

COYOTE SCALP ACT.

The Courts Will Probably Have to Pass Upon It.

Attorney-General Hart Doubts Its Validity, and Controller Colgan is in a Quandary.

It begins to look as though the coyote bounty act, like many others of the Legislature, will have to be passed upon by the Supreme Court before the scalpers will get pay for their plunder.

The situation is a curious one; the Legislature passed the act, and the Attorney-General doubts its validity.

Another question was as to whether or not the bounty could be paid until a special appropriation is made by the Legislature.

At Secretary Waite's request the opinion was read as follows (which is the first time it has been published in full):

ATTORNEY-GENERAL'S OFFICE, STATE OF CALIFORNIA, SACRAMENTO, MAY 13, 1891.

DEAR SIR: In accordance with your request I have made a careful examination of Chapter CXCVIII, of the Session Laws of the Legislature of 1891, entitled, "An Act fixing a bounty on coyote scalps."

1. Is said statute constitutional? 2. When does said Act take effect? 3. Can parties killing coyotes during the sixty days following March 31st, 1891, obtain a bounty on scalps so taken during that time?

4. Can the bounty provided for in said Act be paid without there being an appropriation for that purpose?

In reply: First—My opinion is that said Act is constitutional. It has always been considered proper on the part of the Legislature to pass an Act for the purpose of destroying any wild animal considered obnoxious to the inhabitants of a portion of the State.

Section 1 of this Act provides that any person who shall kill or destroy any coyote or coyotes, in any county of this State, after the passage of this Act, shall be paid a bounty on each such coyote so destroyed.

Section 2 of this Act provides that the bounty on each such coyote shall be paid in the manner provided for in said Act.

Section 3 of the provisions of the statutes in this Act it is provided that every Act of the Legislature takes effect the sixtieth day after its passage, unless otherwise specified in the Act.

There is no section in the Act under consideration providing that it shall take effect immediately after its passage; but the provisions of the first section are equivalent to such language.

I am of the opinion that the Board of Supervisors of the respective counties of this State may at their first meeting after June 1, 1891, pass upon or take into consideration the question of determining who shall be entitled to money under said Act; that each Board of Supervisors may authorize the payment of money and include all scalps taken after the 31st day of March, 1891, and that the first quarterly statement of the Board of Supervisors should be for the months of April, May and June. In order to be entitled to a bounty a person must file with the Clerk of the Board of Supervisors the affidavit required by section 2 of said Act, produce the carcass of the animal, and the certificate provided for in said Act, which affidavit and demand must be made within the time specified in the date of killing the first coyote, in compliance with the provisions of Section 5 of said Act.

The fourth question asked is quite serious and has caused me considerable thought. I find that in the case of Humboldt v. Dunn (84 Cal. 57), the Supreme Court held (1890) that, "If the Controller is authorized to use the words 'there is hereby appropriated the sum,' etc., in bills appropriating money for salary and other expenses of the Legislature, it is essential to the validity of an appropriation that these words, or any of them, should be used, if the Legislature has clearly designated the amount to be paid out of which it is to be paid. Has the Legislature fixed the amount of the claim and designated its payment out of a certain fund? These are the only things necessary to the validity of the appropriation, there being no other constitutional objections to the bill than as to the sufficiency of the appropriation." (McCanley v. Brooks, 16 Cal. 28.)

I think from this that the Act under consideration is a sufficient appropriation for the purposes therein designated. The Legislature has designated the amount to be paid for each scalp, has provided that it shall be paid out of the General Fund, and although sufficient coyotes may be killed to deplete the General Fund to the detriment of some other appropriation, yet it would be sufficient reason for holding that the amount should not be paid by reason of the Legislature not making a special appropriation. In fact the deficiencies that arise and upon which the Legislature must act at the various sessions, are often occasioned by such legislation.

In connection with this it might be well to consider the case of Proll vs. Dunn, 89 Cal. 220.

I think that the bounty should be paid notwithstanding the fact that the Legislature has not made a special appropriation for the purpose. Yours, respectfully, H. H. HART, Attorney-General.

GENERAL HART EXPLAINS. Mr. Waite contended that Mr. Hart's opinion certainly held the Act to be constitutional, but Mr. Hart argued that he did not examine into any points excepting those asked by the Controller. He departed from the afternoon train yesterday for San Francisco on business, and left the following statement for publication:

"The question of auditing the claims for bounties on coyote scalps came up for consideration before the State Board of Examiners, and the question was then asked whether or not the bounty could be paid, for the following reasons: First, in that the title of the Act was defective, in not containing a provision for the payment of the bounty; and second, whether the bounty could be paid until a special

appropriation was made by the Legislature for that purpose. The board was divided on this proposition. A third proposition was as to whether or not the bounty could be paid unless an appropriation therefor had been included in the tax levy, which it was conceded by the board had not been done. Therefore, the chances are that the bounty will not be paid until after the matter has been settled by the Supreme Court. The further consideration of the matter was postponed until the first of next meeting of the board in September. Claims will probably have to be maintained by the State Board of Examiners if they desire to get their money within a reasonable time."

THE CONTROLLER'S DILEMMA. Controller Colgan is now in a quandary. He says that immediately on receipt of the first opinion from the Attorney-General he had a circular issued and distributed widely throughout the State announcing that the Act was constitutional, and calling upon the coyote hunters to send in their claims. The office had previously been deluged with letters from brokers and merchants who had taken advantage of the bounty in payment for bills of goods, asking when and how to send in their affidavits.

The Controller is devoting most of his leisure hours to studying the plan of escape from his predicament.

OF INTEREST TO ORCHARDISTS. Something About the Early-Ripening Elberta Peach of Georgia.

George H. Appel, agent of the California Fruit Transportation Company, at 1023 Second street, yesterday received from Samuel H. Rhum of Marshallville, Georgia, a box of beautiful peaches of the "Elberta" variety.

This is a new peach, and but little known. It was originated and propagated by Mr. Rhum. It is a freestone, deep yellow, firm of flesh, juicy, and of delicious flavor. It is believed that the fruit will prove of splendid quality for canning purposes, and that it would be a very prolific and profitable variety for California orchardists to grow.

The Elberta sells readily in the East, where it is marketed between July 10th and 30th, and commands good prices. The fruit is shipped from Georgia in 2 1/2 inch diameter, and often weighs 1 1/2 pounds.

Messrs. L. W. Buck, A. T. Hatch, C. W. Byrd, W. E. P. Gregory, J. W. Perry, of the Earl Fruit Company and many other prominent fruit-growers and shippers who have seen these peaches, expressed great admiration for the fruit, and those who are engaged in fruit-growing intend to secure slips of the Elberta trees for planting. The W. H. Strong Company will import all the trees from Mr. Rhum for that purpose.

Mr. Appel says he is interested only in the matter of transportation, and wishes to see the fruit tried here. He is familiar with its history in Georgia, and will assist orchardists in securing graftings.

RAILROAD CHANGES. Alterations in Time-Tables Soon to Go Into Effect.

Although the railroad officials in this city have received no definite orders from the general office it is safe to say the following changes will be made in the timetable, commencing August 2d (next Sunday):

The west-bound overland train, No. 4, which at present reaches this city on its way to San Francisco at 8:15 o'clock in the morning, will arrive here at 5:25 a. m. and depart at 5:40 a. m.

Train No. 11, the local from San Francisco, which leaves the latter place at 7 a. m. daily, will reach Sacramento at 11:05 a. m., instead of 11:15 a. m.

The second class overland, east-bound, will arrive at Sacramento at 10:15 a. m., earlier than it does at present, or at 11:25 a. m. It will leave for the East at 11:50 a. m.

The local train that now leaves for Woodland, Willows and Redding at 10:35 a. m. will start five minutes later.

The local train from Oroville, via Knight's landing, will arrive here at 7:30 a. m., instead of 7:25 a. m.

KEEPING TRACK OF THEM. How the Police Know an Ex-Convict on Sight.

"This is one of the best devices that has been gotten up for the assistance of the police in making time," said Jailer Clark of the Police Station last night, as he exhibited a large book to the reporter.

"We have only had it here a few weeks," he continued, "and it has proved of value already. Every month we are to receive photographs and biographies of every convict released from the State prisons in that month. The officers glance over the photos and then they have no trouble in recognizing the 'coons' if they happen to see one on the street. In looking for a 'job' now on this page you see there are twenty pictures. They were all released from Folsom this month. These that I have just passed to you are to be released in August. You see how easy it is now to keep track of them."

NOTHING IN IT. Chief Engineer Guthrie Will Not Protect Damaged Property.

At the session of the Fire Commissioners on Monday evening Chief Engineer Guthrie notified the Board that henceforth he would not assume the responsibility of placing a watchman in charge of the burned or damaged premises in case of fire, as he had frequently been left to bear the expense thereof himself.

He said he had brought the matter to the attention of the insurance men and underwriters, but they evidently did not take sufficient interest in it to agree with his course of action. In the morning he said, some one else might attend to the duty of looking after such property as may be damaged.

San Francisco's Seawall. Owens Brothers, contractors of San Francisco, have commenced suit in this county against Controller Colgan to compel him to draw a warrant in their favor for \$178,524, for work performed and material furnished in constructing the San Francisco seawall. It is alleged in the application for a writ of mandate that the Harbor Commissioners indorsed the contract, but that the Controller, nevertheless, refused to draw a warrant for its payment. The matter will be heard by Judge Catlin on Friday.

This Evening's Open-Air Concert. This evening's open-air concert by the First Artillery Band will commence at 7:30 o'clock, and an excellent programme will be rendered.

Yates and His Female Pals in Luck. Yesterday, on motion of City Attorney Hart, in the Police Court, the charges of grand larceny against John Fales, Charles Yates, Mollie Morgan and Minnie Dodd, who were arrested on suspicion of having robbed one Andy Burns, was dismissed.

Mr. Hart stated that the prosecution could not make out a case against either of the defendants, but the officers firmly believed that they all had a hand in robbing the man.

Housekeepers' Attention. We are in daily receipt of the best variety of peaches for canning purposes. Also, our main prunes and fruit of all kinds. No one can serve you better than we have in the market, and our prices are reasonable. Garzoli & Genis, California Market, 710 K street.

HAMMER'S RUBBER STAMP. No. 820 J street. Sole agency for Choking Rubber Stamps, Clough & Warren organs; also cheaper makes.

SOCIAL AND PERSONAL.

Mrs. G. W. Chesley is in San Francisco. L. Henry has returned from San Francisco. L. McIntosh of Chico is at the Capital Hotel.

Willbur F. George has gone to Bartlett Springs. Major W. A. Gett returned yesterday from Auburn. Hon. John Boggs came down from Colusa yesterday.

M. Sullivan has returned from a visit to Klamath Springs. E. Black Ryan of San Francisco is at the Golden Eagle Hotel.

Mrs. H. W. Fuller of Chico is visiting friends in Sacramento. H. S. Crocker and wife are among the visitors at Lake Tahoe.

Mrs. Thomas R. Jones and children are visiting at Donner Lake. A. M. Smith, a prominent citizen of Oroville, was here yesterday.

Mrs. D. N. Noxon of Francisco is visiting Mrs. Win. J. Davis. Frank White, Police Clerk, has returned from Bartlett Springs.

Miss Ida Dunn of Benicia is visiting her brother, James Dunn, of Francisco. Mrs. Fannie Joy and stepchildren of Sacramento are visiting Nevada City friends.

James Holland, an old resident of Sacramento, is seriously ill at his home, 171 G street. Miss Lauretta Trux of Santa Cruz is visiting her sister, Mrs. W. C. Manley, at the Capital Hotel.

Mr. and Mrs. D. A. Bender and Miss Bender of Carson, Nev., are guests at the Palace Hotel, San Francisco. Mrs. J. Sharp and Mrs. H. Shaw of Berkeley, who have been visiting friends in Grass Valley, have returned home.

Messrs. Swan and Beamer of the State Board of Equalization came to the city yesterday, and are at the Capital Hotel. Miss Maggie Joyce of San Francisco and Miss Josephine of Nevada City, sister, Mrs. J. E. Carr, of Nevada City.

James Orr, one of the pioneer residents of this county, died at Rolling Hill on Tuesday of last week, after a few days' illness. Mrs. Lizzie Harvey and her two children of Oakland are on her way to Grass Valley and are the guests of Miss Minnie Payne.

C. L. Ecklon and wife of Folsom, accompanied by their son Chris, have gone to the mountains to spend a couple of weeks fishing. Mrs. Maurice Sheehan, Mrs. M. H. Sheehan and family and Mrs. J. G. Genshela have gone to San Francisco to spend a week.

Crosses of people are flocking to the mountains. From twenty to thirty go up to Tahoe daily, and the resorts are comfortably full. The Summit Soda Springs are receiving their quota of tourists, and Goodwin and Jacobs are popular landlords. The springs offer superior inducements to guests.

Mrs. Charles W. Bell, formerly of this city, but lately of Los Angeles, is visiting Sacramento and is the guest of her sister, Mrs. James L. Gillis. Mr. Bell is at present in hospital and will return soon to his home in San Francisco.

Folsom Telegraph. On Sunday last Mayor Clark of Sacramento and Miss Kathie Wagner were united in marriage at the residence of the bride's parents, near this place. The ceremony was performed by Judge David Steele of Folsom. The bride is one of the belles of this part of the country, highly esteemed and well thought of by all who know her.

Her husband is a prominent business man of Sacramento. A beautiful wedding repast was partaken of, after which the newly married couple left for Lake Tahoe, where they will spend their honeymoon.

Arrivals at the Golden Eagle Hotel yesterday: L. Henry, city; Mrs. Conway and family; Mrs. Saratoga, N. Y.; Mrs. Hughes, Lone; William, wife of Francisco; E. L. Madden, St. Johns; Gustav Sorenson, San Francisco; J. P. Atchison, R. H. Beamer, wife of San Francisco; R. Scott, Miss Scott, Richmond, W. J. Miss Wingfield, Benicia; W. Johnston, Courtland; W. S. Hobbs, Los Angeles; Mrs. L. W. Sued, Davisville, E. L. James H. Jones, W. E. Graves, W. H. Myrick, M. S. Bornstein, A. W. Jackson, R. Magenthan, W. H. Hart and wife, M. T. Moses, R. S. Sutton, E. B. Ryan, San Francisco.

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FORESTERS' FESTIVITIES.

Court Capital Devotes an Evening to the Numerous Friends. Court Capital of the Ancient Order of Foresters entertained a local number of the order and a large number of invited guests in a royal manner on Monday evening, after it had finished its regular business. There were probably 250 guests in attendance, who greatly enjoyed the splendid literary and musical program prepared for the evening.

After an interesting address of welcome by Chief Ranger H. W. Orr, the following exercises were given: Instrumental duet, banjo and guitar, Messrs. Wilber and Stone; recitation, Miss Celia Wilson, who displayed rare diction, literary power, and dramatic ability; instrumental duet, accordion and guitar, Venezuela brothers; piano solo, Mrs. G. G. Orr; vocal, Mrs. W. Carleton Hill; accompanist, Miss Sophie Jones. One of the features was an instrumental duet, flute and piano, by Miss Lulu Stickman, a little girl, who played a choice melody. Misses Mabel Lyon and Lulu Stickman rendered a beautiful piano duet in excellent style. V. W. Wilber was heartily applauded in his comic songs, and the Venezuela brothers again appeared in a charming guitar duet.

A splendid banquet followed the exercises, at which W. Carleton Hill presided as toastmaster. Toasts were offered and responses made as follows: "Forests of the Order," by Henry W. Orr, Chief Ranger; Mr. Orr gave an interesting recital of the history and progress of Forestry in this city. "Court Capital," responded to by Mr. Clappinger. "The High Court," responded to by Past High Chief R. B. Harmon, who stated that there are now fourteen Grand Lodges and upward of 600 Courts in the United States.

"Knights of the Sherwood Forest" offered a very happy response from J. N. Cronkite, who predicted that there would be ten thousand knights in uniform at the meeting of the Supreme Lodge in Brooklyn, N. Y. "Companions of the Forest," responded to by Mrs. Lowe.

The evening's festivities were concluded by W. M. Thomas, who responded to a toast to the "Ladies," and wished that all might meet again in the near future.

A WORTHLESS CRITER. The El Dorado Tourist Hatcher Prophecy Shows Itself.

The Folsom Telegraph of Saturday has the following: "On Monday afternoon Folsom was greeted with a sight that inspired every beholder with sentiments of both pity and indignation. A great strapping man, about 40 years old and two hundred pounds in weight, drove into town with a delicate looking woman and a baby about six weeks or two months old, in an old dilapidated wagon, drawn by a poor old cow yoked to shafts. The man, if such he could be called, called one, sat in the wagon while the woman with the child in her arms made the circuit of the town soliciting alms."

"Excoriated and pitted her head, but for the man himself nothing but contempt and indignation was expressed. Had he been sick, a cripple, or in any other way, he would have been entitled to some consideration, but when a strong, healthy, able-bodied man like the one here mentioned, entrenches himself behind the helplessness of a woman and baby, and looks to them for support, he should be treated to a coat of tar and feathers rather than kindness."

Syrup of Figs. Produced from the laxative and nutritious Figs, combined with the medicinal virtues of Plaster of Paris, is the most beneficial to the human system, acts gently on the kidneys, liver and bowels, especially in children, who are subject to peevish moods and headaches, and curing habitual constipation.

My baby was taken very sick when he was three months old, and in a few days began breaking out. We employed both of the home remedies, but they did not do him any good. Then we sent for the best doctor in Eaton Rapids, Mich., and he gave us a bottle of Cuticura. I told my husband we had better try the Cuticura. He said, "I don't know any more; did not have any idea they would cure him." We used it for two weeks, and he got worse all the time. I then bought a bottle of Cuticura Soap, and used it for two weeks, and he got better. I told my husband we had better try the Cuticura. He said, "I don't know any more; did not have any idea they would cure him." We used it for two weeks, and he got worse all the time. I then bought a bottle of Cuticura Soap, and used it for two weeks, and he got better.

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