ORIGINAL DEFECTIVE

DAILY RECORD-UNION

CITY OFFICIAL PAPER.

TUESDAY.....FEBRUARY 22, 1887

The RECORD-UNION *is the only paper on the coast, outside of San Francisco, that receives the full Associated Press dispatches from all parts of the world. Outside of San Francisco it has no competitor, in point of numbers, in its home and general circulation throughout the coast.*

SAN FRANCISCO AGENCIES.

The paper is for sale at the following places: L. P. Fisher, Room 21, Merchants' Exchange, who is also Sole Advertising Agent for San Francisco; Grand and Palace Hotel News Stands; Market-street Ferry and junction of Market and Montgomery street News Stands.

☞ Also, for sale on all Trains leaving and coming into Sacramento.

NEWS OF THE MORNING.

EASTERN.—A drunken desperado brutally murdered Mrs. Matilda Warren in Cincinnati.....Knifton, the English pugilist, is coming over to fight Smith or Sullivan.....A band of Mexican robbers were defeated in a fight near the Texas border recently.....Thousands of cattle and several human beings have been frozen to death in Nebraska lately.....Dwyer, the turfman, is talking of a winter racing park in Florida.....It is thought the President will not withdraw the nomination of J. Marion Brooks.....Several new California candidates for Government Railroad Commissioners have appeared.....Thousands of the late strikers in New York are in great want.....Edwin Booth will open in San Francisco March 7th.....It is said Carlisle has actually been offered Manning's place, and again denied.....Gold in New York, 101⅜.

FOREIGN.—Turkey claims that England is not living up to her obligations in regard to Cyprus.....It is said that trouble is again brewing between England and Russia in regard to Afghanistan.....In the elections for the new German Reichstag, yesterday, the city of Berlin went against the Government.....Edward Dekker, a Dutch author, is dead.....Coercion measures for Ireland are promised.

PACIFIC COAST.—Geo. and Josiah Parent perished in the mountains near Sonora, Tuolumne county, recently.....Lizzie Crawford attempted suicide at Oakland Saturday.....The trial of Alex. Goldenson for murder was begun in San Francisco yesterday.....Justice Dunnam, of Auburn, yesterday held the *Bee* proprietors for trial for libel, on complaint of J. B. Hobson.....Lodi is preparing for a business boom.....Clara Whitney, a young wife, committed suicide at Marysville.....Rain and hail fell at many points yesterday.....David Guttlefield was shot at San Rafael yesterday by James Fitzroy.....Yesterday officers were close upon the trail of Peter Olsen, the Napa murderer.

THE ANNIVERSARY.

The nation to-day, by the suspension of business in all departments, State and Federal, pays the formal tribute of honor and respect to the memory of the most illustrious of Americans. The anniversary of the dawn of the day that gave to liberty her noblest champion cannot be too reverently nor joyously observed. That there is not more of ceremonial attaching to its recurrence is to be regretted, but its absence does not indicate any coldness on the part of the people. That this should be the first among the notable anniversaries of the nation in the method of its celebration, outranking even the day that gave birth to the "Declaration," is our firm belief. That great emergencies furnish the men for the occasion is true; had not Washington appeared another would have risen up to lead the struggling colonists in their unequal contest; nevertheless the advent of the man Washington marked the first great step taken toward making effective the solemn resolution that government is tolerable only which flows from the consent of the governed, and hence we do obeisance to him as the most exalted type of American patriotism. In doing honor to Washington's memory we pay tribute not only to his genius, the heroism he typified, and his unwavering faith in the possibilities of free government, but to the principle that all men are of right free, and should not be deprived of the chief heritage of manhood, the right to choose their own rulers. We revere his name for the nobility of character for which it stands, and as representing the pure patriotism of the hour that inspired the men who fought our battles and won our liberties. As the ages lengthen out, the grand proportions of their heroic achievements rise more and more loftily to view, as do the harmonious proportions of some architectural piles, which only fully disclose their symmetry when viewed at fair distance.

The sincere American who believes that the manifest destiny of the nation whose foundation stones they laid, is to advance to the closest approach to perfection possible to the schemes of men, will not permit the day to pass without renewing his fealty to republican institutions. He will not let the sun set upon it without impressing anew upon the youth of the day with whom he is brought in contact his conviction that the American nation is the grandest of earthly powers; the one broad realm where manhood is absolutely king and free government stands for every possible human right, guaranteeing the exercise of every honest ambition and fostering every noble aspiration. He will not permit the day to die out without entering his protest upon the highways against even the suggestion that we have reached the zenith of our possibilities, or that the destiny of the republic has been fulfilled. The land of Washington has already so far impressed itself upon the nations of earth that its pacific influence is everywhere felt and acknowledged. It has been reading the lesson of federalism to the Kings and Princes these hundred years and more, and its task will not have been accomplished until the remotest relic of barbarism has disappeared and the last usurper of human rights has laid down his scepter, and men everywhere upon the globe acknowledge the teaching of free government, and do honor to the immortal patriots, the memory of the chief of whom nearly sixty millions sovereigns, by the grace of natural right, to-day honor.

THE ASSEMBLY EXPOSE.

The more the "file mutilating" matter is examined, the more astounding the offenses appear. The facts all hedge about the story of clerk Smith, with evidence of the truthfulness of the revelations. It is positive that members of both houses have endeavored to have him falsify the Assembly files in order to advance measures out of their order. Persons outside of the Legislature have also "approached" him and offered to bribe him. Letters by some of these venal people are in the possession of the investigating committee, and clearly convict the writers of attempts to corrupt the clerk. It is all a shameful affair and ought to be stirred to the bottom. Still, it is not new; it is ancient history that in California Legislatures there have been more or less attempts of this character; no one knows how many have succeeded. It has been notorious in the past that it was by no means impossible to gain an advantage by securing the mutilation of the file. Now, however that the opportunity offers to fix guilt, let the House proceed to do it. Any hesitation will but implicate those who may oppose an exhaustive inquiry and the due application of penalties. The Assemblyman who throws obstacles in the way of the committee will lay himself open to the imputation of fearing the result. For the Assembly, as a body, to discourage the investigation will invite the criticism that it is willing to become the apologist for crime. No Legislature has been more openly charged with venality than this. Here, now, is its opportunity to separate the sheep from the goats, or if the charge is false to show it to be so and thus remove all possible reproaches.

THOUGHTS FOR THE DAY.

It has remained for Simon Cameron at the advanced age of 89 to rise in his feebleness and protest against the cant of the hour, that the day is deficient in men of brains and power. He declares that "if an emergency called for a display of intellectual and physical power, we are, perhaps, as well prepared to-day as ever in our history." The reservation expressed refers, doubtless, to the decadence into which the United States has permitted its navy and coast defenses to fall.

Mr. Cameron is of the belief that in a republic, such as ours, the emergency will always provide the men who are equal to it, and it is true. In 1860-61, believers who were supposed to be in the majority held that there were no men at the helm, or to be placed there, capable of guiding the national ship through the tempestuous seas that beset her. But how emphatically was the lie given to the pessimistic speculations. The emergency developed a coterie of men who rallied the lovers of the Union and saved the nation from ruin, in the face of the sneers and frowns of the civilized world, and the open expression of nearly all peoples that we had not enough of cohesive power or reserve force or honest worth to prevent the fabric of the republic from going to pieces. It was shaken from foundation to capstone, its walls were wrenched by the mightiest of political earthquakes, but it came out of the trial sounder, better, grander than before, purged of blemish and defect, and with added adornments to its noble architecture. The men of emergency came, just as they would again, to the call of need—just as they will if Socialism, venality, rebellion, bigotry or faint hearts again put the experiment of free government and democratic forms to the test. The statesmanship and brain power will develop to guide, and the strong arms and brave, true hearts will present to repel foes of liberty, whatever their disguise or however insidious and devilish their assaults.

The truth is, we are given too much to depreciating the present, to underestimating the patriotic depths, to passing over, because of nearness of view, the real strength and wisdom of the country. We forget, indeed, when we sharply criticise the leading spirits of the period, that they are of our day and hour, and are neither better nor worse than the community that makes them what they are. We are apt to forget that all history teaches that the latent force of a people is not known by surface indications, nor reserve power by every-day manifestations. In the pre-revolutionary period, the men who shortly afterward served so nobly at their country's altars, and did her gallant service in the fore-front of battle and the counsels of wisdom, were not esteemed by their local circles as above reproach; nor did they, in a lofty assumption of superior virtue and wisdom, refrain from party contention, the hot debate of warring political factions, or indulgence in depreciatory criticism of each other.

The vitality of the nation, the perpetuity of free institutions, do not depend upon the every day manifestations of wisdom or power about us. We have men in plenty who are strong enough; we need only to recognize true worth and encourage honest ambition, while we condemn venality and spun weakness. Our laws are good enough, if only we insist upon their enforcement, and do not, by evasion and winking at their disregard, set the example to those who serve us. That there is corruption in politics, wickedness in the seats of power, venality upon the highway, is chargeable to our own laches and shameful lack of personal courage.

Deep down beneath all the outward manifestations the patriotic current runs resistless, and it will bear the nation on to its goal. What is demanded of us is to do what can be done to make the surface waters clean, and to prevent, as we may, the necessity for storms that purify, and the sometimes necessary convulsions that expel foul elements. The patriotism of the country is not lacking; the power of the nation is sufficient. What we most need is, as Dr. Holland delighted to put it, "the gentleman in politics." "If our political men were only all gentlemen," he kept repeating, "even if they were no more than ordinarily intelligent, we should find our political affairs in a good condition, and the great questions that stand before us in a fair way of being properly adjusted." The great journalist had, however, his definition of the gentleman to add as a qualifying clause—"a person who knows something of the world, who possesses dignity and self-respect, who recognizes the rights of others, and the duties he owes to society in all his relations; who would as soon commit suicide as stain his palm with a bribe; who would not degrade himself by intrigues."

That we so largely leave Titcomb's gentleman to the quiet of private life, and do not bring him into political activity and service is our own fault and his. Still, when the rogues have fattened for their sacrifice, when the venal have too long defiled the temple with money changing, and the enemies of free government are ready to apply the torch, let us not fear, for the emergency will bring the gentleman, otherwise the honest, self-respecting, patriotic courageous citizen, to the front, and statesmanship and valor will undo the conspiracies of the foes of liberty.

THE STATE PRISON DIRECTORS.—At a regular monthly meeting of the Board of State Prison Directors, at San Quentin, on Saturday, petitions were received from prisoners, complaints against other prisoners were heard and monthly bills were audited. The report of Warden Shirley showed that there were on hand 654,000 jute grain bags, which cost to manufacture $46,975 73. At the present cash price the goods were worth $57,218 14, showing a profit on goods on hand of $10,242 41. On motion of Director Wilkins, the Warden was authorized to employ a telegraph operator at a salary not to exceed $40 per month and board.—*S. F. Bulletin, February 21st.*

FITS!—All Fits stopped free by Dr. Kline's Great Nerve Restorer. No Fits after first day's use. Marvelous cures. Treatise and $2 trial bottle free to Fit cases. Send to Dr. Kline, 931 Arch street, Philadelphia, Pa.

CALIFORNIA LEGISLATURE.

TWENTY-EIGHTH SESSION—FIFTIETH DAY.

ASSEMBLY.

SACRAMENTO, February 21, 1887.

The House was called to order at 10:15 A. M. The roll was called, and 42 members answered their names.

Bishop Fowler, of the M. E. Church, took the place of the Chaplain, and as invocation recited the Lord's Prayer.

On motion of Variel, Senate Concurrent Resolution No. 5, which was lost on Saturday evening, was restored to the file, by a vote of 31 ayes to 17 noes. This was opposed by Hyde and others.

The resolution is an important one, involving over a million dollars of the school money of the State. It was introduced by Senator Vrooman, and reads as follows:

WHEREAS, On the 3d day of March, 1883, the Legislature of California passed Assembly concurrent resolution No. 20, directing the Governor to fix the compensation for services rendered by Captain John Mullan, which resolution recited that the Governor and State Surveyor General of the State had theretofore respectively appointed Captain John Mullan, of San Francisco, California, agent and attorney to represent the interests of the State of California before the proper authorities of the United States, at Washington, D. C., in the matter of the claim of this State to five per cent. net proceeds of the sale of the public lands by the United States in this State, and also in certain other matters in said resolution named; and whereas, in fact, the Governor of the State had never appointed said Captain John Mullan such agent and attorney, and neither the Governor or Surveyor-General had any authority to make such appointment, and any ratification or confirmation of said void Act would itself be void; and whereas, the sum due the State in the matter mentioned is much larger than was represented, amounting to more than $1,000,000, and the compensation provided for the contemplated services would be exorbitant, and an outrageous waste of moneys devoted to the support of the public or common schools of this State—a fund of the most sacred character—that could never have been intended by the Legislature, had the full purport of the resolution been understood; and whereas, delay has arisen in the passage of the Act of Congress, making such grant to the school fund, by reason of the inequitable and unjustifiable claim of said Captain John Mullan, under said above named resolution, and the passage of said resolution is delaying and jeopardizing the rights of the State in securing so large a sum to be devoted to the education of the people of the State; now, therefore, be it

Resolved by the Senate, the Assembly concurring, That so much of said resolution as attempts to confirm the pretended appointment of Captain John Mullan as agent and attorney of the State in the matter above named, be and the same is hereby rescinded, abrogated and repealed, and the authority alleged or pretended to have been conferred upon the Governor to fix the compensation for his services at 20 per cent. of such sum as might be obtained, be hereby revoked, annulled and declared of no effect whatever; and be it further

Resolved, That the people of the State of California pledge themselves, through their Legislature, to hold and administer every part of such sum as may be granted by the United States as sacredly devoted to the support of the public and common schools of the State, and especially to be guarded against all attempts of spoliation or fraudulent diminution.

Several of the standing committees made reports on unimportant measures in their hands.

Ohleyer, of the Committee on Water Rights and Drainage, filed the following minority report, which was read by the clerk:

"The undersigned, a minority of the Committee on Water Rights and Drainage, do recommend that A. B. 451, entitled, 'An Act to provide for the impounding of mining debris,' do not pass; and we assign the following reasons for our recommendation:

"First—There is no necessity for any of the provisions of said bill, except those which contravene the established law of the State as determined by the highest judicial tribunals, which interfere with the vested rights of property, and which, therefore, contravene the Constitution.

"Second—The provisions contained in said bill with reference to the formation of corporations are entirely unnecessary, because at the present time, under Section 286 of the Civil Code, private corporations may be formed for any legitimate purpose to exercise any legitimate power connected with the industry of mining, or the restraining of mining debris; and the laws on the subject of corporations, to be found in the Civil Code of this State, are ample and sufficient to enable such a corporation to exercise all the powers essential to the successful conduct of the business of mining, or any business connected with that industry.

"Thir:—The provision in said bill, with reference to the right of such a corporation to exercise the power of eminent domain, for the purpose of condemning sites upon which to locate restraining dams, is already substantially contained in Subdivision V. of Section 1238 of the Code of Civil Procedure. As, however, the purpose of private mining is a private use for which the right of eminent domain may not be exercised, even by the direction of the Legislature, that subdivision of Section 1238 has been declared to be unconstitutional, by the Supreme Court of this State, in the case of the Consolidated Channel Company vs. the Central Pacific Railroad Company et al., to be found on page 269 of the 51st California Reports. The attempt, therefore, is now being made, by the friends of this bill, to re-enact this provision into the statutes of the State, in defiance of the Constitution as interpreted by the Court of last resort; and we are of the opinion that our duties as legislators, as fixed by our constitutional oaths, should admonish us to obey the Constitution, and to refuse to give our official sanction to a provision in any law which that instrument prohibits this body from enacting.

"Fourth—The only purpose, if any, that can be accomplished by this bill, is an indirect sanction by the Legislature of the process of hydraulic mining, with a continuation of the injuries which it has hitherto entailed upon the people of the valley counties, thus giving to that industry a new impetus which will again necessitate an expensive and lengthy litigation, an increase of the injuries, not only to the navigable streams, but to the lands of private individuals residing upon and near their banks. This sanction or recognition will be as unconstitutional as the legislation would be if it undertook to directly authorize the injuries which would necessarily follow a continuation of this process of mining, and it is unquestionably beyond the power of the Legislature to authorize such injuries or sanction the impairment of the vested rights of any of the people. (People vs. Gold Run D. and M. Co., 66 Cal., 151-2). The people of the Sacramento valley, who constitute not an inconsiderable portion of the body politic, certainly have some rights which it is the duty of this Legislature to respect; and we think that after thirty years of serious injury to their property, and ten years of expensive litigation, in which, by united and continuous effort, they have succeeded in establishing the law in their favor, they have a right to protest against an effort, made by their representatives, to throw back upon them the threatened destruction which their time and fortunes have been expended for the purpose of partially averting. We challenge the right of a legislative body, in disregard of the commands of the Constitution, to authorize, directly or indirectly, an invasion of the property rights of the citizen, and we insist that it is no longer a debatable question that, if hydraulic mining under the plans of this bill will result in injury, it can neither be authorized nor sanctioned by this Legislature without an absolute violation of the sacred rights of the citizen as guaranteed by the fundamental law.

"Fifth—If by the plans proposed to be adopted in this bill hydraulic mining may be conducted without injury, those plans may be adopted and carried into effect without legislation or any sanction of this Legislature, direct or indirect. Common sense will teach any reasonable man that any person may conduct hydraulic or any other mining without any provision of positive law, passed by this or any other Legislature, if he can do so without injuring others. The element of illegality in mining by the hydraulic mining process is the injury which results from it. This was so expressly held by the Supreme Court of this State in the Gold Run case, to be found on pages 156 and 157 of the 66th California Reports. There is, therefore, no necessity for this legislation if the object is to authorize the conduct of this species of mining in a lawful manner and without injury to the just rights of others. If, however, its object is to authorize or indirectly sanction that species of mining in disregard of the rights of others, then the people whose property is imperiled may justly appeal to the Constitution as their shield, and demand that the members of this body, with a proper regard for their constitutional oaths, shall refuse to give their sanction thus indirectly to a violation of their rights of property which will destroy the security of their homes and bring ruin and bankruptcy, when prosperity would otherwise prevail."

When the reading of the file was reached, there being but a bare quorum present, all the bills on the second and third reading file were temporarily passed and the large portion of the day devoted to the reading of bills a first time.

Hyde made a motion that when the House adjourn for the day it do so to 2 P. M. on Wednesday.

Brierly moved to amend by making it 10 A. M. Wednesday.

Wright offered an amendment to make it 10 A. M. to-morrow. He then made an argument in favor of celebrating Washington's Birthday by doing a good substantial, honest day's work for the State and not go skipping over the country doing nothing and drawing a per diem from the people's strong-box.

Brierly moved that the entire subject matter be made a special order for 9 P. M. to-day.

Wright moved to amend by making it 11:59 P. M.

Brierly said he would accept the amendment and it was so ordered. He at the same time remarked that he had heard that G. Washington, who cut down cherry trees, that were not affected with the San Jose scale, was quite a politician in his day, and one of those orators that was never known to slop over. For this and many other worthy traits in the character of the Father of his Country, he was willing to adjourn over out of respect to his memory, provided the House would "get down to work" and do something to-day. They had been fooling about long enough, and if they intended to do anything they had better stop this silly thing of moving to adjourn every five minutes.

Heath asked that the special committee appointed to investigate the charges against assistant Minute Clerk Falk be allowed to employ a stenographer at $10 per day who should write out what testimony the committee desired to use in their report, and to receive therefor not more than 15 cents per folio. The request was granted.

Lewis introduced the following, which was referred to the Committee on Federal Relations:

Resolved by the Assembly, the Senate concurring, That Grover Cleveland, President of the United States, at Washington, D. C., and the Hon. Thos. F. Bayard, Secretary of State, of the cabinet of said President Cleveland, are hereby respectfully memorialized by the people of California, in Senate and Assembly represented, to demand from the Chinese Government the revocation of consular authority hitherto granted by that Government to Frederick A. Bee to represent that Government at the port of San Francisco, Cal., for the reason of his frequent disregard and violation of consular courtesies and authority.

Hyde arose to a question of privilege. He read from the San Francisco *Chronicle* a statement that a member of the House was involved in the clerk scandal, and demanded an investigation. The charges, he said, were serious, and if members were being corrupted, the House had a right to know it.

The matter was, on motion of Coombs, referred to the committee investigating the clerks.

In the evening the first reading of bills was resumed, and all on that file were read.

Knox introduced the following resolutions:

WHEREAS, The officers of the public libraries of the United States, other than of State libraries, through the medium of the American Library Association, have succeeded in a large measure in securing uniformity of methods and administration among the libraries they have represented; have been greatly benefited by exchange of ideas and the publication of individual experience in regard to cataloging, binding, lighting, shelving, building, construction, circulation, exchanges and disposition of duplicates; have derived great advantage from their joint and combined efforts to secure a liberal distribution of public documents, a reduction of postage rates, and freedom from duty of foreign books purchased for the use of public libraries; and have in other ways been able to accomplish much for the present and permanent good of library institutions; and whereas, it is believed a similar organization on the part of State Librarians would result in similar benefit to State libraries; would place them on a higher plane, and add much to their character and general usefulness, and might and would be made the medium of securing similarity of laws relating to foreign exchanges, uniformity of public reports, and of printing, binding and indexing the same; and a more liberal and uniform policy of domestic exchange and distribution, to the end that each State may more readily profit by the experience of her sister States; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate concurring, That the State of California invites (appeals to) her sister States and Territories to join with her, through their Legislatures, Librarians, Library Trustees or executive officers, in the promotion of a conference of State Librarians for taking such steps as in their judgment will result in permanent benefit to State Libraries in the matters above mentioned; that in the judgment of this Legislature the expenses of each member at such conference should be borne by the State or library's fund which he represents.

Resolved, That the Librarian of the California State Library be and he is hereby directed to communicate with the Librarians of the various States with a view to organizing such a conference and providing for the time and place of meeting.

Resolved, That his Excellency, Washington Bartlett, Governor of the State of California, be requested to forward to each State in the Union three copies of the resolution; one copy to be directed to the Governor of the State, one copy to the Secretary of State and one copy to the State Librarian.

Referred to the Committee on State Library.

At 11:15 the House adjourned to 12:15 Wednesday.

LEGISLATIVE NOTES.

The Assembly has shown much more attention to legislative work, thus far, and taken much less time in long rests over Sundays and holidays, than the Senate. While it is true that in killing most of the bills before the Legislature, either by non-action or by voting them out of existence, a public service is being rendered, still there are several bills of merit now on the files which are of great importance to localities interested or industries to be affected and should pass. Some of these measures have passed the Assembly, and the fact that they have not yet been reached in the Senate, and that that body is taking an abnormally long rest in honor of George Washington, is eliciting criticism from the more active members of the lower House, and from the people of the localities and industries to be affected by the new laws.

THE LEGISLATIVE SCANDAL.

Secretary Smith Tells What He Knows About the Files.

The principal topic of discussion yesterday was the expose of official crookedness made before an Assembly investigating committee Saturday evening. The fact that the committee held its session with closed doors kept the public from learning, through the medium of the press, the exact occurrences, and in consequence the names of many honest legislators have been severely handled since by gossip.

Many individuals yesterday, among them a number of legislators, expressed a disbelief in the statements made by Smith, but investigations made by press representatives seemed to corroborate his each and every statement. Smith was at his post all day, as was also Falk, and a stranger would not notice from their appearance that anything unusual had transpired or was likely to occur that would disturb their equanimity in the least. Falk moved about smiling upon every one, and apparently treated the whole matter as a fabrication and a first-class joke. It was noticed that Smith did not frequent the Sergent-at-Arms' room, nor the lobby as frequently as he usually did; in fact, he stuck close to his file all day, and at the recess hour skipped off to his boarding place in a hurry.

Last evening the examination was resumed in room 55 on the third floor. The services of a shorthand reporter were secured, and the committee ready to proceed at 8 o'clock. Smith addressed the Chairman, and said he desired that the further taking of his testimony be in executive session. He said he requested this from the fact that he had been threatened, and the publication of the testimony he expected to give under oath would be of such a character that certain individuals would seek to do him bodily harm. Sunday night he came out of the Golden Eagle quite late, and discovered two men whose actions aroused his suspicions, and he was convinced they were "laying for him." He went back into the hotel, afterwards slipped out and went around through the alley back of St. Rose Church, so as to avoid them. As far as Mr. Falk was concerned he had no objections to his remaining.

The committee were all desirous of conducting the examination with open doors, but as Mr. Smith was persistent in his request, the newspaper representatives and others withdrew.

Ray Falk, who was present, stated that he desired the fullest examination. He would prefer to have the examination proceed with open doors. The newspaper reports so far had been fabrications, and he and his family had suffered in consequence. If the newspaper representatives were allowed to remain the public would get the true facts. He said when he was through with the investigation the committee would understand that he was not guilty as charged, that all that he had been accused of was untrue, and he would be clearly vindicated.

The reporters and others then withdrew, leaving the committee alone with Smith and the shorthand reporter. Mr. Heath asked Mr. Ellsworth to conduct the examination.

Mr. Ellsworth said he would like to review somewhat the testimony already given in order to have it taken down. He then asked witness several questions relative to statements he had already made regarding Senator Moffitt and Henry's opium bill.

Smith took from his pocket a letter, and handing it to Mr. Ellsworth, said: "Throw your optics onto that. I guess there's no forgery about it."

The letter was read by the shorthand reporter as follows:

Dear Ed.: Please don't forget to shove down that bill. You did not do it last evening.

MOFFITT.

It was printed on a letter-head of the Senate Committee on City, City and County and Township Governments, and has printed thereon, "Hon. Frank J. Moffitt, Chairman." It was not dated, but the witness gave the date. The witness also said he afterwards met Moffitt, and the latter said to him, "You have —— —— again. You have knocked yourself out of $75, and me out of $200."

This statement made by Mr. Moffitt can be corroborated by a reliable witness who was present, and from whom a representative of this paper learned the facts.

The committee were very anxious to know what Smith knew about Henry, from Butte, and his opium bill. He was questioned very closely on this point, and repeated all he had said the evening before, giving a few additional facts. He claimed that the press had misrepresented him by saying that Henry demanded $500. Henry named no amount. When he told Henry that Moffitt desired to have the bill held back, he said, "You don't do nothing of the kind, ——, ——, until they fix me. Moffit can't make all there is in it." Henry told him again, at the Golden Eagle, that Moffitt had to "fix him" or he would push the measure.

"To show you," said Smith, "that he was not sincere, his bill stood at the head of the file for several days, and Henry each day would ask to have it passed on file." He was questioned very closely as to the language used by Henry and the manner of the man in using it. Witness replied that he looked, acted and talked like a man who meant to do a little "fixing;" thought he was in earnest.

Mr. Ellsworth then asked relating to the Oakland lawyer who had endeavored to tempt the clerk with coin. Smith then gave a brief history of the bill which gives Miss Pfeiffer $17,000 for a little water right at Berkeley and which has been in the hands of L. E. Bulkeley, and showed the following letters, which show conclusively that the attorney was aware of the little tricks necessary to advance a questionable claim on file. The letters are all dated at the Palace Hotel.

Ed. J. Smith—DEAR SIR: Don't fail to get bill 295, to pay estate of Aurelia Pfeiffer, etc., on the file, so it can be called up for first reading before Saturday. Inform La Blanc, so that he can call it up, or he might be absent from the House. Please attend to this as I may not be able to go up before Sunday. Yours truly,

L. E. BULKELEY.

In this letter the number of the bill and its object, the words "first reading before Saturday," and "Mr. Le Blanc," were heavily underscored. There was also a note to it, reading as follows: "Mail me a copy of the amended bill as soon as it is printed."

The next letter is of date February 11th, two days later, and reads:

FRIDAY EVE.

Ed. J. Smith—MY DEAR SIR: I don't find bill 295 among those passed to first reading. Please don't neglect this. Will go up Sunday, 3 o'clock train. Meet me at Golden Eagle.

L. E. BULKELEY.

Smith did not act, and the next day he received a real live business letter as follows:

SAN FRANCISCO, February 12, 1887.

My Dear Ned: I find it will be much to the interest of bill 295 for me to remain over till Monday morning. Please inform Mr. LaBlanc. Drive that business, and I will see you as soon as I arrive. Don't spare anything.

BULKELEY.

In this letter LaBlanc's name is underlined, the words "drive that business" are doubly underscored, and under the words "don't spare anything" three deep black lines are drawn.

Smith admitted that he had received $5 in coin from Bulkeley, but claimed that it was legitimate business, a payment for a copy of all the bills introduced in the House. He said Bulkeley bored the life out of him with letters and personal importunities, until in order to get rid of him he had said, "For God's sake, give me a rest; I'll do it."

As regards Falk's cutting and "monkeying" with the file, Smith's testimony is positive and direct. Falk came to him about the Glenn county bill and said he was going to advance it on the file. "I don't know how much he got for it. He spoke to me about it more than once. I told him Ryan would not allow it, and he remarked, 'I have fixed Ryan,' or 'I will fix Ryan,' I don't know which."

Going back to the $17,000 Berkeley water scheme, Smith said Bulkeley said he would give him $50 to advance it five pages, and $50 as soon as it reached the first-reading file.

Smith claims to have acted entirely honest and honorable, and so far there is no testimony that would indicate he had done differently. About the Capitol building the general expression, even among legislators, is that "he made a fool of himself." Be that as it may, he has done an act of which any man might well feel proud, and honorable men in both houses applaud and uphold his action.

SAN FRANCISCO AND VICINITY.

The alleged importation of Australian rabbits was all a hoax.

The Oakland Prohibitionists will hold a City Nominating Convention at Hamilton Hall, March 4th.

J. Dewey, an Oakland drygoods clerk, is reported to have fallen heir to $160,000 by the death of a relative in England.

On Saturday night Daniel English, a shoemaker, was dangerously stabbed by a negro in a quarrel about a woman.

Henry A. Mankens, a miner, was found dead in a room on the northwest corner of Jackson and Battery streets Sunday morning.

During a quarrel with Antone Arpa, on Saturday night, Manuel Perrero threw a wine-glass in the face of the former and put his left eye out.

The Franciscan Fathers brought to this State from St. Louis by Archbishop Riordan took formal possession Sunday morning of St. Boniface German Catholic Church on Golden Gate avenue.

During the progress of a cock fight at the Berkeley stock-yards on Sunday afternoon Sheriff Hale made a descent upon the place and arrested the proprietor and took the names of a number of those present, among whom were several well-known sporting characters.

During the mounted sword contest Sunday afternoon at the Seaside Gardens between Senor Don Bartolo Bojorques and Sergeant Henry Roos, the contestants lost their temper, and fought in real earnest. Roos was twice cut on the hand, and the swordmen were separated, swearing vengeance against each other.

It has been discovered that gross extravagance is practiced at the City and County Hospital. The bills for wines and liquors for less than six months of the new fiscal year are $1,793 80, as against $1,812 26 for the entire twelve months of last year. The additions for the latest bills for wines, liquors, beer and porter will bring the first six months' bill up to $2 000, and the year's average up to $4,000, or more than twice last year's bills.

The Secret of Life.

Scovill's Sarsaparilla, or Blood and Liver Syrup, is the remedy for the cure of Scrofulous Taint, Rheumatism, White Swelling, Gout, Goitre, Consumption, Bronchitis, Nervous Debility, Malaria and all diseases arising from an impure condition of the blood. Certificates can be presented from many leading Physicians, Ministers and heads of families throughout the land indorsing Scovill's Blood and Liver Syrup in the highest terms. We are constantly in receipt of certificates of cures from the most reliable sources, and we recommend it as the best remedy for above diseases.

ANGOSTURA BITTERS are indorsed by all the leading physicians and chemists for their purity and wholesomeness. Beware of counterfeits and ask your grocer and druggist for the genuine article, prepared by Dr. J. G. B. Siegert & Sons.

COUGHS.—"Brown's Bronchial Troches" are not new and untried, but, having been tested by constant use for an entire generation, they have attained well-merited rank among the few staple remedies of the age.

NEW ADVERTISEMENTS.

Liver Complaint

Is more surely and speedily cured by the use of Ayer's Sarsaparilla, than by any other remedy. "I was a great sufferer from liver troubles, and never found anything that gave me permanent relief until I began taking Ayer's Sarsaparilla, about two years ago. A few bottles of this medicine produced a radical cure.—Wm. E. Baker, 155 W. Brookline st., Boston, Mass.

A Remarkable Cure.

Ayer's Sarsaparilla has cured me of as bad a case of Abscess of the Liver as any human being could be afflicted with and live. I was confined to the house for two years, and, for the last three months of that time, was unable to leave my bed. Four physicians treated me without giving relief, and, in fact, nothing helped me, until I tried Ayer's Sarsaparilla. After using a quarter of a bottle of this medicine I began to feel better, and every additional dose seemed to bring new health and strength. I used three bottles, and am now able to attend to my business. I walk to town—one mile distant—and return, without difficulty. Ayer's Sarsaparilla has accomplished all this for me.—W. S. Miner, Carson City, Mich.

Ayer's Sarsaparilla,

Prepared by Dr. J. C. Ayer & Co., Lowell, Mass. Sold by all Druggists. Price $1; six bottles, $5.

Tutt's Pills

SAVES MONEY

One Box of these pills will save many dollars in doctor's bills. They are specially prepared as a

Family Medicine,

And supplies a want long felt. They remove unhealthy accumulations from the body, without nausea or griping. Adapted to young and old. Price, 25 cents.

SOLD EVERYWHERE.

fe1-eslyTuThS&w y

CLOSING NOTICE!

IN ACCORDANCE WITH AN AGREEMENT made by the Members of the Board of Trade, the BUSINESS HOUSES of the city are requested to

CLOSE ALL DAY TO-DAY.

By order of [fe21-1t] THE DIRECTORS.

DRESSMAKERS!

MRS. E. CHATMAN,
MISS R. MORTON,
DRESS AND CLOAK MAKERS,
No. 631 M STREET. 1m

GENERAL NOTICES.

With teeth all stained, and loose, I thought
That nothing could be begged or bought
To cure them, and I cried, in pain,
"O, would that they were good again!"
At last, let songs of praise go round,
A cure in SOZODONT I found! fy2-ly TuThS

I am using Ely's Cream Balm for Catarrh with good result, having used only one-half bottle. I am convinced that if used as directed it will cure the worst case of Catarrh. Am so well pleased with it that I shall order more at once.—J. F. Sprague, White Sulphur Springs, Montana. fe8-1y

If you want a first-class Buggy, Cart, Phaeton or anything in the carriage line, go to HARRY BERNARD'S, Sixth and L streets. tf

The Glory of Man Is His Strength, and for the many ailments arising from nervous prostration and physical weakness, such as loss of vital energy, nervous debility, seminal weakness, impotency and the various ills caused by indiscretion, Excess and Abuse there is no more effectual remedy than Dr. LaMar's Spermal Pills. They build up the entire system, renew the wasted energies, giving strength, vigor and vitality to all the organs. The feeble and infirm find in them a veritable fountain of youth. Price, $2 50. Sent C. O. D., by express, or by mail, on receipt of price. Address all orders to A. McBOYLE & CO., Druggists, P. O. Box 1952, San Francisco. ja8-6m

I have used Ely's Cream Balm for dry Catarrh (to which Eastern persons are subject who come to live here). It has proved a cure.—B. F. M. Weeks, Denver, Col. fe8-1y

S. S. & E. L. Southworth, Dentists, Sac.

NEW ADVERTISEMENTS.

St. Paul's Church—Ash Wednesday Services.—Holy Communion, 7 A. M.; Morning Prayer and Sermon, 10 A. M.; Litany and Address, 3:30 P. M.; Evening Prayer and Sermon, 7:30 P. M. fe22-1t*

Sumner Relief Corps, No. 11, will meet TUESDAY, February 22d, instead of THURSDAY, February 24th, at 2:30 P. M., in Grangers' Hall, corner Tenth and K streets. By order of

LOUISE LINNELL, President.
MARY J. MAGILL, Secretary. fe22-1t*

Officers and Members of Confidence Lodge, No. 75, K. of P., are requested to meet at Odd Fellows' Temple, at 1:30 o'clock P. M. TUESDAY, Feb. 22d, to attend the funeral of Past Chancellor G. W. BENSON, of Templar Lodge, No. 21, of Marysville, Cal. Members of Sister Lodges are invited to attend. By order of

fe21-2t*ned J. M. WALLACE, C. C.

Capital Council, No. 54, U. F. of the Pacific.—Regular meeting THIS (Tuesday) EVENING, February 22d, in Firemen's Hall. Initiations. R. F. BOONY, C. C.
MRS. E. EVANS, Secretary. fe22-1t*

WANTED—AT B. KANASUGI, NO. 211 N street, between Second and Third, good cooks, waiters and all kinds of industrious Japanese help furnished at a moment's notice. fe12-3t*

WANT TO BORROW $700, AND WE WANT it badly too; will give sufficient security; first mortgage on city or country real estate. For explanation, apply to our Broker, CARL STROBEL, 321 J street. fe22-1t*

TO LET—FAMILY DWELLING, NO. 420 L; six rooms and bathroom; hot and cold water; rent, $20. Apply to CARL STROBEL, 321 J. fe22-6t*

CITY TRUSTEES' OFFICE,
SACRAMENTO, February 21, 1887.

NOTICE IS HEREBY GIVEN THAT I HAVE this day received the Assessment Roll for the construction of a Sewer in the alley between N and O, from Twelfth to Thirteenth streets, and the same is now open for inspection. Any objections to said assessment must be filed at this office within ten days from above date.

fe21-5t E. H. McKEE, Clerk.

Notice of Street Assessment.

OFFICE OF STREET COMMISSIONER,
SACRAMENTO (Cal.), February 21, 1887.

NOTICE IS HEREBY GIVEN THAT I HAVE this day received the Assessment Roll for constructing a Sewer in the alley between K and L, from Fifth to Sixth streets. All sums levied and assessed in said Assessment Roll are due and payable immediately, and the payment of the several sums assessed is to be made to me within thirty days from this date. Notice is also given that all assessments not paid before the expiration of thirty days from this date will be declared delinquent, and thereafter the sum of five per cent. upon the amount of each delinquent assessment, together with the cost of advertising each delinquent assessment, will be added thereto.

fe22-