

DIVIDING SPOILS.

Contract of the Railroad With Pullman.

WHERE THE MONEY GOES.

The Former Owns Three-Fourths of the Cars.

PULLMAN CONTROLS THE SYSTEM

Mr. Fillmore Gives the Company's Reasons for Not Supplying a Better Day Coach Service.

The contemplated strike among employees of the various railroad companies in the East in an effort to assist the Pullman workmen in their fight against that company and the effect the strike or boycott would have upon the Southern Pacific were subjects of general discussion among railroad men and all others interested yesterday.

Incidentally this discussion has given rise to inquiries as to the exact relations existing between the Southern Pacific and the Pullman Company, and it was for the purpose of securing this information that a CALL reporter yesterday sought interviews with representatives of the railroad company and others who should be familiar with the subject.

In connection with this subject, General Superintendent Fillmore took occasion to explain during a conversation held with him the position of the railroad company in regard to the inferior day coach service given on all overland trains and the reasons assigned by the company for not improving it.

Prior to 1886 or '87 the Southern Pacific Company operated its own line of day-coaching-cars, some of which were built and purchased from the Pullman Company, and others constructed elsewhere in the East. It is Mr. Fillmore's belief, and he states that this belief he has reason to think is shared by everybody who has observed the difference in service given, that under the old system, where the company controlled the cars, the demands of the passengers were more fully met than at present.

As an illustration of the difference in the methods governing the present Pullman service and those which obtained when the railroad had full control, Mr. Fillmore called attention to the rule now in force which prohibits a passenger who has purchased the use of an entire section from inviting a friend from another part of the train to occupy a seat therein unless he pays for the extra seat.

Under the old rule, the gentleman mentioned says, this privilege was granted, and was also several others which are not now enjoyed by travelers.

"It was, as I said, in 1886 or 1887 that Mr. Huntington entered into a new arrangement with the Pullman Company," said Mr. Fillmore. "By the terms of this agreement the Southern Pacific Company purchased outright a three-fourths interest in all the cars operated on its lines, the Pullman Company retaining the other fourth. The railroad receives three-fourths of the net receipts from the service and the Pullman Company one-fourth, and that proportion is sustained by the expenses of repairs, overhauling, etc. If one of the cars is wrecked, however, we are compelled to replace it, and the entire loss falls upon us."

"The actual operation of the Pullman cars is controlled by that company—that is, they hire and pay all employees, furnish supplies, etc., and they control the cars absolutely in this respect."

"The cause of the change in control of the cars was simply due to the fact that the public became impatient with the cars that run by the railroad company were not up to the standard of those operated by Pullman. The latter had the reputation and travel and the comfort of the Pullman cars. It was partly in order to satisfy this demand on the part of the public that the change in management was made, because it was thought that the facilities of the car company were probably better adapted to giving the public a more satisfactory service."

"The conditions under which the Pullman cars are run on other roads vary. On the Union Pacific a contract similar to ours is in effect, and on the Atlantic and Pacific the car company runs and operates the cars and takes all the receipts, the railroad company simply deriving the advantage of car service. Further East, nearly all the roads own an interest in the cars, while on all the Vanderbilt lines, as you are aware, the Wagner cars are used exclusively."

Mr. Fillmore evinced no hesitation in answering a direct question as to why the railroad company did not afford the public a more satisfactory day coach service.

"On all our local lines," said he, "the day coach service will compare favorably with that of the Eastern roads. You may take a day coach on the line between Oakland and Livermore or San Jose, from this city down on the coast division or on the Napa or Santa Rosa branches and you will find the coaches are all of a superior make, with high-back seats and every other convenience of the modern car."

"Now the main, in fact the only objection which comes to us in regard to this part of the service is directed against the cars now in use on the overland trains out of Sacramento."

"Some people don't appear to realize that it costs money to run a train of passenger coaches, and that if these coaches are not patronized a loss naturally results. From this city to Sacramento, practically the same class of day coaches are in use found on the other lines mentioned, but from Reno on East conditions of travel differ so materially that we are compelled to treat the matter from a business standpoint and not from a sentimental point of view."

"I have myself frequently rode in the combination car east of Reno when there were not half a dozen passengers aboard, and this is not an unusual thing, but it is almost daily occurrence. The patronage extended the day coaches is not even sufficient to justify us in placing in service the regular day coaches. From Reno east there is a long, dreary, dusty ride, during which all passengers either want to lie down or in some manner amuse themselves. It is a question of a single day or a single night on the road, as it is the East on most trips which are considered long journeys, but out here it means thirty-six hours on the road after leaving San Francisco before reaching Ogden. For this reason a very great majority of travelers desire to travel in sleeping-cars."

"Now, as to the chair-car service of which you speak, I simply want to state

that we have tried it and found it to be a failure. In fact, we have tried both the chair and parlor cars, with the same result. We tried them between this city and Monterey and between here and Sacramento, but the people didn't take to them at all. Our receipts just about paid the expense, because people objected to paying the fare of 25 cents charged. As a result of our experiments in this direction we had to turn these cars into ordinary coaches."

Notwithstanding Mr. Fillmore's statement concerning the elegance of the day coaches on the local runs, those who travel between here and Sacramento and from there on to Reno know that the best cars on the line would not be used as smelters on an Eastern road and the smelters—well, they wouldn't be considered fit for cattle.

Regarding the fight against the Pullman company, Mr. Fillmore said that he did not see how the employees of the Southern Pacific could take a hand in it and expect to derive any benefit thereby. "We try to treat our men fairly," said he, "and it would be ridiculous for them to take up a fight in which they are not even remotely interested. Besides, if they did the war would not be waged against Pullman, but against us, as we would have three-fourths of the cars, and they might inflict in fact a far greater proportion than that, when the effect such a contest would have upon all our business is considered."

"The General Managers' Association, of which the members of the American Railway Union have seriously complained of late, is a body with which our road has nothing to do, and, in truth, we never favored it."

"If a fight was declared against all Pullman cars running out of Chicago, as is commonly supposed, how it would affect our line. Under our contract with the Northwestern road, which operates Wagner cars exclusively, all our Pullman cars after passing Council Bluffs are run as Wagner cars into Chicago and all Wagner cars are run as Pullmans from Council Bluffs west. The cars are absolutely managed in this way, and it is not possible to designate our cars as Pullmans when they are controlled and operated by the Wagner system would require a decided strain upon one's imagination."

"You may say that we don't expect to sidetrack any cars or to encounter any delay," concluded Mr. Fillmore. "If any possible way could be devised to break the sway of the Pullman Company in California, I believe any man who has occasion to travel much would be heartily thankful. It is a member of this class who spends much of his time in journeying up and down the coast. "The Pullman interest seems to have secured a foothold in the management of the company, and the company is obliged to the interests of its patrons, and studiously negligent in catering to their comfort. Many of the employees are incompetent and overbearing in their manner, and frequent instances come under my attention where women traveling alone, in particular, are subjected to the petty annoyances which some of the sleeping-car attendants seem to take a pleasure in inflicting upon those whom they know to be incapable of resisting their insolence. You see, the information of this assertion, just let the public know that you are keeping tabs on complaints of that character and you can get a bushel of them in a week."

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HEAVY ON CLUNIE.

He Must Settle Up With Sutfitt.

The Supreme Court Indorses a Judgment for \$6990 65 Against Andrew J.

The Supreme Court has affirmed the heavy judgment rendered by the Superior Court against Andrew J. Clunie, at the suit of Henry Sutfitt.

The case dates from 1887, when Sutfitt, a retail tobacconist, thinking himself insolvent, consulted the legal firm of Clunie, Young & Clunie, and by the advice of T. J. Clunie he assigned all his property to Andy Clunie, to be realized and distributed among his creditors.

It came about that two of the creditors were Rosenbaum Bros., whose claim was for \$5538 80, and Joseph Brandenstein, who claimed \$1956 27. Clunie saw these people and induced them to compromise their claims for 50 cents on the dollar. He actually paid all \$4878 80 in full settlement of these claims.

It was afterward discovered that Sutfitt's estate was solvent, and out of some \$14,715 in hand Clunie permitted T. J. Clunie to take out and keep the balance of the full amount due to Rosenbaum and Brandenstein. Sutfitt brought suit for an accounting, and the Superior Court found that Clunie owed Sutfitt \$6990 65 in all. An appeal was taken.

In affirming the judgment the Supreme Court views the case as follows: "Thomas J. Clunie was a member of the law firm of Clunie, Young & Clunie, and was attorney for plaintiff. He knew before the assignment in favor of Sutfitt that the estate of plaintiff was solvent and able to pay in full all his obligations. Under such circumstances he had no equitable right to purchase demands against the client and keep the balance, and then charge the latter, or what is the same thing, his estate, with the par value of the claims."

"When, under such circumstances an attorney purchases a claim against his client at less than its face value he cannot be permitted to make a profit thereby against the principal whose agent he is, and more especially where as in this case he has in his custody funds in which the client has a beneficial interest to an amount nearly equal to the amount paid out, with an almost certain prospect of receiving the balance in a short time."

"It is quite apparent that A. J. Clunie, the assignee, had actual notice of most of the facts, and whether we treat him simply as a principal authorizing his agent, Thomas J. Clunie, to pay himself in full from the funds of the estate, or as the partner of Thomas J. Clunie, and hence as the attorney of the plaintiff, seems to make little difference."

"In either situation he had no right against plaintiff to pay or authorize the payment to Thomas J. Clunie of a greater sum in account of the claims than the amount advanced to the latter on account thereof."

It is further decided that Andy Clunie is entitled to no counsel fee.

Y. M. C. U. Election. Leo Assembly No. 4, Young Men's Catholic Union, has elected the following officers for the ensuing term: President, P. Molloy; first vice-president, H. Philcott; second vice-president, M. Lynch; recording secretary, J. Sheehan; financial secretary, D. A. Ahearne; delegates, J. Keating, marshal, J. E. O'Connell. Trustees: R. English, P. J. Harap, P. Hurley, J. Mahoney, P. Brady, P. H. McCreary and J. Mahoney. Delegates to the assembly—J. J. Sheehan, P. E. McCarthy, P. Molloy and P. J. McCormick; medical examiner, Dr. Thomas F. Brennan.

ETHEL BESIEGED.

Creditors Are After the Actress.

TALKING OF AN ELOPEMENT.

Miss Brandon's Domestic and Financial Affairs.

SHE IS WAYLAI'D BY STRATEGY.

Two Unpaid Theatricals Discover Her at the Hospital and Serve Her With a Summons.

Is Ethel Brandon ill or shamming? Will she elope on the steamer Mariposa for Australia to-morrow with Actor Arthur Elliott, thus letting the suit for divorce against her husband, L. R. Stockwell, be thrown out of court?

These are the questions that are agitating the theatrical colony in San Francisco just now. They are also causing plenty of gossip in many other circles in which Miss Brandon is known. Their solution is awaited with a good deal of curiosity.

Miss Brandon denies positively that she is in such health as to think of an elopement of any kind. She claims to be well to all to receive visitors, but Miss Bacon, her constant companion, speaks for her, and Keirns and Thrum went out the way they came.

"Miss Brandon was up at the time," said Miss Bacon, commenting on the intrusion of Keirns and Thrum, "but she is very sick. The doctor has directed her to get up and walk around as much as possible, as it will help her recovery. She generally stays up and walks around for half or three-quarters of an hour at a time, but she is far from well. Yes, I rather think she is improving."

"Do you know that Mr. Stockwell is coming here on Thursday? Do you?" Well, I would like to know how much truth there is in that report," said Miss Bacon said good-night and returned to her patient.

It is stated that L. R. Stockwell will arrive here to-morrow morning, and that his business will be to fight the suit for divorce filed by his wife.

CHILD LABOR.

A Local Crusade to Be Started Against It.

The Union of Practical Progress held its regular monthly meeting in one of the small halls in the Shields building on O'Farrell street last night. There was a fair attendance of members, and in the absence of President Terrill J. M. Reynolds presided.

The object of the union, which was only organized on June 5, is to discuss social and other problems at each meeting. At the last gathering the question of "Prohibition" was the theme. The subject selected for last night's discussion was "The evils of Child Labor in the Industrial World."

The first speaker was Dr. Shiel, whose theme was "Physical Effects of Child Labor from an Anatomical Standpoint." The lecturer treated of the evil effects on the physical forms, and the health of the young being forced prematurely to over-exertion. To this he traced many diseases, also making a strong point on the deterioration it caused on the race from a physical standpoint.

T. Lynch gave a number of statistics of the number of children forced to early employment in various countries, and his figures showed that the number was enormous, particularly in the mines and in factories representing various special industries.

Rev. Dr. Ferguson spoke on the moral evils of child labor, and Mrs. J. R. Wilson delivered some strong remarks on the tendency of the young to lose religious faith by having no time to come within its refining influences.

The general sentiment of the members was that a crusade should be started against child labor in this city.

THE PALO ALTO SALE.

The Second Installment of Trotting Stock to Be Offered To-day.

To-day at 10 A. M. at Palo Alto there will be held the second sale of trotting stallions, colts, fillies and roaster geldings. The catalogue includes fifty-two head, comprising one aged stallion, a three-year-old son of Whips, a two-year-old son of Lottery, nine yearling colts by Electricity, Truman, Wildcat, Macinto, Missie and Will Boy, nineteen fillies by Azmoor, Piedmont, Bernal, Electricity, Sport, Lottery and other Palo Alto stallions with records, besides twenty-one roaster geldings broken to single and double harness all bred by sons of Electioneer and General Benton.

The yearling colts are a splendid lot, with the best of blood lines in strong and pure producing crosses.

Two trainings leave Third and Townsend streets this morning, one at 8:15 and the other at 10:40.

Tickets should be purchased for Palo Alto station, where conveyances will be in waiting to take visitors free of charge to the farm, and at noon a lunch will be served to all.

The well-known firm of Killip & Co. are, it is almost needless to add, the auctioneers.

WAS NOT ROBBED.

Carl Soderberg's Grievance Has No Foundation in Fact.

Carl Soderberg, who was arrested on Sunday night while under the influence of liquor and booked at the old City Prison, has having been released by the police, Charles Oker's saloon, 642 Sacramento street, which the facts as developed do not bear out.

FEED THE KITTY.

Robbery by a Rapacious Feline.

MORE DARING THAN A TIGER.

How the Deity of "Draw" Does Its Work.

CHIEF CROWLEY CANNOT STOP IT.

Since the Ostensible Closing of Faro Games the Kitty Has Grown Round and Fat.

The kitty is too much for the San Francisco police. They have faced the tiger in his lair and subdued him, or say they did, but they do not seem to be able to cope at all with the baby feline of sporty predilections. They have knocked out faro, presumably, but the poker kitty thrives in all its playfulness.

Which only goes to show after all that the American improvement on the wild beast of the jungle is like an American improvement, a good thing.

So the kitty may gambol nightly on its native green and fatten on the liberal feed, while the highly colored stripes on the fero tiger are running into each other in the wash, making the once beautiful black and gold only a rusty tan.

The San Francisco kitty is a good thing undoubtedly—for the proprietor. Most people would call it a robbery. It may not be as bloodthirsty as the fero tiger, but it is more grasping, has a more voracious appetite and is cunning enough to evade the law.

Chief Crowley says there is nothing in the law that would let him reach it. With all his bluecoats and all his fly "coops" and the laws against gambling he is powerless to prevent the "banking" games, and he is more grasping, has a more voracious appetite and is cunning enough to evade the law.

There is nothing in the Penal Code," he said yesterday, handing a copy of that interesting volume to a reporter for THE CALL, "to prevent poker. Read for yourself."

"That's so," said Captain Lees, who was near by, "the law only provides for the suppression of 'banking' games," and he went on to explain that "banking" games were those at which checks were sold, the players bet their money or checks on a game provided by the game and paid of were paid as the cards were turned and they won or lost. This, the Chief and the Captain explained, took in faro, roulette and the thousand and one other devices in which layouts are used, but not poker."

This interpretation of the law being well known to the gambling fraternity they have raised a hue and cry in the city and made it a warm nest on the green cloth in many spots in the city. It has been fed and pampered until it is as sleek as a London Alderman, and it multiplies apace.

Is fecundity remarkable. In one place on Market street where, a month ago there was only one poor, emaciated pussy, suffering from lack of nourishment—the royal Bengal tiger of faro getting it—all there are four well-developed, lusty-coated cats, who live on the fat of the land. In a basement on Turk street, just off Market, where a ladies' orchestra tootles merrily for the beer, there are three more flourishing pussies in an amulet resort not more than a thousand yards from Eddy and Mason streets, there are two more, and in another place a dozen of others in the city to be found for the searching.

And the man whom the gamblers are pleased to designate as a "sucker" sits hour after hour at the shrines of the kitty and allows himself to be deliberately robbed without a murmur. He has no choice, for if he were to be more of more use thrown at the birds.

That's the kind of a good thing the kitty is, and this is the way she works: At every table the proprietor of the house provides an attaché of the house, who sharpens the claws of the kitty every morning before she is ready for business, and she has in her claws the cruel work of the day. He is generally a low-browed young man, who pastes his hair down on his forehead, has a long, low, rakish-looking nose, and is given to black silk handkerchiefs, conspicuously displayed. He may not look it, but he knows his work and his game.

His work is set out on a small stand near the table, and the young man and the kitty are ready for the victim. The latter is always on deck in large numbers, and the proprietor of the house provides to satisfy the rapacity of the kitty, and they are always on hand. The young man sells checks at the rate of 5 cents apiece, less than \$1 invested, and he is ready to an entrance to the game.

The deal starts and the young man with the soap-locked hair unfastens the claws of the kitty. He dips her in the pot and takes out two checks before the draw. After that interesting period of the game has passed he dips in again and takes out at least two more. By any means should a player show three or better the ready claw gets three checks instead of two.

And so it goes on for deal after deal and hour after hour. The claws are made like in their action and sure in their clutch, and never miss a grab from 2 o'clock in the afternoon to 12 o'clock in the morning if the dunes and their money hold out.

It can now be easily figured out what a soft, silken, cruel, merciless robber the kitty is. For at least ten weary hours the kitty is indefatigable. The young man with the soap-locked hair to give in, but he is superseded by another of the same type, who has the claws of the kitty there and the slaughter of the unopprobrious devotees goes relentlessly on.

Ten hours, with an average of thirty deals to the hour, foots up 3000 deals. Three hundred deals, with each deal 20 cents to the kitty every deal, makes \$600 fed to the feline.

These sixty players with \$1 apiece to begin with and let them play in rounds of six in their turn to consume the ten hours, and they would have become bankrupt just through fattening the deity of the game.

In the temple of the cat god, on Market, that one could look into if he were standing at the southwest corner of Fourth, there are four of these predatory felines in two small rooms, and four young men attend them. The seats at the shrines are fixed every hour in the day, and conservatively figure on an intake of \$600 for ten hours, the players pay for the use of the cards, the rooms and the checks, with \$200 a drink thrown in on the side, just at the end of the day. That makes a monthly \$76,000 a year. It costs the nation only that much to pay a "stuffed prophet" as a President of the hour, foots up 3000 deals. Three hundred deals, with each deal 20 cents to the kitty every deal, makes \$600 fed to the feline.

That's only one example. There are dozens and dozens of cosy nests for the kitty all over the city. The feline robs and plunders more openly and shamelessly than the most daring highwayman, yet the police say they are powerless to prevent it—that the law is against them.

Did they ever try? Maybe not. The law that killed the fero tiger might naturally be thought to be powerful enough for the poker kitty. One never knows, you know. One really doesn't.

A Heavy Mortgage.

A mortgage was recorded in the Hall of Records yesterday from Nino Dillon, of the City of San Francisco, to the City of San Francisco, the amount of the mortgage being \$120,000. The property mortgaged consists of two pieces of real estate, one with a 105-foot frontage on the corner of Van

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