

DAILY RECORD-UNION

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THE WEEKLY UNION, Is the cheapest and most desirable Home, News and Literary Journal published on the Pacific Coast.

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Weather Forecast. Forecast for the period ending at midnight Wednesday: For Northern California—Fair; warmer, except rain; cooler in the southern portion.

WILL THE NEW CHARTER NECESSARILY DESTROY THE FUNDED DEBT COMMISSION.

There are citizens who still insist that it has not been made clear to them that the Funded Debt Commission can be retained and the new charter adopted. It is necessary to clear these doubts away before taking up the proposed charter on its merits.

The rules of law appear to us to dissipate all possible doubt, but if we set them all aside it still appears that ordinary reasoning clears up the whole matter. Taking the new charter section by section in order, we find that there is not in any line or syllable of the document the slightest expression inconsistent with the existence or work of the Funded Debt Commission. When one declares that the adoption of the charter will destroy the commission, it becomes incumbent upon him to point out wherein resides the language of the charter that will have that effect. If that cannot be done, the case may well be taken as confessed.

The late Judge H. O. Beatty was the father and the ablest champion of the Funded Debt Commission. The Record-Union labored with him in maintenance of the commission and to further all its good work. We may therefore be deemed competent to quote Judge Beatty in this debate.

In January, 1890, when it was proposed to select Freeholders to frame a new charter, Judge Beatty, at request of our contemporary, the Bee, published his reasons in full for holding that the then proposed new charter would destroy the commission. These reasons were, in brief:

1. Section 8, Article XI, of the Constitution makes any new charter supersede the old one, and any amendments thereto, and all laws inconsistent therewith. 2. The Act of 1872 creating the Funded Debt Commission was an amendment to the existing charter, or else it was a special law, which would be inconsistent with the new charter.

3. The new charter would abolish the Trustees, President of the Trustees, Auditor, Tax Collector, Assessor, etc. Without these officers the commission could not draw their money, buy bonds or act in the premises, for the law requires performance of certain acts by these officers in their relation to the commission.

4. Section 13, Article XI, of the Constitution prohibits the Legislature from delegating to any special commission power to interfere with or supervise any municipal improvement, money or property, or to levy taxes, or perform any municipal function whatever. The Supreme Court (71st Cal. Repts., p. 310), decides that if the commission were destroyed a new one could not be raised under the Constitution—that is, as Judge Beatty read and construed that court opinion, but which is differently interpreted by other lawyers—not, however, a material matter.

These were all the reasons advanced—though much elaborated—by Judge Beatty, for his belief that the adoption of a then proposed new charter would repeal the Act creating the Funded Debt Commission, but the question of an alternative proposition of non-repeal he never contemplated. At that time he secured an opinion from Judge Geo. A. Blanchard in support of his own views, and the same was published January 16th in the Bee. Judge Blanchard held as did Judge Beatty, but added that if the Funded Debt Commission were continued at all with a new charter, the scheme must be "incorporated in the new charter," and be a declared feature of it. He expressed doubt also concerning the possibility of perpetuating the commission schemes in the new charter then contemplated.

Four days later, at the request of the same journal, Hon. A. P. Catlin, a lawyer the peer of Judge Beatty, and not related to the commission as an officer of it or otherwise, gave his opinion, and it was directly opposed to Judge Beatty and in harmony with the views of the vast majority of sound lawyers.

Judge Catlin held: First—That a new charter would supersede the old one, and all amendments thereto and inconsistent therewith.

Second—But the new charter could, and probably would retain all that was good in the old. Now, said he, what the Legislature could do under the old Constitution in the nature of charter-making, the people in cities can themselves do under the new Constitution.

Third—But anything they do in that relation must be consistent with the Constitution and the general laws. The Funded Debt Act was passed March 25, 1872. It became a part of the city charter. In framing a new charter it can be retained in it just as can the School Board, the Fire Board, and all other boards created by special laws prior to the adoption of the new Constitution.

Fourth—This transition can be made without jar or loss, and it would make the commission safer than it now is.

To this conclusion by Judge Catlin we invite especial attention, for it would seem to be conclusive, and ought to settle all doubts had by friends of the commission. The Supreme Court has held, said Judge Catlin, that the Funded Debt Commission Act is valid, because it was enacted prior to the adoption of the new Constitution. That Constitution prohibits such special legislation. But the commission itself prevailed upon the Legislature, acting under the new Constitution, to pass an Act amending the Act creating the commission, so as to permit it to buy bonds for more than 35 cents on the dollar.

Without that power the Commissioners declared their usefulness was at an end; it was the sheet anchor of their hope to make the commission longer useful. But, clearly, as Judge Beatty and Judge Blanchard had contended, any such legislation is invalid under the new Constitution. It follows, therefore, that the very law under which the commission now has any vigor will be held invalid if any one brings the question into court.

Judge Catlin therefore held that before the Supreme Court condemns that Act of the Legislature, and thus wholly destroys the usefulness of the commission, it would be wise to secure the system by carrying it into the new charter, which, under the new Constitution, could be done without check by the inhibition against special legislation.

We may add, that on several occasions not long prior to his death, when Judge Beatty visited the Record-Union office to talk over these questions, as he frequently did, his only expressed fear concerning the commission was that some one would raise the question about the 35-cent amendment, which he confessed stood on shaky ground, and to support which he had been able to find but one satisfactory decision, that of a Pennsylvania court.

On the 21st day of January, 1890, Judge S. Solon Holl published an opinion taking the same position occupied by Judge Beatty relative to the then proposed new charter. He held, in brief:

1. The new charter would abrogate the commission. 2. The new Constitution prevents any perpetuation of the commission by a new charter, because the Act is a part of the law creating a municipality. 3. The new charter would have to deal with the city debt, and it is a rule that a new law supplants the old one, when it covers the same ground.

4. The new charter would abolish the City Assessor, Board of Trustees, etc., and to recreate them would be to enact a new law, and that would be special legislation. 5. The Commissioners are trustees for the city and distinguished as such from officers of the city. Art. XI, Sec. 13 of the Constitution prohibits the erection of any new commission to meddle with municipal affairs. The Legislature cannot delegate to any commission any such power, nor confer it upon the Mayor or Common Council.

6. The Legislature must approve or disapprove the charter. It therefore really adopts it if it approve, and cannot, consequently, by that Act, any more than by any other, create a commission provided for in the charter.

These are the reasons then, why on one hand some citizens friendly to the Funded Debt Commission fear that adoption of the new charter will destroy it, and why others hold that not only will it not do so, but that the express provision that the charter shall not repeal the law creating the commission will preserve that agency if the people so vote.

Now, we are of those who, having so long been the friend of the commission, are not afraid to commit the question to the people. If they vote for alternative proposition No. 1, submitted by the Board of Freeholders, we believe that the commission will be more safely entrenched than it now is with the threat hanging over it that the amendment of March, 1889, may at any time be overturned and the usefulness of the commission destroyed by preventing it buying bonds at a greater figure than thirty-five cents.

But we also submit—and this and all else said in this debate must be taken as exclusive of the question whether the new charter is a strong or a weak one, and concerning which we have not yet pronounced—that the Freeholders having submitted a proposition declaring that the adoption of the new charter shall not be taken or construed as repealing the Act creating the Funded Debt Commission settles the whole matter. If the people vote "yes" on that proposition the charter goes up to the Legislature with the distinct, emphatic and unmistakable declaration for approval by the Legislature, that such approval and the adoption of the charter shall not be construed to be a repeal of the Funded Debt Commission Act.

How it will ever be possible for a court or other authority to declare that an Act distinctly and emphatically declaring that it does not and shall not repeal, abrogate, interfere with or in any way interrupt or disturb another law, will work the repeal of the latter, no one can by any cunning of language explain. It is not, let it be kept in view, a mere expression of opinion of the people, but their express act of legislation under the Constitution.

Proposition No. 1 so distinctly declares against repeal, that if the issue came to trial, the new charter itself would have to go to the wall, that the commission might live. It will be seen that what Judges Beatty, Holl and Blanchard feared has not happened; the proposed new charter does not "deal with the city debt"; it does not abolish an authority known as City Trustees, but enlarges the number; it does not abolish the offices with which the Debt Commission has to do, but retains them, and affects only their terms and salaries.

But, if by any contortion of words it can be shown that possibly the new charter does refer to the Funded Debt Commission or some of its functions, then alternative proposition No. 1, if adopted, puts aside all such reference, negatives any and everything in the charter that by remotest implication could be held to be inconsistent with the existence of the commission, and no court could consider the charter as affecting the commission and ignore its plain declaration that it shall not work the repeal of the Act founding the commission.

For emphasis we repeat, therefore, that by no possible line of sound reasoning can the conclusion be reached that the new charter will, if adopted with alternative proposition No. 1, destroy the Funded Debt Commission, since in the clearest possible language it will declare, as already stated, that it does not and shall not work any interference with or manner of injury to the commission; but that, on the contrary, such commission shall rather be considered ratified, approved and confirmed, even against the existence of all the rest of the charter itself.

DREADFUL PSORIASIS

Covering Entire Body with White Scales. Suffering Fearful. Cured by Cuticura.

My disease (psoriasis) first broke out on my left cheek, spreading across my nose, and almost covering my face. It ran into my eyes, and the physician was afraid I'd lose my eyesight altogether. It spread all over my head, and my hair all fell out. I was entirely bald-headed. It then broke out on my arms and shoulders, until my arms were just one sore. It covered my entire body, my face, head and shoulders being the worst.

The white scales, which constantly fell from my head, shoulders and arms, and which would thicken and be red and very itchy, and would cause me to suffer terribly. After spending many hundreds of dollars, I was pronounced incurable. I heard of the CUTICURA REMEDIES, and after using two bottles CUTICURA RESOLVENT, I could see a change and after I had taken four bottles, I was almost cured; and when I had used six bottles of CUTICURA RESOLVENT, and one box of CUTICURA SOAP, I was cured of the dreadful disease from which I had suffered for five years.

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HALE BROS. & CO.



On March 16, 1850, the ill-fated Prince Imperial, who was killed in Zululand, was born. The disaster to the French arms which culminated at Sedan resulted in the exile of the Third Napoleon.

Prince Louis volunteered for African service, and was at the head of a small reconnoitering party when surprised and killed.

Peace has its surprises as well as war. You will be surprised at the values collected together in our Dress Goods Department, and also at the quantity and variety of stock to make selections from.

38-inch Bedford Cord in fourteen new spring shades, 75c a yard. Quite a novelty are the all-wool Seersuckers in six spring shades at \$1 50 a yard.

Brocade Henrietta, handsome and entirely new; a large run of colorings. Price, \$1 25 a yard. Gloriosa Silk, black and colors, \$1 25 a yard.

Ladies' Tan and Gray Newmarkets with long cape; neat and stylish. Price, \$16 50. Ladies' Black Bedford Cord Cape, 40 inches long, trimmed with passementerie. Price, \$16 50.

Ladies' Tan Cape, 40 inches long, richly embroidered with changeable silk braid. Price, \$7. Handsome Jackets for children, in tan check trimmed with silk braid. Price, \$4 50.

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Fruits, Seeds, Produce, Etc. STOCKHOLDERS' MEETING. CALIFORNIA STATE BANK.

NOTICE IS HEREBY GIVEN THAT the annual meeting of the stockholders of the California State Bank will be held at the office of the bank, at the northwest corner of Fourth and J streets, in the City of Sacramento, State of California, on MONDAY, March 21, 1892, at 2 o'clock P. M.

SPORTSMEN'S HEADQUARTERS. HENRY ECKHART, MANUFACTURER AND IMPORTER OF Guns, Rifles, Pistols, Fishing Tackle, and Sporting Materials of every description. Guns choice-bored, stocks bent, and repairing on guns and rifles a specialty. Send for price-list. No. 523 K street, Sacramento.

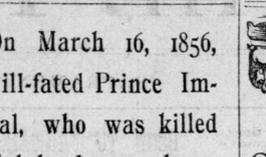
NOTICE OF SALE OF REAL ESTATE by administratrix. Notice is hereby given that pursuant to an order of the Superior Court of Sacramento County, California, the undersigned, administratrix of the estate of GODFREY M. MARY, deceased, will sell at public auction for cash, to the highest bidder, subject to confirmation by the Superior Court, on SATURDAY, April 2, 1892, at 11 o'clock A. M., in front of the County Court-house, at the corner of Seventh and J streets, in Sacramento City, in Sacramento County, all the real estate with improvements, in the County of Sacramento, known as that part of the "Hickling Ranch," bounded on the north by lands of Cutler, on the east by lands of George W. Locke to Godfrey Magray on March 1, 1888, by deed recorded in Book 125 of Deeds, at page 45, Sacramento County Records, to which reference is hereby made. Ten per cent of purchase money must be paid on day of sale, balance on confirmation of sale by the court.

ADMINISTRATRIX OF THE ESTATE OF GODFREY M. MARY, deceased. MARY MAGRAY. CLYDE A. WHITE, Attorney for Administratrix.

WITNES my hand and the seal of said Court, this 11th day of March, 1892. W. W. RHOADS, Clerk. By R. A. ROBINSON, Deputy Clerk. Holt & Duns, Attorneys for Petitioner. 112 1/2 St.

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N. E. Cor. Sixth and J Streets. 1892--SPRING AND SUMMER--1892

Dress Goods Department. We are now displaying a vast and varied assortment of New Spring and Summer Dress Goods, comprising the latest styles in weaves and colorings.

This week is devoted to our Spring Opening, and to the public we extend an invitation to call at our store. We earnestly ask your close inspection of our prices, feeling assured you will acknowledge us to be HEADQUARTERS for the best values in Dress Goods.

From our large assortment we mention the following New Weaves: BROCHE EXCENTRIGUE, PEAU DE REPTILE, BONTONNE ZIG ZAG, CHEVIOT SERPENTINE, CREPE EFFECTS, BEDFORD CORDS, TUFTED CHEVIOTS, ETC.

Amusements, Etc. CLUNIE OPERA HOUSE. WASH. NORTON, Manager and Sole Proprietor. THIS (WEDNESDAY) EVENING, PROF. ANDERSON, MILLE BLANCHE. Wizard of the North. Marvelous Clairvoyant and Songstress.

MISS AMY LOUISE. The Fascinating Burlesque Artist. Notwithstanding the heavy cost of the engagement popular prices remain. Popular prices, 15, 25, 35 and 50c to reserve. Boxes, seating 5 persons, 85. Single seats in boxes, 75c each. Matinee prices, 15 and 25c.

METROPOLITAN THEATER. L. HENRY, Manager. TO-NIGHT, Wednesday, March 16th. FOUR MORE TIMES ONLY. LAST PERFORMANCE--SATURDAY MATINEE.

HANLONS' GRANDEST SPECTACULAR TRICK PANTOMIME. SUPERBA! THE GREATEST NOVELTY OF THE SEASON. UNLIKE ANYTHING EVER SEEN IN SACRAMENTO.

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Stylish Pants \$5 Fine Business Suits \$18 Dress Suits \$6 Very Stylish \$25 Elegant Casimeres \$7 Elegant Walking Suits \$30 Full Dress Suits \$8 English Wooted Suits \$35 The Very Latest \$9 Fine Pique Suits \$40 Full Dress French Suits \$10 Full Dress Casimeres \$10 Full Dress Suits \$50

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SOUTHERN PACIFIC COMPANY



(PACIFIC SYSTEM) DECEMBER 6, 1891. Trains Leave and are Due to Arrive at Sacramento:

Table with columns: LEAVE, TRAINS RUN DAILY, ARRIVE. Lists train schedules for Sacramento.

LEAVE TRAINS RUN DAILY ARRIVE 6:50 A. Callisto and Napa... 11:05 A 18:00 P. Callisto and Napa... 8:40 A 10:50 P. Ashland and Portland... 4:30 A 6:35 P 7:35 P. Knight Landing Groveville... 7:40 A 10:40 A. Los Angeles... 10:30 A 11:55 A. Ogden and East--Second Central Atlantic Express... 6:45 P 10:00 P. Red Bluff via Marysville... 7:40 A 10:30 A 10:30 P. Red Bluff via Willow... 4:00 P 3:00 P. Oroville via Roseville J'n... 1:30 A 4:35 A. San Francisco via Benicia 11:30 A 6:50 A. San Francisco via Benicia 8:10 P 7:00 P. San Francisco via Benicia 9:40 P 10:00 P. San Francisco via Benicia 10:30 P 10:00 A. San Francisco via Livernore 2:50 P 10:40 A. San Fran. via Livernore 2:50 P 6:50 A. Santa Barbara... 11:05 A 8:05 P. Santa Rosa... 8:40 A 8:30 A. Stockton and Galt... 6:35 P 11:55 P. Truckee and Reno... 7:40 A 10:00 P. Truckee and Reno... 6:45 P 7:50 A. Vallejo... 8:40 A 8:20 A. Folsom and Fairview... 11:05 A 12:15 P. Folsom and Fairview... 9:30 A 12:45 P. Folsom and Fairview... 9:30 A

\*Sunday excepted, Monday only. Monday excepted, A--For morning, P--For afternoon. RICHARD GRAY, Gen. Traffic Manager. T. H. GOODMAN, General Passenger Agent.

Liquors, Wine, Beer, Etc. EBNER BROS. 116-118 K Street, Front and Second, Sacramento.

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