

IN DEFENSE OF THE RIVERS.

Memorial of the State Anti-Debris Society to Congress.

Vigorous Protest Against Pending Hydraulic Mining Bills.

Some Facts Shown by Litigation in the Courts—United States Judge Sawyer's Decision in the North Bloomfield Case—The Warning of Government Engineer Mendell—A Plea for Protection to Agriculture.

The Anti-Debris Association has sent the following protest to the members of Congress:

Office of the Anti-Debris Association of California. SACRAMENTO, January 14, 1896. Dear Sir: The Anti-Debris Association of California, composed of the rich and populous counties of the Sacramento Valley, and banded together for protection from damages by hydraulic mining, earnestly protest against the passage of any bill by Congress aiding or attempting to aid in the resumption of hydraulic mining in this State.

To those who are familiar with this class of mining, and the terrible injury it has done to the navigable rivers of California, and to the thousands of acres of fertile soil adjoining their banks, no word of caution or protest would be necessary.

It is a class of mining adapted only to a rude and uninhabited country, and it cannot be carried on without the destruction of the navigable streams of the State. This system of mining has been interdicted by the courts, both State and Federal, and a perusal of these reports will show that the courts have declared it deeply injurious to agriculture, to navigation and to private property rights.

Let us see how the courts of the United States regard this evil. Judge Sawyer, in the case of Woodruff vs. North Bloomfield (9 Sawyer, 411), after an exhaustive trial, and after a full opportunity on all sides of being heard, spoke as follows:

"Formerly, before hydraulic mining operations commenced, the Yuba River ran through this part of its course in a deep channel, with gravelly bottom, from 300 to 400 feet wide on an average, with steep banks from 15 to 20 feet high, at low water, on either side.

From the top of the banks, on either side, extended a strip of bottom lands of rich, black, alluvial soil, on an average a mile and a half wide, upon which were situated some of the finest orchards and vineyards in the State. Beyond this first bottom was a second bottom, which extended some distance to the ridge of higher lands, the whole constituting a basin between the higher lands on either side, from a mile and a half to three miles wide. Not only has the channel of the river through these been filled up to a depth of twenty-five feet and upward, but this entire strip of bottom land has been buried with sand and debris, many feet deep, from ridge to ridge of high land, and utterly ruined for farming and other purposes, to which it was before devoted, and it has consequently been abandoned for such uses.

"The lands thus already buried and destroyed are over 15,000 acres, or twenty-five square miles, or, taking the average width, a tract from the foot-hills of Marysville, twelve miles long along the river by two miles wide. The filling in the river bed is generally twenty-five feet or more, and, at its immediate junction with the Feather River at Marysville, is about twenty feet—some wider, some narrower—where it forms a bar across Feather River."

Speaking of the magnificent Sacramento River, a stream affording, if safe from injury by hydraulic mining, 250 miles of navigable waters, and traversing the Sacramento Valley and emptying into the San Francisco Bay, the Circuit Court says:

"In the Sacramento River a similar rise in its bed has taken place from similar causes. During the first twenty years of mining, from 1849 to 1869, the low-water plane in the river at Sacramento was raised two and nine-tenths feet. During the next ten years of hydraulic mining, from 1869 to 1879, the rise in this plane was doubled. It has been raised fully six feet from 1849 to 1881."

The court quotes the language of Colonel Mendell of the United States Corps of Engineers in his report to the United States Government:

"As a consequence of the elevation of the bed, the tidal influence which, in 1849, extended at least as high as the mouth of the Feather, twenty-five miles above Sacramento, and was quite two feet at Sacramento, is now no longer noticeable above Heacock's shoals, nine miles below Sacramento. The tide with in the past thirty years rose on these shoals as much as three feet."

The court again says:

"The beds of the river have not only been filled and raised for several feet, but the channels have been largely contracted in width. So, also, from similar causes, the shoal water in Suisun, San Pablo and San Francisco Bays, and in the straits of Carquinez, have largely increased, and the navigable channels of these waters have been considerably and materially affected."

Colonel Mendell of the United States Corps of Engineers says, and his language is quoted by the Circuit Court of the United States:

"The preservation of river beds and routes of drainage requires that effective restraint be imposed upon mining detritus. Otherwise, these drainage lines may be expected to suffer the fate which overtook their prototypes, the Pliocene Rivers, which were obliterated by enormous deposits brought down by their own currents."

An examination of the cases of the People vs. Gold Run (9 Cal. 138, and Hardt vs. Liberty Hill, 11 Sawyer, 611), will show, to some extent, the amount of injury produced by the gigantic course of hydraulic mining, as demonstrated by unimpeachable evidence in open court.

While the decisions of the courts thus condemn, in the most emphatic way, this monstrous evil, the people of the Sacramento Valley have for years been battling to secure the enforcement of these decrees, and preserve their homes from destruction, and to insure the navigability of the rivers, not only for the transportation of their own products, but for the benefit of the whole nation.

The counties of Yuba and Sutter alone, whose assessed wealth is about \$10,000,000, have expended upward of \$2,500,000 in building levees for the purpose of protecting themselves against injury by the debris from the hydraulic mines. They have, in addition to this amount, spent upward of \$300,000 in legal expenses, or, in other words, have contributed nearly 30 per cent. of their wealth to fight this evil and secure a partial protection for themselves. Within these two counties thousands of acres of rich land have been covered up and destroyed, and the site of once happy and prosperous homes is now a desolate waste.

In Sacramento County, in which the Capital of the State is situated, similar expenditures have been made to secure protection. Sacramento City sits upon the Sacramento River, once navigable by the vessels, but now so choked and filled with mining debris that navigation is almost impossible except to the smallest kinds of river boats.

Measures are now pending in Congress whose object is, under the specious guise of river improvement, to perpetuate this disastrous mode of mining. The passage of these bills means a repetition of the evils spoken of in these decisions by the courts. We have borne them for many years, and we thought we had been extricated from them.

We are sure, when this matter is thoroughly understood, that no reasonable or just man will attempt to fasten upon the State of California the evils of which we have complained, and from which we have been granted redress by the courts.

Application is made in Congress now, only because the courts have so uniformly and emphatically condemned this class of mining. It is the appeal of the condemned bandit, applying in quarters where his trade is not known, for aid to carry on his disastrous business.

The Government of the United States is committed to the preservation of the navigable rivers of the Nation. These rivers are for the benefit of the people for all time. They operate as Railroad Commissioners, reducing the rates of freight, and thus adding to the wealth of the people. The destruction of these rivers from any cause means untold damage, and we are confident that Congress will do nothing to lend encouragement to an industry that will result in their destruction.

Hydraulic mining is a private business. It was so determined by the Supreme Court of California, when it was sought, under the law of eminent domain, to condemn property for mining purposes. It is a business, like any other business or occupation, profitable to those who engage in it. The Government has no right, we submit, to spend public money to aid a private business. It is taxing us, who must see our homes destroyed, to pay for the enrichment of the few corporations engaged in this class of mining.

Hydraulic mining is now regulated by Congress, under provisions of the Act of Congress entitled "An Act to create the California Debris Commission and to regulate hydraulic mining in the State of California," passed March 1, 1887. This act prohibits hydraulic mining within the territory mentioned, and provides a suitable penalty for a violation of the law. It is now sought to reduce this penalty to an amount that would make the law a farce. A penalty is visited only on a law-breaker. Only those who are punished reduce the force of the law. If they intend to obey it, they should only be glad to have a sufficient penalty provided to deter others who propose to violate it. We call your attention particularly to this resolution of the Board of Supervisors of Yuba County, adopted January 9, 1896:

"And further resolved, That this board particularly and earnestly protest against the passing of a bill entitled 'An Act to amend an Act to create a California Debris Commission,' the sole object of which is to reduce the penalty for hydraulic mining from the present maximum of \$5,000, and imprisonment for one year, to a maximum of \$500 only. If the hydraulic miners intend to obey the law, as they claim, this board cannot see why they should ask Congress to reduce the penalty for their infraction to a merely nominal sum."

If the Government should attempt to spend public money for the purpose of aiding hydraulic mining, it will commit the Government to the expenditure of millions and millions of money. The erection of one dam alone will cost an enormous sum, and to allow hydraulic mining to be carried on to any extent will necessitate the building of numerous dams at an outlay that staggers the mind to estimate. While the amount asked for now by the miners is very large, it is only a drop in the bucket to the sums that will be required to carry out their plans if undertaken by the Government.

The miners themselves can erect dams, or any other set of works, at their own expense, and if they restrain the debris from their mines so that they will not injure those below, they can mine with impunity. But in this case they attempt to shift the burden that belongs to them to the Government. If they can succeed in doing so they will do a great deal for themselves, and will establish a precedent whereby any person desiring to go into business, and finding that he must erect structures to prevent his operations from doing injury to others, may call upon the Government to aid him.

Even what is proposed by the miners is purely experimental. No one can have any assurance that the dams proposed to be erected will be permanent. They will only be cared for so long as it is to the interest of the miners to take care of them. When the ground is exhausted they will be left to ruin and decay, and then the debris stored behind them will come down as an avalanche, instead of coming down gradually. It would be better, perhaps, to allow it to go on behind dams, which, when they break, would bring immediate destruction.

The report of Government Engineers appointed to investigate this question says in Ex. Doc. 267, Fifty-first Congress, second session, p. 16, in discussing restraining dams: "At its best this system of restraint would be costly and that would afford only partial protection to the interests involved on the rivers below." And at p. 27: "These dams will not be effective in impounding all the material. \* \* \* Portions of the heavier material will be carried over the crests of the dams, to find lodgment in the rivers below."

"The debris from the dams being called for entirely in the interests of the miner, the costs thereof should be borne by the individuals interested."

Under the operation of what is known as the "California Debris Commission," numerous dams have been erected in the mountains, and many of these have proven totally inadequate for any purpose. Eight of these dams have broken and allowed the debris accumulated behind them to pass into the rivers.

Any attempt by legislation to impair the navigability of the rivers or injure the rights of landowners would be unconstitutional. This was expressly decided in the case of Woodruff vs. North Bloomfield, 9 Sawyer, 411.

The legislation asked for by the miners is not demanded nor desired by the people of California. It is desired only by the miners, and those who are directly interested in them. The hydraulic miners form but a small proportion of the population of California. This class of business is carried on principally by corporations, many of whom are formed in foreign countries. A mine worked by the process employed comparatively a few number of men, as the work is done by the action of the water.

We ask you in the name of agriculture and commerce, and as an act of justice, to defeat every measure that will tend to the resumption of hydraulic mining in the State of California, that may in any manner result to the injury of others, whose rights are entitled to protection. Yours respectfully, STATE ANTI-DEBRIS ASSOCIATION OF CALIFORNIA.

HOSTILITY TO RAILROADS.

It Grows Out of Conflicts Between Individuals.

The Mistaken Idea About Who Will Pay the Debt to the Government.

(From the San Francisco Post.) Whenever the question of the extension of the time for the payment of the debts due by the Pacific railroads to the Government is discussed there is somebody to say that the shippers must pay the debt; that the roads have no other resources than their earnings by freights and fares; and that therefore the shippers will have to pay an increased amount in order to meet this increased obligation.

It will perhaps be a surprise to our readers to be informed that this is not true. The shippers are already charged a rate sufficient to pay the interest on the first-mortgage bonds and interest on nearly all of the second-mortgage bonds at 2 or 3 per cent.

The Thurman funding bill was passed in 1878. Under its requirements, the Central Pacific Railroad Company had to pay about \$600,000 per year to the Government in discharge of the second mortgage. If the shipper has to pay this, it is legitimate to inquire, "Did the rates go up by reason of the Thurman Funding Act?" The answer is not far to seek. Rates decreased steadily from 1878 to present times.

The reason for this is that the rates of transportation are not based upon the amount of bonded indebtedness of a railroad. The Central Pacific Railroad Company cannot obtain more than it is now charging. There are limitations placed upon its power to charge more by the rate of interest on its bonds. There are railroads in the United States which have retired their bonded indebtedness completely. The rates charged for service by these roads is the same as upon the roads where there rests a bonded indebtedness. The fact is that the rates of railroad transportation are controlled largely by the value of the service they perform in carrying goods and commodities, as well as passengers. There is a limitation found in the value of the article at the point where the freight originates, and the value in its final market. If a rate is made which makes it unprofitable to move the freight, it will not move, and no matter how great the bonded indebtedness might be, the railroad companies could not charge a rate inconsistent with the movement of the freight. If they charge a rate so high that but little freight moves, they lose money in that direction. They must make the rate which will produce the maximum movement, because in large volume of business carried at a low rate is more profitable than a small volume carried at a high rate.

The story, therefore, that the rates on the Pacific railroads must be raised to meet the requirements of annual payments under an extension bill is simply not true. Nor do we believe that under Government ownership the rates would be less. The principal demand made upon the revenues of a railroad is the cost of operating. This is borne out by the annual statements of any railroad. When the Southern Pacific Company earns \$46,000,000 per annum that simply puts forth the fact that it cost \$40,000,000 for operating and fixed expenses. But the operating expenses amount to \$40,000,000. Under Government management the operating expenses would be increased in a far greater degree on account of the interest to be paid by reason of a bonded indebtedness. But the Government would have to have interest on the bonds, and it would have to charge a rate that would enable it to pay back to its treasury the sums of money it has invested, or it must forego entirely the collection of either interest or principal. This it will not do. It is obvious, therefore, that under Government management the rates of transportation by the Pacific Railroad would be less, but would probably be more than they are now, and chiefly because it would cost more for the Government to operate it than it would cost any private corporation.

The assertion that an extension of the time for the payment of the debt will occasion an increase of rates is simply a measure of hostility to railroads; that hostility grows out of conflicts between the railroads themselves and individuals whose interests they antagonize. It is almost wholly personal in its origin, and the fuel which feeds its fires is personal hostility.

**BORN.** BARRY—in Washington, Yolo County, January 9th, to the wife of Jerome Barry, a son.

**DIED.** WADE—in Washington, Yolo County, January 16th, Miss Mary Wade, sister of John N. Wade, of this city, aged 25 years. Friends and acquaintances are respectfully invited to attend the funeral from her late residence in Washington, Yolo County, Sunday, January 19th, at 1:30 o'clock.

POTTER—in this city, January 15th, William Hughson, only son of Lyne M. and the late Mary E. Potter, and brother of May and John. He died at 10:30 a. m. He was aged 15 years, 2 months and 8 days. Friends and acquaintances are respectfully invited to attend the funeral to be held at the residence of Mrs. J. H. Potter, 1111 Broadway, at 2 p. m., from the residence of his father, 1012 Sixteenth street.

REINERMAN—in Washington, Yolo County, January 17th, Clara Allen, daughter of Fred and Emma C. Reinerman and sister of Josie Reinerman, a native of California, aged 20 years, 5 months and 6 days. Friends and acquaintances are respectfully invited to attend the funeral, to be held at 3 p. m., from her parents' residence, Washington, Yolo County.

ROUZ—in this city, January 16th, Mrs. Minnie Rous, a native of Canada, aged 35 years, 9 months and 19 days. Friends can view the remains at the Miller & McMillen funeral parlors this morning from 10 to 12:30 o'clock. Funeral private.

SCOTT—in Dayton, Nevada, January 13th, James Scott, brother of John Scott of this city, aged 70 years, 11 months and 10 days. Funeral private.

**Articles of Incorporation.** The following articles of incorporation have been filed in the office of the Secretary of State: The Sierra Madre and Antelope Valley Tollroad Company. Principal place of business, Sierra Madre. Capital stock, \$15,000, of which \$175 is subscribed, with Harvey S. Gaines, A. N. Carter, N. C. Carter, W. M. Sturtevant, L. T. Newcomb and A. G. Straub of Sierra Madre and J. L. Hartwell of Pasadena as directors.

The Los Angeles Bridge Company. Principal place of business, Los Angeles. Capital stock, \$10,000, with \$1,000 subscribed, and D. W. C. Sawyer, E. J. Arthur, B. A. Sawyer, K. L. Arthur and J. P. Spence of Monrovia as directors.

The Setting Sun Gold Mining and Milling Company. Principal place of business, Oakland. Capital stock, \$100,000, with \$70 subscribed, and E. W. Eradley, E. W. Miller, H. S. Aldrich, Benjamin W. Ferris, J. A. Sands, L. D. Manning and C. T. Dennis of Oakland as directors.

The Consolidated Asphalt Company. Principal place of business, Los Angeles. Capital stock, \$1,000,000, with \$1,000,000 subscribed, and William H. Worwick, George B. Hannaman, P. M. Hannaman and C. E. Donatoff of Los Angeles and Josh Worwick of Hanford as directors.

**Officers Installed.** The officers of Elk Grove Rebekah Lodge have been installed in regular form by the D. D. G. M. of the district, assisted by the installing staff. The officers installed were: P. N. G. Mary Graham; N. G. Minnie Derr; V. G. Stella Kennedy; Recording Secretary, Myra Levitt; Treasurer, Celia Jackson; E. N. G. Julia Putney; L. S. N. G. Melissa Duffy; R. S. V. G. Carrie Stelter; L. S. V. G. Eliza Hunt; W. Cora E. Gage; C. Eliza Putney; O. G. A. J. Longnecker; I. G. Belle Hass; Chaplain, Florence Duffy.

At the conclusion of the installation ceremony all present retired to the banquet hall, where a bountiful repast awaited them, and it was near midnight when the festivities ended.

**University Checks Signed.** Governor Budd has signed University checks No. 19,588 to 19,646, inclusive, aggregating \$7,953.86.

CHANGED DAILY FOR WEINSTOCK, LUBIN & CO.

TO-DAY, 9:30 A. M. —SALE OF—

Women's Plush Capes, Boucle Jackets and Flannelette Wrappers.

The large business done by the Cloak Department this season reduced the stock to a low ebb. Our Mr. H. Thorp, who is at present in New York, knowing this, secured for the department some interesting items in Plush and Boucle Capes and Imported Jackets. These goods have arrived by express and will be placed on sale much below regular value.

LOT 1—Women's Fine Silk Plush Capes, full ripple effect, silk lined, all sizes. Sale price, \$4 00 each.  
LOT 2—Women's Silk Plush Capes, 20 inches long, deep storm collars and fronts edged with tulle fur, silk lined, all sizes. Sale price, \$5 50 each.  
LOT 3—Women's Silk Plush Capes, 20 inches long, handsomely braided and beaded. Sale price, \$6 25 each.  
LOT 4—Women's Stylish Plush Capes, trimmed with jet ornaments, collar and fronts edged with tulle fur. Sale price, \$6 00 each.  
LOT 5—Women's Handsome Plush Capes, richly braided, deep storm collar and fronts edged with stylish fur. A very desirable garment. Sale price, \$7 05 each.

LOT 6—Women's Imported Silk Plush Capes, handsomely trimmed with four rows of beaded passementerie, rich satin lining, and edged all around with tulle fur. These garments are good value for \$15. Sale price, \$10 each.  
LOT 7—Women's Fine Imported Silk Plush Capes, richly beaded and braided, edged all around with tulle fur. These garments are extra full sweep, giving the much desired ripple effect. Good value at \$18 50. Sale price, \$12 50 each.  
LOT 8—Women's Full Ripple Boucle Capes, deep storm collar and fronts edged with tulle fur, 22 inches deep. Sale price, \$4 85 each.  
LOT 9—Women's Two-button Short Ripple Jackets of good quality black boucle cloth, extra large mandarin sleeves. Sale price, \$7 50 each.  
LOT 10—Women's Stylish Jackets. These garments can be had in two styles of cloth—all-wool novelty boucle or the caterpillar wave, which is the latest design in rough goods. Sale price, \$8 90 each.

LOT 11—Women's Two-button Imported Jackets in three different styles. For want of space we cannot describe each one separately, but if you are interested call and examine these garments. Every jacket in this lot is worth \$15 to \$18. Sale price, \$10 50 each.

**FLANNELETTE WRAPPERS.**  
LOT 12—Women's Flannelette Wrappers in dark colorings, handsomely trimmed with four rows of silk baby ribbon, yoke effect back and front, waist lined and large sleeves; sizes 32 to 42. Sale price, \$18 85 each.

**MONDAY AT 9:30 A. M. DRESS GOODS SALE.**  
Boucle Suitings, Mohairs, Serges, Black and Colored Cashmeres.

LOT 1—Will consist of special purchase of Black Boucle Suitings—a rough goods very popular at present, especially for separate skirts. Sale Price, 25c a Yard.  
LOT 2—600 yards Cashmere, 36 inches wide, in black, navy blue, brown, garnet, cardinal and myrtle green. Sale Price, 18c.  
LOT 3—Have just received for this sale ten patterns in Black Figured Mohair Suitings; neat designs, rich, lustrous finish, 44 inches wide. Sale Price, 49c a Yard.  
LOT 4—All-wool Navy Blue Storm Serges, 37 inches wide. Sale Price, 36c a Yard.

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At 20 per cent. less than our regular prices. 22, 25-20 rim and central fire 32-40.

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**Waverley Bicycles** MEN'S, LADIES, \$85. \$75.

Built and GUARANTEED by the Indiana Bicycle Co. '96 models now on hand. FOR BEAUTY, STRENGTH and EASY RUNNING QUALITIES warranted the HIGHEST of all High Grades. Catalogue free.

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