

FITZGERALD MAKES REPLY.

Argument of the Attorney-General Before Judge McKenna.

AGAINST THE RAILROAD

A Day Devoted to Defense of the Railway Commission's Powers.

THE LEASES AND CONTRACTS.

Review of the Laws Bearing on the Consolidation of the Western Lines.

Attorney-General Fitzgerald argued through the entire session of the United States Circuit Court yesterday.



independent power, and would be in competition with the others.

Some of the leases, he stated, he would hold to be void, because they were executed without the express authority of the powers granting the franchise.

At that time, he would hold, the complainant had no power to enter into that kind of contract in this State.

The Central Pacific, he averred, is both a Federal corporation and a State corporation. In the Government bill of intervention it was held to be a Federal corporation.

The Southern Pacific Company of California is alleged in the bill of intervention to be a California corporation, which is true in the same sense of the Central Pacific.

Mr. Fitzgerald then took up the consideration of the right of Federal corporations or State corporations acting under Federal franchises to convey by lease for a long term of years all their property and franchises to another corporation, or to the Southern Pacific Company.

"Has the State of California ever given power for the lease of these railroads?" was the point of the argument at the beginning of the afternoon session.

The argument by Mr. Fitzgerald will be resumed this morning.

POVERTY AND DRINK.

Mrs. McNamara Arrested for Cruelty to Children.

Mrs. Kate McNamara, 41 West Mission street, was arrested yesterday by Officers Holbrook and McMurray of the Society for the Prevention of Cruelty to Children on the charge of cruelty to her children.

Recently her husband, James McNamara,

ENERGY IN THE MISSION

A Progressive Spirit Permeates the People of the Southern Side.

AND TAXATION IS NO OBJECT.

Schools, Parks and Boulevards Wanted in the Warm Belt District.

The people of the Mission were overjoyed yesterday on learning through THE CALL that their hopes in regard to improved school accommodation were in a fair way to be realized.

Joe Scheerer, who resides at 412 Liberty street, was overjoyed at the prospect of the contemplated advancement now being pushed with vigor on behalf of the Mission.

He said: "We have for the past thirty-five years contributed more than our share of taxes for the benefit of the western portion of the City. We have without grumble or grudge paid our assessment for the purchase of and the continuous improvement of Golden Gate Park. And yet, until quite recently, we could not take our families there without being compelled to pay C. P. Huntington's company two fares, which to a workman with a large family made a big hole in his week's wages."

"We have been neglected in our supply of water and gas, and with the exception of a few streets on the lower section, between Valencia and Harrison streets, had really no good streets."

"Had it not been for such men as Judge Van Reynegom and others we would yet be without car accommodation west of Valencia street. Church street was opened to Fifteenth only. By the assistance of Judge Van Reynegom the Mission people purchased from the Roy heirs sufficient land to extend Church street, and after buying the land they decided it to the City for a public street. The amount of money raised by the property-owners between Seventeenth and Twenty-sixth streets, on the line of Church street, was about \$2500. This we paid out of our pockets rather than go arguing with the Supervisors for an appropriation."

"Now, we want something in return, and what we do want is a high school for

our big children and a park for our little

ones and their mothers, so that we need not go out to Golden Gate Park for a lungful of good, pure air."

James D. Phelan, one of the progressive young men and extensive property-owners, added his views to the subject in the following words:

"The Mission has many claims on the City at large and should receive the attention of the City Fathers."

"The early missionaries chose it as the most desirable spot on the peninsula for residence and it is historic. Electric and other railroads are drawing San Francisco closer to San Mateo and better roads are demanded, and through the Mission all this new traffic must pass. It is on the line of growth. Its climate and the extent of its territory, running indefinitely south, is the only outlet to the City, and it should be made attractive so that growth may be stimulated. The City will get the benefit in increased population and values for taxation. The population will come from the bay towns, as Oakland, Alameda and San Rafael. Wherever people go for climate, but we must have a high school, as we now have other schools, and a branch library; and we must have a park for children and families who are necessarily compelled to live on narrow lots, the lots of the City are so favored and we simply demand our rights and fair treatment."

George D. Shadburne, a prominent attorney and a moving spirit in improving the southern portion of the City, gave his views on this subject as follows:

"We of the southwest portion of the Mission are twenty-five years behind the age. Had it not been for Judge Van Reynegom, Major B. Kinney, T. V. O'Brien and a few other go-ahead citizens we of the outside Mission district would be burning tallow candles or coal-oil and drawing water out of wells with a bucket and hose unless we were able to erect a windmill."

"Even now there are not water mains throughout the entire Mission district. Where I live, on Twenty-fifth street and Hoffman avenue, the Spring Valley Water Company is just putting in pipes, and it is but a short time since we got the gas out there."

"So disgusted over these things have I got to be, I have mind to sell my property in that section and move into the City, so to speak. I have bought a home on California street, where I intend to live the balance of my time. I have got tired fighting for improvements in the Mission, yet I am glad to see THE CALL take its present stand in aid of improving not only the Mission but the whole City."

"The southern portion of the City covers one-half of the area of the City with two-thirds of its population, and yet there is no high school or public park, while the Western Addition, that was not inhabited when the Mission district was well settled, has parks and schools and good streets."

"Even proper police protection has been denied the people out in the Mission until very recently. With all this many of our progressive citizens throw back their shoulders and say, 'Time and patience will make all things right. They may be, but we of the Mission have doubts as to the principle and rather believe in 'Dum vivimus vivamus' (Let us live while we

INTERESTING OFFERINGS OF NEW GOODS

THE VALUE-PURCHASING POWER OF A DOLLAR WAS NEVER BEFORE SO GREAT as it is throughout our MAGNIFICENT AND UNEQUALED DISPLAY of New Spring Goods, which has received some very important additions during the past few days, and now includes ALL THE VERY LATEST AND MOST EXCLUSIVE STYLES AND NOVELTIES, all bought so advantageously that we are enabled to offer them at figures corresponding with the following

SURPRISINGLY LOW PRICES THIS WEEK!

Advertisement for clothing and goods with various categories: LACE DEPARTMENT, MEN'S & BOYS' FURNISHINGS, HOSIERY AND UNDERWEAR, GLOVES, PARASOLS, WAISTS & CHILDREN'S SUITS. Includes prices and descriptions for various items.



Attorney-General Fitzgerald Arguing the Railroad Case Before Judge McKenna in the United States Circuit Court Yesterday.

States Circuit Court yesterday, presenting to Judge McKenna the side of the defense in the case of the Southern Pacific Company against the California Railway Commission.

This case is the fight of the railroad company for a permanent injunction to restrain the commission from ordering reductions in the wheat transportation rates. The railroad representatives were present in force, and several other lawyers remained in court to listen to the eloquent presentation of the arguments for the people.

The Attorney-General began by reviewing the story of this great Western railroad system, with the consolidation of the Central Pacific and Union Pacific roads, the California Pacific road, the South Pacific Coast road and the Northern and Northern California roads.

But for the consolidation of this system of roads each of the railways would be an

a painter, fell off a scaffolding and his leg was so badly injured that it had to be amputated. Since then he has not been able to support the family, and they have been living in filth and squalor, while the mother was in a constant state of inebriety.

There are four children, Mary, 16 years of age, John H., Katie T. and Annie S. Mary ran away from home about a week ago, and yesterday the officers found her in the house of Mrs. Smith, 213 Twelfth street. There are only two beds in the house and Mrs. Smith, her three grown-up daughters, the girl McNamara and a man named Gorman, who claims to be Mrs. Smith's husband, occupied them.

Mary McNamara was booked at the City Prison for the Magdalen Asylum and Mary Smith, 17 years of age, one of Mrs. Smith's daughters, was booked for vagrancy. The three other McNamara children were sent to the Youths' Directory.

WAS IN GOOD STANDING.

An Interesting Decision Rendered by Judge Hunt.

Judge Hunt has rendered a decision of considerable interest to lodge members. He says when a man is not given the chance to pay his dues he cannot be held in arrears.

The decision was in the case of Mrs. F. Miller, who was suing the E'ntracht Bund for \$800 due upon the benefit policy of her husband, who was before his death a member of the bund. The policy was rejected because Miller was said to be delinquent. His death occurred on January 1, 1895, and he had not yet paid his dues for the December before, but Judge Hunt holds that his dues, while due on the first meeting in December, were not delinquent until the last meeting. The day for the last meeting fell on Christmas and the first meeting in January fell on January 1, a legal holiday. Miller was dead before the next meeting night and Judge Hunt ruled that he was in good standing, having had no chance to pay his dues before the time of payment expired.

THE LIGHT TREAT.

When the Contracts for Lighting Streets and Public Buildings Will Expire.

The negotiations for the consolidation of the San Francisco Gas Company and the Edison electric-light corporation are still pending. It is said that the gas company has presented its ultimatum to the other corporation.

The contract for lighting the streets of San Francisco expires August 1. The present contract for lighting public buildings of the City will terminate May 1.

Pixley's Estate.

The estate of Frank M. Pixley has been appraised at \$9361.69. The principal portion of the estate is contained in a promissory note made by Maurice Dore for \$5446.80. There are other smaller notes and quite a number of no value. Most of these notes grew out of the exploitation of a townsite in the San Joaquin Valley known as Pixley, which failed. He had three pieces of land, each of small value.

The co-operative societies of all kinds in Germany number 9418.

Stanford to Celebrate A Jubilee Concert at the Metropolitan Temple Tomorrow Evening.

Everything Will Be Cardinal—A Prospect That the Aggregation Will Go East.

To-morrow night the Stanford University Glee and Mandolin clubs are going to give a rousing concert in the Metropolitan Hall. The chief purpose of this concert, which will be the first of a series, is to celebrate the recent victory in the suit by the Government against the Stanford estate.

The boys are preparing, figuratively, of course, to paint every town red, and no doubt they will carry San Francisco by storm, as the Berkeley Glee Club and the Stanford Mandolin Club did last year.

The combination this year, however, is of Stanford clubs, and it will be their first appearance in this City in combination.

For the past two years the clubs have not been on exactly friendly terms, and the feeling between them was aggravated last year when the mandolin club went North with Berkeley. All this has been changed, and the clubs start on a triumphal tour Thursday. After the concert in this City, the clubs play in Oakland, Saturday night in Fresno and Monday in Los Angeles.

Towns in the vicinity of Los Angeles will be played next week, and on the return trip Stockton will be visited.

Last year the San Francisco audience was sent almost into convulsions over the impersonations of Mile. Callope Cardinale of the Mandolin Club. This year an equally gifted humorist, Charles I. Dillon, will take his place. Dillon has an inimitable way of telling how "Christopher Columbus Discovered America." It is said to be worth walking ten miles to hear. Two other soloists will appear. These are Messrs. Phillip F. Abbott and W. Bittle Wells.

Abbott has a barytone voice with much power and expression. Wells plays for a violin solo one of his own compositions, a nocturne. Besides the solos there will be numbers by the combined clubs and special numbers by each club. The complete programme is as follows: "Estudiantina" (Larcome), Glee and Mandolin clubs; "Zulu Dance," Mandolin Club; medley, Glee Club; violin solo, "Nocturne" (Wells), W. Bittle Wells; "Wing Tee Wee," Glee Club; barytone solo, "On the Rolling Wave," Phillip F. Abbott; "La Czamina" (Ganne), Mandolin Club; vocal solo, "Ma Little Youngster," Charles I. Dillon; "Guitarist" (Thayer), Glee Club; "Stanford University March" (Kauffman), Mandolin Club; "My Old Kentucky Home" (Foster), Mr. Abbott and Glee Club; "Angeline," Glee and Mandolin clubs.

The members of the clubs are: Glee Club: First tenors—Shirley Baker, W. A. Sutherland, Edward C. Sewall; second tenors—Charles G. Decker, G. W. Bush, J. C. McNeil, F. A. Schneider; first bass—Charles B. Pinkham, Phil F. Abbott, W. T. Young, Tara McGrew; second bass—Guy Cochran, A. G. Kaufman, C. Van H. King, W. J. Schlack; leader, Shirley Baker; manager, W. A. Sutherland.

Mandolin Club: First mandolin—W. Bittle Wells, Edward C. Sewall, Thomas K. Code; first guitar—George B. Wilson, William L. McGuire, F. D. Weale; second mandolin—A. G. Kaufman, E. L. Bartholomew; second guitar—H. H. Welch, L. E. McChesney, H. S. Gladen; mandola, Charles I. Dillon; leader, A. G. Kaufman; manager, W. L. McQuire.

A new system of packing butter which does away with old chambers is being tried in Australia. The butter is being packed in cubical boxes made of glass, the joints being covered with adhesive, grease-proof paper. The boxes vary in size, holding from one pound to 200 pounds. When a box is filled it is covered with a quarter of an inch of plaster of paris, and this with the prepared paper or canvas.

The olive has been grafted on a juniper peach on a myrtle, pears on oaks, apples on plums, mulberries on figs, a rose on an orange, carnations on fennel, peaches on mulberries, and red and white grapes, with peaches and apricots, on the same stem, for, as all buds are distinct, the stem furnishes nutriment.

The Salters' Company, whose trust and corporate income amounts to £21,000, gives about £7000 a year in charity, besides supporting almshouses for many aged couples.

Advertisement for THE OWL DRUG CO., featuring 'CUT-RATE DRUGGISTS!' and listing various medicines like BAKER'S TAR COUGH BALSAM, WILLIAMS' PINK PILLS, etc.

Advertisement for INDIANAPOLIS FURNITURE CO., featuring 'A GOOD THING—PUSH IT ALONG.' and listing various furniture items.

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CHARLES J. DILLON AS HE WILL APPEAR IN CHARACTER COSTUME. (From a photograph.)