

# A CINCH LAW ON MEASURES

## Business Men Denounce the Bill Creating a Censor of Weights and Measures.

### An Unjust Municipal Office Which Fosters the Levying of Blackmail on Reputable Tradesmen of the City.

Local merchants are up in arms against the law of 1891, which authorizes boards of supervisors to appoint an officer in each county to inspect weights and measures and to charge merchants for the inspections made.

The matter was never seriously thought of until yesterday, because Secretary of State Waite and Secretary of State Brown have both refused to act as "State sealer," which is the title of the officer who has charge of all the county sealers, on the ground that they believed the law to be a sort of blackmailing provision.

The Board of Supervisors of San Diego County is responsible for the revival of the question as to the justice and legality of the law, for that body has just demanded that the Governor appoint J. F. Neely inspector of that county. This demand will doubtless be followed by similar action in all the other counties of the State.

Incidentally, it may be said in passing, that the bill which is the unique official in a city like San Francisco would make the salary of the President of the United States look like the earnings of a common laborer. Fortunately for the merchants of this city, there is not such an official in the city and county.

The bill which created the thrifty office of State sealer, "a sort of guardian for fools," as one of the heavy merchants of the city said yesterday, was a pet measure of the late Senator Jeremiah Mahoney. It has always been regarded as a strong type of the cinch bill, and has never met with the approval of the Governor or other State officials interested in public welfare.

When called upon by the Board of Supervisors of San Diego to appoint their nominee to the fat office a few days ago Governor Budd consulted Attorney-General Fitzgerald as to the legality of the measure. He received a reply that left no discretion as to his duties. The Attorney-General said: "Assuming for the purpose of this opinion only that the act in question is constitutional, I am of the opinion that when an application is made by the Board of Supervisors of any county for the appointment of such an officer it is obligatory upon you as Governor to make such appointment."

So, much as he disliked the task, and bad as he believed the harassing measure, Governor Budd was compelled to make the appointment.

The odious law is full of specifications that go to "feather the nest" of this peculiar officer, who is a sort of censor of public morals. At the outset it provides for "but one standard of weights and measures of capacity throughout the State," as if there were more than one standard now prevailing.

The next provision honors the Secretary of State by making him ex-officio "State sealer of weights and measures," a job as ridiculous in the eyes of all who have been Secretary of State since its passage as if they had been made lord high executioners of the type so funny in "The Mikado."

Proceeding along the path of equal exact justice, the law next provides for the safety of the people and the welfare of the State's sacred keeper of the seals by arranging that "he shall procure, at the expense of the county, a complete standard of balances, weights and measures, which shall consist of standard yard, a pound weight, a liquid gallon, and a half bushel and the usual subdivisions of such weights and measures."

These provisions were doubtless based on a fear that the gallon and the pound, the yard and the bushel, differed in various counties. It was feared that there might be a disastrous conflict between the gallons of Milpitas and the standard of gauging pumpkins in Petaluma.

The vigilance of the lawgivers is seen to good advantage in the watchful eye of the next section, which shields the people against wolves in sheep's clothing by arranging that the State sealer shall not starve. It provides that no person shall use weights and measures of any character until their accuracy has been certified to by the sealer at so much per certificate. This sum amounts to an aggregate that beats a claim in the Klondike.

It is made a misdemeanor for any person to sell goods, wares or merchandise unless the same shall have been measured or weighed by scales or measures bearing the official certificate. County sealers shall have the right, according to the new law, to inspect weights and measures "at any hour in the day time," and any person refusing the high official's demands may be fined not less than \$50.

And the State law has provided for its own liberality. Section 8 of the law gives the fees as follows: "For sealing and marking every beam, \$1; for sealing and marking scales or measures, at the rate of 50 cents for each yard, not to exceed a cost of \$2; sealing scales from 2 pounds up to 200, 75 cents each; from 200 up to 500 pounds, inclusive, \$1 50 each; 2000 to 6000 pounds, \$5 each; for sealing and marking liquid measures, if the capacity be one gallon or more, 50 cents; if less, 25 cents.

Merchants in all lines of trade regard the law as a dead letter and look upon the officer created by the bill as a pestiferous nuisance. They do not hesitate to say that the spirit back of the law is as infamous as the motives that led Dick Turpin and his companions into the field in olden times.

A fair idea of the prevailing opinion may be ascertained from a perusal of the following vigorous opinions of well known local merchants:

regular and reputable dealer is swindling him as to what is the weight of an alleged pound or the length of an alleged yard. I ought to have a guardian appointed or be sent to a lunatic asylum for care and treatment. It is an odious law, and I do not believe it will ever stand.

THOMAS M. CLUFF OF CLUFF BROS.—I must say that this is about as big a piece of robbery as I ever heard of, and if the matter is pushed I would be willing to go in and fight it to the bitter end. So far as an inspector of weights and measures is concerned, I think we ought to have one; but he should be a regularly salaried official. The very thought of his coming any such golden harvest as this law would permit is simply preposterous. To show you how much he would make in my case, let me give you a rough estimate. I have four stores. In each is a pair of scales capable of weighing 4000 pounds. For sealing these the inspector would get \$5 apiece, or \$20. Then there are four in each store weighing under 200 pounds. This would net him \$2. There are two gallon measures in each store. He would get \$4 out of that, and about \$6 of smaller measures. Altogether, he would make me out of the sum \$32. This would be rank robbery. He should be salaried or not exist at all.

JOSEPH IRVINE OF IRVINE BROS.—We have six scales as set out or originated with a Legislature or any other kind of body. The idea of a man being permitted to make up prices for those that would have to stand the drain. The fellow would never have to go to the Klondike at all. He would have a solid mine laid at his feet. Just see what it would cost our firm to use its scales and measures. We have six scales of different sizes within the \$250 limit, amounting to \$15. Then there would be about thirty scales at 75 cents each; there are 22 in each gallon measure would bring down \$2, and ten smaller ones \$2 50; there goes \$42 in a lump. Such a thing would result in jobbery and corruption by Boards of Supervisors at a rate unheard of before, for even the President's salary would be a molecule compared with what this man would make.

ANDREW M. DAVIS of the Emporium—The operation of the fee system would work a terrible hardship upon the consumer. I hope that the Board of Supervisors will refrain from recommending any such appointment, and by this means render the law inoperative.

From what I have learned of the effect of the operation of the fee system connected with the Sealer of Weights and Measures it would seem calculated to work hardship upon the merchant with absolutely no advantage to the customer. Possibly some benefit might accrue from the appointment of a salaried official for the performance of the same duty if a trustworthy and conscientious person can be found to fill the office. It is to be hoped, however, that the Board of Supervisors will refrain from recommending any such appointment, and in that way make the law inoperative.

RAPHAEL WELLS OF THE WHITE HOUSE—I am emphatically opposed to the appointment of a sealer of weights and measures for San Francisco, for no evil exists and there is no need of a sealer to be gained by such an appointment. If the Board of Supervisors anticipate recommending any such appointment, every effort should be made to dissuade them from giving the matter any further consideration, and in that way make the law inoperative.

If there is any necessity for a sealer of weights and measures it can be more economically done by the payment of a reasonable salary than by the fee system. I am opposed to both the office and the measure. It would only serve the purpose of giving some politician an opportunity to make the people any way you may look at it.

UNITED STATES DEPUTY MARSHAL BALDWIN—It is beyond my power to solicit the appointment of such an officer, and I can hardly place myself in a position to discuss the merits of the measure. It is an imposition on the rights of individuals and a disgrace upon government. I don't see how it is possible for the most serious impropriety that a State could ever adopt such a prerogative. If such an appointment were made in any county, it would be a source of money that would be collected in fees and perquisites from nearly every branch of commercial industry. The same inspector or sealer would easily exceed that of the highest paid officials in the county.

As a result of the adoption of this law the retail merchants, in my opinion, would be compelled to discontinue business and would be forced into bankruptcy by these vultures who demand the lucrative office of sealer of weights and measures. The prominent business men would likewise suffer under the exorbitant tax. I am in favor of the inspector whose business it would be to protect the interests of the public, but he would have to be appointed under a law constructed law before he could gain my consent or approval for such an appointment. I should be glad to see an officer should be appointed, but if he is to serve in the interests of the people he should be placed in office by the people and not by a body of men who are themselves servants of the municipality.

JOHN ROSENFIELD OF THE VAN COCKER COAL MINING AND LIND COMPANY—If such an appointment is made under an arbitrary law of this character, I think beyond question that it is both wrong and unjust. I believe in a public inspector, but not this kind. I am not willing to have my scales inspected at any time and whenever the Government sees fit to make such inspection, but I do not want to defray the expense for the institution of such an inquiry. If the inspector is appointed in the interests of the public, as he undoubtedly is, he should be paid and his services rewarded by the public and not by individuals who, though willing to have their weights and scales inspected as to their exact accuracy, do not, however, solicit it and should therefore be exempt from paying for it. That such a law should be passed in my impression is a gross encroachment upon the independent rights of individuals and an outrage that should not be tolerated by an intelligent public. If a man cannot carry on a business without being taxed for even the smallest and most necessary of his business demands I think the best thing that could be possibly done by the State in its ambition to extort revenue from its citizens is to pass an edict that will compel them to place their bank and account books and other papers and documents at the disposal and for the scrutiny of inspectors whom it may see fit to appoint.

Advances made on future and plans, with or without removal. J. Noonan, 1017-1023 Mission.

Katherine M. Ball applied yesterday to the Superior Court to compel the Board of Education to restore her to her position as teacher of special drawing, from which position she was removed in May, 1897. A temporary writ was granted by the Superior Court, and Judge and made returnable in Department No. 7 on March 23.

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# TELEPHONE TALK TO DRILL ON THEIR OWN LOT

## Tower Being Erected for the Use of the Fire Laddies.

### Chief Sullivan Desirous of Establishing a Pompiers Corps.

#### The Tivoli's Management Refuses to Submit to It Any Longer.

#### A Complaint From President Sabin That Reacts on His Company.

#### DAMAGE SUIT IN PROSPECT

#### Theatrical Managers Recount Their Troubles With the Pert Manipulators of the Switches.

In the advertisement of the Tivoli Opera-house that appears this week is the following article dealing with war against the Pacific Telephone and Telegraph Company:

On account of unsatisfactory telephone service no orders for seats will be received hereafter by telephone.

This announcement is the culmination of a long list of complaints by patrons of the house, concluding with a vigorous protest by John I. Sabin, the president of the telephone company, and Leary, and his receiving a practical illustration of the unreliability of his service. Incidentally it may be mentioned Mr. Sabin's protest will probably result in a suit for damages against his company.

Mr. Leary explained the trouble to a Call reporter last evening as follows: For years we have kept a telephone in the office for our patrons, but the telephone is gone now, and hereafter anybody wishing to secure seats in advance will have to call for them in person or somebody. At first the innovation worked satisfactorily and was a great convenience to patrons, but of late it has been a source of annoyance and the cause of frequent complaints against the company, but when the party arrived they declared they had called for entirely different seats and would refuse to be convinced that the misunderstanding was due to the telephone working poorly. Everybody who has used the telephone in getting seats in the house, as the man in the box office understood the order, but when the party arrived they declared they had called for entirely different seats and would refuse to be convinced that the misunderstanding was due to the telephone working poorly. Everybody who has used the telephone in getting seats in the house, as the man in the box office understood the order, but when the party arrived they declared they had called for entirely different seats and would refuse to be convinced that the misunderstanding was due to the telephone working poorly.

Our trouble with the telephone service reaches a climax one night last week, when Mr. Sabin, the president of the company, called upon me to see what I could do to remove the employees for what he termed, among other things, their discourtesy and incivility. It appears that during the night the telephone in the box office was out of order and he replied that it would be done and Sabin asked what row the seats were in. The reply was that there was nothing there for the eighteenth row, which Sabin said would answer. When he came in and found where his seats were he raised a great row, and the man in the box office had told him they were in the eighteenth row, which Sabin said would answer. When he came in and found where his seats were he raised a great row, and the man in the box office had told him they were in the eighteenth row, which Sabin said would answer.

How the Tower Will Look When Finished.

about the end of this month. It will be 75 feet high with a slope at the bottom to give it strength. It will have a metallic stand and fire escape, such as are used on many of the buildings in the city, and the men will be drilled in that kind of work, connecting the ladders with the stand pipe so as to get the hose to a certain position or to the roof if necessary.

It is the ambition of the Chief to start a pompiers corps in connection with the department, but unfortunately this is impracticable until the department, or at least a portion, is placed under the full paid system with the men continually on duty. With this object partly in view of the Chief in his last annual report recommended the following: "I respectfully recommend that all the companies of this department now responding to alarms of fire in the mercantile district of the city be placed under a fully paid system, with at least a portion, is placed under the full paid system with the men continually on duty. With this object partly in view of the Chief in his last annual report recommended the following: "I respectfully recommend that all the companies of this department now responding to alarms of fire in the mercantile district of the city be placed under a fully paid system, with at least a portion, is placed under the full paid system with the men continually on duty. 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