

COURT OPINIENS TO UNION MAN

Captain of the Stabblers' Pickets Gives Evidence in Suit for an Injunction

SAYS ACTS ARE LEGAL

Monroe Reproved by Judge for an Attempt to Argue With Examining Lawyer

C. P. Monroe, captain of the Stabblers' Union pickets, was on the stand all morning in Judge Hunt's court yesterday in the trial of the suit brought by E. G. Pierce, proprietor of the Nevada Stables, for an injunction against the union. Upon the result of this hearing, as far as the lower court can determine, will depend the right of labor organizations to use boycotts and pickets against employers said to be "unfair."

Answering questions asked by T. C. Van Ness, attorney for Pierce, Monroe said that in a union meeting, upon motion of some one whom he did not remember, he was appointed captain of the pickets and given full power to act in his distribution and direction of them, keeping within the bounds of law. Nobody had directed to him what was within the law nor did he receive any other instructions. Mr. Van Ness later questioned him in detail upon his understanding of the legal rights of the Stabblers' Union and stable proprietors. Monroe answered the queries with directness, but oftentimes insisted upon making explanations which once or twice took an argumentative form. On one of these occasions Judge Hunt admonished the witness not to argue the case, but to leave that for the attorneys.

Monroe testified that he took charge of the pickets about April 23, a week after the strike at the Nevada Stables was begun. At first only two men were engaged in carrying banners in front of the place, but on the ninth or tenth of May he put on thirty-five men, going around with a horse and buggy to gather that number from the other stables. He appointed captains for the pickets at the various stables. He himself remained at headquarters, but when he heard of a disturbance among the pickets at the Nevada Stables he would go down and take the disturbance out of the line and send them to the office. The disturbance, he said, consisted in their "hollering things I told them not to holler," being drunk or disorderly and talking in loud tones.

MONROE'S MOTIVE.

When asked by Van Ness what he expected to accomplish by having thirty-five men parade in a circle, Monroe replied that he intended to notify the union and laboring people not to patronize an unfair stable. Van Ness asked if this could not have been done with a single banner man and Monroe said he thought the more pressure brought to bear the quicker the thing would be ended. Questioned further Monroe declared that while one or two men would not be seen, thirty-five or fifty would attract the attention of "a lot of the public who cannot read."

"Your idea," said Van Ness, "was to show Pierce that he could not run his business the way he was running it but as the union wanted it run?" Monroe responded in the negative and said: "We don't object to how he runs his stable, but we do object to his trying to run our business, and I guess we have as much interest in labor as he has in his own business."

Van Ness asked if Monroe, as a union man, recognized the right of Pierce and other stable owners to run their business in their own way so long as they did not interfere with the union or the union's business. The witness proceeded to explain that Pierce had called his union men down from their work one day in April and showed them an "open shop" card, telling them if they did not want to work under those signs they could take their hats and go. Monroe said that in this action Pierce was dictating to the union men as to how they should work.

Thereupon Van Ness asked if there was any law against posting such cards, or if Monroe knew of any legal right of a union to dictate to an employer who put up open-shop cards. The witness declared that as long as an employer had an open shop card and had no union men working for him, the union did not care how many cards he posted, but it objected to employers hiring non-union men and putting them in with union men.

ARGUMENT FOR LAWYERS.

In response to further questions Monroe argued that an employer had no legal right to agree with his employees as to the hours of work or amount of pay they should get and in explanation of his belief that a laborer had a right to demand certain hours and certain pay the witness said that he had worked in a stable here before the time of the union and that he received \$30 a month for working from 3 o'clock in the morning to 9 at night. He asked if the attorney thought that was legal, whereupon Judge Hunt interrupted him and told him that he need not argue the case.

Going deeper into the proposition of rights, Van Ness asked if Monroe understood it to be the right of unions by pickets and boycotts to interfere with a man's business because he did not do as the unions wanted. McGuire, the attorney for the union, objected to the question as requiring an expression of the witness's opinion and an interpretation of union rules which had not been mentioned in the pleadings. Monroe was of the opinion that a union had a right to dictate to an employer as to what kind of work an employer should do and cited that a hostler under union rules would not be permitted to clean horses—it would be one man doing two men's work, he said.

The trial of the case will be resumed this morning.

Torn Thompson—I spent two months at Newport last season. Prayed Foster—Dat so? I s'pose yer saw lous uv style 'er? Torn Thompson—Nuttin' else. De head keeper uv de jail wore a white yachin' suit an' canvas shoes all de time.—Judge.

CLARK AFTER THE BENDERS

Senator Wants Back Money Advanced to Lumbermen by Construction Company

SUES IN FEDERAL COURT

Defendants Say E. H. Harriman Is Really the Instigator of the Civil Action

The Empire Construction Company of Utah filed a complaint in the United States Circuit Court yesterday against William A. Bender, George L. Bender, First National Bank of San Francisco and others to recover \$37,571.50 and the deeds to certain lands in Mendocino and Sonoma counties. Judge Erskine M. Ross granted a temporary restraining order and appointed Charles Wier as receiver with bonds at \$50,000.

The action will be watched with considerable interest by local railroad men, for it has been hinted that an effort will be made by the defense to show, during the progress of the trial, that E. H. Harriman, head of the big Southern Pacific system and is supposed to have a large interest in the San Pedro, Los Angeles and Salt Lake road, is behind the suit. The Empire Construction Company has as its president J. Ross Clark, a brother of Senator W. A. Clark, president of the Salt Lake road, and was organized by the Clarks for the purpose of constructing the road between Salt Lake and Los Angeles.

WANTS RETURN OF MONEY.

The complaint filed yesterday alleges that on December 1, 1902, the complainant advanced \$38,400 for the purchase of lands on which to cut railroad ties and agreed to advance \$5000 per month for six months for the labor of making the ties. The title was put in the name of the complainant and the latter gave a deed to Bender Brothers and placed it in escrow in the First National Bank to secure complainant for the money advanced to be paid for in railroad ties. It was agreed further that out of the price of every cargo of ties delivered the complainant should have the right to retain 25 per cent for the purpose of repaying the amount advanced for the purchase of the lands and 75 per cent for the purpose of repaying the amounts advanced for supplies and labor.

It is alleged that the Benders have delivered only 268,751 ties and have refused to deliver the balance of 133,249. It is further averred that the Benders are in possession of the land and have greatly lessened its value by cutting tan bark and redwood timber thereon and that if they are permitted to continue the complainant's security will be still further impaired. It is further charged that the Benders, in violation of their contract, have sold large numbers of redwood ties to other parties and that there are a large number of ties on the ground.

The injunction is designed to prevent the Benders from disposing of any of the real and personal property.

BENDERS WILL FIGHT.

Attorney Hu Jones, representing Bender Bros., stated yesterday afternoon that the suit would be bitterly fought by his clients, who he claims are prepared to prove that they have not violated any of their contracts and that the suit was actually brought to abrogate certain contracts between the company and the lumbermen in order to get out of paying the price of ties agreed on in the contracts. The material was contracted for at a time when prices were very high, a fact over which the defendants had no control, and could now be bought in the market at a very much lower rate. As to the money advanced by the construction company, it is claimed by Attorney Jones that his clients would have long ago wiped out the indebtedness had the Clark concern kept its part of the agreement.

HARRIMAN TAKES A HAND.

An interesting fact in connection with the suit developed yesterday, when it was learned that one of the auditors of the Southern Pacific Company, acting in a similar capacity for the Salt Lake road, had been conferring lately with Bender Bros. with regard to an amicable settlement of the existing difficulties between them and the construction company, which would suggest that Harriman is taking a more active interest in the affairs of the Salt Lake road than he has been willing to admit. Bender Bros. are inclined to view the suit somewhat in the light of a move of Harriman for revenge.

According to their side of the case, when the Clark party first attempted to get their rights of way for their road they were confronted on all sides by opposition from the Harriman interests, and later when Senator Clark and his brother went into the market in search of ties they were again made to feel the Harriman influence. The only firm that would consent to sell them ties was that of Bender Bros. Some time ago it developed that Harriman had gained control of the Salt Lake road, and from that time on, it is claimed, the lumbermen began to meet opposition from Harriman.

It was learned yesterday that the dissolution of the Empire Construction Company has been planned for some time, and that hereafter the San Pedro, Los Angeles and Salt Lake road will do its own building and contracting for material.

Inquiry for John J. Hill.

Mrs. Douglas W. Montgomery of this city brought to the Morgue yesterday a letter of inquiry from her son, Rev. D. W. Montgomery, pastor of the Fifth Congregational Church at Washington, D. C., inquiring for parsonmaster's Clerk J. J. Hill who died in the Harbor Emergency Hospital on July 1 of concussion of the brain. The writer stated that Hill's parents lived in that city and that Hill was a member of his church.

FAIR MAKES PLAIN TO WORLD VALUE OF CALIFORNIA GOODS

Golden State's Exhibit of Wines, Raisins, Prunes and Oil Shows Public That in Purchasing "Imported" Articles It Simply Pays for Label on Package Containing Products of the West



BY PAUL EDWARDS.

CALL BUREAU, PRESS BUILDING, WORLD'S FAIR, ST. LOUIS, July 11.—There are many visitors to this exposition who will learn for the first time that often when they buy supposed foreign articles of a sort produced in California, they are simply buying California goods, sometimes of an inferior quality and usually at a greater price, with a foreign label. That California wines and prunes are reshipped from the old world to America under foreign labels and that vast quantities of Southern cotton seed oil come back here as "pure imported olive oil" to compete with the California oil are facts unknown to the great majority of Easterners, notwithstanding the constant publicity given them. The men in charge of the California exhibit here have noted the importance of disseminating this sort of information and visitors to the booths in the agricultural building are informed that if they want a genuine article they would best buy California products and not worship before the foreign label. Labels can be bought more cheaply directly from the factory than they can on the bottles and packages prepared by the cunning foreigner who has learned that only his labels are superior in contest with California goods.

Some of the County Commissioners in charge of exhibits at the Agricultural building are of the opinion that money spent in a direct campaign throughout the East against the worship of the foreign label and in educating the people to the fact that they are being imposed upon would be of great benefit to the State. There is no reason why any appreciable quantities of certain products grown in California, such as wine, olive oil, prunes, raisins and after a while, Smyrna figs, should be brought from the old world for consumption in America. California can always supply this country with these goods. Of course there are a few brands of wines, champagnes especially, and oils produced in foreign countries that will always be sought, but the use of these will not materially injure California. It is the use of articles inferior to or no better than her own, simply because they bear the strange virtue of having, in some cases, ostensibly only, come from a country other than America, that she needs fear.

MUST EDUCATE PUBLIC.

To create a market for olive oil is the great task before the growers of that commodity in California. Those exhibiting oil here find the Eastern public must be educated as to the difference between the pure article and the cottonseed mixture sold generally as olive. The main obstacle in the way of weaning the public from the adulterated oil is the much higher price that must be charged for the pure California product. Having been used to procuring what they thought was olive oil for very little money, many people cannot easily bring themselves to pay the higher prices for the superior California product, generally pronounced superior to the imported.

The California wine display is producing even better results than hoped for. Commissioner Haber has sent out thousands of cards inviting dealers and men who would possibly become purchasers of wine for their tables to visit the wine temple and sample the vintages there. The wine exhibit is drawing as many visitors as any other exhibit in the Agricultural building and there is no doubt that great benefit will accrue to the industry from it. Notes and addresses of firms selling certain of the wines shown are jotted down by visitors. The labeling of the bottles has been well done and they appear to good advantage. A French artist who called at the exhibit was so pleased with it that he wrote a letter to Mr. Haber in which he said the display was one of the most artistic he had ever seen at a fair.

CALIFORNIANS AT FAIR.

Many Westerners Visit the Exposition at St. Louis.

ST. LOUIS, July 11.—The following Californians have registered at the Louisiana Purchase Exposition:

San Francisco—S. Hunn, Dr. W. Martin, C. Bradford, H. Simkin, A. Chamley, S. Smith, Mrs. E. E. Chamley, A. Wheeler, Mrs. N. A. Wood, Fred Barnum, W. McGowan, S. S. Samuels, R. H. Rogers, Captain H. Henderson and wife, J. Kane, W. J. N. McGee and family, B. C. Brown and wife, E. J. Floyd and wife, B. C. Halling and wife, Miss M. A. Labery, G. M. Conolly, H. Fayot, George Love, B. Baldwin, A. D. Helbing and wife, J. D. Hope, H. Walker, C. W. Buck, J. F. Ande, L. Mace.

Los Angeles—V. Eaton, H. West, J. D. Bailey and family, J. H. von Dersche, F. E.

Edwards, U. C. Gordon and wife, C. Ellery, Mrs. M. S. Tyler, G. D. Stone, J. Simons, W. B. Bell, W. L. Judson, J. P. McCarthy, J. P. Martin Robinson, J. J. Morgan, W. H. Armstrong, G. A. Bates.

Oakland—A. G. Hilling, W. Crowhurst, J. C. Harris, L. N. Roberts, Lee Hull, J. Conant and wife, R. Morris, George Ingleside, Agnes Nichols, J. P. Nichols, J. J. McDonald and wife.

San Diego—Mrs. P. Earle, P. Shaw, V. E. Shaw, M. C. Deering, Mrs. M. T. Moore, H. G. Hill, F. R. Schallenberg, W. F. Oelbje, P. Voss, Patschka, G. E. Voorhes, A. V. Cole, Santa Barbara: S. Bedell, Emma Eugenia, Mabelle Lewis, Annie Tyler, W. L. Dreger, V. Miller, Pasadena: D. N. Carmichael and wife, E. H. Nelson, Ethel Innes, Sacramento: F. M. Brooks, Mrs. Brooks, Stanford: J. G. Wamsley and wife, Chico: Mrs. E. Worn, B. Blundell, Coronado: Mrs. F. M. Philbrook, Eve L. Philbrook, Oxnard: B. McGarvey, J. B. Sanford, B. E. Pemberton, B. E. Galt, G. Kelton, Ukiah: S. Veroek, Altadena: Mrs. F. G. Eggleston, F. G. Eggleston, Redlands: W. S. Sheppardson, Colton: J. E. Ryan, Stockton: R. J. Finlay, Moulton: R. L. Jessup, Hayward: Mrs. Elene Halko, Vallejo: N. Fishie, Berkeley: J. W. Hembough, Bakerfield: F. A. Knight, Long Beach: M. C. Shell, Bridgeport: A. C. Stacey, Bishop: R. B. Timbuiakes, Saxon: Willits, Edith Wilson, Tisdale: M. L. Kraft, Santa Rosa: H. P. Kingsbury, Redlands: F. H. Marshall, Berkeley: T. H. McCubbin, Marysville: W. V. Regan, Santa Clara: C. Stevenson, Visalia: Ray Scott, Ontario: F. W. Keenan, Modesto: E. P. Wagner, Livermore: N. J. Fairleigh, Delta: W. T. Wood, Redlands: G. R. Harbitt, Knightsburg: Dora Garner, Santa Rosa: Kate Cozens, S. Foster, San Jose.

SENATOR BURTON'S APPEAL IS GRANTED BY BREWER

Kansas Politician, Convicted of Taking Money From Trust, Makes Point in High Court.

ABILENE, Kans., July 11.—United States Senator Joseph R. Burton today received a telegram from his attorneys at Washington saying that Justice David Brewer had allowed the appeal of Burton's case to the United States Supreme Court.

Senator Burton was convicted at St. Louis of having received money as an attorney to work in the interests of a grain company whose case for illegal use of the mails was being investigated by the Postoffice Department.

BROOD OF CHICKENS HATCHED BY A CAT

Feline Takes the Place of Hen and Plays Mother to Little Fowl.

NEW YORK, July 11.—A dispatch from Berlin asserts without qualification that a brood of chickens has been hatched by a cat in Buschen, near Dusseldorf. The animal flew at the hen each time it ventured to approach and continued sitting on the eggs until the chickens were hatched in the ordinary course. The chickens now follow the cat about wherever it goes.

Californians in New York.

NEW YORK, July 11.—The following Californians have registered in New York:

From San Francisco—H. M. Avery and M. B. Blanding, at the Holland; W. H. Budaker, at the Hoffman; A. J. Frank and J. F. Hall, at the Bartholdi; Mrs. J. MacKenzie, at the St. Denis; Mrs. E. C. McCullough, at the York; K. McGough and G. E. Middleton, at the Imperial; H. C. Mills, at the Albert; C. C. Otto, at the Imperial; W. Benson, at the Ashland, and F. Zak, at the Hoffman.

From Los Angeles—L. Bradford, at the Herald Square; O. C. Hoff, at the Cosmopolitan; J. J. Morgan, at the Grand Union; Mrs. Pillsbury, at the Herald Square, and L. E. Russell, at the Albert.

STOCKBRIDGE, Mass., July 11.—Richard Watson Gilder of New York, editor of the Century, is ill with appendicitis. He is resting easy and it is not certain that an operation will be necessary.

CROP REPORTS SHOW INCREASE

Department of Agriculture Receives Cheering News From the Various Centers

LARGE YIELD ASSURED

Present Average Condition of Cereals Better Than the Growth of Last Year

WASHINGTON, July 11.—Primary returns to the chief of the bureau of the Department of Agriculture show the acreage of corn planted to be about 91,830,000 acres, an increase of about 2,130,000 acres, or 2.4 per cent on the area planted last year, as revised in December. The average condition of the growing crop on July 1 was 86.5, as compared with 78.4 on July 1, 1903. The average condition of winter wheat on July 1 was 87.7, as compared with 77.7 last month and 78.8 on July 1, 1903, and a ten-year average of 78.3. It should be borne in mind that this report relates to conditions on July 1 and takes no note of the effects of the storms that have occurred in certain States since that date.

The existing condition of spring wheat on July 1 was 93.7, as compared with 93.4 last month, 82.5 in July 1, 1903, and a ten-year average of 86.8. The average condition on July 1 of spring and winter wheat combined was 84.5, as compared with 80 on July 1, 1903, and 82.9 at the corresponding date in 1902. The amount of wheat remaining in the hands of farmers on July 1 is estimated at about 56,630,000 bushels, equivalent to about 5.7 per cent of the crop of last year.

The average condition of the oat crop on July 1 was 89.8, as compared with 89.2 last month, 94.3 on July 1, 1903, and a ten-year average of 87.3. The average condition of barley on July 1 was 88.5, against 90.5 one month ago, 88.8 on July 1, 1903, and a ten-year average of 87.1.

The average condition of winter rye on July 1 was 88, as compared with 90.2 on July 1, 1903; 91.2 at corresponding date in 1902 and a ten-year average of 89.7. The average condition of spring rye on July 1 was 90.8, as compared with 88.3 on July 1, 1903, and a ten-year average of 87.4.

The acreage of flaxseed is less than that of last year by about 826,000 acres, or 25.6 per cent, and the condition on July 1 was 86.6.

OF INTEREST TO PEOPLE OF THE PACIFIC COAST

Orders Affecting Postal Service of Coast Issued by the Department.

WASHINGTON, July 11.—The following changes in the postal service have been made:

A postoffice has been established at Mount Wilson, Los Angeles County, Cal., with Howard E. Bassett as postmaster.

The postoffice at Crab Creek, Lincoln County, Wash., will be discontinued July 30, the mail to go to Harrington. Robert A. Sanders has been commissioned postmaster at Garrison, Or. Rural free delivery will be extended at Whittier, Los Angeles County, Cal., by one route.

The following fourth-class postmasters have been appointed: Oregon—Unity, Baker County, George C. Houk, vice Thomas J. Elms, resigned; Washington—Crystal, Big Horn County, Robert L. McKinney, vice Stella Black, resigned.

GUATEMALAN ANT KILLS BOLL WEEVIL OF TEXAS

Expert Reports That Experiment With Imported Insect Proves More Than Match for Southern Pest.

WASHINGTON, July 11.—The effectiveness of the Guatemalan ant in checking the ravages of the boll weevil in the cotton fields has been tested and Mr. Cook, expert of the Agricultural Department, in a telegram to Secretary Wilson to-day announced that the ants promptly destroyed the weevil and the Texas ants as well. The telegram, which was the subject of great satisfaction to both Secretary Wilson and Dr. Galloway, chief of the Bureau of Planting Industry, is dated Victoria, Texas.

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