BRUNER'S PETITION.

Was Judge Wallace Justified in Appointing an Elisor?

Arguments on the Question Before the Supreme Court in Bank Yesterday.

The petition of Elwood Bruner of this city for a writ of prohibition, designed to restrain Judge Wallace of the Superior Court of San Francisco from proceeding against him on the indictments recently found by the Grand Jury of the metropolis, charging Bruner with malfeasance in office and perjury, was heard by the Supreme Court, sitting in bank, yesterday at the Capitol.

Mr. Bruner was in court accompanied by his attorneys, J. C. Campbell and ex-Judge Chamberlain. Judge Wallace and the San Francisco Grand Jury were represented by Attorney-General Hart, District Attorney Barnes of San Francisco and ex-Judge A. L. Rhodes. Every available seat in the courtroom was occupied by attorneys, politicians and other interested parties.

CAMPBELL'S ARGUMENT.

The Bruner petition was the first matter taken up, and Attorney Campbell proceeded at once to give the Justices his reasons for believing that the Grand Jury which indicted his client is an illegal body, and therefore had not the power to indict anybody.

Mr. Campbell said that the indictments were illegal in the first place, even if the Grand Jury were a legal body, because one of them set forth that the alleged crime was committed in San Francisco County. If such a crime had been committed it must have been in Sacramento County, therefore the Grand Jury had no jurisdiction. The second indictment was for perjury alleged to have been committed when giving the testimony upon which the first indictment was found; therefore if the Grand Jury had no jurisdiction in the first place, the alleged perjured evidence was immaterial, and the second indictment must also fall.

Mr. Campbell next attacked the legality of the Grand Jury itself. He read Section 8 of Article I of the Constitution of California, which provides that a Grand Jury must be "drawn *and* summoned" in each county at least once a year. He laid great stress upon the conjunction, and said that this term proved that

JUDGE WALLACE'S METHOD

Was illegal. If the section had read "drawn *or* summoned" it would have been discretionary with Judge Wallace whether he drew the names from the box in the customary way, or summoned the jurors himself, as he had virtually done. The section did not contemplate that a Superior Judge should accept ten men from the regular Grand Jury panel, excuse some of them, and then, ignoring the balance of the venire, appoint an elisor to complete the panel. The Constitution designated in unmistakable language the exact manner in which a Grand Jury shall be drawn, and virtually prohibited the adoption of different methods—any other method was a violation of the Constitution. One of the fundamental principles of the United States Constitution, as well as that of California, was that no citizen shall be deprived of his liberty or his property without due process of law. In the petitioner's case this principle had not been carried out. The manner of

SELECTING THE GRAND JURY

Which indicted him was an innovation—it was an argument in itself against itself. Judge Wallace should have first shown a right to proceed as he did. When an individual desires to do something which the law does not provide for on its face, he must show a better reason for so doing. Before Judge Wallace could proceed as he had there should have been some fact warranting him for not following out the strict letter of the law. From whom did he receive his power? From the people. And the same people also elect a Sheriff in whom they vest the authority to summon the Grand Jury after he is provided with the names. Before Judge Wallace could legally appoint an elisor to usurp the duties of the Sheriff, it should first have been shown that the Sheriff was not qualified to act—either by being an interested party, or by having been under indictment himself.

But, argued Mr. Campbell, the law had even provided a successor to the Sheriff in case of his disqualification. It had provided that when it appeared that the Sheriff should not act, the County Coroner should summon the jury. It was not until after both the Sheriff and Coroner were disqualified that an elisor could be appointed.

WERE NOT DISQUALIFIED.

Mr. Campbell defied the opposing side to find a single adjudicated case in all their law books wherein the acts of a Grand Jury which had been summoned in the manner that Judge Wallace had adopted, had not been set aside. When it was shown that the proper officers were not disqualified, it was unlawful for anyone else to summon the jurymen.

In the present case, continued the attorney, the Grand Jury had not been selected by the proper officers, but on the contrary by a private individual. Did the court have the right to appoint an elisor under the circumstances? Was there any occasion for it? Certainly the records did not show it. There was no showing that either the Sheriff or Coroner, or both, were incapacitated from acting.

Judge McFarland—Does it appear from the record, Mr. Campbell, that the court below had no reasons for the action taken?

Mr. Campbell—It shows that the action was of the court's own volition, no reason being given whatever.

COMPARED TO THE CZAR.

Resuming his argument Mr. Campbell declared that if the Supreme Court should sustain Judge Wallace it would make the Czar of Russia blush with shame and he would send to this country for a patent on the process. The rules of the San Francisco Superior Court provided that the various Judges of the court should furnish the names from which the Presiding Judge shall draw the Grand Jurors. Judge Wallace had violated one of his own rules, to say nothing of the law.

Mr. Bruner, said the attorney, was placed in an awful predicament by the high-handed manner in which Judge Wallace and the San Francisco Grand Jury had been carrying on matters. If he failed to appear before the Grand Jury he would have been sent to jail for contempt; if he did appear before the Grand Jury, but refused to testify against himself a similar fate awaited him; then by testifying he is indicted for an alleged crime and because the Grand Jury does not see fit to believe some of the testimony on which they based their first indictment they put a second indictment—this time for perjury—against him.

Chief Justice Beatty asked the attorney if he thought that a writ of prohibition was the proper manner in which to reach the case.

Mr. Campbell replied in the affirmative, and then read an Eastern decision in which it was set forth that prohibition was preferable in cutting off illegal procedures, rather than correcting the errors after they were committed. Mr. Campbell concluded his argument with an appeal to the court to consider well the scope of the question before deciding. The liberty of no citizen would be safe, if such power as Judge Wallace has taken upon himself is conferred upon the judiciary.

THE OTHER SIDE.

When Mr. Campbell had concluded, Judge Rhodes argued the other side of the question. He said he wished it understood that he did not appear in the case to prosecute Mr. Bruner. He was only there to uphold the legality of the Grand Jury.

Judge Rhodes contended that the Presiding Judge of the Superior Court was by law given a good deal of discretion. The law contemplated that this discretion should rest in him, because it was necessary that some one should hold this balancing power. Of course it was possible that this power could be abused, but it had not been looked upon by the lawmakers as probable. Mr. Rhodes then read some sections of the Codes to offset those quoted by Mr. Campbell, and argued that it was not necessary that the Sheriff and Coroner should be shown to be incompetent to summon the jurors before an elisor could be called in. The law was plain that the court could call upon the Sheriff or appoint an elisor just as was deemed fit.

QUESTION FROM THE BENCH.

"I am under the impression," interrupted Justice McFarland, "that those sections you have been reading have reference to the selection of trial jurors. Do you think that should apply to the method of selecting Grand Jurors?"

Mr. Rhodes said he would reach that point in the coarse of his argument, and proceeded to discuss at length the discretionary powers of a Presiding Judge. He had not concluded when the noon recess was taken.

When court reconvened in the afternoon Attorney Rhodes resumed his argument. He cited a section of the code, drafted by Stephen J. Field, John H. Dwinelle and Jackson Temple in 1874, in which it was provided that a court might, in its discretion and under certain circumstances, authorize even the Bailiff to summon a jury. The Judge insisted that the San Francisco court did acquire jurisdiction in forming the Grand Jury. When a court has jurisdiction of the subject matter, it has jurisdiction to even commit error. There can be no excess of jurisdiction that cannot be remedied on appeal. The acts of a *de facto* Judge or Sheriff or Grand Jury are just as legal as those of a Judge or Sheriff or Grand Jury *de jure*.

HOW TO DO IT.

It appeared, he argued, that a number of good and lawful citizens had been impaneled as a Grand Jury, and had been recognized as such by Judge Wallace. It was, therefore, a lawful body. In support of his position Attorney Rhodes read an Eastern decision. In this case a special law had been passed requiring that the Board of Supervisors should select the list from which the Grand Jury was drawn; subsequently a special law was passed requiring that the Recorder should do this work. A man was indicted by a Grand Jury selected by the Recorder, and upon conviction appealed. The special Act was declared unconstitutional, yet the Grand Jury was considered a lawful body and its acts were approved.

Justice McFarland interrupted the speaker again, to ascertain exactly what Mr. Rhodes' position was. He wanted to know if the attorney contended that the San Francisco Grand Jury cannot be attacked, no matter how many deviations were made from the usual custom—that is, if the court could go out into the street and summon whoever he pleased.

Mr. Rhodes admitted that this was his contention. His principal point, however, was that the action of such a Grand Jury could not be attacked by means of a writ of prohibition; the matter could only be brought up on appeal after a conviction had been had on one of the indictments.

THE CASE SUBMITTED.

Attorney Campbell replied briefly, devoting himself principally to reiterating his strongest point—namely, that there were no grounds for appointing an elisor. He added that the appointment of elisors was becoming epidemic at the metropolis. Judge Wallace was not content with appointing an elisor to select Grand Jurors, but he had again leaped over the Sheriff and Coroner and appointed an elisor to select trial jurors to pass upon the indictments found by his Grand Jury.

Before the case was submitted Lawyer Garrett McEnerny of San Francisco addressed the court. He appeared for Senator W. H. Williams, another one of the Grand Jury's victims, and wanted to add an objection to those put in by Bruner's attorney. He spoke very briefly and to the point. His objection was that the manner of selecting the jury was unconstitutional, inasmuch as it was established by a special Act of the Legislature, and therefore conflicted with the section of the Constitution which prohibits special legislation.

When Mr. McEnerny concluded, the case was submitted and taken under advisement by the court.

POLICE COURT.

Cases Disposed of Yesterday by Judge Cravens.

In Judge Cravens' tribunal yesterday morning, there was a good sized Monday calendar. Pat McGinnis pleaded guilty to a charge of drunkenness, and was ordered to pay a fine of $10.

The cases of Mary Brown and Mrs. Adams, charged with battery, were continued until November 17th.

Henry Meyers was ordered to jail for thirty days for petit larceny.

George Chasen was fined $5 for drunkenness.

The cases of William Ellsworth, Emil Heinrich and Dan Tamo, charged with keeping their saloons open after midnight, were continued until the 20th inst.

U. S. DISTRICT JUDGE.

Premature Rumor of Judge Van Fleet's Appointment as Such.

There was a rumor about the city yesterday that Judge Van Fleet had been appointed to succed Judge Morrow as United States District Judge, and that the latter had been promoted to the Circuit Judgeship.

It appears that Judge Morrow has been assigned to the Circuit bench for the present, where he will probably remain. If anybody should be appointed to the District Judgeship pending the meeting of Congress it will probably be Judge Van Fleet.

New Incorporations.

The following articles of incorporation were filed in the Secretary of State's office yesterday:

Berkeley Savings Bank of Berkeley. Capital stock, $50,000. Directors—C. E. Merriam, F. K. Shattuck, W. E. Sell, J. K. Stewart, C. K. Clark, Thomas Hann and J. R. Little.

Bank of Berkeley. Capital stock, $75,000. Same directors as preceding article.

United Investment Company of San Diego. Capital stock, $1,000,000. Directors—Hosmer P. McKoon, A. J. Wightman, George Fuller, W. H. Kitto and H. F. Norcross.

The Farmers' Protective Union of Bradley. Capital stock, $20,000. Directors—J. A. Hackett, J. T. Donaldson, Thomas Bowden, David Manning, Fred. Cochran, John W. Jones, Hugh C. McDonaugh and Joshue F. Betto.

Street Fires Ordinance.

The Trustees yesterday passed an ordinance providing that rubbish may be burned up to 12 o'clock noon, but after that hour fires must be extinguished.

This is doubtless the best that can be done, and it will give abundant opportunity to dispose of accumulations of leaves and other rubbish. The police should now see that the ordinance is rigidly enforced.

Letter Carriers' Ball.

On the evening of the 10th of December the Sacramento branch of the National Letter Carriers' Association will give its first annual ball at Turner Hall. The members intend to make it one of the most enjoyable balls of the season.

SUBSTITUTIONS of well-known advertised articles seem to be the order of the day. We deem it only justice to our patrons to warn our readers against this form of piracy. When you want an article, ask your merchant or druggist for it and don't accept a substitute.

Berlin Cough Cure.

For coughs and colds and all lung and throat affections this article has superior merit. It is perfectly harmless, gives immediate relief, and cures the worst cases in from two to three days. Indorsed by our best physicians. Try a bottle and you will always keep it. Price, 50 cents a bottle. The W. H. Bone Company, San Francisco, sole proprietors. Kirk, Geary & Co., sole agents. Try C. C. Liniment for aches and pains.

IT WAS NOT A GIFT.

Colonel Stevenson's Claim Against the State Was a Valid One,

At Least So Far as the Court Knows—The Act Allowing it Was Not, Therefore, Unconstitutional.

An important opinion of the Supreme Court was filed yesterday in Deputy Clerk Govan's office in this city, in the case of Colonel J. D. Stevenson vs. Controller Colgan (appellant). The decision will be of universal interest, inasmuch as it is the first case of the kind that has ever been passed upon by the Supreme Court. It involves the question of "gifts by the Legislature," which has been agitating the minds of people throughout the State. The last Legislature passed an Act which reads as follows:

Section 1. The sum of one hundred and twenty-five dollars per month, payable monthly, for the period of twenty-one months, is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the relief of Colonel Jonathan D. Stevenson; provided, however, that said appropriation shall cease upon the death of said Stevenson, if he shall die before said period has elapsed; the sums paid under the provisions of this Act to be accepted by the said Stevenson in full payment and satisfaction of all claims of every kind and nature that he may have or claim to have against said State, for services or otherwise.

PAYMENT REFUSED.

Controller Colgan refused to draw the warrants, and in his answer to the complaint he says that Stevenson never had nor has "any claim of any kind or nature whatsoever against the State of California for services rendered nor for any other thing done, nor for anything of value furnished to the State," and that the appropriation made by the Act of the Legislature was intended as a gift to the petitioner.

NATURE OF THE CLAIM.

Stevenson in his answer proceeds in an informal way to allege that prior to the admission of California as a State he expended money and performed services in surveying and preparing charts of the bay of Suisun and the Sacramento and San Joaquin Rivers.

A demurrer to the answer was sustained by the trial court and judgment was rendered in favor of Stevenson. The Controller then appealed.

THE DECISION.

The Supreme Court opinion, which was written by Justice Deffaven, first quotes Section 31 of Article IV, of the Constitution in relation to the power of the Legislature in the matter of making appropriations, and the court then goes on to say:

"By these provisions of the Constitution there is denied to the Legislature the right to make direct appropriations to individuals from general considerations of charity, or gratitude, or because of some supposed moral obligation resting upon the people of the State, and such as a just and generous man, although under no legal liability so to do, might be willing to recognize in his dealings with others less fortunate than himself. It was because of abuses which had crept into legislation, by reason of the unlimited power theretofore exercised by the Legislature in determining what individual claims should be recognized by private act, and to relieve in some degree legislators from the importunities of persons interested in securing such appropriations that the

POWER OF THE LEGISLATURE

Was thus limited by the present Constitution of this State. In this view there can be no doubt that if the facts are as alleged in the answer of the defendant, the Act under consideration ought never to have been passed.

"But these facts do not appear upon the face of the Act itself, and the question is thus presented, whether it is competent for the court in this or any form of action to receive evidence *aliunde* to establish such facts, and thus to impeach and overthrow a law which, upon its face, and independent of proof, is presumptively valid.

"This case, as thus presented, is to be distinguished from those in which it has been held that the court may look into the journals of the Legislature for the purpose of determining whether a statute was in fact passed by the requisite votes required by the Constitution. In such cases the question is, whether the law was in fact enacted, and not whether the Legislature, in passing the statute, properly discharged its duty by the preliminary ascertainment of facts which alone would justify such legislative action. In our opinion, the question which we have stated, as the one for decision here, must be answered in the negative.

THE POWERS OF COURTS.

"While the courts have undoubted power to declare a statute invalid when it appears to them in the course of judicial action to be in conflict with the Constitution, yet they can only do so when the question arises as a pure question of law, unmixed with matters of fact, the existence of which must be determined upon a trial, and as a result of, it may be, conflicting evidence. When the right to enact a law depends upon the existence of facts, it is the duty of the Legislature, before passing the bill, and of the Governor before approving it, to become satisfied in some appropriate way that the facts exist, and no authority is conferred upon the courts to hear evidence and determine, as a question of fact, whether these co-ordinate departments of the State Government have properly discharged such duty.

"The authority and duty to ascertain the facts which ought to control legislative action are, from the necessity of the case, devolved by the Constitution upon those to whom it has given the power to legislate, and their decision that the facts exist is conclusive upon the courts in the absence of an explicit provision in the Constitution giving the judiciary the right to review such action.

MATTERS TO BE CONSIDERED.

"We therefore hold that, in passing upon the constitutionality of a statute, the court must confine itself to a consideration of those matters which appear upon the face of the law, and those facts of which it can take judicial notice. If the law, when thus considered, is not upon its face unconstitutional the court will not go behind it, and by a resort to evidence undertake to ascertain whether the Legislature in its enactment observed the restrictions which the Constitution imposed upon it as a duty, and to the performance of which its members were bound by their oaths of office."

The Supreme Court then cites "Cooley on Constitutional Limitations," and several cases before Eastern courts, and states that this view seems to be sustained by the decisions of the highest courts of other States, and is in harmony with the central idea of the Constitution in prescribing the independence and equality of the three great departments of the State.

THE JUDGMENT AFFIRMED.

In conclusion, the court says: "As already stated, the Act in question does not show upon its face the nature of the claim which the petitioner made against the State, or that the appropriation thereby made is a gift. The statute is unusual in form, and it may be difficult to assign any good reason for the singular provision that the State shall discharge by monthly installments the indebtedness which the Act admits, and in the event of petitioner's death before it is fully paid, shall be released from the payment of any balance then due; but this does not affect the question of the power of the Legislature to so provide, nor authorize the court to declare that it was enacted in absolute disregard of the Constitution. The judgment is affirmed."

SUDDEN DEATH.

A Man Named H. L. Sullet Expires at the City Hotel.

Last Thursday a man engaged a room at the City Hotel, and registered as H. L. Sullet. Yesterday morning he called the clerk and asked for additional bedding, saying that he was not feeling well. The extra clothing was supplied.

A short time afterward the clerk returned to the room and found Sullet on the floor, where he appeared to have fallen. He raised the man up, and had just placed him on the bed when he expired.

The body was taken possession of by Coroner Clark, who will endeavor to ascertain who Sullet was and where he came from.

An autopsy was held on the body under the direction of Dr. G. A. White, assisted by Wallace Terry. Three small punctured wounds were found upon the forehead, two of which were two and a half inches above the outer edge of the right eyebrows, and the third directly over the center angle of the right eye. Slight abrasions were fonnd upon the center of the forehead, right cheek-bone and on the right side of the nose.

Dr. White did not believe that any of these wounds were sufficient to cause death, and upon further investigation found that death resulted from fatty degeneration of the heart.

THERE WILL BE A RUSH.

Art Students in the Market Looking for Models.

It would scarcely be thought that the students in life study at the School of Design would need to search far to find models in life to pose and drape and costume for them. But so it is that they find it necessary to advertise for models, both male and female.

Of course, they want variety—old age, youth and middle age, grace and beauty, and knotty, gnarled and weather-beaten hulks—and now and then a child, ruddy and strong, or fragile and ethereal, so to speak.

At any rate, here is an opportunity to earn a few dimes honestly, and the muscular and athletic, as well as the graceful and symmetrical, can make application and undergo a sizing up to see if they will fill the bill and make good subjects.

THE TEMPLARS.

How the Knights Enjoyed Themselves at Nevada City.

[Nevada City Herald, November 14th.]

The Knights Templar captured the town last night, on the occasion of the thirty-third anniversary of the organization of Nevada Commandery, No. 6. The town was filled with visitors, and members of the local commandery who reside in other parts of the county.

Sacramento Commandery, No. 2, arrived on the evening train, accompanied by the Grass Valley, Auburn, Colfax and Truckee delegations, and the Grass Valley band. They were met at the depot by Nevada Commandery, and, headed by the band, were escorted up town, where accommodations had been provided for them.

The evening was spent at Masonic Hall, where secret work was held, and the Temple degree conferred, after which the Knights marched to the Odd Fellows' banquet hall, and sat down to a sumptuous banquet which had been prepared by A. Tam. With music and champagne, toasts and speeches, the hours slipped away, the affair lasting until nearly morning.

To-day some of the visitors returned home, while others spent the day in visiting the mines of this district and Grass Valley. The visiting Knights are a representative body of men, the Sacramento delegation comprising the solid business men of the city.

Real Estate Transfers.

The following real estate transfers have been recorded since our last report:

O. E. Hotchkiss to W. M. Whitney—Section 15, township 8 north, range 7 east; $10—subject to mortgage of $15,000.

Samuel Ginsberg to Louis Phillips—Lot 6 and west half of lot 5, I and J, Tenth and Eleventh streets, being an undivided one-third therein; $10.

Same to Albert Elkus—An undivided one-third of above lots; $10.

C. W. Morgan to George A. Morgan—Undivided one-fifth interest in northwest quarter of northeast quarter of section 12, township 7 north, range 4 east; $200.

Fruit-Growers' Convention.

The Fruit-growers' Convention will meet in Marysville to-day. The programme provides for a discussion on the first day of "Processing, Selecting and Gathering Fruit"; second day, "Insect Pests and Tree Diseases"; third day, "Kinds of Fruit to be Produced and Marketing"; fourth day, "Protection to Fruit Industry." The fifth day, Saturday, will be devoted to excursions into Yuba, Sutter and Butte Counties. A number of Sacramento fruit-growers will be in attendance.

Improvements at the Shops.

There will shortly be constructed a three-story brick structure at the railroad works, as an addition to the present building containing the general offices. The first two stories will be occupied for offices of H. J. Small, Ben Welch and Chief Clerk Bonte. The upper story will be used as a drafting-room.

New Attorneys.

The Supreme Court yesterday admitted to practice a class of applicants composed of Messrs. Trabucco, Stanford, Jordan, Green, Tilden, Jas. L. Gallagher, Woolwich, Hiller, Conner, Roy Gallagher, Thompson, Darlington, Lewitt, Tiple, DeLigne, Arthur H. Ashley, Henderson and Robert O. Baldwin.

ALL in want of anything in music remember Cooper has the largest stock and sells the cheapest. Mathushek Pianos, the best, are indestructible. Cooper's, Seventh and J. *

STEINWAY & SON'S, popular Pease and brilliant Gabler Bros.' pianos; easy installments. A. J. Pommer, corner Ninth and J.*

SYRUP of FIGS

ONE ENJOYS

Both the method and results when Syrup of Figs is taken; it is pleasant and refreshing to the taste, and acts gently yet promptly on the Kidneys, Liver and Bowels, cleanses the system effectually, dispels colds, headaches and fevers and cures habitual constipation. Syrup of Figs is the only remedy of its kind ever produced, pleasing to the taste and acceptable to the stomach, prompt in its action and truly beneficial in its effects, prepared only from the most healthy and agreeable substances, its many excellent qualities commend it to all and have made it the most popular remedy known.

Syrup of Figs is for sale in 50c and $1 bottles by all leading druggists. Any reliable druggist who may not have it on hand will procure it promptly for any one who wishes to try it. Do not accept any substitute.

CALIFORNIA FIG SYRUP CO.
SAN FRANCISCO, CAL.
LOUISVILLE, KY. NEW YORK, N.Y.

Changed Daily for the Red House.

TO-DAY

At 9 o'clock we will continue the sale of those

Elegant Bonnet Ribbons!

Nothing like the quality and price has ever been seen in this city before:

Silk Grosgrain Ribbons, satin edge, in all colors, No. 2 to No. 22, 3½ to 10c per yard.

No. 12 Black Silk Grograin Ribbon, satin edge, 9c; No. 16, 10c per yard.

Blankets and Comfortables.

Our values are so great in these goods that we had a big call yesterday and hundreds of pairs were sold.

Gray Blankets, from $1 20 per pair up.

White Blankets, from $1 25 per pair up.

Large Figured Calicoes and Sateen Comfortables, from 85c up.

A special line of Fancy-striped Chudder Cloth, in handsome designs for wrappers, 15c per yard.

—A NEW INVOICE OF—

Nottingham Lace Curtains.

We call your special attention to this line, as the prices and qualities are unequaled, 60c, 75c, $1, $1 45, $1 75 and $2 per pair.

Extra values in Nottingham Curtain Lace, 12½, 25 and 40c per yard and up.

C. H. GILMAN,
RED HOUSE, SACRAMENTO.

AHEAD OF ALL, MAGEE RANGES.

Just received the second carload of those celebrated MAGEE RANGES, the world's best. This makes the second carload this month. Our sales on the MAGEE RANGES are rapidly increasing. Buy a MAGEE and you will use no other. Prices for a No. 7, $29 and up.

I have the largest and most complete stock of

PARLOR HEATING STOVES

On the coast, and at the lowest prices. I also have a large invoice of HOT-AIR FURNACES. Parties wishing a Furnace for their residence will do well to call on me before giving their order, for I have the only Furnace guaranteed to heat five rooms with no more fuel than you would use in an ordinary Parlor Stove. Be sure and see them. I am sole agent.

H. K. WALLACE, 813-815 J St., Sacramento.

Miscellaneous.

OUR SPECIAL SALE
—OF—
Wall Paper

Will continue a few days longer. This is an opportunity which should not be missed.

NEW MOLDINGS.

We have received a new and elegant line of PICTURE MOLDINGS in all the new styles of finish.

You Should See Them.

WHITTIER, FULLER & CO.
1016 Second Street. n1-3m

SCHAW, INGRAM, BATCHER & CO.,
217 and 219 J Street.

Builders' Hardware,
Iron, Steel and Pipe.

Agents for Oliver's Patent Chilled and Casaday Sulky and Gang Plows.

Canton Steel, Hazard Powder, Gillingham Portland Cement.

NOTICE TO WELL BORERS.

SEALED PROPOSALS WILL BE RECEIVED by N. M. Orr, Secretary of the Board of Directors of the State Asylum for the Insane at Stockton, at his office, 209 Channel street, until 9:30 o'clock A. M.,

Thursday, December 10, 1891,

For boring a well for gas on the grounds of the State Insane Asylum at Stockton.

The specifications for said well and the terms and conditions upon which bids will be received and a contract let for performing the said work may be obtained by addressing

N. M. ORR, Secretary, Stockton.

Stockton, Cal., November 11, 1891. n13-td

CROSSMAN'S SPECIFIC MIXTURE.

WITH THIS REMEDY PERSONS CAN cure themselves without the least exposure, change of diet or change in application to business. The medicine contains nothing that is of the least injury to the constitution. Ask your druggist for it. Price, $1 a bottle. o27-1yTuF

Miscellaneous.

SELLECK,
The * Leading * Photographer,
Postoffice Building, Fourth and K Sts.

SCHOOL BOOKS,
SCHOOL SUPPLIES.
Largest Stock,
Best Goods,
Correct Prices.

CROCKER'S, 208-210 J Street.
Open Evenings This Week.

SHERWOOD HALL NURSERIES,
Timothy Hopkins,
MENLO PARK, SAN MATEO COUNTY, CAL.
Carnations, Roses, Chrysanthemums and Cut Flowers.
SWEET PEA SEED A SPECIALTY.

THE NEWS OF THE WORLD EVERY day in the RECORD-UNION.

Capay Valley Lands.

A CAPAY COLONY.

Busy Fruit-Growers in a Pretty Yolo Valley—Tancred and Its Adjoining Farms.

IN THE SPRING OF LAST YEAR Robert A. and Neal D. Barker associated themselves with William McKay, all of Oakland, with a view of searching out a suitable location in which to engage in the profitable occupation of fruit-growing. After visiting many localities, they decided on the Capay Valley, Yolo County, and the Rhodes tract at Tancred.

Negotiations were opened with the Capay Valley Land Company, owning the tract in question. With W. H. Mills, the General Agent of that company, they arranged for the purchase of about 220 acres of foothill land. This being more than they had thought of taking for their own use, they spoke to a number of friends about it, with the result that the tract was divided among the following people: B. L. Rickok, 40 acres; W. T. Barnett, 20 acres; N. T. Greathead, 20 acres; Mrs. L. Greathead, 20 acres; W. McKay, 20 acres; N. D. Barker, 20 acres; R. A. Barker, 20 acres; J. P. Brownlee, 20 acres; E. H. Haslett, 10 acres; Joseph Barker, 10 acres; A. W. Kelly, 10 acres, and Frederick Kelly, 10 acres.

So far this had been merely a private venture of the gentlemen above named, but in talking up the question of dividing the land already purchased, it was found that so many more would like to join it than the area of the purchase would admit of, that it was suggested on all hands, "Why not get some more land and divide it up in the same way?" Then followed the idea of a stock company to take hold of a larger tract and arrange for the cultivation of the whole of it, after subdividing it according to the requirements of the subscribers. A provisional board was formed, a prospectus issued, and finally, on the 5th of June, 1890, the Western Co-operative Colonization and Improvement Company was duly registered and proceeded to business, with the following officers: President, William McKay; Vice-President, M. P. Brown; Directors—H. C. Ellis, Charles Brooke and R. A. Barker; Secretary and General Manager, Neal D. Barker; Solicitor, C. E. Snook; Treasurer, First National Bank of Oakland.

The balance of the tract, 373 acres, was purchased. A contract was entered into for the purchase of a large number of fruit trees, vines, etc. This early purchase of trees was the means of saving between $3,000 and $4,000 to the company, the prices in some cases having more than doubled since then.

The ideas which the prospectus set forth have been but slightly modified and the progress of the company has been uninterrupted. Those who went into it doubtingly have become enthusiastic, and almost all the members arranged to set out all their lands in fruit trees, etc., the first year. Consequently in this, the first season, some 40,000 trees and between 20,000 and 30,000 vines will be planted.

The satisfactory working of this scheme has had the effect of attracting considerable attention to the work of the Colony Company, and a number of people are now desirous of joining in with them. An additional 200 acres have been added to the sixty acres originally purchased.

For the company is predicted a very bright future, as well as for the beautiful valley in which their operations are conducted. How this marvelous little garden has come to be so long neglected is a puzzle to every one who has visited it, but one thing is very sure, and that is that this neglect will never again be felt in the valley.

The fruits set out are mostly of the standard varieties—peaches, apricots, Bartlett pears, prunes, figs, raisin grapes, etc., while along both sides of the avenues, throughout the tract, walnuts will throw their graceful shade. A considerable number of citrus trees are also being set out; quite a sufficient number to demonstrate that these fruits can be successfully grown in the valley, about which the colonists appear to have no doubt, provided proper care is given to the young trees. Neal D. Barker, General Manager of the company, resides on the tract, and to his care is to be ascribed much of the success of the venture.

Mention should be made of the town-site, about which there is a pleasant innovation which might with profit be followed by more ambitious places. A small park of some three acres has been laid out right in the center of the town. This park it is proposed to beautify by planting in it from time to time as many of the beauties and curiosities of tree and shrub life as may be obtained by diligent search and a wise expenditure of money. It is not expected that Tancred will ever be a large and busy city, but it is thought that it can be made a very pleasant little place to dwell in.

A petition has been circulated recently and very largely signed, asking the county to accept Island avenue, on the colony tract, as a county road, and to build a bridge across Cache Creek at this point, in order to give the settlers on the east side of the creek access to Tancred Station. The Tancred colonists are quite willing to give the necessary right of way, and are very desirous of having a bridge there, as the colony lands extend along both sides of the stream. It is thought that it would be a very wise expenditure of public money to grant them this very necessary improvement, as the operations of such companies are of widespread benefit to the whole county and State. The attractions and comforts of the cities are well known, but to those who are willing to settle on the land and show that the country also affords attractions and comforts and ways of making money pleasantly, every inducement should be held forth.

The following is a list of the principal members of the Tancred Colony, with the number of acres owned by each, and a fact worthy of mention is that in each contract or deed issued by the Colony Company there is a provision that no intoxicating liquor shall ever be manufactured or sold on the land. The apparent success of the enterprise shows that the ideas and plans of the colony, as set forth in the prospectus some time ago, are not impracticable: C. T. Hull, Berkeley, 5 acres; W. P. Hammon, Oakland, 14 acres; C. S. Kasson, San Francisco, 11 acres; Jos. Barker, 10 acres; A. W. Kelly, Kincardine, Ont., 5 acres; N. T. Greathead, 5 acres; R. G. Greathead, Oakland 10 acres; R. A. Barker, San Francisco, 10 acres; N. D. Barker, Tancred, 10 acres; Dr. K. Favor, San Francisco, 27 acres; J. P. Brownlee, Kincardine, Ont., 9 acres; W. T. Barnett, Berkeley, 5 acres; M. P. Brown, 10 acres; Chas. Brook, Sr., Oakland, 10 acres; W. C. Boutelle, Berkeley, 20 acres; Mrs. T. A. Crelin, Oakland, 5 acres; C. H. Peach, Tancred, 5 acres; H. C. Ellis, Oakland, 10 acres; J. Vanstone, Winnipeg, 10 acres; E. A. Vanstone, Tancred, 5 acres; E. Wadsworth, Sacramento, 5 acres; M. A. Thomas, Oakland, 6 acres; James Graham, San Francisco, 11 acres; A. Stark, 12 acres; J. Stark, 10 acres; Mrs. M. Vrooman, 5 acres; C. E. Snook, 10 acres; C. T. Greathead, 12 acres; Wm. McKay, 5 acres; Mrs. Wm. McKay, Oakland, 5 acres; Mrs. E. C. Wooley, Brooklyn, N. Y., 10 acres; Mrs. H. Beckley, Oakland, 5 acres; T. A. Marriott, 5 acres; J. C. Harrison, Tancred, 5 acres. The land reserved by the Colony Company, in Kingslu townsite, consists of 61 acres.

fe15-tfd&w