

Zimmer's Refusal to Testify Cripples Prosecution

Continued from Page 1, Column 4.

"What position, if any, did you occupy with the Pacific States telephone and telegraph company between June 12, 1905, and March 15, 1906?" "I refuse to answer," repeated Zimmer.

"On what ground do you base your refusal?" asked the court.

"The grand jury has heretofore indicted a number of gentlemen on testimony which I deem insufficient to indict and to answer questions would prejudice my own interests," explained Zimmer a second time.

"You must answer, Mr. Zimmer. A refusal to do so is in contempt of the authority of the court."

"I still refuse, with no disrespect to the court," asserted the witness.

"Is your only ground for refusal the one you have stated?" asked Judge Lawrence.

"Yes, sir."

"For refusal of the witness to answer the question now before the court," ruled Judge Lawrence. "It is ordered that he be, and he is hereby adjudged, guilty of contempt of court and the punishment therefor be committed to the county jail for a term of five days or until he answer the question according to law. The sheriff will assume custody of the witness."

ZIMMER GOES TO JAIL

Ten minutes later Zimmer was being taken away to the county jail in the automobile. He was taken to the jail at 10:30 o'clock. Sheriff O'Neill received a telephone message to the effect that the prisoner had reached the jail. Neither Heney nor Delmas would discuss the incident nor its possible effect on the outcome of the trial.

According to the statutes the ruling of the court is final and conclusive and is not subject to appeal or review by a higher tribunal. Five days in the limit of the court for such an offense, but it is provided by law that in such a case the witness may be confined indefinitely until he determines to answer the question put to him, and the sentence shall be included in the judgment of the court.

The court holds jurisdiction during the trial and an additional criminal action, entailing a sentence of six months, may then be brought by the district attorney. The court, as it now stands, Zimmer must remain in jail at least five days and until the conclusion of the trial unless he should decide to give his testimony in the meantime.

President of the grand jury to stand when court opened yesterday morning the immunity contract given Supervisor Borton by District Attorney Langdon was produced by Rudolph Spreckels, who had retained it. A copy was read into the record to supplement the incorrect copy produced last Friday.

Director Homer S. King was recalled to the stand and asked whether any authorization had ever been given by the board of directors to Halsey or any other person to expend money to prevent the entrance into the local field of an opposition telephone company. He answered this and other similar questions in the negative and was dismissed without cross examination.

Fredrick W. Eaton, secretary and treasurer of the Pacific telephone company, was the first witness called after Zimmer had been sent away from the court in custody of the sheriff, and through him, the prosecution succeeded in getting into the grand jury that Zimmer, although his statements were not as directly incriminating as those of the former auditor would have been had he repeated his statements to the grand jury.

The effort to show that Glass alone could have ordered Halsey to bribe the supervisors was made through a process of elimination.

"What officers of the company had authority to check the books?" was Heney's first question after the by-laws of the company setting forth the duties of each officer had been admitted as an exhibit in evidence.

"The banks were authorized to pay checks signed by the treasurer, the president or the president or by Mr. Zimmer for them."

Heney followed this opening in a determined effort to implicate Glass.

"Who was the acting president from the time of Mr. Salin's death up to the time of the election of Mr. Scott?" asked Heney.

"Mr. Scott," answered Zimmer after the question was asked.

"Did he sign any checks during that time?" asked Heney.

"No, sir," answered Zimmer.

"Who signed the checks?" asked Heney.

"I signed them," answered Zimmer.

"Did you sign any checks?" asked Heney.

"No, sir," answered Zimmer.

"Who signed the checks?" asked Heney.

"I signed them," answered Zimmer.

Eaton further testified concerning Halsey's employment by the company, though he said he knew nothing of any policy or opposition by his company toward competing companies and declared that Halsey had no power to draw money from the treasury. He said that Halsey's salary was between \$250 and \$350 a month, but a question as to whether he had signed a check every month from June, 1905, to March, 1906, to Halsey for \$1250 in addition to his salary check was objected to by Delmas and was unanswered when court adjourned at noon. On the reconvening of court it was overruled.

Judge Lawrence suggested at the outset of the afternoon session that he had been impressed by the contumacious refusal of Zimmer to testify and suggested that he would give the prosecution time to rearrange its order of testimony if so desired.

"I don't see that there is any way in which I can be sure that any officer of the telephone company present here as a witness is going to testify as he did before the grand jury, or testify at all, so there isn't any use in taking time to rearrange the testimony," answered Heney, and then he requested the examination of Eaton.

"Q—What Mr. Halsey to your knowledge, engaged by your company to oppose franchises for competing companies? A—I understand that was part of his duty."

"Q—Was there any other person connected with the company at this period to look after opposition companies? A—Not to my knowledge."

"Q—What officers had authority to give instructions to Halsey? A—I suppose the president or vice president."

Eaton was dismissed without cross examination and Henry T. Scott, president of the Pacific telephone company, was recalled to the stand. The witness corrected a statement made during his former examination on the stand, saying that Halsey's salary while he was actively engaged by the company was \$300 a month, but he professed absolute ignorance of the going out of any money to Halsey during the early

months of 1906 and admitted that he did not know whether any office such as that of a treasurer had been appointed. On cross examination, in asking about Scott's relation with the Home telephone company at the time of its organization, Delmas propounded a question which aroused Heney's ire and led to a passage at arms.

"Do you know a Mr. A. K. Detweiler, an officer of the Home telephone company, who is under indictment, I believe, on a charge of bribing supervisors and who was not yet been arrested?" asked Delmas.

"I suppose all that is for the purpose of identification," interjected Heney. "You might add that he is the same Mr. Detweiler whom the prosecution has been making every effort for five months to identify."

"I will not add that," retorted Delmas. "For, so far as my information goes, it is not true."

"I suppose you got your information from Zimmer," suggested Heney.

"That is true also. I haven't talked with him."

"Oh, well, there are other ways. Maybe Mr. Daily has."

These insinuations are as offensive as they are untrue, began Delmas when the court stopped the dialogue.

Heney reopened the direct examination and probed at length into the facts surrounding Halsey's going to the Philippines and the order allowing him a pension of \$175 per month from the Pacific telephone company. Scott became very much muddled in an attempt to explain why he had ordered this pension paid without having been given any personal information as to Zimmer's services with the company or without discussing it with the board. Delmas interposed objection after objection and the inquiry finally ended unsatisfactorily. The witness once declared that the Halsey pension matter had not been discussed by him with the board and again asserting that he had reported it to them and had taken action because of the recommendations given Halsey by the directors.

CORROBORATES DRUM

John F. Cannon, who rented the much heralded rooms in the Mills building to Frank G. Drum at the request of Halsey, was the next witness. He simply corroborated the statements made by Drum and said that the rooms had been engaged for a few days. Heney asked him about a conversation with Drum, to which Delmas objected on the ground that it was irrelevant unless the prosecution claimed that Drum was a co-conspirator.

"If you ask my opinion, I think he is," shouted Heney.

"Was he indicted?" questioned Delmas.

"No, he wasn't," Heney was angry and excited by this time. "I didn't do the indicting, though, and I didn't suggest to the grand jury whom to indict."

"Halsey," called out D. O. Mills, was called, but was dismissed without examination after stating that he had nothing to do with the renting of rooms in the Mills building to Drum or Halsey.

John Krause, special agent of the Pacific telephone company, who was with Halsey in the rooms in the Mills building on the day when five supervisors visited him, was the last witness of the day and the most unsatisfactory. Krause's testimony was not at all what Heney wanted. He was not willing to answer the questions put to him exasperated Heney and prevented a clear account of all that transpired on that important day, just before the passage of the Home telephone franchise ordinance was made. The most of the information that was put to him exasperated Heney and prevented a clear account of all that transpired on that important day, just before the passage of the Home telephone franchise ordinance was made. The most of the information that was put to him exasperated Heney and prevented a clear account of all that transpired on that important day, just before the passage of the Home telephone franchise ordinance was made.

Heney went over the ground again and again in an effort to force Krause to tell the particulars of the visits of five supervisors to the rooms rented by Halsey. Krause's memory was at fault and his statements were piecemeal and incoherent. After a tiresome effort Heney succeeded in elucidating the information that was put to him scantily furnished; that Halsey used the telephone many times and that Supervisors Coleman, Wilson, Longman, Manlick and Furey visited the rooms during the day. Krause closed for an undated period of time. Halsey was also forced to tell of his efforts to interest the supervisors in the affairs of the company and of taking several of them to wine dinners with him.

Court finally adjourned at 5 o'clock and the trial will be resumed this morning at 10 o'clock.

Judge Lawrence has not yet determined whether he will hold evening sessions of court this week.

Four Schmitz Cases Are Set for Trial

Settlement of Bill of Exceptions Put Off Till July 30

The settlement of the bill of exceptions in the case of Eugene E. Schmitz, convicted of extortion, was the subject of brief but effective discussion yesterday in Judge Lawrence's court. When the matter was brought up, Judge Dunne fixed the settlement for July 30. Charles H. Falrair, the belligerent attorney for the former mayor, was not pleased, but apparently the recent action of the court in declining to interfere had taken all the fight out of him.

"Cannot the bill of exceptions be settled at an earlier date than July 30?" he asked, with all due deference, almost with humility.

"No," answered Judge Dunne. "That is the earliest date."

The four untied cases of extortion still pending against Schmitz were called, and in each case the order entered by the clerk was read. The cases "continued to August 10 for trial."

The cases of G. H. Umben, W. I. Brobeck and Joseph E. Green, indicted for the Parkside bribery, were next called. Special prosecutor C. W. Cobb is holding conferences with Attorney Hoeder and Frank D. Nicoll and other attorneys for the defendants in regard to a stipulation covering the various points raised in proceedings on motions to set aside the grand jury indictment. It was agreed that the motion should be presented to the court tomorrow morning and the cases went over until that time.

YAMAMOTO IS COMING

Will See Warship and Then Start West in Time to Sail July 23

NEW YORK, July 15.—Admiral Yamamoto started today for Japan by way of Boston and Montreal. The message of peace the admiral brought to this city he will also convey to Boston, and he will find time while in that city to make the manner of building the latest treaty ship at the shipbuilding yards in Quincy.

After a brief visit in Boston the admiral will proceed in Montreal and thence to the Pacific coast, whence he will sail on July 23 for Japan.

GAS COMPANY ASSESSES STOCK FOR MILLIONS

Each of 300,000 Shares of Pacific Corporation Must Pay \$10

MARKET IS AVOIDED

Officials Prefer to Raise Debt Clearing Fund Among Investors

An assessment of \$10 a share was placed on the entire stock of the Pacific gas and electric company, common and preferred, by a vote of the directors of the company yesterday. As there are 300,000 shares of the stock, of which 100,000 is preferred and 200,000 common, the sum to be raised by assessing the stockholders is \$3,000,000. The total stock of the company is \$30,000,000 and the bonded indebtedness is \$9,500,000.

The action of the directors was not unexpected by the stockholders. Two reasons are assigned by John A. Britton, the move. The first is that the company has incurred an indebtedness of large size in rehabilitating the gas and electric system in San Francisco, which sustained a loss of \$3,500,000 by the fire of April 1906. The second is that the business of the company, which extends into 25 counties of California, has grown very large, and, to keep up with the demands for service, it has been necessary to provide for 40,000 horsepower in addition to the former equipment. This has been accomplished at a total approximate cost of \$3,500,000.

After some discussion the directors are said to have come to the conclusion that it was better to ask the stockholders to stand by the company than to try to market additional securities, considering the general condition of the money market.

Large demands have been made for additional horsepower in the interior to be used in the operation of extensions of cement plants and the gold dredging plants that have increased in number. This new business brings in additional revenue, but the cost of providing the facilities have been large. In addition to the gas and electric plant, which extends as far north as John Adams in Butte county, as far south and east as Graveland in Tuolumne county, to Santa Rosa and Sebastopol in Sonoma county and to Campbell in Santa Clara county, the company has all the leading towns in 25 counties, including San Francisco, the company is operating the South Yuba water company, which irrigates the country between Colfax and Sacramento.

The debts of the company have become onerous, largely due to the cause mentioned and also because of the falling off in revenue in San Francisco for a number of months following the fire of 1906.

The directors of the Pacific gas and electric company accepted the resignation of Charles W. Conlisk as secretary yesterday, but made no appointment of a permanent successor.

OWL CARS TO BEGIN IN FEW DAYS, SAYS MULLALLY

Statement That Union Men Are Deserting Denied by Cornelius

Encouraged by the lack of disorder attending the operation of all night cars on the Sutter street line, Thornton Mullally announced last night that he would start the owl cars in a few days. He said that he was not of the lines of his company the last of this week.

Cars on the lines running into Market street have been kept going under a 30 minute schedule as late as 1:30 a. m. for almost a month now, and since no display of violence whatever has been made it is believed the owl cars on these lines will not be molested. Fillmore street also will have the all night cars. They will run 30 minutes apart.

Mullally said last night that the usual increase in men had been gained during the day and repeated his statement that a number of the old men who walked out with the union had returned and had been assigned to their old runs.

Similar statements made previously by Mullally aroused the ire of the officials of the carmen's union, and last night the following statement was given out by President Richard Cornelius:

"The repeated statement of T. Mullally that 100 platform men had returned to work is absolutely without foundation in fact. Mr. Mullally is very evidently trying to mislead the public by making an attempt of the lines of his company the last of this week."

Such is his intention he is doomed to dismal failure. Our members are standing solid, and will continue to do so until an honorable settlement is effected."

"The lack of the inability of the company to put on more than an average of 210 cars per day during the last six weeks—aid 210 cars being run per platform—has been an utter failure of the company's ability to run the last dividend on preferred stock, and their declared intention of borrowing \$3,000,000 to meet operating expenses is a positive proof that from an industrial and economic standpoint the company is defeated. The amount of interest to be paid on this \$3,000,000 is three times the amount of increase asked by the carmen."

If Mr. Mullally is so well supplied with men I would respectfully suggest that he cease violating the law and repair the lawless and lawless behavior of his men, thereby protecting the lives of our citizens."

LAUNCH RECRUIT BURNED TO THE WATER'S EDGE

Crowley's Craft Takes Fire in the Bay and Is a Total Loss

The gasoline launch *Recruit* of the Crowley boat company's fleet was destroyed by fire in the bay off Sausalito yesterday and the hull now lies in the water. The launch was a 20-foot craft, built by John Belger, the engineer and the sole owner, was slightly burned about the face and hands. He was rescued from the burning boat by a second launch, which, after taking him aboard, towed the burning craft close to shore and beached it.

The ferryboat *Sausalito* saw Belger's signals of distress and lowered a boat to go to his rescue. The second launch, however, arrived first. The *Recruit* was towed to the shore by the *Sausalito*, to which it had taken supplies. The engine in starting up "back fired." The launch was valued at \$4,000.

FULLERTON'S NEW POSTMASTER—Oyster Bay, N. Y. Fullerton's new postmaster, pointed L. C. McFarland postmaster at Fullerton, California.

Explosion on the Battleship Georgia Kills Eight Men

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10 months. It is commanded by Captain Henry McRae.

The turret where the explosion occurred was under command of Lieutenant Goodrich, who was a son of Rear Admiral Goodrich, commander of the New York navy yard, and Midshipman Faulkner, Goldthwaite and John T. Cruz were operating the eight inch guns. The guns in the forward turret killed eight men and wounded two men and the guns of the after turret had fired one round.

Two cases, as the big 100 pound bags of powder are called, had just been sent up through the ammunition hoists and were in the arms of the loaders, whose name is withheld by the ship's officers. He stood at the breach of one of the eight-inch guns ready to insert the charge. At this instant the turret was seen to be smoky and two men who stood near the loader saw a black spot on the bag, indicating that the charge had ignited and was smouldering.

The loader discovered the spot at the same instant and threw himself forward on his face, at the same time shouting a warning to his turret mates. The other men who had seen the spot were Elch and Hansell, and they also threw themselves on the floor of the turret. Before the other men in the turret could understand what caused the loader's cry of warning there was a blinding flash as the burning powder exploded. There was a flame and smoke and gases filled the turret superstructure in which more than a score of men were confined. As the powder was not confined, there was no report, nor did the vessel suffer any injury. Every nook and corner of the turret was filled with flame.

The loader, who was of course nearest the powder, was terribly burned, as was every other man in the turret with the exception of Elch and Hansell, who although scorched escaped with injuries much less severe than the others.

CRY OUT IN AGONY

Blinded by the smoke and flames, choked by the gaseous fumes and maddened with pain, the men screamed in agony. Some staggered blindly up the ladder to the hatchway in the top of the turret, while others crawled along the turret floor, begging piteously for help. Lieutenant Goodrich and Maltick became crazed, staggered up the iron ladder to the top of the turret and then threw themselves headlong into the sea. A desperate effort was made by drowning in preference to death from their terrible injuries.

When the smoke of the burning powder had cleared away the shipmates of the unfortunate men rushed to their rescue and tenderly lifted the burning sailors were lifted out of the fire blackened turret and quickly conveyed to the ship's hospital, where their burns were dressed by the surgeons. The surgical staff of the Georgia was soon reinforced by the crew of the other vessels in the fleet, who had been informed of the accident and summoned to the scene.

In the meantime Lieutenant Goodrich and Seaman Maltick had been rescued by launch and taken to the hospital from an inspection of the target.

A wireless message telling the brief details of the accident was sent to the government station on the highlands of Cape Cod and thence overlaid to the navy department at Washington. An examination of the turret after the accident failed to show that any serious damage had resulted to the ship.

Immediately upon learning the facts of the accident Captain Henry McRae, commanding the Georgia, notified Rear Admiral Thomas, commanding the fleet, of what had occurred. Rear Admiral Thomas has ordered an investigating board to examine into the cause of the accident. The board makes its report the primary cause of the explosion will be in doubt, and it is uncertain even that the board will be able to determine definitely what ignited the powder.

SPARK THE CAUSE

Two theories are entertained. One belief is that a spark from the discharge of the guns floated back into the turret through a gun port and settled on the powder case. Another theory is that the spark that caused the trouble came from a smokestack of the ship and floated through the gun ports. That a floating spark to several men, but whether from a gun or a funnel remains to be ascertained.

On the way across Massachusetts Bay Midshipman Goldthwaite succumbed to his tortures and a little later died, and the other members of the turret Captain Thatcher and Seaman Burk, Thomas and Miller. Seaman Hamilton died while the ship approached the navy pier.

When the Georgia arrived at the navy yard dock about 4:45 o'clock a great crowd gathered on the pier.

Several hundred workmen from the machine shops and other departments of the yard had gathered, as well as a large corps of newspapermen and three priests, the latter believing that they might be called on to administer the consolations of the Roman church to dying sufferers of that faith.

CONVEYED TO HOSPITAL

With the exception of the priests, however, no one was allowed on the wharf. A detachment of marines, armed with fixed bayonets, kept the crowd at a respectful distance and no one was allowed to pass down the pier. As soon as the men were made fast five ambulances drove up to receive the injured men.

Tenderly the sufferers were borne down the gang plank on stretchers and placed in the ambulances, which carried them to the naval hospital.

A message from Rear Admiral Goodrich in the afternoon requested hourly bulletins on the condition of his son and they were sent to various points along the railroad line to be delivered to him on the train as he hurried toward Boston where he arrived at 1 o'clock tonight.

As soon as the men had been made as comfortable as possible those who were able to talk told something of the terrible experience that they had been through.

Both the living and dead were found to be terribly burned. Three of the men were burned beyond recognition. Eyes were burned out and faces, bodies, arms and legs blackened.

DISASTERS IN THE NAVY

Series of Mishaps That Occur in Times of Peace

Disasters which have overtaken the navy in times of peace include the recent sinking of a launch in Hampton roads and loss of the lives of six midshipmen and five enlisted men.

The principal disaster in recent years was the blowing up of the Maine in Havana harbor on February 15, 1898. That explosion resulted in the killing of two officers and 250 enlisted men, eight of the latter having died from wounds in the hospital at Havana.

Another naval disaster which attracted much attention was the wrecking of the *Kearsarge* in February, 1894. The ship went on the famous Roncador reef, but no lives were lost. It was found impossible, however, to save the historic vessel,

the name of which has been bestowed upon a modern battleship.

Another naval explosion of recent years which suggested the Maine disaster in its effect was that to the United States ship *Bennington* in July, 1905. While the ship was at San Diego one of the boilers of the vessel exploded, killing seven officers and about 60 members of the crew.

Another accident in the navy which taught its lesson and led to reforms occurred on board of the *Missouri* in the forenoon of April 13, 1904, while the ship was engaged in record target practice near Guantanamo. The accident occurred through the ignition of a charge of smokeless powder while the gun was being loaded. An appalling disaster followed. There was no explosion, but the burning of about a hundred pounds of powder filled the handling room, turret and intervening spaces with suffocating, burning gases. All persons in the turret, consisting of four officers and 14 men, lost their lives. All those stationed in the handling room, including the mainmast officer and 11 men died from burns or suffocation.

A wreck of importance was that of the *Charleston*, in command of Captain G. W. Pigman. The ship, while in Philippine waters on November 1, 1899, struck on rocks and was wrecked.

Conspicuous in the list of naval disasters was that in the harbor of Apia, Samoa, in the hurricane of March 16, 1892. The *Nipsic*, the *Trenton*, the *Vandalia* were lost. Four officers and 47 men lost their lives. Among those who died was the commander of the *Vandalia*, Captain C. N. Schoonmaker. The *Nipsic* was enabled to reach a place of comparative safety on the shore and was towed to the harbor where she remained exposed to the fury of the storm, her officers and men taking refuge in the rigging, while the seas swept over her. Many of the crew were lost in the attempt to swim ashore. The *Trenton* had the misfortune early in the storm to lose her wheel and break her rudder. The water put out the fires and the vessel drifted almost at the mercy of the gale, finally coming ashore.

On December 6, 1894, the *Massachusetts* lost three of her crew when a gasket blew off a boiler and filled the forenoon with steam. This occurred at the League island navy yard. The same ship met with a worse accident the year preceding off Culebra island on January 16, 1893, when the accidental discharge of a percussion primer while the gun breach was open resulted in the killing of six men.

The Iowa, when off Pensacola, on April 9, 1903, suffered a serious accident in the turreting of the port 12 inch gun in the forward turret. Three men were killed and five injured. This accident was caused by the explosion of a shell midway in the gun. Twelve days later the same gun again met with misfortune by the bursting of one of the steam pipes in her boiler room.

The *Ericsmoe* met with a mishap off New London in July, 1895, when a steam cylinder burst. Five of the crew were terribly scalded and several died from their injuries.

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