

WILL COMMENCE CANVASSING SOON.

The Bishop Manogue Mortuary Chapel Association.

An Address Issued to be Distributed Among the Catholics of the Diocese.

The movement announced in the Record-Union a few days ago toward the erection of a mortuary chapel in the Catholic cemetery in this city in memory of the late Bishop Manogue, has taken definite shape.

An executive committee of sixteen gentlemen connected with the Sacramento parish, and of which Rev. Father Grace is a member and also Treasurer, will have charge of the work.

A meeting of the Mortuary Chapel Association was held yesterday, a large attendance being present, and much interest was taken in the subject.

A committee on printing was appointed by the chair, consisting of Messrs. C. Gorman, T. W. Sheehan, M. Cronin and J. McNeill, who were instructed to have circulars printed for distribution through the diocese.

Death closed the eyes of your well-beloved, the late Bishop Manogue, on February 27th of this year. It is not necessary here to recount what he accomplished for the faith.

His career in Nevada is inseparably woven into all that is best in the records of that state.

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And yet, in the love of his fellow men, in the deep recesses of the hearts of those whose tears he has dried, in the wounds he has poured the balm of peace, of faith and of our holy religion, and whose souls he has lifted to see the blessed light of eternity shining through the clouds and beyond the cross—in these sanctuaries of mankind have been erected monuments to the memory of Bishop Manogue more glorious than epistles of praise, and more gratifying than eulogies.

Yet should some edifice be built that would perpetuate the recollection of his blessed deeds, and keep alive the memory of so good a man.

The Catholic clergy and laity of Sacramento have been considering this matter for some time, and have finally concluded that a Bishop Manogue Mortuary Chapel should be erected in the Catholic cemetery at Sacramento, where the remains of our good Bishop lie. It should not be a temporary building, or one calculated to last ten, twenty or fifty years, but rather one constructed to remain while the goodness and piety of the Bishop live in the memory of man—and that in a labor of love, should cost between \$15,000 and \$20,000.

The Catholics of Sacramento are organized into committees for the purpose of pushing along, and gathering subscriptions. They ask the aid of the faithful throughout the diocese. They particularly request pastors in every church in the diocese to read the circular to their flock and to call the Catholics together, to meet as soon as possible, elect officers, and arrange for pushing subscription committees, whose hearts will be in the work and thus help us along in this good cause.

Hundreds of men and other faithful in this community, we know—hundreds of men of other faiths in this diocese, we believe—would be willing and anxious to contribute to the erection of the Bishop Manogue Mortuary Chapel. But we desire to make it a testimonial of the faithful, a Catholic poem in stone to the memory of a great and good man, a cleric of our faith, and a noble soldier of our church.

It should be gratifying for all subscribers to know that their names, with this circular, will be deposited in the cornerstone of the chapel, there to remain for centuries, until the destroying elements of time shall destroy the elements of the future Catholic antiquarians shall read in them the history of our times, learning our devotion to the worthy Bishop.

The following-named persons were appointed as committees to canvass the city for funds with which to carry out the purposes of the association: First Ward—John Moran, Thomas E. O'Callahan, Patrick Kelly, J. McNeill, Collins.

Second Ward—A. Mazzini, M. Flahive, Ed. McEwen, M. F. Kunt, Grant Black, Antonio Menzies, H. Kligstein.

Third Ward—Frank L. Dwyer, M. J. Desmond, J. E. Mooney, James H. Davis, Jr., John McManis.

Fourth Ward—J. Hassett, George Sermonet, Thomas Fox, P. Flaherty, W. F. Gormley.

Fifth Ward—M. Halloran, J. G. Wenshela, B. Kelly, M. Burke, J. A. Sheehan, Thomas Diviny, Dr. Harcourt.

THE PROCEEDING WAS IRREGULAR.

Hence the Charge Against Lawyer Joseph Was Dismissed.

Judge Hinkson Interprets the Ordinance Concerning the Removal of Dangerous Structures.

Judge Hinkson on Saturday rendered his decision in the habeas corpus case of Isaac Joseph, who was arrested for the alleged violation of an ordinance providing for the removal of buildings designated by the Chief Engineer of the Fire Department as nuisances. The court discharged Mr. Joseph, and in doing so gave his reasons as follows:

The petitioner sued out a writ of habeas corpus, in his petition for which he sets out that he is unlawfully imprisoned, detained, confined and restrained of his liberty in the City Prison of the city of Sacramento, in this county and State, by M. M. Drew, Chief of Police of said city; and that the said M. M. Drew, as such Chief of Police, claims the right to imprison him by virtue of a warrant issued out of the Police Court of said city, and that said warrant was unlawfully issued and was based upon a complaint or information which charges him with the commission of a misdemeanor in that he violated the provisions of an alleged ordinance of said city, but that said ordinance is void, because it is contrary to the laws and Constitution of the State of California and of the United States.

To the writ of habeas corpus, Drew, as such Chief of Police, made return that he held the petition "null and void" pursuant to the authority of the said warrant. Upon the hearing of the writ the petitioner offered the following points in support of his petition, and that he was argued by counsel for the respective parties, and submitted to the court, since when both parties have agreed to accept the court's judgment and brief the petitioner made the following points, to wit:

First—That the ordinance was not authorized by the provisions of the charter of the city of Sacramento.

Second—That the punishment prescribed by the ordinance for its violation is unreasonable and in harmony with the laws of the State, and that therefore it is void.

Third—That the ordinance is void because it is in violation of the provisions of the Fifth and Fourteenth Amendments of the Constitution of the United States.

Fourth—That neither the State nor the city can declare property nuisances, and cause its destruction when such property was lawfully constructed, and is not a nuisance per se.

Fifth—That said ordinance is in violation of the provisions of Section 14, Article 1 of the Constitution of this State, and is void.

Sixth—That said ordinance is not reasonable either in its provisions or penalties and does not harmonize with the laws of the State and country—the Federal and State Constitutions; and he cites a very large number of authorities in support of his contention. But it is not necessary to notice either of the points made by the petitioner, as another point, which he made, is sufficient to carry his decisive of the matter. The ordinance is as follows:

Section 1. Whenever the Chief Engineer of the Fire Department shall deem any building that has been partially destroyed by fire, or any other structure situated within the fire limits of the city of Sacramento, to be in such a condition that it is dangerous to the public health, safety and property, he shall notify the owner, agent or person in possession thereof that the same must be torn down and removed within ten days after such notice.

Section 2. The owner, agent or person in possession shall have the right to appeal from the decision of the Chief Engineer of the fire department to the Board of Trustees, and the Board of Trustees shall hear and determine the matter. If it be decided by the Board of Trustees to affirm the action of the Chief Engineer of the fire department, the owner, agent or occupant of said premises must, within five days after the decision of the Board of Trustees, commence in good faith to tear down and remove said structure or building, and must complete such removal within the time specified in the notice.

Section 3. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and on conviction thereof he shall be punished by a fine not exceeding \$500, or by imprisonment in the City Jail not exceeding six months, or by both such fine and imprisonment.

Section 4. Any person violating any of the provisions of this ordinance, but it will be observed that no duty is imposed upon the person who is sought to be made liable for a penalty under the provisions of that section, in that section only the Chief Engineer of the fire department is named as the person who shall deem any building that has been partially destroyed by fire, or any other structure situated within the fire limits, to be dangerous or liable to endanger surrounding property by fire, or as not being suitably protected from fire, and that section thereof that the same must be torn down and removed within ten days after such notice.

It will be observed that this section does not command the person so notified to tear down and remove the building within ten days, but that it merely provides that the person so notified shall have the right of appeal from the notice of the Chief Engineer to the Board of Trustees, and the Board of Trustees shall hear and determine the matter. In other words, the notification by the Chief Engineer is not a direction or command to him to tear down and remove the structure. "Notify" means to make known, and it is understood that the "notify" means to make known to the citizens of the time of meeting (Webster's Unabridged Dictionary).

The most that can be said of the provisions of Section 1, so far as they apply to the owner, agent or person in possession, is, that through these provisions notice is imparted to him that the structure must be torn down and removed; and if the owner, agent or person in possession chooses to tear down and remove the structure, he may do so, but that if he does not choose so to do, the Board of Trustees or the Chief Engineer of the Fire Department will tear down and remove it, or cause it to be done.

Doubtful powers of a municipal corporation are not to be construed against it (Von Schmidt vs. Widber, 105 Cal. 157.). The owner, agent or person in possession is only required or commanded to tear down and remove the building after he has appealed from the notice of the Chief Engineer, and after the Board of Trustees has affirmed the action of the Chief Engineer.

And as it does not appear that the petitioner took such appeal, it is not necessary to pass upon the question of whether or not the ordinance, in its nature, is a special legislation because it is uniform in its operation, or whether it is void because it does not declare the kind or character of structures that are subject to be torn down and removed, or of delegating that power to the Chief Engineer of the Fire Department, and whether or not such delegation of authority is not a delegation of a legislative function.

CHANGED DAILY FOR WEINSTOCK, LUBIN & CO.

New Items in Fancy Goods.

Women's Combination Purse of elected seal leather, lined throughout with calf; coin compartment lined with heavy ooze leather; corners mounted with 14k gold plate. Price, \$2.

We are also showing a novelty in a Woman's Purse made of crushed calf leather, which comes in several different colorings and mounted with sterling silver. Price, \$1 25.

Women's Silver Gray Jersey Ribbed High Neck and Long Sleeve Undervest, composed partly of wool, crocheted neck run with ribbon. Can be had in all sizes. Price, 50c.

Plain or Figured Denims, in art shades, for cushions, table covers, portieres, etc.; 36 inches wide, 22c and 30c yard.

Black Brocade Satin Damase in the latest handsome large patterns, an entirely new departure from the old style Silks. Price, \$1 75 yard.

Special value in our Black Satin Brocade at 79c yard.

Navy Blue Foulle Serges, 42 inches wide, 35c yard.

Extra heavy English Serges, 44 inches wide, 50c yard.

Our new Coating Serges, 50 inches wide, in black or navy. See dress goods window display. Special price, 65c.

Rich Black Crepon Suits in handsome Mohair effects, \$16 50 to \$22 50 per suit.

THE GOLD DUST "FENCE"

Verheul and Ingham's Cases to be Examined This Week.

The examination case of W. H. Verheul was called in the Police Court on Saturday, charged with receiving stolen property. There are five charges against Verheul, proprietor of the Gold Dust den.

In the case of Fred Ingham, who is similarly charged, Miss Genevieve Green, Verheul's wife, was introduced as a witness. Some articles of jewelry, one of which was returned to her on Friday by Mrs. Ingham, was called to tell from whom she received the pin. Miss Green testified that she saw Ingham bring it to her to tell, and when in court she endeavored to keep her promise. Justice Davis told her that it was a felony case and that she must tell from whom she received the pin.

Accordingly Miss Green informed the court that the woman who sold her the pin, Mrs. Ingham returned the pin to her. She told the witness she bought it from a boy, and a colored girl had informed her that she had sold it to Ingham, as she herself is not the legal wife of Ingham, they having been separated for some years.

The police were informed about 10 o'clock on Saturday night that the Gold Dust den was open, and Sergeant Plunkett went there to see why the order had been issued. The place was closed, and was informed by the man in charge that he had opened up in order to give the place a cleaning.

Sergeant Plunkett cleared the place, however, and had it locked. He found the Ingham woman in one of the rear rooms, and she explained that she had gone to the den to get a drink of liquor to steady her nerves.

Mrs. Verheul visited the jail Saturday night and had an interview with her husband. She said that she was supposed to be alone, but it is said that a detective was secreted who overheard what passed between them and that she obtained the pin from the man.

"MECHANICS" VS. "MECHANICAL" Weinstock, Lubin & Co.'s Judgment Against Marks Sustained.

The Supreme Court, sitting in San Francisco, has filed its decision in the case of Weinstock, Lubin & Co. of this city against H. Marks, who it was alleged had infringed on their right to the term "Mechanical Store," by designating his as the "Mechanical Store."

The court affirms the judgment of the Superior Court of this county so far as upholding the injunction against the use of the words "Mechanical Store" as a trade name in the city of Sacramento. It had been further ordered by the Superior Court, however, that the defendant place signs both outside and inside his store, indicating the identity of the proprietor. This point the Supreme Court says is new in the law of both this country and England; but it decides that such a requirement is not an infringement.

Justice Garoutte says: "In this particular we think the record should be modified so as to require that the defendant in the conduct of this business shall distinguish his place of business from that of the plaintiff in carrying on his business in some mode or form that shall be a sufficient indication to the public that it is a different place of business from that of the plaintiff."

Weinstock, Lubin & Co. are declared to have a trademark right under the general law to the name "Mechanical Store," and that the defendant in carrying on his business in the same line of contracting trade away from the firm is declared to be an infringement.

FLOODED PAVEMENTS From This Nuisance. Albert Elkus met with a painful accident on Saturday afternoon at Fourteenth and J streets while bicycling. His wheel slipped on the flooded street, causing him a severe fall. He struck on his left side, injuring his hip.

He was taken to his residence at Fifteenth and M streets, where he was treated by a physician. As a result of the accident he will be confined to his bed for a couple of days.

If the streets were sprinkled, instead of being drenched with water, accidents of this kind would be so frequent.

HOTEL ARRIVALS Arrivals at the Golden Eagle Hotel yesterday: Sam Bialsky, A. W. Brown, G. L. McCandless, E. C. Alois, Alexander McNeill and wife, William Marcy, John W. Wilson, San Francisco; J. C. Murphy, Boston; C. M. Henderson, E. A. Anderson, New York; W. C. Johnson, Boston; H. Schulz, Los Angeles; Mrs. J. F. Kildier, Miss Jones, Grass Valley.

Information Wanted. Chief of Police Drew is in receipt of a letter from George Galloway of Covington, Ind., asking for information of his brother, William Galloway, from whom he has not heard for forty-five years and who was at that time a broker.

Intended to Catch the Eye. Don't skip this paragraph because it is small. It is worth reading, for it tells a remedy for cough, tickling, a certain remedy for cough, tickling, the throat, and stopped up feeling in the upper part of the chest. A simple cough may turn into a serious cough, and if it does not cease to vex you and keep you awake at night when you have already the inflammation in your throat with Ely's Peppermint Cure, the druggists sell it for twenty-five cents.

They Are Beauties, Good and Cheap. Be our good fortune to see and hear the record of the prettiest and sweetest-toned pianos we ever heard—these were the celebrated Emerson. We were astonished at the low price at which they are selling. No one should fail to hear them at the piano rooms of A. J. Pommer, corner Ninth and J streets.

NEALS, EILERS & CO. (Cooper Music Company), 631 J Street, are agents for the

Art Denims.

Plain or Figured Denims, in art shades, for cushions, table covers, portieres, etc.; 36 inches wide, 22c and 30c yard.

Black Brocade Satin Damase in the latest handsome large patterns, an entirely new departure from the old style Silks. Price, \$1 75 yard.

Special value in our Black Satin Brocade at 79c yard.

Navy Blue Foulle Serges, 42 inches wide, 35c yard.

Extra heavy English Serges, 44 inches wide, 50c yard.

Our new Coating Serges, 50 inches wide, in black or navy. See dress goods window display. Special price, 65c.

Rich Black Crepon Suits in handsome Mohair effects, \$16 50 to \$22 50 per suit.

WE MAKE The Best Prepared Paint, The Most Durable Floor Paint And the Most Economical Barn and Roof Paint to be found anywhere.

ASK FOR SAMPLE CARDS. W. P. FULLER & CO.

WHO Will be the Next Mayor?

That is the question. But there is no question that the Mechanical Store, 414 and 416 K street, has the largest and best stock of Clothing, Furnishing Goods, Boots, Shoes, Hats, Trunks, Valises, etc., etc., in the city. The prices are right up with the times. Save money when you want anything in the above line by going to the MECHANICAL STORE, H. MARKS, Proprietor.

"WELL BRED, SOON WED." ARE QUICKLY MARRIED. Try it in Your Next House Cleaning.

COLD * WEATHER * UNDERWEAR. We have the largest selection in town without dent and at PRICES THAT ARE RIGHT. Take a look at it. MASON'S STEAM LAUNDRY AND SHIRT FACTORY, 528 J STREET.

Barrels! Barrels! Barrels! BARRELS OF MONEY TO LOAN ON WATCHES, DIAMONDS, JEWELRY, CLOTHING, GUNS, REVOLVERS, TOOLS AND ALL KINDS OF GOODS AT Uncle Ike's, 231 K Street.

C. H. KREBS & CO. Artists' Materials, Bronzes and Gold Paint. For Decorative Purposes. 626 J STREET.

AGENCY DOUGLAS AND RENO CREAMERIES, Finest Butter and Cheese made, Santa Paula Seedless Lemons, Havana Seed Oranges, etc. WOOD, CURTIS & CO., Packers, Shippers, Wholesale Dealers California, Oregon and Nevada Produce, 117 to 125 J St.

JAMES G. DAVIS, Furniture and Upholstery Dealer in. Salesroom, 411 and 413 K Street. Warehouses, 403 to 407 Oak Avenue.

ACME ROOFING PAINT. This is a fire and waterproof paint for tin, iron and asphalt roofs. Roofs painted any shade of color. A. BAKER & CO., 521-523 J Street.

REFORMED. GEORGE SERMONET, THE GROCER, who used to cheat as well as anybody else, has reformed. He now gives each customer full weight, full measure and a square deal all around.

New Things in Dress Goods.

We have just received the very latest novelty in Pattern Suits. It contains 8 yards of 44-inch goods. The material is of the new basket weave, in brown, navy and green, intermixed with black, with large, broken plaid running throughout the entire pattern. For a swell suit of which there is only one of a kind, we recommend a selection from this line. Price, \$13 50.

Rich Boucle Suits in wine, brown or green, no duplicates, at \$12 50 each.

We are also showing a novelty in a Woman's Purse made of crushed calf leather, which comes in several different colorings and mounted with sterling silver. Price, \$1 25.

Women's Silver Gray Jersey Ribbed High Neck and Long Sleeve Undervest, composed partly of wool, crocheted neck run with ribbon. Can be had in all sizes. Price, 50c.

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MISCELLANEOUS

SHOPPING LIST.

Eye Shades, 10 and 15c. Shelf Paper, lace pattern, 15-yard lengths, 7c. Polished Tooth Picks, 2,000 in box, 25c. Shelf Paper, large sheets, fine quality (white), 20c quire. 14-inch Poker Chips, per 100, 35c. Library Paste, 5, 8 and 10c. Perfumed Wax, per stick, 5c. Initial Seals, each, 15c. Crib Boards, 20c to \$1 25.

W. F. PURNELL, Bookseller and Stationer, 609 J St.

We now have Every High School Book Needed.

Our stock has been carefully refilled, so that there need be no more delay. All kinds of NOTE and COMPOSITION BOOKS, SUPPLIES, etc.

H. S. Crocker & Co. 208-210 J STREET.

IT IS A FACT THAT THE VERY BEST CANDIES AND Soda Water and the richest Ice Cream are only to be had at

Barton's 810 J STREET.

JUST ARRIVED FROM EUROPE, CHOCOLATE COATING FOR ORS. Mexican Vanilla Chocolate Creams. TRY THEM. They Are Out of Sight. WELCH BROS., 607 J Street.

FOR FINE TAILORING. J. H. HEITMAN, THE TAILOR.

JUST RECEIVED A FULL AND complete stock of Winter Woolen Suits made to order. \$15. Best Jersey Overcoat made to order. \$25. Best English Melton Overcoat to order, \$25. Trousers made to order, \$3 50. 600 J STREET, CORNER SIXTH, SACRAMENTO.

Business Houses, Contractors and Public Men FURNISHED WITH NEWSPAPER INFORMATION OF ALL KINDS BY THE PRESS CLIPPING BUREAU, 610 Montgomery street, San Francisco.

BANKING HOUSES. NATIONAL BANK OF D. O. MILLS & CO. Sacramento, Cal.—Founded 1850.

DIRECTORS: D. O. MILLS, EDGAR MILLS, V. P. FREEMAN, SMITH, FRANK MILLER, President, CHARLES F. DILLMAN, Cashier. Capital and Surplus, \$600,000.

SACRAMENTO BANK. THE OLDEST SAVINGS BANK IN THE CITY, corner Fifth and J streets, Sacramento. Guaranteed capital, \$500,000; paid up capital, \$200,000. Reserve fund, \$200,000. Term and ordinary deposits received. Dividend paid in January and July. Money loaned upon real estate only. Information furnished upon application. W. E. GOLDMAN, President. ED. R. HAMILTON, Cashier.

CALIFORNIA STATE BANK, SACRAMENTO. Does a General Banking Business. SAFE DEPOSIT VAULTS. OFFICERS: FREDERICK COX, President, JOSEPH STEFFENSEN, Vice-President, W. E. GEIBER, Cashier, C. E. BURMAN, Assistant Cashier.

FARMERS' AND MECHANICS' SAVINGS BANK. Southwest corner Fourth and J streets, Sacramento, Cal. Guaranteed Capital—\$500,000. Paid up Capital—150,000. LOANS MADE ON REAL ESTATE. Interest paid semi-annually on Term and Ordinary Deposits. B. U. STEINMAN, President, EDWIN K. ALST, Vice-President, EDWIN K. ALST, Cashier, C. H. HUMPHREYS, Secretary, JAMES M. STEINSON, Treasurer.

PEOPLE'S SAVINGS BANK. Sacramento, Cal. Guaranteed Capital—\$410,000. Paid up Capital—75,000. INTEREST PAID SEMI-ANNUALLY ON Term and Ordinary Deposits. Money loaned on real estate only. Address all communications to People's Savings Bank, Sacramento. WM. BECKMAN, President. GEORGE W. LORING, Secretary. CROCKER-WOOLWORTH NATIONAL BANK, Crocker Building, Market and Post Streets, San Francisco. PAID UP CAPITAL, \$1,000,000. SURPLUS, \$685,036. DIRECTORS: M. H. CROCKER, President, W. E. BROWN, Vice-President, G. W. KILGUS, Cashier, CHARLES W. CROCKER, H. J. CHICKER, and W. S. SCOTT.

BAKING POWDER. "Pure and Sure." Cooks like it. It's sure to make cake light and dainty. Recipe book free. Send stamp and address. Cleveland Baking Powder Co., New York.