature limit the time in that way, that they can also limit as a condition and as a part of the liability the time within which the creditor shall come to enforce that liability? What is unconstitutional in that? How does that impinge upon the policy of the constitution any more than what was sanctioned by the court where they restricted the liability to those stockholders who should be liable at the time the debt was contracted or contracted or created and the liability fixed, and excluded from its operation those who afterward might become stockholders. Is it that this obligation, thus created by the constitution, though it is not self-executing, as I have said, to run on forever and without any qualification? Is the Legislature shorn of all power over the corporations which itself shall see fit to create?"

In determining the policy of the State in regard to corporations in a commercial state is the Legislature to be bereft of all its powers, and is its discretion to be limited to a naked, fixed, irrevocable rule, that no matter what they may think, they shall not make any law which shall be binding upon all those limitations and qualifications; if you contract upon those terms, as you plainly do; if the creditors can waive by conduct, by oral or by written agreement, this constitutional obligation, they cannot waive it, and does not waive it when the Legislature, having set down in the charter of the corporation a certain prescribed and fixed period, or a certain method or mode by which he should enforce his liability, and in the contract with that, with the corporation bound by those charter powers, does he not waive, conclusively waive, any further claim based upon the vague language of the constitution? Is the constitution intended to be a mere formality Judge Garber said in conclusion: "For these reasons, if your Honor please, notwithstanding the very able argument of the counsel for the United States I submit that the decision of Judge Ross rests upon a solid foundation to be overturned."

The argument was completed about 3:40 yesterday afternoon and the court adjourned. Judge McKisick will begin the concluding argument for the United States this morning.

FRUIT-GROWERS' CONVENTION.

Orchardists Do Not Want to Go to San Diego.
The next State Fruit-growers' Convention will be held some time in November, but the exact date and place have not as yet been decided upon.

Since San Diego was mentioned several questions have arisen that make it desirable to hold the meetings further north. These questions are in regard to the Eastern section sales of fruit and how to best protect the fruit-growers' interests. Secretary Long has recently received several letters from fruit-growers, who want the convention held in San Francisco or Sacramento.

D. T. Fowler of Fresno favors Sacramento, which is in the center of the fruit district, and he states that San Diego is too far away and the attendance would necessarily be light because of the expense in reaching that place. In conclusion he writes: "Fruit-growers must be rallied and more closely united in support of the purposes of the 'Fruit-growers' and Shippers' Association.'"

W. J. McCann of Placer County writes in a letter to the editor, and says the orchardists of Placer County favor Sacramento. Frank Lyman of Fowler, Fresno County, adds his voice in favor of Sacramento.

EQUAL RIGHTS CAMPAIGN.

Rev. Anna Shaw Booked to Lecture in Cities of California.
Manager Hester A. Harland Speaks of a Recent Trip Through the State.

Mrs. Hester A. Harland, manager for Rev. Anna Shaw's lectures, returned to San Francisco Wednesday evening, having made a tour of Northern California and closed engagements for Miss Shaw to speak in various places.

The progressive manager was seen at the Sargeant residence, 1630 Folsom street, yesterday. She was in good health and high spirits after her arduous trip, and predicted for the eloquent advocate of woman suffrage a most entertaining and animated campaign.

Plans were effected for Miss Shaw to speak at Santa Rosa, Napa, St. Helena, Suisun, Sacramento, Marysville, Chico, Red Bluff, Yreka, Willows, Colusa, Stockton and Vallejo.

Mrs. Harland leaves for the south today for the purpose of completing arrangements for Mrs. Shaw to lecture at Fresno, Bakersfield, Santa Paula, Ventura, Los Angeles and adjacent towns.

BATTLE ON THE MARSHES.

Sloughs Blocked With Piles and Steel Wire Cables at Suisun.
THE TEAL CLUB MONOPOLY.

Wealthy Men Who Made the Preserve to Be Arrested in Solano County.
A conflict of extraordinary interest to sportsmen throughout California is to be revived in the county seat of Solano before the coming season opens, and already many of the sportsmen of San Francisco, Oakland, Benicia, Suisun and Vallejo are preparing to carry the fight to a hasty conclusion.

Though it slumbered for several months, while there were no ducks to be killed, in view of the near approach of the season a quick and decisive legal battle is to be waged. It all involves the rights of citizens to shoot over marsh lands, and also the very interesting question of whether a few wealthy men may combine in this State and maintain preserves, on the English plan, with gillies and gamekeepers, you know, on marshes which, according to an act of the last Legislature, shall be open to all sportsmen.

The trouble began a year ago, when Kellogg, Whittier and some other men of means in San Francisco shut out sportsmen from the best part of the Suisun marshes. Those exclusive hunters formed the Teal Club, which leased the Chamberlain tract of 900 acres in the overflowed lands near Suisun Bay.

Their subtle parts of the tract to the Cordelia, Isis and Drawbridge clubs, and thus with their own preserve monopolized the best strip of hunting land in Solano County if not, indeed, in the State. But sportsmen from around the bay of San Francisco did not submit meekly to this altogether foreign policy. They went in upon the marshes as "poachers," knowing they would be arrested and forced to retire, though there was land enough there for ten times the number of shooters. And beyond that the whole matter was a case of the Legislature.

And what has been the result? A law was enacted declaring that marsh or overflow land could not be reserved from all citizens who wanted to shoot over it, and in this point the exclusive game preserve scheme received its death blow. But the worst came when a keeper lost his life for leveling a shotgun at a "poacher."

Several sportsmen of Solano County were arrested for trespassing upon the preserves, but they claimed the right of jury trial, and out of forty-eight men—good and true—who sat in judgment upon their cases there were only two who stood for the principle of aristocratic preserves. The defendants, who by the way were plain, everyday American citizens, taxpayers and supporters of the country in which they could not shoot game.

They were arrested by the Teal Club in violation of the law, and the Teal Club injunctions were served on twelve sportsmen in San Francisco, Oakland and Solano County. The Mallard Club, which had been the chief offender, was made a special object of attack by the Teal Club. Beveridge, W. Mitchell and Thomas Robinson of Vallejo; Lloyd Eaton, Charles Dietz and Robert Van Norton of San Francisco, and W. J. Boyer, Will Prather, Fred English and J. H. H. H. of Oakland were enjoined from shooting on the Teal Club's 6000 acres. Mr. Harrier said yesterday:

We propose to have these people of the Teal Club arrested. They have gone quietly to work and blocked the sloughs to the Suisun marshes. They got Contractor Davis of Benicia to drive a row of piles into the sloughs near the mouth of the Yuba River, and finished steel cables one and a half inches in diameter were woven in and around the barricade, which stands in the way of the harbor barrier against vessels. The Frank Horn Slough, which has an average width of 80 to 140 feet, is now a narrow channel, and the month where it is blocked. For that distance a craft carrying a load of 25 tons has been unable to get through. It is a disgrace to see these navigable waterways can be so easily obstructed. We don't know what the War Department may think of the property, but anyhow it will be tested in court. If that does not go good we shall go up there with saws, axes and chisels and cut down the obstructions.

Our plan is to arrest Messrs. Kellogg, Whittier and the other prominent men of the Teal Club; also Captain Clifton, the keeper, and Contractor Davis of Benicia for blocking the sloughs. Life will be made miserable for those sportsmen who get into the traps of Solano County. Warrants were issued for the county, from Vallejo, Fairfield, the county seat, Benicia and Suisun, and he is out, and the Teal Club will be taken in and dragged all over the county.

outgoing president, Miss S. M. N. Cummings. The morning session was chiefly occupied by hearing reports from the county officers and from the presidents of the local unions. All the reports were of a very encouraging nature in regard to increase in membership and work done. The three new unions reported as having been formed during the last year are those of Westminster Church, the Third Congregational Church and Trinity Church.

The following officers were elected for the coming year: Mrs. H. H. Luce, president; Mrs. E. B. Stewart, recording secretary; Mrs. Rose M. French, corresponding secretary; Mrs. L. P. Williams, treasurer; Mrs. L. M. Carver, auditor. Mrs. Nellie B. Eyster held her work in the temperance cause in the public schools during the afternoon session and Miss Lilla Fales described how even children in the kindergartens can be taught abhorrence of intemperance.

Mrs. Spencer reported for the Indian work and Mrs. L. N. Carver and Mrs. Eyster urged greater activity along this line of work. A report of the labor department was furnished by Mrs. Harnish and Mrs. Rose French made a report on law enforcement. The latter lady said, "We could get many more convictions if we could do away with the law that permits a man convicted of selling liquor unlawfully to appeal to a jury."

The polygot act, a document in thirty different languages and miles in length, was described by Mrs. A. Searn. She stated that great progress was being made in securing signatures to this act in favor of temperance, which had been signed by all classes of people from crowned heads to the poorest in the various lands where it is being circulated. Just before the close of the convention a committee was appointed, consisting of Mrs. L. M. Carver, Mrs. H. H. Luce and Mrs. Barry, to ask the county board of the W. C. T. U. to draft a law against the sale of liquor in corner groceries.

GEN. CAMPOS MISSED IT.

General Ezeta Once Promised to Fight for Cuba's Independence.
He May Meet Trouble in Mexico Unless He Alters His Announced Plans.

People who know all about it—who have, so to speak, seen the whole deal—say that General Gutierrez, down in San Salvador, has no more real reason to fear the fire-eating Ezeta than has General Campos over in Cuba.

Resplendent in gold lace and a choice collection of Midwinter Fair awards the Napoleon of San Salvador, as he styles himself, sailed yesterday for the land that don't seem to want him.

His announced programme as given out is to land at Acapulco, skate across Mexico, organize an army and dash down through the coffee plantations and frijole factories and seize his country by the throat.

If he tries any such over-vigorous scheme in Mexico he is likely to get into a Mexican jail, and all people who have been here say that it is not a nice experience. "Mexico will not permit," said Mexican Consul General Sarda, "any overt act against a Government with which she is at peace. General Ezeta can enter Mexico as any person may, but if he tries to use the country as a background for a San Salvador revolution he is going to get into trouble."

MERCHANTS' ASSOCIATION.

Favorably Disposed to Electric Lights on Market Street.
THE TALL BUILDINGS LAW.
The Members Take an Active Interest in the Proposed New Charter.

The board of directors of the Merchants' Association held a general meeting yesterday and matters of interest were discussed. Several communications and requests were received from merchants and citizens asking the board to take immediate steps for having the specifications for sprinkling and sweeping the streets, as prepared by the association, put in force without further delay.

The subject of putting electric lights on Market street from the ferry to Valencia street was considered, and it was reported that the resolutions favoring this improvement had been referred to the Street-light Committee of the Board of Supervisors. Further efforts to secure electric lights on Market street will be made at once. Director Keil suggested a plan of putting the lights on poles of a suitable height between the car tracks. He further suggested that platforms be built around the base of the poles to prevent the poles from being injured and to give people an opportunity to escape injury in case of being hemmed in by streetcars and vehicles.

At a recent meeting a resolution was adopted by the association favoring the construction of the Nicaragua canal under the control of the United States Government and its completion at the earliest possible time. Copies of the resolution were sent to many prominent business men. Letters were read yesterday from Grover L. Johnson, John A. Barnhart, G. Hilborn, Stephen M. White and George C. Perkins, indorsing the resolution and promising all the help they can give in the matter.

Secretary Freund reported upon the annotated editions of the new charter which he is preparing for the association. Preliminary to this he submitted a brief summary of the new charter, which the board of directors will have printed in a convenient small book for the vest pocket. It will be a reference book which will contain all of the important points in the proposed new charter. The subject of finance and revenue in connection with a number of other important matters will be briefly explained. The subject of the civil service and the commissioners will be briefly alluded to, and their terms of service as well as the general character of their work will be shown; their duties in making appointments, dismissals and promotions will be explained. The book will also contain the sections of the new charter relating to the question of bonding the city, and a number of other important matters will be briefly handled.

The directors also discussed the question as to how the law shall treat the construction of high buildings. It appeared to the board that an ordinance should be passed stating some reasonable limit upon the height. Possibly the height of the building could be guided by the width of the street. The subject was referred by the Merchants' Association to Ernest McCullough, the civil engineer, to make a full report as soon as possible upon this question. Mr. McCullough informed the board that he was now engaged in preparing a report, and that he would have it ready for publication before the question would be decided by the Board of Supervisors.

A resolution was passed that the board favor the location of the Willmerding School of Mechanical Arts in San Francisco. The following new members were elected: W. K. Vickery, Montgomery & Co., Osborn Hardware Company.

THE GIRLS WILL SING.
High School Graduates Will Perpetuate the Schumann Club.

The Schumann Club will have a successor in the Girls' High School Alumni Glee Club, which has just been organized by graduates from the Girls' High School, under the leadership of Mrs. Anna von Meyerinck. It proposes to cultivate close singing, and was formed when Mr. Loring left for Japan that this work would be abandoned, but the new organization assures its continuance under favorable conditions. The following officers have been elected:

President, Miss Caroline Herri; vice-president, Miss Grace Davis; secretary, Miss Augusta Abenheim; treasurer, Miss Jennette Newman.

NEW TO-DAY-DRY GOODS.

BARGAIN-DAY SPECIALS.

NEW JACKETS, CAPES, SILK WAISTS, RIBBONS, LACES, GLOVES, CORSETS, UMBRELLAS, PARASOLS AND BLACK GOODS!

For the benefit of our regular bargain-day patrons a number of our leading departments combine in a SPECIAL OFFERING OF NEW FALL GOODS at prices that make them POWERFULLY ATTRACTIVE VALUES!

LADIES' FALL JACKETS.
At \$5.00.
LADIES' DOUBLE-BREADED JACKETS of black and navy blue beaver, with triple stitched seams, very full sleeves, bone buttons, worth \$7.50, will be offered at \$5 each.

LADIES' DOUBLE-BREADED JACKETS of black and navy Berlin twill, coat backs, notched collar, tailor pockets, bone buttons, worth \$10, will be offered at \$7.50 each.
At \$10.00.
LADIES' DOUBLE-BREADED JACKETS of black and navy diagonal cloaking, with square notched revers collar, very full sleeves, large bone buttons, neatly trimmed throughout with worsted braid, worth \$15, will be offered at \$10 each.

LADIES' CLOTH CAPES.
At \$5.00.
LADIES' DOUBLE CAPES of black and navy melton, trimmed all round with satin band with rows of silk stitching, rolling collar of velvet, worth \$7.50, will be offered at \$5 each.
At \$8.50.
LADIES' FULL CIRCULAR DOUBLE CAPES of black and navy Roanoke beaver, trimmed all round with several rows of worsted braid, worth \$12.50, will be offered at \$8.50 each.

LADIES' PLYSH CAPES.
At \$10.00.
LADIES' FULL CIRCULAR RIPLE CAPES of black plush, lined with twisted silk, neatly trimmed with braid and jet, storm collar and satin ribbon streamers, worth \$15, will be offered at \$10 each.
At \$15.00.
LADIES' CIRCULAR CAPES of black silk plush, elaborately trimmed with jet, storm collar and satin bow, lined with twisted silk, also medium length plush cape with deep cape collar, fronts and collar edged with angora, worth \$25.50, will be offered at \$15 each.

CHILDREN'S JACKETS.
At \$4.50 and \$5.00.
CHILDREN'S DOUBLE-BREADED JACKETS, varying in size from 4 to 14 years, made of fancy brown mixed cloaking, square revers, velvet collar, bone buttons, very full sleeves, worth \$6 and \$7, will be offered at \$4.50 and \$5 each.

Balance of Our Summer Garments Now Being Cleared Out at a Third of Former Prices.
RIBBONS! RIBBONS!
At 15 Cents.
600 pieces 5-INCH ALL-SILK, SATIN AND GROS-GRAIN RIBBON, value 80c and 35c a yard, will be offered at 15c a yard.
At 15 Cents.
100 pieces FANCY RIBBON, in striped and shaded effects, value 65c, will be closed out at 15c a yard.
At 25 Cents.
20 pieces 7-INCH STRIPED SASH RIBBON, in Cardinal only, will be closed out at 25c a yard.

LADIES' AND MISSES' GLOVES!
At 25 Cents.
40 dozen MISSES' BIARRITZ KID GLOVES, in slate and navy blue shades, also black (odd sizes), former price 75c, will be closed out at 25c a pair.
At 65 Cents.
550 dozen LADIES' BIARRITZ KID GLOVES (special purchase), in dark and medium colors, former price \$1, will be closed out at 65c a pair.
At 30 Cents.
650 dozen LADIES' 5 AND 7 HOOK KID GLOVES, improved Foster hook (special purchase), in colored and black, former prices \$1.25 and \$1.50, will be closed out at 30c a pair.
NOTE.—Every pair guaranteed and if not satisfactory money refunded.

UMBRELLAS! UMBRELLAS!
At \$1.00.
LADIES' GLORIA SILK UMBRELLAS, with paragon frames, natural handles, will be offered at \$1 each.
At \$1.75.
LADIES' SILK UMBRELLAS, with steel and natural handles, in Dresden and natural wood handles, will be offered at \$1.75 each.

PARASOLS! PARASOLS!
At \$1.00.
CARRIAGE PARASOLS, in Gloria silk, lined, in black only, value \$1.50, will be offered at \$1 each.

LADIES' BLACK AND COLORED SILK WAISTS!
At \$2.50.
50 LADIES' BLACK SILK WAISTS, regular price \$3.50, will be offered at \$2.50 each.
At \$4.00.
40 LADIES' BLACK AND COLORED SILK WAISTS, regular price \$5.50, will be offered at \$4 each.

LACE DEPARTMENT!
At 5 Cents Each.
LADIES' WHITE HEMSTITCHED LAWN EMBROIDERED INITIAL HANDKERCHIEFS (unlaundried), special value at 5c each.
At 10 Cents Each.
LADIES' WHITE HEMSTITCHED FINE LAWN EMBROIDERED INITIAL HANDKERCHIEFS (unlaundried), special value at 10c each.
At 25 Cents Each.
LADIES' ALL-LINEN HAND-EMBROIDERED SCALLOPED-EDGE HANDKERCHIEFS, colored embroidery, value 75c and \$1.
At 15c, 25c and 35c a Yard.
IRISH POINT EMBROIDERY, desirable patterns, 3-inch at 15c, 5 1/2-inch at 25c, 8-inch at 35c; regular value 25c, 35c and 50c.
At 20c, 35c and 50c a Yard.
BLACK SILK BRODERIE ANGLAISE LACE, 4-inch at 20c, 8-inch at 35c, 10-inch at 50c; regular value 35c, 60c and 90c.

VEILING! VEILING!
At 50 Cents a Yard.
DOUBLE-WIDTH CHENILLE DOTTED TUXEDO VEILING, stylish patterns, in black, navy, brown, cream, tan and black on white, regular value 75c and \$1.

CORSETS! CORSETS!
At 55 Cents.
100 dozen LADIES' BLACK CORSETS, regular price \$1, will be placed on sale at 55c.

BLACK DRESS GOODS!
At 25 Cents.
Two cases 52-INCH FINE ALL-WOOL DIAGONAL CHEVIOT, extra good value for 60c, will be placed on sale at 25c a yard.

Advertisement for Dr. Williams' Pink Pills for Pale People, featuring a large illustration of a woman and child, and text describing the medicine's benefits for various ailments.

Will Stop Buying There.
Temperance Women Promise Not to Patronize Corner Groceries.
The Ninth Annual County Convention of the W. C. T. U. Appoints Officers.

Resolved, That as Woman's Christian Temperance Women will not patronize groceries that sell liquor or that order it for their customers.
This flat against corner groceries was unanimously passed by the ninth annual county convention of the San Francisco Woman's Christian Temperance Union yesterday. Mrs. Rose French introduced it in a short but emphatic address in which she told how, walking recently through a poor neighborhood, she had entered the empty cottage of a wretched family that had been turned out for debt and had found some stray leaves from their grocery book lying about. "The amount spent in food was just one-third that which had been spent on whiskey," she said, and added the suggestion that in wealthier households than the wretched all-starved one to which she had been alluding the facility with which whiskey can be procured along with the groceries often proves a stumbling-block to the weak.

A number of other leaders joined in the discussion on the corner-grocery question, and all of them were of the opinion that though it might be temporary, the convenience to send in haste to the nearest grocery, when the larder happened to run out, it was their duty as temperance women to patronize temperance groceries only, so they one and all pledged themselves to Mrs. French's resolution, even if they had to send a mile for an ounce of tea.
The convention was presided over by the

Sanchez-Street Grade.
Mrs. Mary P. Hogarty has petitioned the Superior Court for an injunction to prevent the California Pacific Company from changing the grade of the crossing at Sanchez and Liberty streets.

Fell Eighteen Feet.
Mrs. Connors, a widow living at 23 Langton street, was hanging out clothes to dry from the balcony yesterday afternoon, when she overbalanced herself and fell to the ground, a