FACTS ABOUT LEGISLATION.

SOME VERY PERTINENT REMARKS ABOUT OUR LAWS.

The State Suffering From Too Many Laws—A Proposed Remedy for the Evil.

The following communication contains much food for thought, and is published in the "Record-Union" without comment or indorsement, in order to bring the subject matter before legislators and the people:

Eds. "Record-Union": Suggest the subject to any member of the profession, and you obtain an immediate response to the effect that something should be done to correct the confusion existing in the body of our laws. Some effort has been made in this direction, to which further allusion will be presently made, but the evil is not corrected. Indeed, the evil is a matter of no ordinary moment, either as respects its magnitude or the means to be employed for its correction. The effects of evil habits do not yield to treatment until the habits are discontinued, and it may be that the only satisfactory solution of the evil under consideration is one which will materially abridge the power of legislating.

There is a mania for legislation rampant among the people. California is not an exception; the mania exists elsewhere, and other States are confronted with the same unsatisfactory condition of their laws. Codes and revisions of codes, and revised statutes are the order of the day, even including the General Government, and as a result of too much legislation, litigation is so common that digests and encyclopedias of themselves form considerable and expensive libraries, to say nothing of the volumes of law reports. The courts have been supplemented by commissions and intermediate appellate courts, and still the grist of legislation goes on and the multiplication of Judges and commissions follows in its wake.

So far as California is concerned, and so far as the United States are concerned, the increase of population and its spread over new territories has necessitated new legislation, an increase of litigation, and a multiplication of Judges. The diffusion of education has created a nation of thinkers and readers of every grade of ability and of self-confidence; new enterprises and combinations have created new subjects, but with all this the mania for legislation has gone beyond the limits of necessity, and has well nigh become a calamity. The calamitous feature may be charged in great degree to a want of common political integrity and patriotic purpose concerning the public welfare, but whatever may be justly said upon that point will be omitted from this article, the purpose of which is to give some facts and in some measure point to a remedy, and it is hoped that from what follows it will be apparent that the true remedy is not in an increase of courts or Judges, but in the application of a compress upon this mania for legislating.

The California Constitution of 1879 presents some important features directed against the multiplication of laws. Section 25 of Article IV. contains thirty-two clauses, some of which are capable of segregation into more than one subject, prescribing matters about which special laws should not thereafter be enacted, and by the thirty-third clause of the section special laws are prohibited in all other cases where a general law can be made applicable. It may be said that these provisions, and some others in the Constitution are directed particularly to the object of uniformity in laws, and while this is true it is also true that they do tend to prevent multiplicity of legislative enactments. Another constitutional brake is applied in Section 2 of Article IV., where the pay of members of the Legislature is limited to a session of sixty days' duration.

No less than five amendments to the Constitution were proposed by the Legislature of 1896-97, and submitted to the people at the recent State election, each of which were designed to effect in a greater or less degree the above constitutional limitations, and to relieve the pressure upon the general legislative assembly. One of these amendments proposed a new Constitutional Convention; another was designed to take the yearly enactment or amendment of a county government bill out of the Legislature and place it with the people of the respective counties; another was to constitute a court of claims, composed of Superior Court Judges and relieve the Legislature of the pressure of relief bills; another related to consolidated city and county governments, the object of which was to relieve the Legislature of framing laws for them, and another was intended to permit of a recess of the Legislature of from thirty to sixty days, and allowing legislators pay for not more than seventy-five days, instead of not more than sixty days. There have been other attempts to increase pay, or extend time, as for instance the proposed constitutional amendment of 1892, fixing compensation of members for each session at $1,000. The demand for more time for consideration of legislation has been pronounced, but it has met with defeat at the polls each time, and the defeat of most of these measures has been by large majorities.

At the last session of our Legislature there appears to have been 990 bills introduced in the Assembly, and 733 in the Senate, besides the usual number of resolutions, constitutional amendments, etc. Of these bills only 278 became laws; as to the fate of the others it may be stated that a large number passed both houses only to find the fatal "pocket" of the Governor; some were vetoed, and a great many never reached the station of "third reading."

Who can describe the field occupied by all these bills? Of course in some instances more than one, perhaps three or four bills were aimed at one object, but of the 278 which became laws, the result was the amending, adding or repealing of fifteen sections of the Civil Code, thirty-two sections of the Code of Civil Procedure, twenty-four sections of the Penal Code, and 102 sections of the Political Code, and that about seventy-nine separate bills were passed in effecting these changes.

There is an advocacy, of no mean proportions, for a change in the system of legislation. The "initiative and referendum" present a subject of seductive interest to a people whose minds have been awakened, as those of the American people, especially at a time when evils of various kinds are becoming oppressive. The writer of this has himself lent a willing ear to these seductive suggestions, but more considerate deliberations have convinced him that though legislation by representation is not pure democracy it is by far the superior method of any yet proposed for our people, upon governmental and administrative subjects. This system has come down to us from the earliest history of our race, and it has proven adequate for the preservation of our liberties through the most sanguinary and doubtful periods.

There is no need of change from the representative system, but there is necessity for some means of inspiring the selection of legislators possessed of some training for the business confided to them. There is need of educating the people to a higher sense of the responsibilities involved, and a curbing of the preference shown to mere political advantage. The high and solemn regard in which the law of the land should be held can only be inspired by good law devoid of confusion. A large proportion of the members of the Legislatures is composed of lawyers, yet as they are frequently also either directly or indirectly employed in the promotion of private interests they are indifferent to the general body of laws proposed, or barter their influence in behalf of those laws for the better insuring the success of their special measures. Members who are not lawyers are perhaps as frequently indifferent except as to particular individual interests, and are at the same time incapable of framing a bill in apt phrases, or of taking a sufficiently intelligent view of the measures prepared by others. With all this, however, the complaint is not so much against laws that are in themselves bad, as against the multiplicity of laws, the frequent and unnecessary changes, their ill construction, and the confusion and uncertainty resulting therefrom.

Since the adoption of the Constitution of 1879—a period of seventeen years, and embracing nine sessions of the Legislature—there has been an apparent struggle to enact general laws to effect special purposes, and this is perhaps most noticeable with respect to county government, and to that feature of county government affecting fees or compensation of officers; and it is a lamentable fact that such efforts have produced a considerable part of the Supreme Court decisions rendered during that period, and that the legislation has almost uniformly been held violative of the provisions of the Constitution. Corporation law presents another lamentable, though somewhat different aspect. The formation of corporations of various classes was provided for in the Civil Code, but in addition to those provisions of the Constitution a cursory glance over the "index to laws," reveals the following subsequent and independent enactments:

Statutes of 1880, page 91, relating to insolvency of corporations. Page 229, relating to insurance corporations. Page 132-134, relating to mining corporations. Page 25, relating to mutual benefit associations.

Statutes of 1877-78, page 695, relating to frauds. Page 883, relating to co-operative business associations.

Statutes of 1887, page 15, relating to firemen's relief fund.

Statutes of 1881, page 54, relating to annual statements.

Statutes of 1891, page 490, regulation of trusts by corporations. Page 12, electric roads.

Statutes 1877-78, page 18, regulating fares.

Statutes 1893, pages 29 and 288, relating to sale of franchises.

Statutes 1893, page 229, relating to Commissioners of Building and Loan Associations, etc.

Statutes 1895, page 221, relating to co-operative associations.

Statutes 1895, page 162, for improvement of cemeteries.

Statutes 1897, page 439, county fire insurance companies.

Statutes 1897, page 231, payment of employes.

Statutes 1897, page 223, amending Fire Patrol Act of 1876.

Statutes 1897, page 38, amending Act of 1876, for protection of stockholders.

Statutes 1897, page 96, amending Act of 1880, relating to mining corporations.

Some of the foregoing enactments are wholly unnecessary and most of them are abominable in phraseology and in a reckless disregard of adaptation to the general body of laws. The authors of them may perhaps pick out the ones which they respectively believe are not subject to such criticism.

A few more facts will prove interesting, but the limits to which this article must be confined do not admit of many.

Omitting reference to provisions contained in the several County Government Acts, and some other Acts, the game laws embracing Sections 626 to 636 of the Penal Code have been amended at each of the following sessions of the Legislature: 1875, 1877, 1880, 1883, 1887, 1891, 1893, 1895, 1897.

Section 1617 of the Political Code, relating to powers and duties of School Trustees, was amended in 1873, 1877, 1880, 1881, 1889, 1891, 1893. Section 1665 of the same code, relating to branches to be taught in the public schools, has about the same history, while Section 1543, relating to duties of the Superintendent of Schools, and Section 1775, relating to granting certificates by county boards, have been amended still more frequently.

One would think there should be little difficulty in determining how the staff of a Colonel in the State militia should be constituted, yet we find Section 1990 of the Political Code, relating to that subject, was amended in 1877, 1880, 1881, 1887, 1889, 1891, 1893, 1895 and 1897.

Four years ago the Legislature of California provided for the appointment of a commission consisting of three lawyers, whose duties it should be to examine and revise the codes and statutes of the State, to ascertain determine and designate those statutes now in force and such as are repealed directly or by implication, and to note, designate and correct errors in the codes and statutes. The results of these labors were to be reported to the Legislature, and bills were to be reported calculated to reap the benefits of those labors. Two sets of Commissioners have been appointed under that Act. The labors of the first Commissioners proved disappointing to the Legislature, and, although the labors of the second Commissioners are not yet known to me, it is safe to say (and this without discredit to the gentlemen of the commission) that their labors will fall far short of what is necessary, and short of the general demand for reform of our laws. A strict fulfillment of the requirements of the statute under which the commissions were appointed would not meet the real exigencies of the case. The Act creating the commission is itself insufficient. The only present available remedy lies in a properly constituted commission with powers and duties both specific and broad. These powers and duties may be stated in a general way:

First—to codify the laws of the State so as to embrace the subjects of the present codes, and as far as possible all laws. Some hesitation to do this has been expressed because it would involve a renumbering of sections of the codes, and this is not desired because many sections have received judicial construction, and some difficulty would attend the application of the decisions of the courts to the sections as reconstructed and renumbered.

But, second—To note under each section of the new codes the number of any former code section whenever any portion of a new section embraces any of the subject matter of such former section, and to also note under each new section the date, paging and number of every independent statute, or section thereof, from which the subject matter of the new section has been taken.

Third—To prepare a repealing statute embracing a specific repeal of every code, section or statute not intended to be continued in force, or which has become obsolete or been repealed by implication, or the subject of which has been embraced in the new codes.

Fourth—To prepare in one body all provisions of law for re-enactment which it is impracticable to codify, and which it is desirable should be preserved in the law.

There should be provision for some stated meetings of the commission, at which suggestions upon the subject of legislation by citizens should be heard, and the commission should be required to report in some form thereon to the Legislature. The commission should be required to adopt rules for the conduct of its meetings and proceedings; it should be empowered to print such results of its labors as it deemed proper to print; it should have assistants, and the Commissioners and assistants should have pay. The foregoing work should be completed in two years, but the commission should be a continuing one, so that after the two years occupied in codification it would still assist in the framing of bills to be presented to the Legislature. It should still be required to receive suggestions, and to report thereon by preparing bills in accordance with such as were worthy or necessary; and should constitute an advisory board to the Legislature. Under the Constitution, the commission could not possess any power of legislation, nor can the constitutional power of the Legislature be abridged, but a proper agitation of this subject by the bench and bar will surely lead to the appointment of a commission under a sufficient statute, and to the development in the minds of the public and of members of the Legislature of an acknowledgment that bills prepared in the absence of political agitation such as attends every session of the Legislature by men whose duty it has been for the two preceding years to study the needs of the State will possess more merit, less error, and be generally more worthy of adoption than bills prepared in the manner and under the circumstances heretofore prevalent. To obtain the services of men fitted for this position, and to promote confidence in their labors, so that their work would possess respect in the minds of the people and of legislators above that accorded to other proposed legislation, should be recognized as a duty by every member of the community, but especially by the members of the bar. Such a commission and its labors would be appreciated in proportion to the useful labor performed, and its efficiency and success would depend upon its personnel. It should be appointed by the Governor. It should originally consist of five members, but after the codification of laws might be reduced to three, and the members should be selected from different parts of the State and from different political parties. A debatable feature would be the requirement that no bill should be introduced in the Legislature after the first twenty or fifteen days of the session which had not been already submitted to and approved by the commission—debatable only because being but itself a law, it would be subject to instant repeal, and if incorporated in the Constitution it would require some modification to meet cases of serious emergency.

Some of the foregoing suggestions are contained in the law creating the present commission, and those which are not are not presented now as being entirely new. W. F. HENNING.

Los Angeles, Cal., Jan. 6th.

VELVET AND SATIN REDINGOTE COSTUME FROM HARPER'S BAZAR

The redingote, the original model of which was made in black velvet, represents a design of extreme elegance. The back is plainly fitted, and all the fulness, which spreads into a graceful demi-train, is formed into a succession of inward-turning pleats under the center back seam. The front of the garment fits perfectly until it reaches a point within one inch of the center front seam. Here it is free from the lining, and is allowed to slightly pouch. The revers, which form two large scallops, are faced with white satin (as is also the collar) and open over a smooth vest of chiffon horizontally rippled over satin. The sleeves are of a scant coat variety, exquisitely fitted. A band of chinchilla outlines the entire garment, the border being further embellished by narrow appliqued point lace. The skirt of the redingote is lined with white satin to a depth of twelve inches. This design is one which will lend itself effectively to Kersey, broadcloth, or silken fabrics having a fine lustre. The proper cut of the gown is obtained only with the use of "Harper's Bazar" cut paper patterns.

To make the redingote for a person of medium size, one will require 12 yards of velvet, 22 inches wide, and 5 yards of white satin of the same width. The fur and lace may be estimated and purchased more economically if the edge of the garment be measured carefully after fitting. The pattern of the skirt does not accompany the redingote, but the prevailing circular design, smoothly fitted over the hips, is here employed.

The Beginning of Her Rule.

Susie—Papa, what makes a man always give a woman a diamond engagement ring?

Her Father—The woman.—Jewelers' Weekly.

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Sale of Women's Flannelette Gowns, Knit Underskirts, Fascinators, Hosiery and Woolen Underwear.

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MONDAY'S PRICE, 37c

LOT 2—Women's heavy flannelette gowns, in nice light shades. Large collars trimmed with 1½-inch wash lace. Double yoke and pearl buttons.

MONDAY'S PRICE, 56c

LOT 3—Knit underskirts for women. Bright colors mixed with black. Jersey fitting at waist and fastened with a tape.

REDUCED TO 43c

LOT 4—Women's fascinators of fine Saxony yarn, heavy double shell stitch. Colors pink or white and suitable for evening wear. Regular price, $1.25.

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LOT 5—Wool union suits for women. Button across the chest, extra large over hips, and with seamless sloping shoulders. A fine garment at its regular price of $1.50. However, we wish to dispose of our stock on hand, hence

MONDAY'S PRICE, 98c

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LOT 7—Women's white ribbed wool hose, good sizes and good weight. Former prices 25c and 40c pair, but as there is not much demand for white we reduce to

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Children's Hosiery.

Much of our hosiery is bought in America, some from over the sea, but all direct from the men who make it—no middle people to make an extra profit at your expense.

You will find here the kinds of children's hosiery suited to all needs, and while you may match the price elsewhere, you cannot match the qualities at these prices.

See especially the 10c, 12½c, 16⅔c and 25c grades.

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Everything a man needs for full dress will be found here—shoes, shirts, tie, gloves, full dress suits, etc.

Women's long gloves in kid and silk, ribbons, laces, aigrettes and flowers, also party slippers and shoes.

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Decorated chamber sets of semi-porcelain, six pieces in all, for $2.25.

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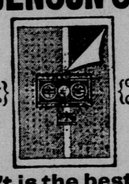

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IN THE SUPERIOR COURT OF THE State of California, in and for the County of Sacramento.

In the Matter of the Estate of DON Z. HACKETT, deceased.

Notice is hereby given to the creditors of and all persons having claims against Don Z. Hackett, deceased, to exhibit them, with the necessary affidavits and vouchers within four months from and after the first publication of this notice, to Laura C. Colton, the administratrix of the estate of said Don Z. Hackett, deceased, at the office of White & Seymour, Stoll Building, Sacramento City, California, the same being the place for the transaction of the business of said estate.

Dated, this 9th day of December, 1898.

LAURA C. COLTON,
As Administratrix of the estate of Don Z. Hackett, deceased.
White & Seymour, Attorneys for Administratrix. d12-5tM

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