THE DAILY RECORD-UNION

THURSDAY..... ....JUNE 7, 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.

THE MORNING'S NEWS.

In New York Government bonds are quoted at 119¾ for 4s of 1907; 112⅝ for 4½s; 103¼ for 3½s; sterling, $4 86@4 89½; 102⅝ for 3s; 103½ for 6s; silver bars, 108⅞.

Silver in London, 50½d; consols, 101 7-16d; 5 per cent. United States bonds, extended, 105½; 4s, 122; 4½s, 115.

In San Francisco Mexican dollars are quoted at 87@87⅞ cents.

Mining stocks wilted a little in San Francisco yesterday, either from the heat or some other cause. Hale & Norcross could not command over $7 as the leading stock of the market, against $8 Tuesday. The decline in other Comstocks was less pronounced, but all suffered some as compared with the best rates, the reduction ranging from 5c to 75c per share.

The Pennsylvania Legislature adjourned sine die yesterday.

The Coroner's jury in the case of the disaster at Brooklyn censure the bridge officials.

The bricklayers' strike in Chicago has collapsed.

A woman in Brooklyn, N. Y., recovered $2,500 from two liquor dealers, for making her husband a drunkard.

Rev. Julian Benert, of Fort Wayne, Ind., has been appointed Prelate of the papal household at Rome.

Keene's Blue Grass won the race for the biennial stakes yesterday at Ascot, England.

War preparations on a large scale continue in China.

At Columbus, O., yesterday, the Republican State Convention nominated Judge J. Foraker, of Cincinnati, for Governor.

Five hundred cottage houses are to be erected at Oswego, near Portland, Or., for the use of employes of the Oswego rolling mills and iron works.

Two brothers named Moss were drowned at Napa yesterday.

Rebecca Hamilton (colored) died in New York Sunday, aged 114 years.

An unknown man was found dead yesterday near Morano, San Joaquin county, having been run over by a train.

The trial of the Lompoc riot case is in progress at Santa Barbara.

Mary Ferron has been indicted at Falls City, Neb., for the murder of her husband.

Robert Matthews, convicted of manslaughter, has been sentenced at Lakeport, Lake county, to seven years' imprisonment.

Bartholdi's Statue of Liberty will not be erected in New York harbor until the fall of 1884.

Senor Rafael Varrios, the new Consul of Mexico, to reside at Philadelphia, has arrived in that city.

Quakers in Ireland are furnishing seed potatoes to the suffering farmers.

Henry Schaben killed himself yesterday in Tucson, A. T.

An Anti-Secret Society State Convention is in session at Montpelier, Vt.

Over 100 exiles are to be allowed to return to the Island of Cuba.

At Xeres, Spain, 17 members of the Black Hand Society are on trial for murder.

The New Hampshire Legislature organized at Concord yesterday.

The report of the dangerous illness of Cardinal McCloskey is denied.

The bursting of an elevator at Milwaukee yesterday caused considerable loss of property, and it is feared that seven men are buried in the debris.

In a railroad accident near Martinez, Contra Costa county, Tuesday, a dozen freight cars were wrecked and two tramps killed.

William S. Roulhac, of North Carolina, has been appointed Secretary of the Civil Service Commission by the President.

Father Bocht, a Catholic missionary, has been beheaded by the Annamites.

Joseph Joaquin was killed by a train yesterday near San Rafael.

Lightning caused considerable damage yesterday in Albany, N. Y., and Muncie, Pa.

A passenger train was wrecked yesterday at Farington, Ind., and four employes killed.

Hicks Pasha has just gained a great victory in the Soudan over the Arabs, killing 500.

The Court-martial in the case of Wasson, the defaulting Paymaster, assembled at Galveston, Tex., yesterday.

Terrific showers of rain occurred yesterday in New York city.

THE "SCOTT LAW."

The test in Ohio of the constitutionality of what is known as the "Scott Law" is attracting attention throughout the Union. The hearing of the argument is set for today. Its principles have been put in issue in a political campaign just opening in the Buckeye State. A sketch of its features will therefore be of interest. The first section declares that the business of trafficking in intoxicating liquors shall be annually assessed, and each person carrying it on shall pay to the county, for each place, $200 per year, and for malt and vinous liquors $100. The assessment by Section 2 becomes a lien upon the realty where the liquor is sold, and no one shall sell liquor upon land not owned by him without written consent of the owner, under penalty of a fine not exceeding $100 nor less than $25 for each day, with the alternative of imprisonment. Section 3 provides the method of assessing, and for refusal to furnish the Assessor with proper information, the penalty is an increase of the assessment to $375; and for selling spirituous liquors after reporting intention to sell malt liquors, the assessment shall be raised to $250. Sections 4 and 5 prescribe the system of making up the assessment rolls and of collecting the taxes. Section 6 defines what "trafficking" shall mean, and excludes the filling of physicians' certificates and sales for mechanical, pharmaceutical or sacramental purposes, and it does not include the manufacture of liquors and the sale by the manufacturer in quantities of one gallon or more at one time. Section 7 directs the segregation to funds of the money collected for liquor taxes; and Section 8 provides for giving notice of the first collections and of the enforcement of the law. Section 9 prohibits sales except by druggists upon prescriptions, on Sunday, and closes all saloons on that day, and the bars of all hotels and restaurants. The section gives also to cities power "to regulate, restrain and prohibit ale, beer and porter houses and all places of resort for tippling and intemperance. But if any municipal corporation shall prohibit ale, beer and porter houses, a ratable proportion of the tax paid by the proprietors thereof for the unexpired portion of the year shall be returned to such proprietors." Section 10 prohibits the sale of liquor to minors without consent of the parent or guardian, and sales to those "in the habit of getting intoxicated," or who are at the time intoxicated, under penalty of a fine of from $25 to $100, and imprisonment from five to thirty days. It will thus be seen that this famous law, about which there is so much excitement, is by no means a severe measure. It simply provides a very ordinary tax, one not so high by half as is now laid in the form of a license fee in a large number of places in the country; it closes dram shops on Sunday; gives to cities the right to legislate on the subject, and prevents sales to minors and drunkards. It is by no means the formidable law that has been supposed, and why the liquor dealers of Ohio should resent it so strenuously is somewhat puzzling. Probably the clause conferring on cities the right to prohibit alarms them most. But no city can exercise this privilege except the people are in a strong majority who favor prohibitive legislation. The law is to be tested at once, and is now in Court on these points of objection taken by its opponents: That it is in violation of the rights guaranteed by the Federal Constitution and the Constitution of Ohio; it tends to impair the obligation of contracts between the owners of real estate and of the buildings thereon; it licenses the liquor traffic, whereas the State Constitution forbids a license system; it has not a uniform operation; that liquor as property is already taxed, and the Scott law is an indirect method of levying an additional tax; it provides for a tax in the nature of a poll tax, which is inhibited by the Constitution of Ohio; lastly, it lays an impost on liquors imported into the State in original packages, which is forbidden by the Federal Constitution. The entire country will look for the outcome of the contest in Court with eagerness, especially since the matter has entered the political realm.

THE HEATED TERM.

In the Sacramento valley there has now been a brief period of extreme heat, accompanied by a strong, desiccating north wind. But the maximum temperature in Sacramento on the 5th was but 90.9°, while in San Francisco, with all its bay and ocean breezes, it was 95°. In a humid atmosphere 95° is equal to 105° in the dry atmosphere of Sacramento. At San Francisco the people suffer more with heat when the thermometer is 80° than Sacramentans do with the mercury up to 95°, because a moist atmosphere when heated is, as all know, so very much more oppressive than a dry one. The San Francisco *Call* says that the 5th inst. there was the warmest day except two since 1849. The people certainly must suffer greatly with heat when a San Francisco paper can be brought to mention that it is a hot day. The Bay papers, as a rule, find out all about the heat of the valley sections, and a good deal more of it than valley residents do, but are loth to give to the public any account of the temperature of their own city. Sacramento, which the ordinary coast resident takes particular delight in pointing out as so oppressively warm, has in truth suffered a great deal of misrepresentation on that score, as the Signal Service thermometrical register shows. Take the 5th inst. as a sample day, when the heat here gave a register of less than 91°, while at Napa it was 100°, Santa Cruz 100°, Alameda 106°, Oakland 100°, Salinas 101°, San Jose from 96° to 108°, Marysville 97°, Sonoma 103°, Santa Rosa 102°, San Francisco 91° to 95°.

Of course these are exceptional records, but so is extreme heat here, though there is a higher general temperature in summer in the Sacramento valley than on the coast. But the mean temperature at this city for the summer months is by no means high, and speaks in the most positive terms of the equability of this climate. The highest mean temperature for June between 1853 and 1882, inclusive, was 77 (1853); the highest for July was 80 (1854); August, 76 (1866). The mean temperature for June for the twenty-nine years has been 70.8; July, 73.3; August, 71.6, and the mean for the whole period 71.8. The highest mean temperature of summer months was that of 1865, when it was recorded as 74.8. In 1877, on the 12th of July, the thermometer in Sacramento for a short time registered 103, and was 95 for two days in August and 98 on one day in September. It touched 91 in May, 1878, once; 99 June 26th; 98 June 27th, reaching 100.5 August 12th. In 1879 it was 91 on the 31st of May, 100 on the 2d of June and the 31st of July, and 103 on the 1st of August. In 1880 the highest thermometer was on the 4th and 5th of September, when 92 was registered. In 1881, on the 23d of July, it touched 98, and on the 14th of September 96.1. In 1882 it reached 99.8 August 10th. These were the exceptionally warm days, all succeeded by cool nights. It will be profitable to note that in these years the mean temperature for the summer was not high, for in 1877 it was but 73.5; 1878, 72.9; 1879, 72.9; 1880, 69.1; 1881, 68.5; 1882, 71.1. It will thus be seen that Sacramento and its vicinity has a record as to temperature in which it may take a reasonable degree of pride, and that it is by no means one of such heat as is popularly supposed.

IN THE GOVERNOR'S TRIBUNAL.

In the phenomenal proceeding now going on at the Capitol, where the Governor, aided by the counsels of a Judge, is endeavoring to ascertain whether he has a right to proceed with an inquiry into the conduct of certain officials, a point has been raised, which on the 22d of May we suggested as one of the chief questions in the matter. The Constitution provides that "the Governor shall have power to remove either of the Directors (of the State Prison) for misdemeanor, incompetency or neglect of duty, after an opportunity to be heard upon written charges." It occurred to us then that it was a very interesting question to determine whether this constitutional provision is self-executing. Having declared that a hearing shall be had, that written charges shall be preferred, it is at once suggested to the mind that the method of procedure for the ascertainment of the facts was not provided for, and that legislation might be necessary to establish the method before the clause could be made effective. There is no disposition to criticise the case pending the argument of the various objections taken to the Governor's tribunal, but the point raised is one to which particular attention should be given, and as it is of considerable public interest, it may therefore very properly engage public consideration. It is by no means one-sided, and is capable of dividing of creditable authorities.

THE dispatches inform us that the Chinese in New York are rapidly assimilating with the social and business customs of the people there, and that the gentle-minded residents of that great city expect very soon to find that the Chinese have been largely absorbed by New York civilization. This expectation causes the average Californian to smile. Because a few Chinese lingered from curiosity upon the outskirts of a crowd at an oil stock speculation sale, a New York reporter rushed to the conclusion that they were up to devices deep, dark, and involving financial investments of grave portent. New York has yet to learn by experience the truth regarding the Chinese.

THERE are now grave doubts as to the safety of General Crook. Special correspondents of the RECORD-UNION, fully armed and provisioned for a long trip, and accompanied by sufficient associates, are now en route to ascertain the whereabouts of the gallant General, and ere this have penetrated the Sierra Madres, and will give our readers the earliest possible information obtainable.

THE hypocritical press just now so concerned about the State's interests, has fallen out with itself, and its various organs are quarreling about the question as to which is the loudest anti-railroad howler. The people, gentlemen, do not care a farthing which of you can bray the loudest.

A CANADIAN scientist has discovered that of all female applicants for divorce, seven-tenths are blondes. Here is a challenge now to some other scientist to ascertain the physical characteristics of the fellows the blondes sue to be released from.

THE settled opinion both in England and America now is that the Ashburton treaty will be revised and its provisions materially enlarged. It is now, as we not long since demonstrated, inadequate to the needs of both nations.

THE Hearst whistle begs and squirms under the trouncing given it, and declares that it don't want to hurt railroads. Oh no; it only wants them operated according to its ideas—that's all. Modest whistle.

THE PRISON INVESTIGATION.

ARGUMENT OF HON. W. H. SEARS ON THE DEMURRER.

The Question of the Jurisdiction of the Commission Submitted and Taken Under Advisement.

The hearing of the charges against the State Prison Directors—Chapman, Neff, McNutt and Schell—was resumed yesterday morning by Governor Stoneman and Judge Wallace. Ex-Senator W. H. Sears, on behalf of the Directors, opened by an argument on the question of jurisdiction. The following is the

SPEECH OF HON. W. H. SEARS.

Mr. Sears—If the Court please: During the argument yesterday, counsel for the people replied to some remark by Judge Darwin in regard to there being some political complexion connected with this proceeding. I desire to say one word, and would not mention it were it not that it calls for a reply, because the matter is entirely outside of the record of the case. I think counsel for the people said that this Court could do nothing worse than what was embodied in the report of the Special Commission appointed by Governor Perkins, and that in the Directory the minority of the people were not represented. Now, when the proper time comes in the proceedings in this case to introduce our testimony, we may show to the satisfaction of this Court, and of counsel on the other side, that the Executive of the State did take the necessary steps to have the minority represented. It is our desire to keep, in the argument as well as in the whole conduct of the case, strictly within its record, for when a person travels outside of the record it is almost a sure sign that he has got no argument within the record.

Counsel upon the other side, representing the people, dwelt at length upon the question of incompetency. While he admitted that incompetency is not charged in this proceeding, and is not a part of the record, yet to show that the Superior Courts had no jurisdiction over the question of incompetency, he referred to that to show that this Court had original jurisdiction in this case. Now, there have been many cases in our Courts, where the question of incompetency of the officeholder has been determined and adjudicated. There are many officers that require certain qualifications to make them competent to fill an office. For instance, a Superior Judge; the Constitution requires that he shall have been admitted to practice in the Supreme Court of the State. Now suppose the people had elected a Superior Judge who had not been admitted to the Supreme Court of the State, does counsel contend that a writ of *quo warranto* would not lie to test the competency of that Superior Judge? Most assuredly it would. There are other officers that require certain qualifications. Take the Harbor Commissioners. The law requires that they shall not be interested in any vessels among other things, in order to render them competent to fill the office. In the fourteenth California, in the case of the appointment of a pilot, that question is there determined. It is the case of Palmer against Woodbury. It is a case where, in order for a person to be competent to fill the position of a pilot, that he should be a citizen of the United States; that he should be 21 years old, and that he has served on board of a pilot boat for a term of two years in the harbor of San Francisco. The Pilot Commissioners appointed a man as pilot who had not served that length of time, and therefore he was incompetent, and an action was brought in the District Court to remove him from office, upon the ground of his not having served two years as required by law. In that case the Court say (I read from the syllabus):

"No appointing power in this State can determine conclusively upon the capacity of the appointee to hold office. That question may be examined in the Courts."

The ground of this decision is that Woodbury was ineligible to this place because he had not served for two years on board a pilot boat. On the trial in the District Court, the Court dismissed the complaint upon the ground that the facts, if proven, would not entitle the plaintiff to recover, and the Supreme Court reversed that decision.

So in this case. If the Governor of the State had appointed a man Prison Director who was not a citizen when the law requires him to be a citizen, it would be incompetency, and an action would lie to remove him on that ground. The definition of incompetency in Abbott's Law Dictionary says: "Not able, not competent. Can't act with legal efficacy." Webster says: "No legal fitness nor competency."

Counsel yesterday dwelt upon the theory that incompetency refers only to mental incompetency. He referred to lunacy; lunacy seemed to be running in his mind. We are not surprised at that from the position he has taken in this case. But there are various other disqualifications. It means a legal disqualification more than mental. While there may be legal and moral and mental incompetency, and perhaps physical incompetency, we claim that any one of these offenses, if such they may be called, could be tried and determined by one of the Superior Courts of the State.

Now, in regard to the distribution of powers. Judge Darwin has gone over this question very thoroughly. He has almost exhausted the argument in relation to that, but counsel on the other side dwelt specially on Article III., Section 1, which reads:

"The powers of the Government of the State of California shall be divided into three separate departments—the legislative, executive and judicial; and no persons charged with the exercise of powers *properly* belonging to one of these departments shall exercise any functions appertaining to either of the others, except as in the Constitution expressly directed or permitted."

Counsel for the people claim that this is the only exception, that found in Section 10 of the Constitution. The old Constitution had precisely the same language that the new one has. It is not changed in a letter. And what did it mean in the old Constitution? Why, it referred most assuredly to the Court of impeachment, the Senate of the State. That was the exception, and they added nothing farther.

"Properly belonging to one of these departments." Now does not the examination of this case properly belong to the judicial department? What authority has this Court to exercise the various powers under our Codes to give protection to the Prison Directors in this case? You have to subpena witnesses from afar. What power has this Court to compel a witness to attend here from a distance—beyond the thirty-mile boundary? Suppose they refuse to come. Can this Court commit a witness? Most assuredly not. Can this Court issue an order for a Commission to take the depositions of those witnesses? I have my doubts about that. And unless this Court as organized can exercise and call to its aid the necessary provisions of the Codes of this State which throw protection around the citizen and give him what, under the laws, may be required for his protection, then this Court is not competent to hear and determine this case. I don't think that the counsel for the people will claim that this Court can exercise those functions under our Codes, that it can exercise all the functions of a Court, because there is no machinery provided for such exercise.

Article IV., Section 7, of the Constitution says: "Each house shall chose its officers, and judge of the qualifications and returns of its members."

In 1880, speaking of this question of competency, the people of the district composed of San Mateo county and a portion of San Francisco elected Mr. Desty a Senator to the Senate of this State. His case was examined into by the Senate, sitting with judicial powers. It was shown conclusively that he was not a citizen of the United States, that he was wholly incompetent to fill that position, and therefore he was removed from office. That is a Court provided for in the Constitution.

There is another question that comes to my mind in the discussion of this case, and it is this: That this Court, as organized, is called upon to pass upon the constitutionality of that section of our Constitution. You are called upon to construe our Constitution, a duty and prerogative which certainly belongs exclusively to our Courts, according to our republican government. You are called upon to decide whether or no you have got the constitutional jurisdiction in this case, and you must determine that by passing upon Article X of the Constitution. We have tried every way in our power to bring this case into the Courts. We have made the offer to counsel for the people that if they would transfer this action into any Superior Court in the State, we care not which one it might be, we would waive any question of jurisdiction, we would waive any question of service or time, in order that this might be adjudicated in a Court of justice in the State upon its merits. We make the proposition to them now.

Mr. Flournoy—Do you think you can give jurisdiction to a Court by consent?

Mr. Sears—We will make up a case wherein the Court can have jurisdiction.

Mr. Flournoy—I ask you as a lawyer. Can you do it? No.

Mr. Sears—We will make up a case and go to the Supreme Court, and let the Supreme Court decide this question of jurisdiction. We claim that the Superior Courts have got jurisdiction, and they alone. The question of jurisdiction in these cases has been decided many times. The case of Marks, in the 45th California. He was tried for misconduct in office. There is the case of Kirkpatrick, the Sheriff of San Francisco. We have numerous instances where the Superior Courts have taken jurisdiction, but I defy the gentleman to find a precedent or decision in any State of this Union where a Court has been organized as this one, with the Executive as Judge, to try a person charged with any criminal offense. My learned associate states that perhaps I did not make it clear in that proposition to make up a case to test the jurisdiction of the Executive, sitting as a Court, to try and determine the case. We propose to make up a case, and make it clear and complete, so there can be no question about it, and submit this matter to the Supreme Court to determine whether the Executive can sit as a Court and try and determine the question of misconduct, competency or neglect of duty of the State Prison Directors. Article VI., Section 5, of the Constitution of California says: "The Superior Court shall have original jurisdiction in all cases in equity, and in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll or municipal fine, and in all other cases in which the demand, exclusive of interest or the value of the property in controversy, amounts to $300, *and in all criminal cases amounting to felony, and cases of misdemeanor not otherwise provided for*; of actions of forcible entry and detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate; of divorce and for annulment of marriage, *and of all such special cases and proceedings as are not otherwise provided for.*"

In the charges contained here they charge felony, or what amounts to felony. They charge fraud. They indirectly charge the Directors with the embezzlement of public moneys. "Not otherwise provided for," means that the Superior Courts have original jurisdiction of all cases and proceedings as are not otherwise provided for. That would cover the question of incompetency. If that is not provided for in the statute then the Superior Court has original jurisdiction in all such cases.

Article VI, Section 1, says: "The judicial power of the State shall be vested in the Senate, sitting as a Court of impeachment, in a Supreme Court, Superior Courts, Justices of the Peace, and such inferior Courts as the Legislature may establish in any incorporated city or town, or city and county."

That divides the judicial power of the State into a Court of Impeachment, Superior Courts, Supreme Court and Justices' Courts. There is no provision for an *Executive Court*. Such a thing was never dreamed of by the framers of the Constitution. Again, Article IV., Sec. 18, of the Constitution reads: "The Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney-General, Surveyor General, Chief Justice and Associate Justices of the Supreme Court, and Judges of the Superior Courts, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall extend only to removal from office, and disqualification to hold any office of honor, trust, or profit under the State, but the party convicted or acquitted shall nevertheless be liable to indictment, trial and punishment according to law. *All other civil officers shall be tried for misdemeanor in office in such manner as the Legislature may provide.*"

Now the Legislature has provided a fair and perfect manner for the trial of these cases. It is provided in Section 772 of the Penal Code, and also in the Statutes of 1873-4. It was admitted by counsel for the people yesterday that this is a new proceeding—to use his own language, "an unheard-of proceeding." When the Courts provide laws by which these Directors may be tried for the offense charged here—and if there is any doubt about it, why not give our theory of government, and the custom of ages as old as the Government itself—why not give them the benefit of the doubt, and let the Courts try and determine this case? In case of doubt or ambiguity, our theory of government should prevail, and the Courts try this case.

I wish to call the attention of the Court to a provision in the Virginia Constitution that this Constitution has adopted, and I believe every Constitution in the Union contains it. That Constitution was adopted June 12, 1776. It is the oldest among the States before the Declaration of Independence. It reads:

"The Legislative, Executive and Judicial shall be separate and distinct, so that neither shall exercise the powers properly belonging to either of the others; nor shall any person exercise the powers of more than one of them at the same time."

This Constitution of Virginia was amended and re-adopted in 1830, and in that convention Chief Justice Marshall was a member, and this original provision was allowed to stand unchanged. Therefore I claim that this is a fundamental principle of this Government, and of the states, that the departments are divided into judicial, executive and legislative, and that neither can encroach upon the jurisdiction or functions of the other. The Constitution itself, after giving the distribution of powers, then goes to work and divides the departments, and gives them their jurisdiction. It says what the jurisdiction of the judicial department shall be, and defines the Courts. It says also in Article V., Section 1, what the powers of the Executive are. It says he shall be styled "the Governor of the State of California." If I may be allowed a word here, during all this argument here, he has been called "His Excellency." That has grated harshly upon my feelings. It has too much of the sound of royalty. It sounds too much like "His Highness," and I ask to be excused from using it. I like the simple name of Governor.

Referring farther to the Executive department, Section 7, "He shall see that the laws are faithfully executed." You are endowed with great powers. You may call upon the militia of the State to enforce the laws. You may go further and call upon the army of the United States to assist in the execution of the laws; but there is no place in this Constitution or in the laws of this State which gives you any authority to sit as a Court and construe the laws of the State or the Constitution of the State. You have the power to fill vacancies. Article X., Section 1, is the provision under which you claim the power you now exercise, and it is embraced in these few lines: "The Governor shall have the power to remove either of the Directors for misconduct, incompetency or neglect of duty, after an opportunity to be heard upon written charges." Now that provision does not say that these charges shall be preferred before the Governor. By no means. It does not say that the Governor shall hear these charges. But it gives him the mandatory power to remove the Directors for these various offenses. These charges may have been preferred and an indictment might have been drawn in the Superior Court, and the Court could undoubtedly try the case. I say if there is any ambiguity about this section, and we claim that there is, because it does not give the Governor the direct power, but gives him only the power to remove, and not the power to hear, these charges have been preferred in the wrong place. They don't belong to the Executive Department. And to substantiate that doctrine we have only to read Section 5, which says *that the Legislature shall pass such laws as may be necessary to carry into effect the provisions of this article*; and the Legislature, in the exercise of its will under this Constitution, and since it was adopted, have enacted Section 772 of our Penal Code, under which these Directors can be tried and removed from office for these offenses.

We claim also that under the Fourteenth Amendment of the United States we are denied the equal protection of the law in this proceeding. The Fourteenth Amendment reads as follows:

"*No State shall* make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property, without due process of law, *nor deny to any person within its jurisdiction the equal protection of the laws.*"

If this Court has not the power to throw around these Prison Directors all of the protection which the codes of this State give to them, to wit, the right of trial by jury, the right to be confronted with their witnesses, the right to compel witnesses to testify, and all those other functions of a Court, then I say that this Court in trying and determining this case *is denying to these citizens the equal protection of the law*, and that this State, by its Constitutional Convention could not pass a law in conflict with this fourteenth amendment. If it has, it is void.

What is a misdemeanor? Section 176 of the Penal Code reads thus: "Every willful omission to perform any duty enjoined by law upon any public officer, or person holding any public trust or employment, where no special provision shall have been made for the punishment of such delinquency, is punishable *as a misdemeanor*."

These Directors are charged here with an omission to perform an official duty. That, under the Penal Code, is a misdemeanor, and a misdemeanor is a crime. Counsel for the people, in his argument, admitted that if this was a criminal proceeding the Governor would have no jurisdiction.

Mr. Flournoy—No sir; I didn't make any such admission. There are no crimes charged in this complaint. The Governor can't put a man in San Quentin. Some other Court will have to attend to that.

Mr. Sears—Now the first specification reads as follows: "The report of said Directors to the late Governor George C. Perkins exhibits in the tabulated statement of the Clerk at San Quentin an expenditure for the fiscal year ending June 30, 1881, on account of prison improvements and general expense, of $88,123 85, which statement was and is false and fraudulent, in that no such sum was ever expended as therein stated, and the fact that such statement was false and fraudulent could easily have been ascertained by said Directors, and is hereby charged to have been known to them."

* * * * * *

The same language exists in our Constitution as applies to the Prison Directors. They may be removed in such manner as the Legislature may provide.

I cite your Honors to 34 Cal., People vs. Pruvines: "The departments, therefore, of which it speaks, and in respect to which it provides that no person employed in one shall be employed in either of the other two, are the departments of the State Government, as expressly defined and limited in the Constitution; and its meaning is that no member of the legislative department, as there defined, shall at the same time be a member of the executive or judicial departments, as there defined, and vice versa. That is to say, no judicial officer shall be Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney-General or Surveyor General, all of whom, and none others, in the sense of the third article of the Constitution, belong to and constitute the executive department of the government; or a member of the Senate or Assembly, which two bodies, and none others, in the sense of the third article of the Constitution, constitute the legislative department. So of each officer of the executive department—he cannot belong to the judicial or legislative department. That is to say, he can hold no judicial office, nor the office of Senator or member of the Assembly. And so of Senators and members of the Assembly—they can hold no judicial or executive offices comprised within the executive and judicial departments, as defined in Articles 5 and 6. In short, the third article of the Constitution means that the powers of the State Government—not the local government thereafter to be created by the Legislature—shall be divided into three departments; and that the members of one department shall have no part in or the management of the affairs of either of the other departments, "except in the cases hereinafter expressly directed or permitted. In the earlier periods of English history, the King actually presided in Aula Regis—the rude Court of the times—and, in person, declared the law as well as executed it. This possession of the power to both declare and execute the law, by the same department of the Government, led to frequent abuses, with which the framers of the American Constitution were familiar, and against which they therefore sought to provide a safeguard by separating the judicial from the executive and legislative powers, so far as it could be done without stripping either of the latter of such judicial powers as are indispensable to the proper and efficient working of their own more appropriate functions. Hence the rule that there should be one department to make the law, one to declare the law, and another to execute the law; and to secure, so far as possible, all the advantages of such a rule, the further rule that each department should be composed of different persons, or—which amounts to the same thing—that persons vested with the functions of one of the departments should not exercise the functions of either of the others, except in cases expressly directed or permitted in the Constitution itself.

In the case of Weyman vs. Southard, the decision is delivered by Chief Justice Marshall, and is very elaborate on this question of the distribution of powers. He says: "The difference between the departments undoubtedly is, the Legislature makes, the Executive executes and the Judiciary construes the law."

I wish to refer you also to the Debates in Congress in the case of Jonathan Robbins, where he was surrendered under the extradition treaty to the British Government. The argument made by Chief Justice Marshall on that occasion has been constitutional authority from that day to this. It is in most of the text-books. Judge Story refers to it in this language: "It separates the Executive from the Judicial power by a line so distinct and a distinction so wise that all approve it."

There is one branch of this case that has not been touched upon directly by Judge Darwin, and it is this: Whether or no the provision in Section 10 is self-executing. Whether it operates of itself, independent of any legislative action, or whether it requires legislation to put it in force. I claim that the first part of the provision, which gives the Governor power to remove, may not require any legislative action, but the balance of it does require legislation to put it in force. In the 59th Cal., the People vs. Sacramento county, our Supreme Court there defined the difference between a self-executive provision of the Constitution and one which requires legislative enactment.

In the forty-fifth Texas reports, page 265, in the case of Austin vs. the Railroad Company, the Court says: "In our opinion, however, the sounder conclusion is, that where there is a grant of power in the Constitution to a department of government, or to a constitutional or statutory officer or tribunal, without defining the manner and form on or by which it is to be exercised and carried into effect, the Legislature may legitimately prescribe reasonable rules by which this may be done. And though such power may not be taken away by the Legislature, and should it fail or refuse to legislate so as to provide for the efficient use and exercise of the power, the department, officer or tribunal to whom it is delegated might possibly act in accordance with its own discretion, yet when the Legislature has made reasonable and appropriate provisions for its proper exercise, it should and will be exercised in conformity with such provision."

Applying this doctrine to our case, if the Legislature had failed to provide the necessary laws to carry it into effect, then perhaps the Governor might exercise that power. But the Legislature, having provided the remedy under Section 772, of course it takes it away from the executive.

Cooley, in his Constitutional Limitations, lays down the same doctrine, only more elaborately. I refer you to page 190. Also, under the head of "Due process of law," pages 430 to 435.

Counsel for the people in his argument yesterday said that this was a "new and unheard of proceeding," without precedent in the history of the United States, or of any State. He said it was going back to the "good old times" of the Barons and King John. That is going back many centuries to find a precedent? Magna Charta was wrung from that merciless despot by an outraged and oppressed people in 1215. Will the Executive of this free people follow counsel in his giddy flight backward into the dark, despotic ages of over six hundred years to find a precedent for this unheard of proceeding? If so, I fear it will be considered a usurpation of power unwarranted by any theory or custom of republican government. A division of departments into three co-ordinate branches of government, independent of each other, was the fundamental principle which controlled the Fathers. They engrafted it into all of the Constitutions, and he who attempts to disturb it violates the traditions of the nation, and strikes a blow at civil liberty. The heroes, statesmen and jurists who organized and established this republic were unbelievers in the "divine right of kings." They abhorred despotic power, but cherished personal liberty, and elevated the rights of man, and around those rights they placed these safeguards by a division of powers. Suppose our Constitution had said, "The Governor shall have the power to execute a murderer after an opportunity to be heard upon written charges." Would the counsel for the people claim that the Executive could try him; that the Governor could sit as a Court and pass sentence and then execute it? If power can be given to the Executive to try and determine by judicial process any person for the crime of "misconduct in office," he may do so for a greater crime. The degree of the crime cannot affect the question of jurisdiction. The more we resolve this question in our mind, the more monstrous it seems. We shall wait with deep anxiety the decision of the Executive in this case, and hope that he will conform to the established rules of American jurisprudence; ripened with age, given to us by Marshall, Story and other eminent jurists, which is embellished by their pure thought, and made inflexible by their learning and wisdom, around which there clusters a hallowed reverence in the heart of every American citizen, and which is the admiration of the people of other countries.

At the conclusion of Mr. Sears' argument, Colonel Flournoy replied by stating that counsel had simply argued that the Legislature in enacting Section 772 of the Penal Code, had taken from the Governor the power to perform a constitutional duty. He read a Texas decision referred to by Mr. Sears, in which it was laid down that no power could deprive an official of a constitutional duty, and in the absence of a law to guide him the said official had a right to exercise his own discretion. It was absurd to talk about carrying this matter into the Superior Court. The idea that a Court could be asked to take testimony without the power to enter a judgment, degree or order, was absurd. He could talk about the point made a long while, but there was nothing whatever in it.

A. L. Hart closed the argument for the defense. He said the interpretation placed upon this constitutional provision by counsel for the people was to confer on the Governor the power to prefer charges against the Prison Directors, to try and determine the charges, and then to execute them. This was blending the legislative, judicial and executive powers. All the traditions of the party to which Flournoy belonged, he said, were opposed to such a construction.

At the conclusion of Mr. Hart's argument, the Commission took a recess until 10 A. M. to-day, intimating that at that hour a written decision on the demurrer would be filed.

FRESH air, exercise, good food and Dr. Benson's Celery and Chamomile Pills will, when used together, cure any case of nervousness, sick headache or indigestion. They strengthen the nervous system. Five thousand physicians prescribe them.

DO NOT DOUBT OR DESPAIR.—If you are suffering from chills, malaria or bilious disorders, Mason & Pollard's Pills will entirely eradicate the disease and restore you to health. They are the most perfect tonic in existence. Druggists.

"FOR 13 years I had Dyspepsia," wrote John Albright, of Columbus, O. "*Samaritan Nervine* cured me." Druggists all keep it, $1 50.

MENTAL depression, weakness of the muscular system, general ill health, benefited by using Brown's Iron Bitters.

SKINNY MEN.—"Wells' Health Renewer" restores health and vigor, cures dyspepsia, impotence. $1.

NEW ADVERTISEMENTS.

Stated Meeting of Washington Lodge, No. 20, F. and A. M., at Masonic Temple, THIS (Thursday) EVENING, at 8 o'clock. Visiting brethren are cordially invited. J. N. YOUNG, W. M. L. C. JORDAN, Secretary. je7-1t

The Regular Meeting of the Robert Emmet Club will be held THIS (Thursday) EVENING at 8 o'clock. A full attendance of the members is desired, as business of importance to the Club will come up for consideration. By order of THE PRESIDENT. je7-1t [B. C.]

WANTED—A FIRST-CLASS BARBER, AT the Capitol Hotel Barber Shop. First-class wages paid. je7-3t

WANTED—TWO CARRIAGE PAINTERS. Apply to G. B. BLUE, Third street, between I and J. je7-3t*

$400 WANTED—WILL GIVE YOU 12 PER cent. interest per annum, or 160 acres of land that will make you a good home. Don't let this chance pass. Inquire of CARL STROBEL, 321 J street. je7-3t*

TO LET—ONE SUITE OF ROOMS, ELEGANTLY furnished; also one single room; all fronting on K street. Please inquire on the premises, 229 K street, over JOSEPH WOOD'S Cigar and Tobacco Store. je7-1w

---THE---

GLORIOUS FOURTH!

THE CITIZENS OF SACRAMENTO ARE RESPECTFULLY asked to meet at the Court-House THIS (Thursday) EVENING, at 8 o'clock,

To make arrangements for a proper celebration of the Fourth of July. Every patriotic citizen should be present to assist in making arrangements for the celebration that will be appropriate to the occasion and creditable to our people.

JOHN Q. BROWN, Chairman Fourth of July Committee.
ROBT. T. DEVLIN, Secretary. je7-1t

DR. LOY FOND WON.

OFFICE AND MEDICINE STORE, NO. 926 Third street, between I and J. By the pulse he can locate disease. Consultation free. He uses no poisonous drugs, but roots and herbs, nature's medicine for man. Call and see him. je8-

FOR THE Handkerchief, THE Toilet AND The Bath.

Beware of Counterfeits.

MURRAY & LANMAN'S Florida Water.

The Universal Perfume.

je5 3p6meod

A TRIUMPH OF SKILL.

Dr. Price's SPECIAL

FLAVORING EXTRACTS.

Prepared from Select Fruits. That yields the finest Flavor. Have been used for years. Become The Standard Flavoring Extracts. None of Greater Strength. None of such Perfect Purity. Always certain to impart to Cakes, Puddings, Sauces, the natural Flavor of the Fruit.

MANUFACTURED BY STEELE & PRICE, Chicago, Ill., and St. Louis, Mo., Makers of Lupulin Yeast Gems, Dr. Price's Cream Baking Powder, and Dr. Price's Unique Perfumes.

WE MAKE NO SECOND GRADE GOODS.

SOLD AT WHOLESALE BY ADAMS & McNEILL, Sacramento. m6-1yisTuThS&wly

NEW ADVERTISEMENTS.

Knights of the Red Cross.—Special assembly of Sacramento Commandery, No. 2, Knights Templar, at the Asylum, THIS (Thursday) EVENING, June 7, 1883, at 8 o'clock. Sojourning Sir Knights are courteously invited to attend. By order of EDWARD LYON, E. C. A. A. REDINGTON, Recorder. je7-1t

Ancient Order of Foresters.—A regular meeting of Court Sacramento, No. 6,861, of California, will be held THIS (Thursday) EVENING, at 8 o'clock, in Encampment Hall, Odd Fellows' Temple. All Foresters invited. E. H. McKEE, C. R. G. J. BERGER, R. S. je7-1t

SONS OF TEMPERANCE.

THERE WILL BE AN OPEN MEETING OF Sacramento Division, No. 218, Sons of Temperance, at their hall on Eighth street, on

FRIDAY EVENING, June 8th, at 8 o'clock,

At which time Grand Worthy Patriarch GEORGE BRAMALL, of this State, will be present and address the meeting.

A cordial invitation is given to all. Come and hear the hero of many a battle against the Demon Alcohol. FREE TO ALL.

Sacramento, June 6, 1883. A. E. COPPIN, W. P. L. E. VANDERCOOK, R. S. je7-2t

MAJOR H. C. DANE

WILL LECTURE WEDNESDAY EVENING, June 13th. Subject: "The Great Naval Battles of the Rebellion." je7-1t

GRAND OPENING Of the Jumbo Saloon,

1022 FIFTH STREET, BETWEEN J AND K, on Saturday Evening, June 9th. A free lunch will be served, to which all are invited. A choice lot of Fine Liquors and Cigars always on hand. Do not fail to attend and enjoy yourself. je7 L. ALEXANDER, Proprietor.

IMPERIAL EGG FOOD

WILL MAKE YOUR HENS LAY—IT KEEPS Fowls in best condition, and makes Poultry the most profitable stock on the farm. When the Imperial Egg Food is fed according to directions, sick and drooping chicks will never be seen.

Try it! Beware of Imitations!

THORLEY'S IMPROVED HORSE AND CATTLE FOOD

IS PRONOUNCED BY HORSE AND TURF MEN, stockfeeders and breeders to be the greatest discovery of this nineteenth century with regard to the improved treatment of animals. As with the progress of enlightenment mineral poisons have ceased to be used in the treatment of the human system, so THORLEY'S FOOD supersedes the barbarous mineral compounds, still to some extent in use as so-called condition powders, in treating our domestic animals. Although it has been only some four years since this celebrated Food was first introduced in America, the great sale and unparalleled success that it has met with in all parts of the Union gives the proprietors license and boldness to proclaim to the world that the Thorley system of feeding all kinds of stock stands unrivaled in the New World as it does in the Old, and is justly entitled the Great Discovery of the Age, as the thousands of voluntary testimonials received by the Company fully corroborate. Sold by the Trade generally. Wholesale by HALL, LUHRS & CO., Sacramento, or G. G. WICKSON & CO., No. 8 New Montgomery street, San Francisco. je7-3p1mTuThS&w1m

DR. G. L. SIMMONS

HAS RETURNED TO SACRAMENTO FROM his Eastern trip, and may be consulted at his old office, 212 J street. m29 2p1m

THE NEW FREDERICKSBURG GENUINE LAGER!

EQUAL TO THE BEST BRANDS OF Eastern Beer, is now for sale in kegs and bottles at HENRY POSTEL'S, 310 J street. Price per dozen—Quart Bottles, patent stoppers, $1 75; Pint Bottles, patent stoppers, $1. ALSO, Domestic Bottle Beer at $1 25 per dozen for Quarts; 75 cents per dozen for Pints. Delivered to any part of the city. Families supplied. m10 1slm

JUMBO. m23-1m

MISCELLANEOUS.

CADWALADER & PARSONS,

REAL ESTATE AND INSURANCE AGENTS, Corner Third and J streets.

AGENTS UNION INSURANCE CO. OF SAN FRANCISCO Fire and Marine.

EDW. CADWALADER, Notary Public, Commissioner of Deeds and Conveyancer. je1-2ptf

Homes For Sale!

CHEAP!—EASY TERMS!

The Very Desirable Dwellings, And their Lots, 40x160, Known as Nos. 1220 and 1222 I street, Between Twelfth and Thirteenth. Houses in good repair—nearly new—six rooms each, besides basement; stable in rear. For particulars, apply soon to CADWALADER & PARSONS, Third and J streets. m21-2ptf

SULLIVAN & WISEMAN, REAL ESTATE And Insurance Agents, NO. 1007 FOURTH STREET. RENT AND OTHER COLLECTIONS MADE. a12-2ptf JOS. WISEMAN, Notary Public.

Colonade House, No. 1206 Market street, SAN FRANCISCO.

TO EASTERN AND COUNTRY TRAVELERS we call attention to this elegant first-class house. Rooms with Board, $1 25, $1 50 and $2 per day. Market-street cars pass the door. m18-2ptf

ELEGANT Writing Paper. M. R. Beard & Co. STATIONERS, No. 424 J Street, BETWEEN FOURTH AND FIFTH. m13-1slm

Twin Brothers' Hop Yeast NEVER SPOILS And makes the best bread. For sale at all Grocers. I. H. SIMON, Sole Agent for the Pacific Coast. Depot, Rosedale Market, 723 J street, Sacramento. m23-2plm

Science of Carpentry MADE EASY, PRICE, $5, WITH THE CALIFORNIA ARCHITECT AND BUILDING NEWS FOR ONE YEAR, Sent to any address upon receipt of $6. Address GEO. H. WOLFE, 240 Montgomery Street, San Francisco. a11-3p6m

STEINWAY & SONS' PIANOS. A. HEYMAN, SOLE AGENT, I street, bet. Sixth and Seventh, opposite Court-house. PIANOS TO LET. Pianos sold on installments. fe3-2plm

IMPORTANT NOTICE. A LARGE STOCK OF CHICKERING Pianos just received at the warerooms of L. K. HAMMER, 820 J street. m5-2plm

FORTUNE TELLING. READING OF THE PAST, PRESENT and future. MRS. I. C. ANDREWS, the well-known Fortune-Teller and Clairvoyant, Seventh street, between G and H, next door to A. M. E. Church, with diagnoses on all diseases. Information given on business, love, courtship and marriage. je6 1m

TO-NIGHT! TO-NIGHT!

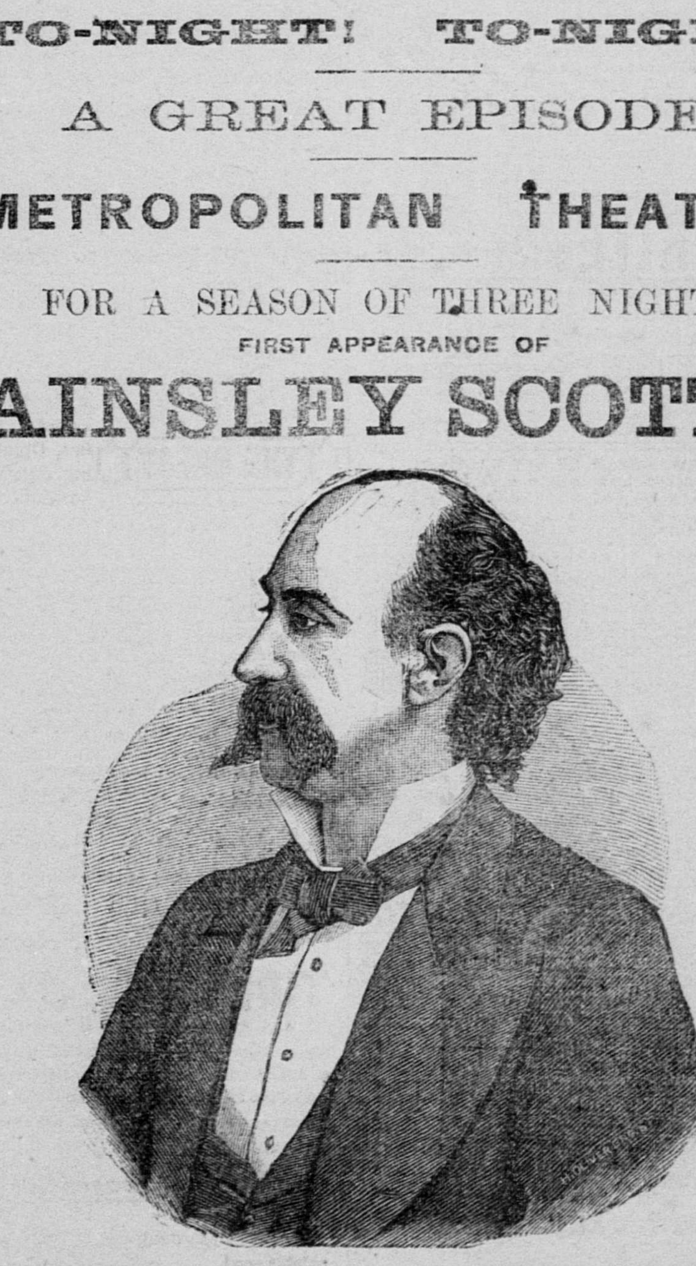
A GREAT EPISODE!

METROPOLITAN THEATER!

FOR A SEASON OF THREE NIGHTS!

FIRST APPEARANCE OF

AINSLEY SCOTT'S



JUBILEE SINGERS

—AND—

Black Burlesque Opera Troupe!

25 LEGITIMATE COLORED ARTISTS! 25

WE HAVE THE BEST COLORED SINGERS IN THE PROFESSION!

COME AND SEE US!

Our Great Jubilee First Part:

THE GREAT CARTER! IN HIS WONDERFUL CHINESE ACT.

MISS MAGGIE WEBB! THE BEST COLORED VOCALIST IN THE WORLD.

OUR GREAT DANCERS!

OUR GRAND BURLESQUE OPERA!

OUR NOVELLO QUARTET! IN THEIR BEAUTIFUL VOCALIZATIONS.

4 ......MILT JOHNSON...... G. JACKSON...... AND ......HARRY HAMDEN...... T. HARDING...... 4

GREAT COMEDIANS.

MINNIE MAURICE! THE LITTLE BOW-DOWN IN HER CAMP MEETING HYMNS.

MISS GEORGIE CHESTER! OUR BEAUTIFUL BALLAD SINGER.

DON'T FAIL TO COME AND SEE US, AS WE HAVE A SPLENDID COMPANY. As a proof of which read the Opinions of the Press wherever we have performed. Come and see for yourself that beyond a doubt this is

THE BEST COLORED TROUPE IN THE WORLD!

LOOK OUT FOR OUR GRAND BRASS BAND PARADE! BE PREPARED! BE READY!

SECURE YOUR SEATS IN TIME. This Great Entertainment is under the management of MR. M. AINSLEY SCOTT, the Renowned Interlocutor and Vocalist, late of Emerson's Minstrels, San Francisco.

A Grand Sacred Concert Sunday Night!

M. AINSLEY SCOTT..........Sole Proprietor and Manager.
E. M. JEWELL..........Advance Business Agent. je6-

AUCTIONS.

AUCTION SALE —OF— Elegant Household Furniture, ROSEWOOD PIANO, Body Brussels Carpets. D. J. Simmons & Co., Auctioneers, —WILL SELL ON— THURSDAY......JUNE 7, 1883, At 10:30 o'clock sharp, all the Elegant Furniture in the Private Residence, No. 916 Sixth st., between I and J, CONSISTING AS FOLLOWS: One Steinway Piano, Stool and Cover, cost $650; one Elegant Parlor Set, three Walnut Bedroom Sets, two Laurel Bedroom Sets, Spring and Hair Mattresses, large Mission Blankets, French Pillows and Bolsters, French Plate Mantel Mirror, Lace Curtains, with Silver-plated Poles, nine Bodie Brussels Carpets, Easy and Reception Chairs, Walnut Extension Table, Walnut Dining Chairs, Crockery and Silverware, one fine Range with Fixtures complete, and a general assortment of Parlor, Bedroom, Dining-room and Kitchen Furniture.

N. B.—Particular attention is called to this sale, as the entire Furniture and Carpets have been in use but three months. Sale Positive. D. J. SIMMONS, Auctioneer, je5-3t Office, No. 1013 Fourth street.

AUCTION SALE —OF ELEGANT— Furniture, Carpets & Oil Paintings. FRIDAY......JUNE 8, 1883, Sale to commence at 10 A. M. sharp, at HOWE'S HALL, SIXTH STREET, BETWEEN K AND L, BELL & CO......Auctioneers, WILL SELL, CONSISTING IN PART AS FOLLOWS: Two elegant Parlor Sets; one Upright Piano, 7-octave; eight Brussels and Ingrain Carpets; two elegant Marble-Top Bedroom Sets; three Cottage Sets; Clipper-Edge Spring and Top Mattresses; fine Feather Pillows; Comforters and Blankets; three Walnut Extension Tables (6, 8 and 10 foot); Marble-Top Center Tables, Whatnots, Camp Chairs, Willow Rockers, Brace-Arm Walnut Chairs, Bookcase; one Sideboard, late style, solid Walnut; one Bed Lounge, three Single Lounges, Lace Curtains and Cornices, Cane and Wood-Seat Chairs; also a large lot of Crockery, Glass and Tin Ware, Garden Hose and Tools.

P. S.—The above goods are almost new, and removed from Store house for convenience of sale.

Sale Positive and Without Reserve. je6- [B. C.] BELL & CO., Auctioneers.

ADMINISTRATOR'S SALE.

IN THE MATTER OF THE ESTATE OF THOMAS SHEEHAN, deceased—Notice is hereby given that I will, on Monday, the 11th Day of June, 1883, At the hour of 1 (one) o'clock, on the premises to be sold, sell at PUBLIC AUCTION, to the highest bidder, for cash in gold coin of the United States, that certain Real Estate, belonging to the above Estate, described as follows: North half of Swamp Land Survey No. 367, containing about 65.02½ Acres (all fruit land), in Yolo county, Cal. Title good. Ten (10) per cent. paid when bid is accepted. Sale subject to confirmation of the Superior Court of Sacramento county. Said land lies opposite Courtland on the Sacramento river. Deed at expense of purchaser. Sale Positive. WILLIAM SCANLAN, Administrator, with will annexed. m18-td D. J. SIMMONS, Auctioneer.

GENERAL NOTICES.

A Card.—To all who are suffering from the errors and indiscretions of youth, nervous weakness, early decay, loss of manhood, etc., I will send a recipe that will cure you, FREE OF CHARGE. This great remedy was discovered by a missionary in South America. Send a self-addressed envelope to the REV. JOSEPH T. INMAN, Station D, New York City. n18 4plyTuThS

Advice to Mothers.—Mrs. Winslow's Soothing Syrup should always be used when children are cutting teeth. It relieves the little sufferer at once; it produces natural, quiet sleep by relieving the child from pain, and the little cherub awakes as "bright as a button." It is very pleasant to taste. It soothes the child, softens the gums, allays all pain, relieves wind, regulates the bowels, and is the best known remedy for diarrhea, whether arising from teething or other causes. Twenty-five cents a bottle. n18-1yTuThS

All Diseases Cured by the Revitalizing Cure, such as Catarrh in its worst forms; throat and lungs; female weakness specialty. Oxygen Depot, 130 Geary street. je6-1m

Dr. La Mar's Seminal Pills cure all cases of Seminal Weakness, Loss of Vigor, Nocturnal Emissions, Impotency, Nervous and Physical Debility, and all that class of complaints arising from Excess, Indiscretion or Abuse. The old find in this remedy A FOUNTAIN OF YOUTH, and the young a safeguard and protection. DR. LA MAR'S SEMINAL PILLS restore the Sexual Organs, debilitated from whatever cause, to their prestine vigor. Price, $2 50 per bottle. Sent C. O. D. by express to any address, secure from observation. Address all orders to A. McBOYLE & CO., Druggists, Postoffice Box 1952, San Francisco. m28 6m

California Ahead Again!

THE GENUINE "LAGER BIER" OF THE FREDERICKSBURG BREWING CO., San Jose, acknowledged the best in the world. Try it. General Depot: 539 California st., San Francisco. je6 2p6m

VIGO BAY TREASURE COMPANY.

DIRECTORS:

OLIVER ELDRIDGE..........PRESIDENT
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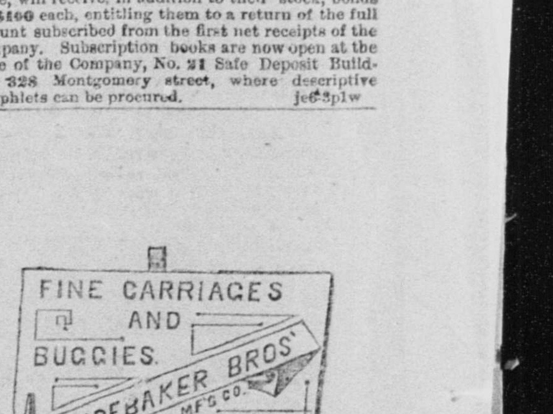
CHIEF ENGINEER......COL. JOHN E. GOWEN
ATTORNEY..........JOHN T. DOYLE
SECRETARY..........DAVID WILDER

A limited number of Shares will be sold at One Dollar per Share (full paid).

Parties subscribing for One Hundred shares, or more, will receive, in addition to their stock, bonds of $100 each, entitling them to a return of the full amount subscribed from the first net receipts of the Company. Subscription books are now open at the office of the Company, No. 21 Safe Deposit Building, 328 Montgomery street, where descriptive pamphlets can be procured. je6 3p1w



NOTE.—Any person wanting a CARRIAGE, BUGGY or WAGON of any description, is invited to call at or send to above-named REPOSITORY.

E. E. AMES, a10 3p1m MANAGER. TuThS

S. J. MARTIN. J. H. MARTIN.

MARTIN & CO., (Successors to Julius Strutz), NO. 420 J STREET, Importers and Wholesale Dealers in Finest Brandies, Wines & [illegible]

HAVING PURCHASED THE ENTIRE interest of JULIUS STRUTZ in the well-known and old establishment, together with another large invoice of the best quality, we are prepared to supply the trade. Country orders promptly attended to.

Having sold my business to Messrs. Martin & Co., I recommend them to my customers and friends. Parties knowing themselves to be indebted to me will please call at the store and settle. m31-1stf JULIUS STRUTZ.

R. W. BARNES. JAMES WOODBURN.

WOODBURN & BARNES (Successors to E. L. Billings & Co.), NO. 417 K STREET, Between Fourth and Fifth..........Sacramento, Importers and Wholesale Dealers IN THE FINEST BRANDIES, WINES AND LIQUORS.

Having purchased the interest of the Estate of E. L. Billings, deceased, in the old establishment, and replenished the large stock with the finest goods imported, we intend to maintain the well-established reputation of the old house. GIVE US A CALL. m15-1slm

REMOVAL.

J. LANG'S CHEMICAL STEAM DYE WORKS has been removed from 714½ J street to 909 K street, opposite Turner Hall. m25-1m