

The Call

TUESDAY, APRIL 11, 1899

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OAKLAND OFFICE, 908 Broadway. NEW YORK OFFICE, Room 155, World Building. WASHINGTON (D. C.) OFFICE, Wellington Hotel. CHICAGO OFFICE, Marquette Building.

AMUSEMENTS. Columbia "Robin Hood." Grand Opera House "Queen's Lace Handkerchief." Orpheum "Vaudeville." Alcazar "Bumbug."

AUCTION SALES. By Easton, Eldridge & Co., Tuesday, April 11, at 12 o'clock, real estate, at 278 Market Street.

AN APPLE-GROWERS' COMBINATION

WALL street is not the only place in America where the combination and consolidation of industrial interests is being carried on.

The fruit-growers of the country are no exception to the rule. They have long had local co-operative societies of considerable strength, and now they are reaching out for the upbuilding of organizations on an immense scale.

One of the largest of these associations is that of the prune-growers, which is now being built up in this State and is intended to include all the growers of prunes on the Pacific Coast.

The objects of the association are to make known to the members the best methods of selecting, planting and cultivating trees and disposing of the crop.

The increasing consumption of fruit as a food rather than as a luxury is one of the notable features of the recent development of civilized life.

Co-operation and combination will enable the producers to open up these comparatively closed markets and thus confer a benefit while obtaining one for themselves.

There are many minds in the East concerning the significance of the Chicago election, but the experts agree on one point: that the slight vote given Altgeld is an evidence that free-soil Democracy has collapsed in Chicago and Altgeld has ceased to be a leader of anything bigger than a ward faction.

The flurry and slump in Wall street on Friday were not unexpected by far-sighted men, nor is the result likely to be injurious.

In saying that if he had been about to engage in the newspaper business he would not have signed the anti-cartoon and signature bills Governor Gage has applied his "caustic verbiage" to his own record with pretty good effect.

There is a wide difference between the position of Kaiser William on his throne and Dreyfus in his island prison; and yet in one respect they are alike: Both have a desire to see Paris next year and both are likely to be disappointed.

The London fad of sending messenger boys from that city to deliver messages in the United States is the latest illustration of the proverb that a fool and his money are soon parted, and is about as good as any on record.

The beef packers of Chicago have probably concluded that the attempt to embalm the article was the costliest experiment in the way of meat-preserving ever made in the history of the world.

Since we have captured Santa Cruz in the Philippines, the California boys know exactly where they could go into camp for the summer and feel at home.

THE FIELD FAMILY.

THE death of Judge Field leaves but one survivor of that remarkable family. They were all born in the quiet old town of Haddam, in Connecticut. It is not a town at all in the Western meaning, but a township. Within its limits is a church, and now there is a railway station, and the modern postal and other necessities have required a subdivision into several Haddams, designated by the points of the compass.

While it is true that at one time Cyrus W. Field ranked as a capitalist and a millionaire, it is also true that these four remarkable brothers had all achieved eminence and reached first place by dint of quality and character before any of them had acquired even a modest fortune.

Looking back to that New England fireside, the mind is impressed and depressed by the changes that fill in the space between the childhood of this family and the close of their careers.

In their case there was more in it than the college training. Judge Field's career is full of acts referable to his memory of his early life. In California he was the author of our exemption laws, releasing from execution for debt all the means of obtaining a living.

This was the first time in our history that a class of laborers were empowered by statute to make their own laws respecting property and to have them enforced by the courts.

Judge Field drew the statutes organizing the judicial system of California, and as legislator and Judge infused into our laws and the decisions interpreting and applying them the spirit which has made them the panoply of the rights of person and property.

The Milligan case was closely followed by Missouri vs. Cummings. The reconstructed constitution of Missouri provided heart-searching test oaths, containing not less than thirty affirmations as to past conduct, and in denial of sympathy, personal or political, with any one who took part in the rebellion.

Mr. Cummings, a Catholic priest, was indicted, convicted and sentenced to the penitentiary for serving at the altar of his church without taking this test oath.

The case went to the Supreme Court of the United States, where Justice Field's view of it prevailed and he wrote the opinion of the court which forever struck down in this republic the system of expurgatory oaths which the spirit of vengeance had written into the fundamental law of Missouri.

In the same line followed his opinions in ex parte Garland, in which Augustus H. Garland, afterward Senator and Attorney General, was the party, and who within a few weeks fell dead in the Supreme Court room before the bench where Justice Field reinvested him with civil rights, the McArdle case, and many others in which his judicial opinions extended over the States lately in rebellion and to their people the rights guaranteed by the Federal constitution.

It is all history now, and the actors have both passed from the stage, so there is no impropriety in admitting that General Hancock drew not only his inspiration but the form of his expression from Judge Field in the proclamations he issued when he became military Governor of Louisiana and "saluted the constitution."

Elsewhere and more in detail the facts in the history of Judge Field as a judicial officer will be enlarged. It is a long record, extending from 1857 to 1897, and is a rich mine of legal lore in which students and Judges will search for principles and their applications, to be rewarded more abundantly than in the record of any other Judge in this century, either here or abroad.

Judge Field was a traveler in his childhood, saw Europe in his teens, acquired a good use of French, Italian and modern Greek. He crossed the ocean often in later life and was the guest of lawyers in England and France.

It is said of Disraeli that when an adverse vote in the House of Commons had overthrown his Ministry and he was commiserated by a friend, he replied, "I am so glad to be free. For ten years I have longed to see the buds come out at Hughenden."

Hughenden was his rural home in the country, and

while ruling an empire his heart had been with what Jean Ingelow calls "the green things growing." So Judge Field in the midst of the great labors of his office and the social exactions of his station longed always to be in the Berkshire Hills. And it was the custom of the four brothers before death broke their ranks to meet there in the midst of the scenes of their childhood and enjoy the memories of the past.

GAGE ON THE PRESS LAWS.

A REPORT from Los Angeles states that Governor Gage, having been asked whether there is any truth in the rumor that he is to enter upon the publication of a newspaper, replied with an emphatic denial and added: "Do you think I would have signed those anti-cartoon and signature bills if I had had any thoughts of descending to the newspaper level? Another thing: my administration needs no organ to bolster it up. It will speak for itself."

Truly the administration is speaking for itself and none can mistake the meaning of the speech nor the caliber of the man whose mind it represents. By his own words the Governor makes it known that had he any intention to engage in journalism he would not have signed the cartoon and signature bills.

Clearly the Governor recognizes that the object of the two acts was the injury of the press, the purpose of their authors was to inflict harm upon newspaper men; and the Governor is of the opinion that when in operation the two laws will have such effects. So if he were a journalist or had stock and interest in a newspaper he would have vetoed the bills.

The only meaning of the Governor's words is that what he would have refused to sanction, had it affected his business, he is willing to inflict upon others. He signed the bills for the purpose of injuring journalists. He is willing to do that injustice, knowing it to be unjust, and to strike that blow at the freedom of the press, knowing the blow to be unfair and foul.

The mental caliber of the man was shown by the act of approving the bills and the moral caliber by the confession that he would not have signed them had they affected his interests. Such a confession of petty spite was never before made by an American politician, and it is doubtful if such mean motives ever before prompted a Governor in the performance of his official duties.

Dogberry of old made a special request that he should be written down an ass. Governor Gage makes no such request of journalism. His administration speaks for itself.

POPULAR SOVEREIGNTY.

THE play of opposing forces in civilization is more complex, but governed by law as plainly as the tides. Just now it is interesting to observe that in the United States under democratic institutions, though with less intensity than a few months ago, the superficial tendency is centripetal or in the direction of centralization, while in Europe and even in the fossilized despotisms of the East a centrifugal movement or liberalizing inclination, with many indications of permanence, is manifest.

In the United States the enormous growth of monopolies and the development of imperialistic ambition are plainly centripetal. In Asia and in Europe the opposite or centrifugal pressure is more deeply marked. The Government of Japan has literally burst loose from the restraints of ages, and that nation has fairly entered the arena of democratic rivalry and advancement. In China the light of modern progress has reached the most stolid conservatism that history reveals, and the rapacity of the clashing powers has awakened the Rip Van Winkle of imperialism from its dreamless sleep.

Perhaps the most saturated exponent of paternal despotism of the nineteenth century, certainly of its latter half, is the German Kaiser. His expressed conceptions of divine right, restricted only by his individual belief in God and by his individual acknowledgment of responsibility, have equaled all precedents and have surpassed the absolutism of Napoleon Bonaparte. Yet in the midst of his anachronistic reign he is forced to admit the existence of a constitution in Germany and to surrender his will to the Bundesrath and the Reichstag on two such important matters as the increase of his army and the suppression of strikes.

The broad fact to which only the pessimists are impervious is that irrepressible education has permeated the world and raised the standard of intelligence among ordinary people to a level that places the head of popular sovereignty among the imperial jewels. Even Czars and Kaisers can no longer pretend to unconsciousness of the existence of this universal and only logical authority for government.

The deepest political truth of all, which foreign potentates and domestic usurpers, even Mr. C. P. Huntington himself, would do well to learn, is that all Governments exist by the consent of the masses, whether, as in our own country, expressed through the ballot and incorporated into constitutions, laws and administrative methods, or, as in Russia, Germany or Austria, implied from passive submission. As we stand on the confines of the twentieth century and realize what schools and books and tongues, aided by inventive genius and by the myriad forms in which steam and electricity have brought the human race together, have accomplished it is too obvious for discussion that despotisms rock on the disturbed waves of suffering, and endurance, and that the aroused sovereignty of man is only restrained by concessions and by its preference for the slow but regular methods of peace.

The American citizen who observes and who comprehends the signs of the times will be filled with gratitude as he appreciates how they were anticipated by the founders of this republic, who opened to liberty and order the highways of the constitution that have been safely trodden for more than a century and that lead directly on toward the ineffable light and beauty of a perfected fraternity. He will walk on those roads and escape the thorny labyrinths of imperialism and of anarchy on either hand. It will be well for the false guides who have sought to turn their countrymen from their march toward the heights of Americanism if they drop their misleading lanterns and again take their places in the advancing procession of man.

The thing that grinds the King of Sweden just now is that he cannot deal with Norway as the Czar did with Finland and get himself in good shape to talk benevolently at the coming peace conference.

It is permissible to be pleased a little bit by the report that the end of the Dreyfus affair is in sight, but it would be risky to bet on it.

THE INTERIOR PRESS.

Times are so prosperous in the New England States that the old custom of having pie for breakfast has been reinstated.—Los Angeles Express.

CONDITIONS IN OAKLAND.

"The women dress richer and more elaborately than ever" was one of the comments made Sunday when the after church parade was in progress. Yes, and the men dress correspondingly poorer—that is the way things are balanced up.—Oakland Tribune.

THE RETORT COURTEOUS.

The Los Angeles Times wastes a column of what ought to be valuable space in calling the editor of the Republican an ass. Such a charge admits of no reply except the traditional one "You're another," and as that reply is quite superfluous we will not trouble ourselves to make it.—Fresno Republican.

VOUCHING FOR INIQUITY.

The bill requiring signatures to all articles showing up the characters of rascals is now a law, and dishonorable attorneys and publishers who have "set opinions" who call to act on a jury will now try and breathe easier, as their iniquity must be attested by the name of the person who would show it. But no law can prevent the public from regarding such rascally signature or no signature.—Vallejo Morning News.

A CHANCE FOR MR. HERRIN.

Mr. Huntington says that if Mr. Herrin took any hand in the recent Senatorial contest he did so on his own behalf and not on behalf of the Southern Pacific Company. Will not Mr. Huntington please tell Mr. Herrin to attend strictly to the business of the law department and advise him, furthermore, that if he then has spare time on his hands he would do well to give attention to Sunday-school work down in the slums?—Tuare Register.

AN EDITORIAL PREFERENCE.

An unusual amount of space is being filled in discussing the advantages of the electric chair over the gibbet. The chief argument advanced in support of electrocution is that it is the more humane and painless, moreover. In view of the fact that no resurrections have resulted after the successful use of either appliance and as the victim would certainly offer the most convincing testimony were he permitted by the laws of physiology to question must remain in doubt, so far as pain is concerned and resolve itself into one of sightliness. In this sense the electric method certainly has the advantage.—Fresno Democrat.

FLAPJACKS AND FINANCE.

The statistical paragraphs are now amusing themselves in estimating the fluctuations of John D. Rockefeller's fortune between winks. Standard Oil

ATTORNEY ACH SPRINGS MORE TECHNICALITIES

The test case of H. L. Jones, charged with selling pools at the racetrack in violation of the new ordinance, came up for hearing before a jury in Judge Mogan's court yesterday afternoon after Mr. Hart, attorney for the State, had kept the court waiting for over half an hour. He made an apology, but the Judge was inclined to deal severely with him for contempt of court till Attorney Ach and Prosecuting Attorney Joachimsen interceded for him and his apology was accepted.

When the first witness for the prosecution, F. H. Green, secretary of the Pacific Coast Jockey Club, was called to the stand Attorney Ach said he objected to the swearing in of any witness, as the complaint on file did not allege any public offense, and was therefore defective. He read from the complaint, which alleges that the defendant "did unlawfully and willfully make a bet wherein money was staked on a race between horses then and there about to be run, and then and there after the making of the bet, he did actually run in the aforesaid city and county of San Francisco."

He also read the preamble of the ordinance and claimed that the words "race-track inclosure" or "course" made a limitation to these particular places. The complaint did not say where the bet was made, or where the race took place, and therefore was defective. Incidentally he attacked the validity of the ordinance on the ground that plural nouns were used as make "pools," "bets," "wagers," "instead of make a "pool," "bet" or "wager."

His principal argument against the complaint was that it did not allege when and where the race was run nor who the defendant made the bet with, which he thought the jury should be asked to determine. He asked that the case be dismissed on the ground that the complaint was defective.

Prosecuting Attorney Joachimsen argued that the language of the ordinance had been followed in drawing up the complaint, but he was only stepfather to it, and he reluctantly confessed that there had been a deal of argument. The Judge thought so also, unless some authorities were quoted against the argument of Ach. He asked Joachimsen if he had any such authorities, but the latter admitted that he had none to bring forward. The Judge thereupon said he would in his decision refer to the fact that the jury having been discharged early in the argument till that time.

Captain Wittman, who had listened to the argument, saw Attorney Joseph J. Dunne, who had assisted Joachimsen in drawing up the complaint, and Dunne called upon the Judge. He said he would stake his reputation on the validity of the complaint, and was surprised when told that the warehouse prior to liquidation of the warehouse entry until the actual weight or quantity has been ascertained from a preliminary report of the weigher or gauger and noted on the export withdrawal, so that there will be no change after final liquidation of the warehouse bond and ledger account of the warehouse duty credited for the merchandise exported.

This system has caused much annoyance to brokers on account of the limited amount of weight which may be withdrawn, frequently preventing complete liquidation of the warehouse, and because exporters claim that their business is hampered and retarded in consequence of being obliged to fill out some unnecessary and complicated forms required in the Customhouse in order to obtain their broker's certificate as to the weight of the goods acted upon as quickly as in ordinary business transactions.

In the case of merchandise paying purely specific rates of duty it is believed that the matter can be treated in a very simple manner. Suppose the warehouse entry consists of 100 mats of rice. It is entered upon an estimated weight of 48 pounds for each mat; total, 4,800 pounds at a 2 cent estimated duty, \$960. This estimated duty is based on the weight of the warehouse entry until the actual weight or quantity has been ascertained from a preliminary report of the weigher or gauger and noted on the export withdrawal, so that there will be no change after final liquidation of the warehouse bond and ledger account of the warehouse duty credited for the merchandise exported.

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goes down two points while Mr. Rockefeller is being shamed, and he loses four million before he comes to the shampoo. He cannot, in fact, indulge in any of the ordinary pursuits of a tranquil life without being subjected to an enormous increase or a loss of wealth that makes an ordinary plebeian's head swim. If he takes a noonday nap of five minutes he is liable to lose a million or two, and he cannot butter his pancakes without running the risk of being several millions better off. No one but Mr. Rockefeller can possibly know how terribly wearing all this must be.—River-side Press.

The warehouse ledger and the bond itself can be credited with \$96 as duty of the portion exported and the balance of \$864 can be collected when the remaining portion is withdrawn for consumption. In this credited it will be equally as much protected as by the present method, and the commerce of the port will be facilitated and increased by permitting exporters to ship promptly goods that are sold for export, and it will prevent the loss of sales contingent upon the immediate shipment of goods.

This argument, advanced by the brokers, appears not only to rice, but to cement, agricultural soda, olive oil, tobacco, tin and a host of other articles subject to Pure Food laws. In the case of merchandise paying ad valorem rates of duty, the matter could be treated in a similar manner, and the only objection that could be urged against such a practice would be in the event of the appraiser advancing a value in excess of the actual value, in which case the merchandise would be liable to confiscation; and an entered value of 50 per cent of the actual value would be sufficient to cover the duty on the merchandise. Twenty boxes of raisins, suppose the entry consisted of 100 boxes of sauce, entered at a value of \$5 per box and subject to duty at the rate of 40 per cent ad valorem. The estimated duty would be \$200. Pending the appraisal the importer has an opportunity to sell the goods in the warehouse prior to their being drawn out, and the warehouse would be credited with 40 per cent of the value, amounting to \$200. Now suppose the Appraiser comes to the conclusion that the entered value is \$40 too low, and he raises the value to \$540. The tariff levies an additional duty in such cases of 2 per cent for each 1 per cent of the entry could be liquidated as follows:

20 boxes (exported), value \$100, at 40 per cent \$40
100 boxes (warehouse), value \$450, at 40 per cent 180
Additional duty, value \$550, at 2 per cent 11
Total \$231

The importer could be compelled to pay this additional duty of \$231 before any more of his goods were permitted withdrawal from warehouse.

Appraisement of a particular class of merchandise is reported by the Appraiser and assessed for duty at 50 per cent ad valorem, the entry being liquidated at the rate of 40 per cent. The importer may appeal to the Board of General Appraisers, alleging that the duty should be only 40 per cent and in due course of time have his contention sustained by the General Appraisers, which would necessitate other liquidation of the entry. Pending the decision of the General Appraisers the importer may have exported a portion of the goods and the warehouse would be credited with duty at 50 per cent. In adjusting the matter in a manner similar to the examples outlined above:

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