ORIGINAL DEFECTIVE

THE DAILY RECORD-UNION

TUESDAY.....MAY 1 1883

All communications for publication, and all letters upon business with this office, should be addressed RECORD-UNION, WEEKLY UNION, or The Sacramento Publishing Company.

THIS MORNING'S NEWS.

In New York Government bonds are quoted at 119¾ for 4s of 1907; 113½ for 4½; 102¾ for 3½; sterling, $4 82½@4 86; 103½ for 3s; 103 for 5s; silver bars, 109¾.

Silver in London, 60¾d; consols, 102 1-16d; 5 per cent. United States bonds, extended, 105½; 4s, 123; 4½s, 116½.

In San Francisco Mexican dollars are quoted at 86¾@87½ cents.

Mining stocks opened rather firm in San Francisco yesterday morning, though Sierra Nevada closed weak at $3 55, against $3 80 on Saturday.

The death of Jules Goupel, the painter, is announced from Paris.

The Parnell testimonials have reached the sum of $6,000.

Frost is blasting the fruit in Northern Virginia.

The Czar and Grand Duke Constantine, his uncle, have become reconciled.

Diaz and party have returned to Mexico.

A railroad accident near Fort Worth, Tex., killed the engineer, brakeman and a workman.

Another colliery disaster is reported from Ashland, Pa., in which several lives were lost.

George Ware (colored), who brutally robbed and murdered a boy near Florence, Tenn., was taken from jail by a mob and lynched.

Reports continue to arrive of the frightful effects of the recent cyclone in the South.

The trial of the Phœnix Park murderer called "Skin the Goat" was begun in Dublin yesterday.

Charles Stoneman committed suicide yesterday near Silveyville, Solano county.

A stillborn child was born to a woman in the Tombstone (A. T.) jail.

At Auburn, a new trial has been granted to Stephen Richards, who was convicted of the murder of Thomas Nichols.

The Scott liquor law in Ohio is decided to be unconstitutional.

A seven-year-old boy was kicked to death by a horse in San Benito county.

William Schneider killed himself in the German Hospital at San Francisco yesterday.

The public debt was decreased about $3,500,000 during the month of April.

During April twenty-nine national banks were organized.

Standard silver dollars to the number of 163,000 were issued from the Mints during the week ended April 28th.

This is the day set for the great strike at Pittsburg.

The Tewksbury Almshouse investigation was resumed in Boston yesterday.

Bullion was withdrawn from the Bank of England on balance yesterday to the amount of £38,000.

The appointment of Keim as Chief Examiner of the Civil Service Commission has not yet been signed by the President.

A man named Marx was found dead in bed at San Francisco yesterday morning.

J. M. B. Jones, a prominent citizen, committed suicide at Millville, Shasta county, yesterday.

The first freight train direct for Willows left Redding yesterday afternoon.

The Republicans of Stockton last night nominated a municipal ticket, headed with Jacob Salz for Mayor.

Senator Edmunds, President pro tem. of the United States Senate, and party, arrived at Guaymas, Mex., yesterday.

In a row at Gladwater, Tex., officer Bradshaw and three negroes were killed.

Three lives were lost in a railway accident at Ranger, Tex., Sunday.

Exports of coal from Seattle, W. T., during April, aggregated 10,296 tons.

LABOR DIFFICULTIES.

There are indications of troublous times ahead for the next few months in the labor arena at the East. In the coal regions of Pennsylvania and among the iron-workers there is discontent over the proposed reduction of the wages of the latter, June 1st, and the immediate "bushel reduction" on the labor product of the former. To-day is fixed for the strike of the coal miners. There is some reason to expect that they will succeed, at least temporarily, since they resist a very small reduction. Between iron-workers and the manufacturers, however, there is so broad an issue that it is not likely to be settled until after a long struggle, especially if, as we expect, there is a hidden purpose behind it all. The disagreement must affect injuriously many other injuries. The iron manufacturers declare, with apparent sincerity, that they must reduce wages or "shut down;" the workmen reply that this is not inevitable, and that they are making political capital at their expense. But if the manufacturers shall establish the fact that the cost of production is in excess of the reward of sales, the workmen will have no alternative but to submit—hard as it may be. There is no method they can employ to compel the manufacturers to produce at a loss, and when the latter set about to prove loss to their own satisfaction they are not at all likely to consider that the workingman's judgment is of a different character. With very rare exceptions strikes operate more severely upon the working classes, and rarely do they bring about the end desired by the workers. If there has been over-production, and the product, as a consequence, has declined, no possible strike can prevent a narrowing of labor or a reduction of the wage rate. All it can do is to shorten the interval in which the market supply will lessen and the prices advance; but in the meantime the worker is idle and pays dearly for his idleness. What the workman seldom does before striking is to ascertain exactly the condition of the market. If he would do this he would be able to discriminate between the rapacity of the employer and the necessity that forces him to reduce wages. The failure of nearly all the great strikes should be a lesson to workmen, and teach them that, however hard the lot of the wage-winner, he rarely indeed can settle the difficulties arising out of surplus of labor, over-production, or unhealthy competition, by striking. If it were possible or right to limit human freedom and narrow the labor market, the worker might exercise a control over the wage paid. But this may not be, and hence the threatened strikes will fail, as those of the past have failed, and the manufacturers will accomplish exactly that for which they aim—to make the strikes excuses for closing mills that they wish to close anyhow. In the case of the iron-workers it is to be noted that when they struck in 1882 for an increase of rolling mill wages, during the continuance of the strike—and it extended over several months—rolled iron did not advance, and pig iron declined. The report of the American Iron and Steel Association up to April 1st of this year shows that the evils of over-production in 1879 and 1880 have not been wholly overcome, and that alarm is felt because of the tariff modification which takes effect July 1st. It is not unreasonable to look upon this apparent alarm as purposeful, and assumed, with a view of affecting legislation in Congress. In whatever light viewed, however, it would have been discreet for the iron-workers, at least for this year, to have postponed their strike. If the threatened reduction is for political effect, the scheme will be carried out; if it is of necessity it will not be abandoned, and thus the workers will be forced to yield or remain idle.

A REBUKE FROM SATAN.

M. Simon, for ten years a Consul of France in China, writes in *La Nouvelle Revue* to say that his experience teaches him there is more need for missionaries in France than in China, in several respects. He points out, for instance, that infanticide is more prevalent in France than in the Celestial Empire, and that children as a rule are better cared for, while murders, suicides and "accidental" deaths are less in proportion to the population. This statement has awakened attention in France, and the social scientists are busy discussing it and the measure of M. Pleyre, a bill in the Chamber of Deputies to encourage the populating of the Republic, and in which he confesses that the population of France is at a standstill, if not actually diminishing. The bill proposes to encourage child-bearing in marriage, by allowing a rebate of fifteen per cent. of the annual taxes of the head of a family in which there are more than four children, and an additional rebate of five per cent. for each child in excess of five. In case the head of the family pays no taxes, or it his taxes do not exceed 100 francs a year, then he shall be entitled to a premium of 200 francs for his fifth child and to another premium, in each case larger by 100 francs than the preceding, for each additional child he may have. It is held by the friends of the bill that the upper classes set the pernicious example of limiting the number of children, as a large family is deemed a misfortune. Says one journal, that, however, manifests bitterness and prejudice: "So deeply has this feeling become rooted in the social life of the nation, that parents who have large families are looked upon as being culpably and indecently improvident." We have no intention now of entering into the oft discussed question of population. Admitting the facts to be as stated by M. Pleyre, the subject presents itself with sufficient force to engage thoughtful attention. But an amusing phase of the question is the eagerness with which the American Mormons seize upon the text to fortify their polygamous system. Here, exclaims the church organ, is the result of the social system of the most cultured and refined people—a people who denounce plural marriage as the grossest of crimes, and who despise or pity the Mormon women. These same Mormon women, it adds, are better than their cultured French neighbors. It then proceeds to show that they hold it to be a duty and a privilege to labor in homely toil, and dig in the fields for the maintenance of the offspring of natural affection and the precious gifts of God, while their sisters of "French and American high-toned society" destroy their young, that they may fritter away their time in revel and luxury. And then the holy mouthpiece of an iniquitous church grows wrathful, and exclaims in the heat of its virtuous indignation: "When our pure-minded wives and mothers, with their numerous progeny, stand in the presence of the Holy Ones, they will shine fairer and brighter than the angels, and join with Sara and Rebecca and Deborah and Hannah and the honored women of old, while the tainted and spotted creatures who have sinned against God and their own bodies, denuded of paint and powder, fashion's fripperies and art's hypocrisies, will be overwhelmed with shame and contempt."

THE TROUBLE ABOUT MR. RANDALL.

One of the obstacles in the path of the Democracy is Mr. Randall. He is a candidate for Speaker of the next House of Representatives, and possibly for the Presidency. This ambition, many Democrats declare, must be crushed, and the only way to do it is to cripple Mr. Randall politically, in a way that amounts to a "reading out." The first objection to Mr. Randall is his position on the tariff question. That position is antagonistic to so much of the party as wishes the tariff question to become a living issue in the campaign of 1884. Mr. Randall is an admirable tactician, but just now his management offends a large wing of the party. The party may plant itself as squarely as it pleases on any sort of a tariff plank, but Mr. Randall manages to have action taken to suit the views of his "protection" constituency. So it happens that party professions and performances are not consistent. A large part of the Democracy is for "free trade," but a working body of it is led by Randall for "protection." If the is elected Speaker his power to control legislation will be greatly enlarged, and hence the difficulty. But suppose Mr. Randall can be defeated, other Richmonds will take the field. His elimination will not restore harmony. His following can hold New England Democrats away from a positive platform for free trade, and thwart the party in at least three of the Middle States, and that means national defeat. Hence it is that Mr. Randall, and the element he represents, is so troublesome to the disunited Democracy. With him the party must deny the demands of its free trade wing; without him it will lose the support of the Eastern protectionists. But there is other trouble. The old-fashioned Southern and Western hard shell Democrats favoring internal improvements, and lavish governmental expenditures, glower upon Randall because he wishes to play the economy card, and opposes lavish outlay in public works even in Democratic districts. To the "pap sucker" this is an unpardonable sin. There can be no objection to killing off the political Randall, for his place will be filled. The class he represents will not disband because he is throttled. All this goes to establish the fact that the Democracy is "broken up;" is only banded together now to gain office and the power to declare dividends. Principles it has none, and such as appear to be genuine, lose form the moment a sacrifice is called for, and the greatest sacrifice the party can be called upon to make, and which it is incapable of making, is to place the desire for office subordinate to the maintenance of principle.

THE importance of our relations with Mexico is shown by the steady increase of the imports from that country into the United States. For the year 1873 they amounted to but five and a quarter millions, and only reached seven millions in 1880. But in 1882 they reached nearly eight and a half millions. The exports to Mexico from the United States jumped from seven millions in 1880 to $11,171,238 in 1881, and last year attained the high value of $15,482,582.

THE Santa Rosa *Democrat*, after a lengthy claim for certain reforms, asks the RECORD-UNION "if the Democratic party is not to be trusted to bring about the necessary reform, pray tell us to what political organization this great duty is to be assigned?" Why, the Republican party, which has always proved its ability to deal with any and all matters for the advancement of the nation.

THE rumor obtains that Gladstone is about to resign, and that the affirmation bill is the last measure to be proposed by the Premier. We shall not be surprised if this rumor proves to be true. Gladstone is not physically in the best condition for a man upon whom the cares of leadership press in such a time as this, and his retiracy would only be natural.

THE terrible destruction of life and property by the tornadoes and storms in the South has not been paralleled in the latter half of this century on this continent. The warm heart of America has made manifest its deep sympathy by speedy succor sent to the suffering.

THE first case under the high license law of Portland has been tried, and the violator of the ordinance has been found guilty and severely punished.

A BANK HISTORY.

FINDINGS OF JUDGE WILLIAMS IN THE ODD FELLOWS' BANK CASES.

The Story of the Failure—Peculiar Acts of the Directory—The Court Finds Fraud and Collusion

The following is a full abstract of the findings of fact and the conclusions of law, by the Superior Court of Sacramento, Hon. Geo. E. Williams presiding, which have just been filed, in the case of H. G. Smith, assignee, vs. The Odd Fellows' Savings and Commercial Bank and others, and the decree in which case was published in the RECORD UNION yesterday morning. The Odd Fellows' Bank cases, as popularly known, have been pending a number of years, and have excited a great deal of interest throughout the State. These findings present a full history of the cases in the view of the Court, under the voluminous testimony taken. It is understood that an appeal will be taken to the Supreme Court.

The Court finds that the Odd Fellows' Savings and Commercial Bank was legally incorporated to do a general savings and commercial bank business since March 1, 1875. September 21, 1878, the Directors met, except Aldolph Heilbron, there being one vacancy beside. H. G. Smith was President. No notice was given of the meeting except verbally; Heilbron was not notified; Smith presided. Welty moved to discontinue the business of the bank, and assign to Smith the assets. Smith resigned as President, and Edward Cadwalader was elected, and immediately made an assignment to Smith. The Directors, except Robin, were indebted to the bank for money borrowed and as sureties. Besides for balances due on subscription for stock, Cadwalader owed $1,848, Chris. Green $3,000, Mike Bryte $2,000, Adolph Heilbron $3,400, and D. W. Welty $3,400. The aggregate indebtedness of the Directors to the bank was $172,379 26.

October 9, 1878, the Directors filed with the Recorder an inventory of the bank property, assets and debts, but it did not contain any statement of the indebtedness of Green, Bryte, or Heilbron, on account of unpaid stock. It showed the value of the assets to be $740,379 06; the liabilities $644,843 02, and $51,248 99 was allowed for shrinkage, leaving $44,305 05 of assets over liabilities.

October 15, 1878, Smith filed his bond as assignee. Among the sureties were Mike Bryte, Chris Green and Adolph Heilbron, and other debtors of the bank. The seven were sureties for $57,000, and five of them—Mike Bryte, Chris Green, Adolph Heilbron, S. W. Butler and Theodore Maas—were stockholders. The next day after the assignment was Sunday. Monday, September 23d, the bank did not open, and gave notice of suspension. Saturday evening, September 21st, at the time of assignment, there was in the bank vault $6,363 83, of which $776 69 were cash tags of H. G. Smith; checks, $137 49; greenbacks, $40; silver, $2,046 40; gold, $3,363 25. Monday morning following only $4,283 19 remained, to wit: Gold, $135 78; silver, $1,920 75; checks, $10; the greenbacks and Smith's tags as mentioned before. This difference was caused by Smith paying his brother, F. H. Smith, $1,299 to save him from loss upon deposits, and a draft filed for collection; also by paying the Board of Trade $84 52, of which Smith was Treasurer. The Directors had ordered the bank salaries to be paid and the current bills, and money to be sent to New York to protect drafts. The remainder of the cash and equivalents were removed by Smith from the bank on September 23d. The inventory did not contain an account of Smith's cash tags, and set out the sum of $3 062 31 as all the money received by Smith as assignee. September 16, 1878, Smith, as President, gave orders to pay no depositor exceeding $50, and if more was required, to register the demand. He then owed the bank $2,796 46 on an unsecured note of $10,000, made by Smith and Samuel Levenson to the bank. This was exclusive of indebtedness before mentioned.

On that day, after the order was made, Smith presented three checks in his own favor, drawn by Ben. Bullard, his brother-in-law, G. W. Smith, his son, and F. Smith, another son, all depositors. The checks were in blank. Smith ascertained the amount due each, and filled in the checks accordingly. The total amount was $2,901 90, and was paid by applying $2,796 46 of it to the payment of balance due on the $10,000 note, and the balance was received by Smith in cash. On closing the bank September 21st there was on hand $5,449 65. On Monday following, after the amounts stated were taken out, the bookkeeper changed the books by interlineations and erasures, to make it appear that the check of Frank Smith and the other amounts taken out on Sunday and Monday were the transactions of Saturday, the 21st. This was done to conceal the transactions of Sunday and Monday.

One of the causes for the assignment of September 21st, was that on the 6th, Wells, Fargo & Co., to whom the bank owed $100,241 14, on account of over-drafts, asked the bank to reduce the account to $80 000. The account was reduced up to the 21st only about $5,000. At the time of the demand and before, and to the 21st, seven of the Directors owed the bank in aggregate over $170,000, and of which Smith, Bryte, Green and Heilbron, owed $50 000, all past due. The five were solvent, and the bank had collaterals for most of the debt, but found it inconvenient to pay, although the teller frequently requested them to do so. This inability to meet debtedness was the principal motive for the assignment. Between the 6th and the 21st the Directors met once, and the only action taken to raise money was to ask Poorman to pay the interest on his loan. The bank suspension was not caused by a run nor an unusual demand of the depositors, though withdrawals had been a little in excess of deposits for a time, but not for want of public confidence in the bank.

May 22, 1879, the People's Bank formally organized with a capital stock of $500,000, shares $1 each, to acquire as much of the claims of the creditors of Odd Fellows' Bank as possible, in return for shares of the new bank at par value. By June it had acquired about $380,000 of the claims, and up to date of this suit about $400 000. The People's Bank never had any other capital stock, and none of it was paid in any other way than as mentioned. Smith favored and encouraged the formation of a new bank, and promised the creditors to convey the assets of the old bank to the new, telling them he had on hand assets $534 000. From the time of assignment to the transfer of assets he managed the property under the direction of the Directors of the Odd Fellows' Bank. He has neglected to collect large sums due his assignor from its Directors and stockholders. Green, Bryte, Heilbron, Butler and Maas were sureties on Smith's bond in the sum of $47,000. June 2, 1879, he sold to the People's Bank nearly all the rest of assets in his hands, including indebtedness due from himself and other Directors, to the assignor.

June 7, 1869, he executed contract to the People's Bank reciting the transfer of the assets; that the People's Bank held about four-fifths of the liabilities of the Odd Fellows' Bank; that he had out of the proceeds of the sales of the trust funds in his hands paid the People's Bank $219,831—supposed to be about the amount that would be awarded as dividends to said bank on liabilities held by it against the Odd Fellows' Bank; that Smith had loaned the People's Bank $50 379, to enable it to pay purchase money of the property sold by Smith to the bank; therefore, in consideration of $1 and the promises the People's Bank undertook to pay Smith $100,000, on conditions as follows: First, that if the dividends to the People's Bank on the liabilities held by it against the Odd Fellow's Bank should exceed or equal $219 831; or if they did not equal that, the People's Bank should pay Smith the difference; also the bank should repay Smith the $50,379 loaned it by him, in installments equal to the rate of percentage at which dividends should be declared to the creditors of the Odd Fellows' Bank; also the People's Bank should hold Smith harmless for suits against him by creditors of the Odd Fellows' Bank—provided that Smith should pay such litigants, having cause of action, the amount of dividends that might be declared in favor of such claimants, out of the assets of the Odd Fellows' Bank—then the obligation to be null, otherwise, in force.

Then follows a list of securities pledged by the People's Bank to Smith, with right of substitution of other securities and the right to collect and retain the interest. The aggregate amounted to $61,044 60. It was also agreed that if the People's Bank should become owner of any indebtedness then held by anybody against the Odd Fellows' Bank it should have the right to withdraw such proportion of said securities as the amount so acquired by the People's Bank bore to the whole amount of claims not then owned by it. The agreement was signed in the usual form.

The assets conveyed June 2d were agreed between Smith and the bank to be worth $321,388, and were not worth less. A portion of them were subject to a lien of Wells, Fargo & Co. to secure $51,178. The list of assets pledged to Smith for his loan of $50,000 is a part of the assets conveyed by Smith to the People's Bank June 2d. The bank opened business July 1, 1879. Its only money was $6,000, which it had received from rents and interest upon the property conveyed to it by Smith June 2d, and $4,000 which Smith deposited with it from money in his hands, as assignee, to enable it to commence business.

June 23, 1879, Smith commenced this action and served summons on the cross-complainants who had commenced suit against the Odd Fellows' Bank. He averred that he had converted into money nearly all the property he had received as assignee. This was not true. He had converted only a small portion of it. He averred that he had in hand $275,000 proceeds of the sale of the property. It was not true. He did not have exceeding $50,000. The Court here names the creditors of the Odd Fellows' Bank who had recovered judgment against it, with the date of commencement of action and date of judgment in each case. At the commencement of their suits they procured to be issued writs of attachment upon property described. On the prayer of Smith the former District Court restrained said plaintiffs from executing their judgments. The property transferred by Smith to the People's Bank January 2d was productive property, producing one per cent. per month on the valuation agreed upon by Smith with the Odd Fellows' Bank and the People's Bank.

The judgment in the case of the People's Bank vs. the Odd Fellows' Bank, August 4, 1880, was obtained by collusion between the parties to give an advantage to the People's Bank over the other creditors, and particularly over the complaining creditors in this action, to their prejudice. Upon the filing of the complaint in the action, June 21, 1880, attachment was served on H. G. Smith, the Odd Fellows' Bank and the People's Bank, with garnishment in the usual form.

The judgment in favor of J. J. Keegan against the Odd Fellows' Bank, August 4, 1880, was obtained by collusion between the parties to gain an advantage over complaining creditors, to their prejudice, and an attachment issued in the action. The demand on which Keegan's judgment was founded belonged to William Beckman, who bought them for the benefit of the People's Bank, and sued in the name of Keegan, who had no interest in the demands. Said judgment is pleaded in this action in the name of Keegan, for the use and benefit of Beckman, who has always upheld said assignment, and in this action upholds and defends the same, in the name of Keegan, for the use and benefit of the People's Bank.

Assignee Smith never made any public sales of the assets which came to his hands. They have all been private. At the time of the trial he claimed to have about $80,000, about $50,000 of which was in the People's Bank, and is the money mentioned on June 7, 1879. The remainder was invested in the Pioneer Mill business of H. G. Smith & Co. He never kept any accounts of the moneys so invested. Huntoon, Cashier of the People's Bank, who kept Smith's accounts as assignee, had no account of this money. The only books in which any receipt or disbursement of it were made were the books of H. G. Smith & Co., kept by W. H. Hicks, bookkeeper of Pioneer Mills. These books show what money Smith put into that business and what he drew out, but do not show what part came into his hands as assignee or were so paid out. All the moneys received by him as assignee, except that paid on the 10 per cent. dividend mentioned in the complaint, amounting to about $55,000, and about $15,000 paid to Wells, Fargo & Co., except such as he paid to the People's Bank under the contract of June 7th aforementioned, were put into the business of H. G. Smith & Co. Of this money he had taken about $10,000 for commission as assignee, and had paid his attorney $10,000. The books kept by his clerk, Huntoon, who acted as keeper of his accounts as assignee, did not show anything of Smith's payments to himself for commissions as assignee, nor of moneys paid his attorney. From the beginning to the time of trial, the assignee used all the moneys coming to his hands as such assignee, except those above specified, and with some of which funds, to the amount of about $7,000, he bought claims of depositors in the bank of his assignor, taking the claims in the name of Hicks, in order to conceal his interest therein, and which claims he purchased for 50 cents on the dollar. He also sued some of the stockholders of the Odd Fellows' Bank in the name of Hicks upon these claims so bought.

The said assignment of September 21, 1878, was made, both on the part of the assignor and the assignee, to hinder and defraud the creditors of said assignor, and was made more for the benefit of the debtors than the creditors of said assignor. The complaining creditors who received the 10 per cent. dividend from plaintiff did not know of the facts touching want of authority to make said assignment, and the fraudulent character of the same, except the creditors who filed the original answer and cross-complaint August 11, 1879; and all creditors who received said dividend, and recovered judgment against the Odd Fellows' Bank, credited said payments upon judgments so recovered.

July 31, 1877, the bank filed a report required by law showing its condition to June 30, 1877. Assets, $1,020,526 88; liabilities the same, to wit: Due depositors, $887,444 22; capital paid in, $84,600; subscribed, $15,400 ($100,000); reserved fund, $33,082 66 ($120,526 88). January 26, 1878, the statement filed showed condition to December 31, 1877. Assets, $1,029,062 22; liabilities due depositors, $853,949 12; capital stock as before; due other banks, $36 364 12; reserve, $38,748 98; total, $1,029,062 22. July 29, 1878, a statement was filed with the Bank Commissioners showing condition June 30, 1878. Assets, $862,628 61; liabilities, paid up stock, $85,400; reserved, $38 397 87; due depositors, $693,419 03; other liabilities, $45,409 71; total, $862 628 61. Mr. Smith, as President, and Mr. Snow, as Cashier, swore to the statement as of their personal knowledge and belief. From June 30, 1878, to September 21, 1878, there was no material change in the condition of the bank. October 9, 1878, the bank filed with the County Recorder an inventory of its assets and liabilities. Assets, $740,397 06; liabilities, $644,843 02; excess of assets after deducting shrinkage, ($51,248 99). $44,305 05. The following assets were good and collectable except from Welty, and were omitted in the inventory: Due from Mike Bryte, $2 000; Green et al, $3 000; A. Heilbron, $3 400; Welty, $3,400; H. Fisher, $1,500; total, $13,300.

After assignment the bank continued to manage the property and control the conduct of the assignee, Smith, with his consent. September 23, 1878, the stockholders, by resolution, approved the assignment. September 28, 1878, the stockholders held a meeting and agreed to stay proceedings against Samuel Poorman on his promise to pay in installments until his account was settled, and authorized Smith to accept the proposition of Poorman, to pay $5,000 on the chicory ranch if Mr. Bryte would pay in the same amount, the property to remain in possession of the bank. The stockholders agreed to join in employing counsel to defend any suits against stockholders. It was agreed to employ Creed Haymond and R. C. Clark. November 14, 1878, the annual meeting of stockholders was held. William Beckman was elected President and W. F. Huntoon Secretary. December 4, 1878, the Directors met, and Mr. Smith reported on different matters. December 13, 1878, the Directors met again, and agreed to authorize the assignee to accept $12,000, gold, in settlement of the claim of the bank, upon the San Pablo Building Association of Vallejo. This claim was a note for $22,000, secured by a mortgage in Vallejo, and the monthly interest had been promptly paid. December 28, 1878, the Directors advised with Smith as to settlement with Poorman.

February 10, 1879, the stockholders met, and their expert reported and report was filed. A committee of three was appointed to send a circular to all claimants against the bank relative to organizing a new bank. The same day the Directors met and consented to the assignee leasing the Golden Eagle Hotel to F. A. Hornblower. S. W. Butler was elected Vice-President.

May 21, 1879, Mr. Beckman presented his resignation to the bank as President and Director. It was accepted. S. W. Butler was elected President and L. B. Mohr Director.

June 2, 1879, the stockholders met and sanctioned the conveyance of all the assets represented in the bill of sale of H. G. Smith, assignee, to the People's Savings Bank of Sacramento, and agreed to "bear out" the Directors in making the conveyance in any manner they chose. At this meeting the minutes show 426 shares were represented and were a majority of the capital stock as shown by the Secretary's minutes, but the Court find that they did not constitute a majority of the shares held.

The same day the Directors met, and unanimously resolved that whereas the assignee had sold all the property assigned, or attempted to be assigned to him, to the People's Bank; and whereas, that bank desired the Odd Fellows' Bank to unite in conveyance, therefore the President of the Odd Fellows' Bank was authorized for that bank to convey to the People's Bank all the title of the Odd Fellows' Bank on any property claimed by Smith, as assignee, and sold by him to the People's Bank.

The People's Bank was projected by the officers, stockholders and depositors of the Odd Fellows' Bank, in order to receive from Smith the assets and property of the Odd Fellows' Bank held by him under the assignment. The People's Bank, and all stockholders in it, ratified the transaction, by the purchase from Smith, as assignee of the Odd Fellows' Bank, of the larger portion of the assets and property of the Odd Fellows' Bank.

J. J. Keegan, a defendant, took the assignment of the claims on which he obtained judgment against the Odd Fellows' Bank to hold for the use of his assignor, William Beckman. Said Beckman had ratified the assignment of the Odd Fellows' Bank to Smith prior to the assignment to Keegan. Beckman at various times after September 21, 1878, and while President of the Odd Fellows' Bank, directed Smith how to dispose of property received by him, Smith, under said assignment. Beckman was the projector of the People's Bank, and resigned the Presidency of the Odd Fellows' Bank to accept the Presidency of the People's Bank, and also became a stockholder in the People's Bank. He was such President during the transaction of all the matters between said People's Bank and Smith. All the claims against the Odd Fellows' Bank purchased by the People's Bank or Keegan were claims of parties who were depositors in the savings department of the Odd Fellows' Bank. The judgments heretofore mentioned were obtained by like depositors. Exhibit "B" of the complaint never was a part of one of the by-laws of the Odd Fellows' Bank.

Wherefore, the Court finds as conclusions of law:

First—That the purported assignment of September 21, 1878, by the Odd Fellows' Bank to H. G. Smith never was the corporation act of the bank, and never had sufficient ratification.

Second—The assignment is null and void as to all judgment creditors of the bank who appeared as defendants and contested it; but having been ratified by the People's Bank and J. J. Keegar, assignees of certain creditors of the Odd Fellows' Bank, the same is valid as to them. As to creditors of the Odd Fellows' Bank who were served with summons or appeared in this action and proved their claims but have not contested the assignment, the same is affirmed.

Third—The transactions of the 2d and 7th of June, 1879, as before described, between H. G. Smith and the People's Bank are fraudulent and illegal, as against all other creditors, and not binding upon them. Said transactions, however, having been upheld by the parties thereto, and the People's Bank, by contract of June 7, 1879, having agreed to hold Smith harmless for making the contract, and having enjoyed the advantages thereof, and held the property received thereunder, and appropriated it to its own use, are therefore held binding as between the parties thereto. In accounting with the other creditors Smith must be charged with the income of the property transferred to the People's Bank.

Ninth—The judgment in favor of the People's Bank against the Odd Fellows' Bank, dated August 4, 1880, was not a lien upon any property conveyed to the People's Bank by Smith as assignee, nor upon any other property in his hands.

Fifth—The judgment in favor of Keegan against the Odd Fellows' Bank, dated about August 4, 1880, was not a lien upon any property held by Smith or the People's Bank.

Sixth—The judgment creditors against the Odd Fellows' Bank named in the decree [published in the RECORD-UNION yesterday] have valid liens upon the real estate in Sacramento county belonging to the Odd Fellows' Bank September 2, 1878.

Seventh—The People's Bank and H. G. Smith are severably liable to pay to each of the said judgment creditors the amount of their several judgments, together with interest thereon and costs.

Eighth—There must be an accounting between Smith and all the creditors appearing in this action, except the judgment creditors, and it must be conducted under the rules prescribed in the decree of the Court.

SUPERIOR COURT.

MONDAY, April 30, 1883.

DEPARTMENT ONE—ARMSTRONG, Judge.

Estate of Samuel B. Miller, deceased—Petition for settlement of final account and distribution granted.

Estate of John Doody, deceased—John F. Doody appointed administrator; bond fixed at $800.

Estate of Thomas Sheehan, deceased—Petition for family allowance and for support of minors continued one week.

Estate of Leavitt Miller, deceased—Final account settled and distribution ordered.

Estate of Franklin Thompson, deceased—Same as last preceding.

Estate of I. H. Van Trees, deceased—Same as last preceding.

Estate of S. Bundock, deceased—Continued one week.

Guardianship of Harriet Colbaker (incompetent)—Continued one week.

John Schulp vs. M. A. Frye—Motion to retax continued one week.

Estate of Henry Sholl, Jr., deceased—Hearing of petition continued one week.

Estate of Charles Clemons, deceased—Final discharge granted.

Estate of E. Katzenstein, deceased—Entire property set aside to the widow.

Estate of H. Perry, deceased—Order confirming sale of property.

Estate of Andrew Caruthers, deceased—Stipulation of legatees filed; order of distribution granted.

People vs. John Sullivan (burglary)—Sentenced to four years' imprisonment at San Quentin.

Henry Steinmiller et als. vs. William Belstedt—Order of notice of publication for two months.

The People vs. See June (receiving stolen property)—Continued until May 14th at 10 A. M.

The People vs. Ah Lem (grand larceny)—Arraigned and given until May 3d to enter plea.

DEPARTMENT TWO—MCFARLAND, Judge.

The People vs. M. Miles et al.—Continued for the session.

J. A. Miller vs. Van Loben Sels—Continued for the session by consent.

Ida E. Andrews vs. O. R. Runyon et al.—On trial.

Carboline.

DAVISVILLE, Cal., Nov. 8, 1878.

Chas. Langley & Co., San Francisco—Dear Sirs: I take great pleasure in informing you of the most gratifying results of the use of Carboline in my own case. For three years the top of my head has been completely bald and smooth, and I had quite given up any hope of restoring the hair. Four weeks ago I noticed the advertisement of Carboline, and on the recommendation of a friend, I concluded to try a bottle, without any great hope of good results, however. I have now used it less than a month, and to my agreeable astonishment, my head is completely covered with a fine, short, healthy growth of hair, which has every appearance of continued growth; and I confidently believe it will restore it as completely as ever it was in my youth.

I take great pleasure in offering you this testimonial, and you have my permission to publish the same. Yours truly,

CHAS. E. WHITE, Davisville, Cal.

Subscribed and sworn to before me this 8th day of November, 1878.

JAMES D. KING, Notary Public.

Stated Meeting of Sacramento Chapter, No. 3, R. A. M., will be held at Masonic Hall, THIS (Tuesday) EVENING, May 1st, at 8 o'clock. Sojourning Companions are courteously invited to attend.

By order of C. KELLOGG, H. P.
W. B. DAVIS, Secretary. m1-1t

I. O. O. F.—Members of Rising Star Rebekah Degree Lodge, No. 8, are requested to attend their regular meeting, THIS (Tuesday) EVENING, May 1st, at 8 o'clock sharp. Members of Germania Lodge, and all members of Sister Lodges invited.

MRS. L. SOLOMON, Noble Grand.
MRS. THOS. WARMEY, Rec. Sec. m1-1t*

STOLEN FROM SACRAMENTO, April 29th—One Bay Mare; three white feet, white collar mark on mane, slenderly built; was attached to an open-end spring buggy painted black and striped with green and gold. Harness silver-mounted. A liberal reward will be paid for the return of the above property.
O. S. FLINT, 1000 K street. m1-3t*

FOUND—AT LEET'S GROVE, ON THE DAY of the Odd Fellows' Picnic, one large covered Basket. Owner can get the same by applying at 813 J street. m1-3t*

JOHN EITEL,

ASSAYER AND CHEMIST—LABORATORY AT 317 J street. "Low rates and quick returns" is the motto. Gold purchased, also cast into bars for mining men. m1 tf

May Festival!

AT KINGSLEY M. E. CHURCH, THIS (TUESday) EVENING, at 8 o'clock.

PROGRAMME:

1—Opening piece, by the Choir.
2—Crowning of the May Queen.
3—Instrumental duet, Misses Parsons and Brewer.
4—Reading, Miss A. P. Babock.
5—Song, Miss C. Cooper.
6—Instrumental duet, Misses Gerrish and Wittenbrock.
7—Song, Mrs. Addie Carter.
8—Quartet, by Mr. L. E. Smith, Mr. and Mrs. J. A. Muir, and Mrs. M. T. Brewer.

☞ After the programme the ladies of the church will serve refreshments of ice cream, etc.

ADMISSION—Twenty-five Cents. [B. C.] m1-1t

TURNER HALL.

Kohler's Grand Waxwork Exhibition AND CONCERT COMPANY,

COMMENCING.....THURSDAY, MAY 3d.

Full Particulars in Posters, Etc.

OPEN FROM 10 A. M. TO 10 P. M—CONCERT at 8 P. M. Special Concerts on Sunday Evenings at same hour.

☞ ADMISSION—25 cents; children, 15 cents. School Children's Matinee each SATURDAY at 2 o'clock. Admission, 10 cents.

MRS. WILSEY'S Quadrille Party on SATURDAY EVENING, immediately after the Concert. Usual Prices; Ladies Free. Combination of two bands; great music. m1-tf

Knights of Pythias' Picnic.

The Following Letter is Self-Explanatory:

WARDEN'S OFFICE, STATE PRISON AT FOLSOM, April 28, 1883.

E. H. Tryon, Esq., Vice-President Knights of Pythias—Dear Sir: I have the honor to acknowledge receipt of your favor of the 27th, inquiring about admitting visitors to the Prison on the 3d of May. In reply, permit me to say that visitors will be admitted after 2 P. M. on that day, to accommodate your guests. Work will be suspended, and the prisoners will be confined in their cells at that hour, to enable us to grant your request with safety.

I have the honor to be, very respectfully, your obedient servant, JOHN McCOMB, Warden.
m1-2t (B. C.)

NEW ADVERTISEMENTS.

CENTRAL PACIFIC RAILROAD.

Commencing Monday, April 30, 1883, AND UNTIL FURTHER NOTICE,

TRAINS AND BOATS WILL LEAVE SACRAMENTO AS FOLLOWS:

5:10 A. M.—(Sundays excepted)—Accommodation Train to Marysville, Red Bluff and Redding.

6:00 A. M.—(Sundays excepted)—San Francisco Passenger Train, via Benicia. Connects at Suisun for Vallejo. Second-class passenger cars for San Francisco attached.

7:20 A. M.—(Daily)—C. P. Pacific Express, via Benicia, for San Francisco. Connects at Suisun—(Sundays only)—for Vallejo and Calistoga. Second-class passenger cars for San Francisco attached.

9:00 A. M.—(Daily)—C. P. Emigrant Train to Ogden, Council Bluffs and East.

10:00 A. M.—(or as soon thereafter as practicable—Sundays excepted)—Steamer for San Francisco, touching at all way ports on the Sacramento river.

11:30 A. M.—(Sundays excepted)—Passenger Train for Woodland, Williams, Willows, Tehama and Red Bluff.

11:40 A. M.—(Daily)—San Francisco Passenger Train. Connects at Calls with Passenger Train for Ione and at Lathrop with the S. P. Atlantic Express for Madera, Newhall (Santa Barbara), Los Angeles, Colton (San Diego), Yuma, Maricopa (Prescott), Tucson, Benson (Guaymas, Mexico), Deming (A., T. & S. F. R. R.), El Paso (T. & P. R. R.), San Antonio and New Orleans. Connects also at Niles for San Jose.

2:30 P. M.—(Daily)—Oregon Express for Marysville, Chico, Red Bluff and Redding (Portland, Oregon).

2:40 P. M.—(Daily)—Local Passenger Train for Auburn and Colfax.

3:50 P. M.—(Daily)—San Francisco