WORLD'S FAIR MONEY.

The Supreme Court Says It Was Legally Appropriated.

Legislatures Have Considerable Latitude in the Matter of Appropriating Funds for Public Purposes.

The Supreme Court yesterday rendered its long-looked-for decision on the application of Daggett and others for a writ of mandate to compel State Controller Colgan to draw his warrant on the State Treasurer, in payment of a claim contracted and audited by the petitioners, as members of the California World's Fair Commission, in pursuance of the authority given such commission by the Act of the last Legislature. It is in favor of the petitioners.

The Act provides for the appointment by the Governor of a commission who "shall have the exclusive charge and control of the expenditure of all moneys appropriated by the State of California for the construction of buildings and maintaining an exhibit of the products of the State of California at the World's Fair Columbian Exposition, to be held in the city of Chicago, State of Illinois, in 1893." After quoting this provision of the Act, the Supreme Court says:

By Section 3 of the Act the sum of $300,000 is appropriated "to meet the expenses of erecting buildings and maintaining an exhibit of the products of the State of California at the World's Columbian Exposition," at Chicago, and the Controller is directed to draw his warrant on the treasury from time to time in favor of such persons as the majority of the Commissioners, provided for by the Act, shall direct.

GROUND OF THE DEMURRER.

The Controller demurred to the petition upon the general ground that the facts therein stated do not entitle petitioners to the writ demanded, and in support of this demurrer contended:

First—That the Act of the Legislature referred to is in conflict with that provision of Section 22 of Article IV. of the Constitution, which declares that "no money shall ever be appropriated or drawn from the State Treasury for the use or benefit of any corporation, association, asylum, hospital or any other institution not under the exclusive management and control of the State as a State institution, nor shall any grant or donation of property ever be made thereto by the State."

Second—In considering the question thus presented the court will take judicial notice of the fact that the World's Fair Columbian Exposition, referred to in the statute under consideration, is to be held under and by virtue of the provisions of an Act of Congress, approved April 25, 1890, and that such exposition will not be conducted under the exclusive management and control of this State as a State institution, but on the contrary, that the same will be under the general management of the National Commission, created by that Act; and that the chief agency relied upon to effect the design of Congress is a private corporation of the State of Illinois, which is authorized by the Act of Congress to charge such entrance and admission fee to such exposition "as shall be fixed and established by said corporation, subject, however, to such modification, if any, as may be imposed by a majority of said Commissioners."

IT HAS NO APPLICATION.

But while conceding these to be facts, unless the Act under consideration makes an appropriation for the use and benefit of the National Commission, or in aid of the private corporation, through the instrumentality of which the exposition is in great part to be conducted, and from the success of which that corporation expects to derive a pecuniary profit, it is clear that the provision of the Constitution above quoted, and relied upon by defendant, can have no application.

It is claimed by the defendant that the statute under consideration does in effect make such an appropriation, but we are not able to find anything in its language which would justify the contention of defendant on this point. On the contrary, it appears from the Act itself that the appropriation is to be

EXPENDED BY THE STATE ITSELF,

Disbursed by its own agents or officers, and is to be used only for the purpose of "erecting buildings and collecting and maintaining an exhibit of the products of the State of California."

Even if it could be said, with any degree of certainty, that the private corporation referred to in the Act of Congress will increase its receipts because of the fact that the State is to place its products on exhibition, or that it may derive a benefit from the rent of its grounds to the State, or realize other profits, still this would not affect the question we are considering, or bring the appropriation within the prohibition of the section of the Constitution above quoted, as it is apparent that the main object of the statute is not to confer such incidental benefit, but rather to promote what is assumed to be a

MATTER OF PUBLIC CONCERN,

And for the public good. In every public expenditure, individuals derive incidental aid and benefit, in the sense that they are paid for services rendered or articles furnished to the State in the prosecution of the public improvement or business of the State, and the expenditure contemplated by this Act will not be exceptional in this respect; but there is nothing upon the face of the statute to indicate that the private corporation referred to, or any individual, will or can, if the appropriation is honestly expended, receive one dollar as a gratuity, or by way of assistance, or except in return for something of value which the officers charged with its disbursement shall deem necessary to secure, in order to effect the general purpose and object of the Act.

POWER OF THE LEGISLATURE.

The defendant further contends that the statute is unconstitutional, for the reason that the appropriation thereby made is not for a public use, such as the State is authorized to make; that the maintenance of an exhibition of the products of the State in the manner contemplated does not fall within the legitimate authority of the State Government.

In passing upon this proposition it is necessary to bear in mind that what is for the public good and what are public purposes are questions which the Legislature must decide upon its own judgment, in respect to which it is vested with a large discretion which cannot be controlled by the courts, except, perhaps, where its action is clearly *evasive*. Where the power which is exercised is legislative in its character, the courts can enforce only those limitations which the Constitution imposes; not those implied restrictions which, resting in theory only, the people have been satisfied to leave to the judgment, patriotism and sense of justice of their representatives. (Cooley on Const. Lim. 154.)

"PUBLIC USES" DEFINED.

It is undoubtedly true that public money can be rightfully expended only for public purposes, but it was well said by that eminent jurist, Judge Cooley, in delivering the opinion of the court, in People vs. Salem, 20 Mich. 452: Necessity alone is not the test by which the limits of State authority in this direction are to be defined, but a wise statesmanship must look beyond the expenditures which are absolutely needful to the continued existence of organized government, and embrace others which may tend to make that government subserve the general well-being of society, and advance the present and prospective happiness and prosperity of the people.

IN VIEW OF THESE PRINCIPLES

Of constitutional law, which are so well settled as to be placed beyond discussion or dispute, it is manifest, we think, that the court is not authorized to declare the Act under consideration void, upon the theory that it can in no manner be considered as tending to promote the public welfare, which it is one great object of government to secure.

The question whether the public interests of the State would be at all advanced by an exhibition of its products such as is contemplated by the Act was an appropriate one for discussion in the halls of the Legislature, before its enactment, and for the consideration of the Governor before approving it, but it is not one for this court to decide upon the individual views of its members, concerning the wisdom or expediency of such legislation.

AN OLD CUSTOM.

There is no difference, except in degrees, between the appropriation contained in this Act and those which for years have been made without any question as to their validity, for the support of the State Agricultural Fair and the various District Agricultural Societies throughout the State. The fact that this exhibit of the products of the State is to be made without the limits of the State does not change its essential character, or make it any less an occasion or purpose in which, in an enlarged sense, it may be said that the people of the State have an interest.

In fact, it would be hard to distinguish this appropriation, in principle, from those made from time to time for the maintenance of horticultural, viticultural and other similar commissions. None of these, strictly speaking, are required for the proper administration of the government of the State, and possibly, in the opinion of many, call for an unjustifiable and useless expenditure of money. But the power of the Legislature to create such commissions has never been doubted.

LEGITIMATE AND PROPER.

We know from the express declaration of the Act of Congress authorizing the Columbian Exposition that the purpose of the exposition is to commemorate the four-hundredth anniversary of the discovery of America, "by an exhibition of the resources of the United States of America, their development, and of the progress of civilization in the New World"; and, that such exhibition is to be of a "national and international character, so that not only the people of the Union and of this continent, but those of other nations as well, can participate."

We have no doubt that it was fairly a matter within the power of the Legislature to determine whether this State should join with its sister States, and with the Government of the United States, in celebrating in the way suggested the historical event referred to.

DIFFERENT WITH CITIES.

It has been held in many cases that a municipal corporation has no authority, under the general powers usually given such corporations, to appropriate money for the celebration of the anniversary of the important events in the history of our country, such as the Fourth of July (cases cited). These decisions, however, all rest upon the principle that municipal corporations have no powers except such as are specifically granted by the Act of incorporation, or are necessary for the purpose of carrying into effect the powers expressly granted. But it has never been doubted that the State could confer upon a city or town the authority to celebrate such important events in the history of the country as appeal to the patriotism or higher sentiments of the people, and to tax their citizens to pay the expense thereof.

Thus it was held that the city of Philadelphia had the power, under its charter, to provide for the entertainment of the centennial anniversary of American independence. (Tatham vs. Philadelphia, 11 Phil. 276.) So, also, in Massachusetts, by general statutes, the power has been conferred upon towns to celebrate the centennial anniversary of their incorporation. (Hill vs. East Hampton, 140 Mass. 381), and also to appropriate money for the celebration of holidays and for other public purposes. (Hubbard vs. Taunton, 140 Mass. 467.)

THE STATE HAS POWER.

These cases are authority for the proposition that the State itself, unless restrained by its Constitution, has the power to make appropriations for such purposes, because, unless it possesses the power it could not confer it upon its municipal corporations. In fact, such expenditures are justified under the general power which the State has to provide for the public welfare—the limits of which are perhaps not capable of exact definition—and are the same in principle as those for the building of monuments to commemorate great histrical events, or for the erection in public places of the statues of those who, by common consent, are classed among the patriots or benefactors of the nation.

MUST TRUST TO HONEST LEGISLATORS.

Undoubtedly this power may be the subject of great abuse, but this is no argument against its existence. The only protection against reckless and improvident appropriations for public purposes must be found in the character of those intrusted with the power of legislation, and in the integrity and firmness of the Chief Executive of the State.

The demurrer of the defendant is overruled, and a peremptory writ of mandamus ordered in accordance with the prayer of petitioners.

THE DECISION UNANIMOUS.

The opinion was written by Justice De Haven, and is concurred in by Chief Justice Beatty and Justices Garoutte, McFarland, Sharpstein, Harrison and Paterson.

TWO DECISIONS.

San Joaquin and Los Angeles Cases Finally Disposed Of.

The following Supreme Court opinions were filed yesterday in this city by Deputy Clerk Govan:

S. Visher, petitioner, vs. Ansel Smith, respondent. The case was appealed from San Joaquin County, in which the petitioner asked for a writ of mandate to compel the Judge of the Superior Court to settle a bill of exceptions in the case of Johnson vs. Visher.

The Supreme Court orders that the application be denied and that the alternative writ heretofore issued be discharged.

A LOS ANGELES CASE.

Arroyo Ditch and Water Company, petitioners, vs. Superior Court of Los Angeles County. The Supreme Court orders that the judgment and all the orders of the Superior Court be annulled.

To Help the Kindergartens.

For a long time the good women laboring to forward free kindgartens in this city have contemplated holding some sort of entertainment to benefit the friends of the Frobel and the Sacramento Kindergarten Societies. Yesterday they resoved upon a date for the affair, December 15th, and accepted the generous offer of Mr. and Mrs. Charles McCreary to have the entertainment held in their spacious residence.

Truckee Ice Crop.

The Truckee *Republican* says the icemen have everything in readiness for the harvesting of the ice crop whenever the same shall be ripe enough to cut, which is not likely to be for a month yet. The past season has been a good one for the companies, and only about 25,000 tons remain on hand.

The new ice works at Floriston are practically completed. The ponds are finished and water has been turned in.

To Accommodate Taxpayers.

The Sheriff's office will be open every night this week, except Thursday, for the convenience of people who desire to pay their taxes. This is the last week in which to pay taxes and avoid the penalty for delinquency.

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.

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.

WHAT EXPERTS SAY.

Messrs. Goodell and McCaffrey's Opinions on the Old Jail.

They Think That $5,000 Will Make It Safe, and the Committee So Reports to the Trustees.

After having looked over the old City Jail the committee appointed for the purpose—consisting of Architect Goodell, Builder McCaffrey, Plumber A. M. Smith and Health Officer Dr. C. B. Nichols—have reported the result thereof to the City Trustees. The committee have come to the conclusion that, with certain repairs, the old building could be made habitable and safe for ten or fifteen years to come.

Inasmuch as the old building has been several times condemned by experts, and as there has been so much said recently about the question of its safety, the full report of the committee, given below, will be full of interest to the public. No action was taken on the report by the Trustees at their session yesterday. The report is as follows:

WHAT THE COMMITTEE SAY.

To the Honorable Board of City Trustees—GENTLEMEN: The committee appointed by the board to ascertain what repairs are necessary to put the old City Hall in a safe and sanitary condition, beg leave to submit the following report:

We have carefully and thoroughly examined the building in regard to its safety. To the casual observer the building appears in several places not to be safe; this state of affairs arises from its having been neglected, and the wear and tear caused by use and exposure. Some parts of the building require to be repaired, a few of the timbers have decayed, and new ones should be substituted for such as are of no use. The building, as a whole, is absolutely safe. In evidence of which the committee find that the repairs made two years ago in the walls show that the building has not moved a particle in two years.

The tank, which was supposed to be the one source of great danger, was filled to its fullest capacity; it is 48x81 feet, and 8 feet deep; 964 tons of water were placed in the tank, and kept there for some time with not the slightest change in any part of the building or foundations. Members of the committee were on top of the tank and all about the building, and the only thing that attracted attention was the fact that the tank leaked.

This committee wish it distinctly understood that the leaking of the tank is no indication of weakness in the building which supports it, but is the result of corrosion of iron around bolt heads and seams caused by neglect. With the repairs recommended by the committee the building will be perfectly safe for several years to come.

The committee is unanimous in their condemnation of the unsanitary conditions of the whole institution; it is the plurality of foulness, and we cannot too strongly recommend the entire removal of all the old cells, and the entire system of plumbing. We have prepared drawings and specifications of what the committee considers necessary to put the building in a first-class condition, and they are submitted with this report. The repairs in detail are:

First—The repairing of the walls, stopping cracks, and placing a new buttress at the southeast corner as high as the second story; eight new iron cells; two large wooden, and two small wooden cells; stone work on floor; some new, and other parts repaired.

Second—Replacing decayed timbers with new; repairing the woodwork about the sides of the tank and other parts of the building.

Third—An entire new system of plumbing and ventilating.

Fourth—New plastering and calciminingi; painting the building inside and out, two coats.

There is one subject to which the committee wish to call the especial attention of the Board of Trustees. The present system of sewerage empties directly into the sewer not many feet from the suction-pipe which supplies the city with water; this cannot be too strongly condemned and should be stopped immediately. The remedy is to build a new cesspool with an overflow-pipe for surplus water.

Iron doors composed of grating are required for safety, both at the front entrance as well as into the jail-yard. These repairs can be made for the sum of $4,880.

There are some items that a part of the committee did not consider came under their jurisdiction, and are not figured in the estimate. They are the repairing of the tank so as to prevent its leaking; the papering of six rooms and the corridors up-stairs, the room of the Chief of Police and that of the Captain of Police downstairs; the putting of carpets in the Judge's room, City Attorney's room, courtroom; placing matting in the corridors, hospital, witness and jury-rooms; new shades to all windows where required.

This can be done at an expense of about $800.

These added to the other repairs mentioned would place the building in a sanitary, safe and comfortable condition. Respectfully submitted.

C. B. NICHOLS,
N. D. GOODELL,
THOMAS MCCAFFREY,
A. M. SMITH.

GARDNER AGAIN.

Judge Van Fleet Admits Him to Bail Pending an Appeal.

Daniel Gardner, who was recently convicted of having criminally assaulted little Lizzie Cox, is fighting hard against going to Folsom and serving out his five-year sentence.

Gardner appeared before Superior Judge Van Fleet yesterday, accompanied by his counsel, S. S. Holl, to ask to be admitted to bail pending judgment on his appeal to the Supreme Court.

Attorney Holl stated to the court that Gardner was entitled to bail pending final action in the case. The case would probably not be heard until the next session of the Supreme Court in Sacramento, and it would not be just to keep Gardner at the penitentiary all that time, inasmuch as there was a possibility of the verdict in the lower court being nullified. Besides, he said, Gardner had property interests in this city which needed his attention, and there would be little danger of his running away.

District Attorney Ryan argued against the motion. The court, he said, was not bound to admit a prisoner to bail during the time that an appeal is pending. It is purely a discretionary matter with the court. Gardner had been convicted of a grave offense, and there would be danger of his "jumping" his bail.

There was some further argument on both sides, and then Judge Van Fleet stated that he believed he would be justified in liberating Gardner on bail until the appeal was settled.

Attorney Holl suggested $5,000 as being about right, but Judge Van Fleet would accept nothing less than $10,000.

OF MANY KINDS.

Various Corporations File Their Articles Yesterday.

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

Acme Filter Company of San Francisco. Capital stock, $100,000. Directors—M. Kraker, Max Israel, M. S. Eisner, William McDonald, J. P. Currier, Nathan Delbanco and Dr. Jules Simon.

The Odd Fellows' Improvement Association of Fowler, Fresno County. Capital stock, $10,000. Directors—A. E. Mason, H. E. St. George, M. S. Rose, A. E. Shoemaker, P. Horn, C. E. Barnett and J. B. Hancock.

United States Tree and Stump Extracting Company of San Francisco. Capital stock, $10,000,000. Directors—Alfred Taylor, E. J. Mahoney, T. W. Shaw, R. A. Donald and Edward J. Mahoney, Jr.

El Dorado Milling Company of Placerville. Capital stock, $20,000. Directors—H. S. Hill, J. P. Doppee, A. S. Bosquit, J. E. Tyhurst and C. L. Coin.

Westwood Orchard and Vineyard Company of San Francisco. Capital stock, $500,000. Directors—S. J. Hendy, C. V. Manner, Wm. E. Lutz, J. H. Hendy and Charles W. Tozer.

International Electric Supply and Construction Company of San Francisco. Capital stock, $5,000,000. Directors—Columbus Waterhouse, James Spiers, H. S. Crocker, C. O. Swanberg, C. S. Benedict, A. F. Johns, E. E. Parsons, Charles Montgomery and Andrew Brown.

Home Building Company of San Francisco. Capital stock, $50,000. Directors—Frank Shay, W. A. Harvey, I. W. Ross, O. W. Forsyth and H. B. Soltan.

WANTS A NEW TRIAL.

Frediani Will Not Be Given His Sentence Just Yet.

Eduardo Frediani, the old lime peddler, who was recently found guilty of manslaughter for having killed Guisseppe Scatini, appeared before Judge Van Fleet yesterday, having been called for sentence.

He was not sentenced, though, as his attorney, Grove L. Johnson, interposed a motion for a new trial, preceded by a motion that no judgment be rendered against the defendant on the verdict of guilty, on the ground that the court has no jurisdiction of the offense charged in the information, and that the facts stated in the information do not constitute a public offense.

The motion for a new trial was made on the grounds that the jury received evidence out of court other than that resulting from a view of the premises; that the court misdirected the jury in matters of law; that the court erred in the decision of questions of law arising during the course of the trial; that the verdict is contrary to law and the evidence; that new evidence has been discovered material to the defendant, and which he could not with reasonable diligence have discovered and produced at the trial.

Mr. Johnson asked for time in which to properly present and argue these motions, and the matter was continued to next Friday.

POLICE COURT.

A Long List of Offenders Treated to Doses of Justice.

There were four cases of drunkenness on the Police Court calendar yesterday. H. J. Harrington had forfeited his deposit and Mary Johnson and Thomas Stagg were fined $5 each. Bert Harcourt was allowed to go.

Charles Robinson, the negro desperado, who created a disturbance on Third and L streets Saturday morning, and gave the officers such a lively tussle in suppressing him, pleaded guilty and was sent to the County Jail for six months.

Hattie Reid was ordered to appear Saturday to be tried on a charge of disturbing the peace. The defendant is a daughter of the notorious Mrs. Miller, who is at present serving a term in the County Jail.

The case of Mrs. Sigeler, charged with disturbing the peace, went over until the 28th instant.

A further postponement until the 25th instant was granted in the cases of William Cook, Emil Heinrich, William Ellis and Dan Tamo, charged with violating the liquor license ordinance.

Yesterday's Weather.

The Weather Bureau's reports show the temperatures at 5 A. M. and 5 P. M. yesterday to have been 45° and 63°, while the highest and lowest were 70° and 42°, which shows that it was slightly warmer during the day and the same at night as the preceding twenty-four hours.

The barometrical readings at 5 A. M. and 5 P. M. were 30.13 and 30.08 inches.

The highest and lowest temperatures one year ago yesterday were 71° and 42°, and one year ago to-day 64° and 45°, with clear weather and no precipitation.

Funeral of Sidney Smith.

The funeral of the late Sidney Smith took place from his residence, the Mansion House, yesterday at 11 A. M. Rev. J. B. Silcox officiated at the house and grave. The pall-bearers were Jacob Olsen, C. H. Cummings, T. H. Cook and N. D. Goodell. The interment was made in the City Cemetery, and many Pioneers and friends attended.

Bruner's Briefs.

Yesterday the points in the Bruner case, prepared by J. C. Campbell, Bruner's attorney, were submitted to the Supreme Court, in reply to the brief of Attorney-General Hart.

A decision cannot be looked for under several weeks.

Ah Dep's Assailant.

The trial of Ong Ah Foon, who is alleged to have shot another Mongol named Ah Dep in the leg nearly a year ago, was commenced before Superior Judge Catlin yesterday afternoon. The entire afternoon was consumed in impaneling a jury.

GRAND clearance sale of winter suits and overcoats will take place on Monday, November 23d, and will continue until I have completely sold out what bargains I have placed on my counters. Remember these goods will be sold strictly for cash, as this will be one of the greatest sacrifice clearance sales ever taken place before in my line in this city. All who know the reputation of the goods I keep in stock will not hesitate to buy. Suits that sold for $20 and $25 now selling at $15 and $16 50. The $15 to $20 selling now for $10 and $12. I have also a few suits which I will close at $3 per suit. Call soon before they are all gone, at C. Robin's, Nos. 612 and 614 K street.

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.

CONTINUED TO-DAY.

The special sale of REMNANTS of all kinds of DRY GOODS, and lines in Dress Goods that have shown a tendancy to move slowly. In the swiftest waters there are nooks where drift gathers, so in the biggest Dress Goods stock there are slow spots. When we find a floater in the eddy, out into the quickest of the stream it goes with the price pushing. All of this array of SPECIAL BARGAINS does not disturb our great stock of elegant WINTER GOODS. Here are a few quotations that ought to touch the winter dress thoughts of many minds:

Antrim Plaids, 23 inches wide,	10 cents a yard
English Habit Cloth, bright stripes, 36 inches,	7 yards for $1
Camels' Hair Suitings, bright stripes, 36 inches,	20 cents a yard
Worsted Plaids, winter colorings, 36 inches,	25 cents a yard
Gray Striped Mohair, 36 inches,	25 cents a yard
Cashmere Soule, very stylish, 36 inches,	15 cents a yard

In the all-wool goods—Cashmeres, Tricots, Henriettas, etc., the greatest stock of the city is here, and one word about Combination Suits, robe patterns. So popular have we found them that we have been obliged to repeat orders and supplement an already large and diversified stock.

A BLANKET SPECIAL.

A 6½-pound White Lambs' Wool Blanket, with beautiful broche border, soft as down, almost; light, fluffy. Twice over as warm as one of the soggy sort that weighs more. A blanket delight, a good value at $7 50, a wonder at $6. Each Blanket bound at both ends.

Bed Coverings of all kinds have a similar welcome.

NOTE—Many large invoices of GIFT GOODS have already arrived. Look them over; glance at the show windows; get ideas before the rush season opens.

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.

W. D. COMSTOCK,
—IMPORTER AND DEALER IN—
FURNITURE, BEDDING, MIRRORS, ETC.
501 and 503 K Street. Corner Fifth.

HARRY W. RIVETT, Pioneer Steam Carpet Cleaning Works,
S. W. Cor. Twelfth and O Sts. Telephone 292.

SACRAMENTO LUMBER COMPANY, { Dealers in Lumber, Doors, Windows and Blinds.
MAIN OFFICE—Second street, L and M. YARD—Front and R streets, 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.

TO WEAK MEN Suffering from the effects of youthful errors early decay, wasting weakness, lost manhood, etc., I will send a valuable treatise (sealed) containing full particulars for home cure, FREE of charge. A splendid medical work; should be read by every man who is nervous and debilitated. Address, Prof. F. C. FOWLER, Moodus, Conn.

Railroad Time Table.

SOUTHERN PACIFIC COMPANY
[PACIFIC SYSTEM.]
NOVEMBER 4, 1891.
Trains Leave and are Due to Arrive at Sacramento:

LEAVE	TRAINS RUN DAILY.	ARRIVE
6:50 A	Calistoga and Napa	11:05 A
†8:00 A	Calistoga and Napa	
3:05 P	Calistoga and Napa	8:40 P
10:50 P	Ashland and Portland	4:20 A
7:00 P	Deming, El Paso and East	7:30 P
7:35 P	Knights L'ding & Oroville	7:40 A
10:40 A	Los Angeles	10:25 A
11:55 A	Ogden and East—Second Class	6:45 P
10:00 P	Central Atlantic Express for Ogden and East	7:40 A
3:00 P	Oroville via Rosev'le J'n'e	10:30 A
3:00 P	Red Bluff via Marysville	10:30 A
10:35 A	Redding via Willows	4:00 P
4:35 A	San Francisco via Benicia	11:05 A
6:50 A	San Francisco via Benicia	11:30 A
8:00 A	San Francisco via Benicia	8:10 P
3:05 P	San Francisco via Benicia	9:40 P
7:05 P	San Francisco via Benicia	10:30 P
*10:00 A	San Francisco via steamer	6:00 A
10:40 A	San Fran. via Livermore	2:50 P
10:40 A	San Jose	2:50 P
7:00 P	Santa Barbara	10:25 A
*6:50 A	Santa Rosa	11:05 A
3:05 P	Santa Rosa	*8:40 P
8:30 A	Stockton and Galt	10:25 A
10:40 A	Stockton and Galt	2:50 P
7:00 P	Stockton and Galt	7:30 P
11:55 A	Truckee and Reno	7:40 A
10:00 P	Truckee and Reno	6:45 P
†8:00 A	Vallejo	8:40 P
3:05 P	Vallejo	11:05 A
*8:20 A	Folsom and Placerville	*2:40 P
*12:15 P	Folsom and Placerville	*10:20 A
*4:45 P	Folsom	*8:00 A

*Sunday excepted. †Sunday only. ‡Monday excepted. A.—For morning. P.—For afternoon.

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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. Hickok, 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. Crellin, 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. Marriett, 5 acres; J. C. Harrison, Tancred, 5 acres. The land reserved by the Colony Company, in dingelu townsite, consists of 61 acres.

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