

The Call

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AMUSEMENTS. Columbia—"The Wrong Mr. Wright." California—"A Hat of Time." Grand Opera House—"El Capitán." Orpheum—Vaudeville. Alcazar—"Captain Swift."

AUCTION SALES. By F. W. Butterfield—This day, at 11 o'clock, Furniture, at 11 o'clock, also at 2 o'clock, Furniture, at 3:30 o'clock, at 11 o'clock, Furniture, at 12 o'clock, Lodging House, at 2:30 o'clock.

THE NEWS FROM MANILA.

ANOTHER illustration of the superiority of the special news service of The Call and the New York Herald was given yesterday in the dispatches from Manila announcing that Luna, chief of staff of Aguinaldo, had sent an officer to our lines to ask a cessation of hostilities.

That important item of news was sent to this country exclusively by The Call-Herald service. In New York it was published by the Herald only. The difference in point of time between that city and San Francisco enabled the Examiner to obtain it from New York after the Herald was on the street, and it was therefore published in this city by that paper, but without proper credit.

The importance of the news in this case renders it a notable illustration of the effectiveness of The Call-Herald service, but it was by no means a rare performance. In fact hardly a week has passed since the war with Spain began without furnishing some proof of the superiority of our news gathering agency.

The Call and Herald, it will be remembered, were first to get a report of the battle of Manila from an eyewitness, and we were now the first to give news of the suit for peace on the part of the insurgents. To maintain so effective a service of course requires a considerable expenditure of energy and money, but in the end it pays better than Creelman fakes or stealing news.

MR HUNTINGTON'S SPEECH.

A GOOD speech in its way was that of Collis P. Huntington at the Southern Pacific banquet, but the way was wrong. Instead of moving forward to a discussion of the best means of promoting the welfare of people now living in California, it tended mainly to a consideration of the problem of getting more people to live here. It is clearly not an increase in the prosperity of California, but an increase in the number of persons who are subject to the traffic taxes of the Southern Pacific, that interests the gentleman.

"What California needs to-day," he said, "is more people. What you merchants need is more customers to buy your goods." Then he uttered an epigrammatic statement having all the dignity of an axiom: "The only way you can get them is by having them here."

To accomplish the filling of the long felt want Mr. Huntington suggested the importation of Finns. "One little colony of hard-working, economical, virtuous people like the Finns," he said, "would leave the whole lump, for their example would be an incentive to thousands, who, seeing their good work and their good fortune, would strive to share it."

None will dispute the desirability of increasing our population, nor will there be any objection to an importation of Finns, provided they come to the State with enough of money and skill to render them self-supporting from the start without crowding the labor market and depressing the rate of wages. That, however, is a comparatively minor issue at present. Californians are more interested just now in questions of transportation charges than of immigration from Finland. Had Mr. Huntington made his speech on freight rates it would have been no doubt just as much applauded at the banquet board and far more acceptable to the public.

Were the industries and the commerce of California relieved from the burdens of excessive freight charges there would be no need of applying to any foreign land for immigrants. The natural riches of the State are such that if it were not for the artificial handicap put upon progress by the railroad monopoly the prosperity which would attend all its industries would soon attract to our cities and to our fields a large number of enterprising young Americans from all parts of the East.

Despite all the Interstate Commerce Commission has done, despite all the efforts of our merchants and manufacturers, there exist ample reasons for believing our trade is grossly discriminated against by the great transcontinental lines. Mr. Huntington holds a potent position in railroad circles. He has proven himself in many a conflict to be able, adroit and bold. Californians are therefore justified in thinking that if on this issue he fought as hard for the interests of the State as he has been known to fight against them at times we would now have a much more favorable freight rate, not only on his line, but on all transcontinental lines. It is for that reason his speech at the banquet will be regarded as something of a mistake. He spoke on the wrong subject.

THE APPOINTMENT OF SENATORS.

THE country has been startled by a news despatch, which has gone for three days uncontradicted, that a treaty has been made whereby Quay is to be seated in the Senate on appointment by the Governor, and that in return for the executive influence which has committed a majority of Senators to that plan the State of Pennsylvania will support President McKinley for renomination.

As a feature in the flux and change with which our institutions are threatened, the subject of appointment of Senators by Governors should be thoroughly discussed and understood.

The abhorrent word "Treason" is creeping into common use to characterize men who discuss the alleged principles of our Government, but we assume that an examination of the constitutional provisions in reference to the Senate may yet be carried on without incurring the charge of being a traitor.

The constitution, article I, section 3, provides: "The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years, and each Senator shall have one vote. Immediately after they shall be assembled in consequence of the first election they shall be divided as equally as may be into three classes.

The seats of Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen, by resignation or otherwise, during the recess of the Legislature of any State, the executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies."

Article V provides that "No State, without its consent, shall be deprived of its equal suffrage in the Senate." It would seem that there can be no two opinions as to the origin and limitation of a Governor's jurisdiction over the appointment of a Senator. The plain language of the constitution seems to settle that: "If vacancies happen, by resignation or otherwise, during the recess of the Legislature of any State, the executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies."

Ever since 1793 from time to time the exercise of this executive jurisdiction has been discussed in the Senate. In many cases that have arisen the discussion has been upon the cause of the vacancy and a legal construction of the term "happen." It has been argued that executive jurisdiction appears and a Governor may appoint only if a Senator during his term resigns, dies, is expelled or by incapacity through insanity becomes incompetent and cannot even resign, that being an act requiring sanity. In this view of it the set and fixed term of the Senatorial office is not a happening. Its beginning and end are fixed by law. Senator White's term, for instance, did not "happen" to end on March 3 last, nor did the resulting vacancy "happen." Its occurrence was fixed by law. What "happens" is defined by all English lexicographers to be that which comes unexpectedly. But passing by the discussion of the right of a Governor to appoint when a vacancy has not happened, but has come about by the expiration of the term fixed by law, the Senate has never heretofore varied from the rule that the Governor's jurisdiction arises only when the vacancy occurs in the recess of the Legislature. The constitution therein is so plain that a layman, without knowledge of the rules of legal construction, cannot err in its interpretation. When the terms of Senators White, Quay, Gray and Cannon expired by law on the 3d of March, 1899, the Legislatures of California, Pennsylvania, Delaware and Utah were in session and not in recess.

The first case involving the jurisdiction of a Governor to appoint a Senator arose in Delaware. In December, 1793, George Reade, Senator from Delaware, resigned. The Legislature met January, 1794, and adjourned without electing a Senator. The Governor thereupon appointed Mr. Kensey Johns to the vacancy. The Senate refused to seat him because the Legislature had been in session since the vacancy occurred and its failure to elect did not give the Governor jurisdiction to appoint. In the Senate at that time were several members who had been members of the convention which framed the Federal constitution, and for that reason the decision of this case has always been given special weight and has been held to warrant the application of the principle of stare decisis to the issue.

The next leading case, in which a full discussion has been preserved, was that of Mr. Lanman of Connecticut. His term expired March 3, 1823. On March 4 the Governor appointed him to succeed himself. His credentials were dated February 28, and he appeared on March 4 to take his seat at a special session called by the President. He was refused his seat, on the ground that "The Legislature of the State, by making elections themselves, shall provide for all vacancies which may occur at stated and known periods, and that the expiration of a regular term of service is not such a contingency as is embraced in the third section of the first article of the constitution."

This decision was acquiesced in for fifty years, during which time Governors in nine States refused to appoint to fill vacancies caused by expiration of regular terms.

But in no case has the Senate seated an appointee of a Governor when the Legislature has been in session and had a chance to fill the vacancy, as decided in the Kensey Johns case.

If Quay is seated it will be in violation of that precedent established by men who helped make the constitution, and no less in violation of the plain letter of that instrument.

Against this there are not long arguments in defense of the right of a State to full representation in the Senate. In the constitutional sense the Legislature is the constituent of the Senator, who represents the State. If the Legislature refuse to elect a Senator it is in exactly the position of a citizen who neglects to vote. Nobody deprives him of his suffrage. He simply consents to deprive himself of it. So the omission of a Legislature to elect a Senator is a State's consent to be deprived, temporarily, of its full suffrage in the Senate.

It is so clear that the Governor has no jurisdiction unless the vacancy occur in recess of the Legislature that the alleged bargain to seat Quay is an agreement to violate the constitution. It is said in the same connection that Senator Jones, chairman of the National Democratic Committee, and Senator Butler, chairman of the Populist National Committee, are pledged to vote for Quay's admission. It is not remarkable that they should do so, for they represent platforms which directly attack the constitution in its vital parts. But we cannot believe that Republican Senators can consent to such a palpable breach of precedent and violation of the constitution which they have sworn to support and profess to reverence. Nor can we believe that the President is a party to a bargain in the interest of his renomination, which, if carried out, would deservedly condemn him to defeat.

The country is surely not in a mood to see the constitution trampled under foot for the benefit of Quay, Addicks and Dan Burns.

A BUG IN THE CHARTER.

THE Freeholders, by whom the new charter was framed, were carefully selected. As a body they were intelligent and respectable citizens. They included some lawyers of more than ordinary ability and learning. However much the theory or the details of the municipal government for which they provided may have been criticized, their zeal and good faith have not heretofore been questioned.

But there is no doubt that, in some mysterious way that has not been explained, these gentlemen were literally bunked by the Pacific Telephone and Telegraph Company, which is an oppressive, exacting and odious monopoly. That corporation, within the limits of this city and county, has charged and collected exorbitant rates for very ordinary service. It is invested with extensive franchises and privileges, exercised for years, for which no just equivalent has been rendered, and its practice has uniformly been to take everything it could get and treat the public not only with indifference, but with ostentatious contempt.

One of the principal objects before the Freeholders in the production of the new charter was to bring every corporation that owed its existence and its opportunities for profit to the municipality within the control of the Board of Supervisors, and especially in the matter of rates and charges. The principle that they were within the power of municipal regulation was accepted as fundamental, and, except as to the telephone company, it was firmly applied. A brief examination of the new charter will prove that this particular exemption was not the result of accident. Telephone companies are the subject of specific provisions. Among the grants of power to the Supervisors enumerated in article II, chapter 2, section 1, by the thirteenth subdivision, the right to control the location and laying of underground wires are placed under the supervision of the Board of Public Works. Telephonic and telegraphic service is designated also as one of the public utilities that the municipality is ultimately to acquire.

But this is all. It is sufficient to demonstrate that the attention of the Freeholders was especially directed to the telephone monopoly, and, therefore, that the plain discrimination in its favor was deliberately planned. This proposition is also fortified by other provisions of the new charter. Subdivision 14 of section 1 of article II, chapter 2, the very next to the subdivision already mentioned, gives the Supervisors the amplest authority to determine rates or compensation for the use of water, heat, light or power. Subdivision 27 of section 1 confers the right, as respects street railways, "to fix, establish and reduce," not to increase, "the fares and charges." Section 6 of the same chapter emphasizes this function of the Board of Supervisors by enacting that it "shall at all times have the power to regulate the rates of fare," and the next section carefully applies the same rule to franchisees or privileges for transmitting electric power or for lighting purposes.

It was quite natural for the Pacific Telephone and Telegraph Company to support the new charter. When that instrument was adopted its unexpected attitude may have been attributed to a lofty motive. But it was really prompted by the most arrant selfishness. Like Mr. Huntington, the telephone monopoly went for everything in sight, knew a good thing when it had it, and was not in business for its health. In the rush of work toward the end of their labors the Freeholders were certainly hoodwinked, for it is inconceivable that any of their number used their position as a Trojan horse.

It would be interesting to trace the responsibility for this betrayal of the public interests in the midst of an achievement that was expected to clothe the municipality with the spotless robes of immaculate purity.

The more important practical consideration, however, is the remedy. There are many citizens, including lawyers, who believe that under the present State constitution the rates of telephone companies can be regulated. That is a matter for the prompt consideration of the Board of Supervisors, with the aid of the City and County Attorney. But the public, which looks to positive and intelligible law, free from legal quibbles, demands that the necessary steps be taken to amend the charter and frustrate the deep-laid scheme of the telephone monopoly without a moment's unnecessary delay. The process is slow at best, but it should be speedily and effectively invoked.

ETERNAL VIGILANCE.

ETERNAL vigilance will undoubtedly be the price of securing a competitive railway franchise on Geary street. If the Supervisors grant the application of the Market street combine for permission to build an electric road that thoroughfare between Taylor street and Grant avenue may give away the entire subject. There is reason to believe that the Market street company has not abandoned its plan of securing a long franchise on Geary street, free from the restrictions which will be thrown around it by the new charter. It is understood that the present franchise, which expires in 1902, will be surrendered some time during the next three or four months and that the present Board of Supervisors will be asked to advertise for the sale of a privilege upon the street, extending over the time limited by the new charter, which is twenty-five years.

Inasmuch as the Market street company now has a road upon the street in actual operation, it is in a position to bid higher for a new franchise than any competing company, and if an award is made at this time it will undoubtedly be able to prevent the introduction of a competitor. The situation will be changed somewhat if the sale of a franchise is postponed until the expiration of the present privilege. The new charter will then be in effect, and there will be some encouragement for a competing corporation to make a bid, with a view to securing the privilege. At all events, the attempt of the Market street company to gobble up this street without reference to the rights of the people who reside and own property on it should be thwarted.

It will be dangerous for the Board of Supervisors to grant any privileges to the proposed "corkscrew" line upon Geary street. That line is designed to run over a route formerly covered by what was known as the Central Railway Company, whose franchise on Geary street does not expire for many years to come. The Central company did not have the privilege of using electricity, and to permit at the present time the use of electricity on Geary street from Taylor to Grant avenue may and probably will jeopardize a continuous franchise for that street. No competing company will desire to build a road over a line partly occupied by the combine's cars.

Eternal vigilance, as we have said, is the solution of this difficulty. The Supervisors will be recreant to their trust if they are fooled into giving away Geary street to this grasping corporation.

A few pessimists are of the opinion, judging from the name of the cruiser bearing the Samoan Commissioners to Apia, that their High Mightinesses are in a fair way to Badger somebody.

BIG SHOW

FOLLOWING are the entries for the great bench show which will open next week:

Next first, puppy dogs—Bueno Montez, W. H. Dick; Second, puppy dogs—Bueno Montez, W. H. Dick; Jumbo, Edward H. Christie; Apollo, W. S. Moore. Puppy bitches—Loia Montez, Mrs. J. P. Norman; Psyche, W. W. Moore; Hebe Montez, J. P. Norman. Novice dogs—Wildwood Lad, Capt. H. W. Williams; Jumbo, Edward L. Christie; Tiger, Milton L. Shirck; Palo Alto, Theolo Leudewig; Jingo, H. Bentley. Novice bitches—Rosa Belle, Theolo Leudewig; Louisa H. Frank Harport; Hiba Montez, Thomas P. Norman. Limit dogs—Wildwood Lad, Capt. H. W. Williams; Jumbo, Edward L. Christie; Tiger, Milton L. Shirck; Palo Alto, Theolo Leudewig; Hebe Montez, J. P. Norman; Louisa H. Frank Harport; Hiba Montez, Thomas P. Norman. Limit bitches—Esther, Albert Sutton; Theolo Leudewig; Hebe Montez, J. P. Norman; Louisa H. Frank Harport; Hiba Montez, Thomas P. Norman. Novice dogs—Wildwood Lad, Capt. H. W. Williams; Jumbo, Edward L. Christie; Tiger, Milton L. Shirck; Palo Alto, Theolo Leudewig; Hebe Montez, J. P. Norman; Louisa H. Frank Harport; Hiba Montez, Thomas P. Norman. Limit dogs—Wildwood Lad, Capt. H. W. Williams; Jumbo, Edward L. Christie; Tiger, Milton L. Shirck; Palo Alto, Theolo Leudewig; Hebe Montez, J. P. Norman; Louisa H. Frank Harport; Hiba Montez, Thomas P. Norman. Limit bitches—Esther, Albert Sutton; Theolo Leudewig; Hebe Montez, J. P. Norman; Louisa H. Frank Harport; Hiba Montez, Thomas P. Norman.

entertainment. Among the soloists were Homer Henkle, Fred Vachek and Henry Holmes, the English violinist who has lately created a marked sensation here. The gem of the evening was the "Mingale" in which the seven girls posed. The pictures included "Autumn" by Miss Sabine; "A Portrait Study," by Miss Sabine; "Queen Louise of Prussia," by Miss Southwick; "Pompador," by Miss Gibbs; and "Princess Postowka," by Miss Kline. Mrs. Sabin, assisted by the ladies of the board, received the guests. The hours of the entertainment were from 2 till 5 in the afternoon and from 7 till 12 in the evening.

AROUND THE CORRIDORS

E. S. Valentine, a Fresno banker, is at the Lick. Superior Judge C. E. McLaughlin of Quincy, Cal., is at the Russ. H. S. Allen, a mining superintendent of Sonora, is located at the Grand. J. G. Scott, proprietor of the Lick Paper Mills, at San Jose, is a guest at the California.

C. C. Walker, a Fresno capitalist, is registered at the Lick with his wife and daughter. B. D. Murphy came up from San Jose yesterday morning and took quarters at the Palace. C. Tinkham, manager of the Sierra Mill and Lumber Company at Chico, is staying at the Grand.

W. A. Keith and H. J. Pfleger, two large fruit-growers of Fresno, are registered at the Grand. Frank R. Veb, District Attorney of Downville, is at the Lick, accompanied by his wife and son. Judge J. F. Davis of Jackson, Dr. A. E. Mackay and wife of Portland, Or., are among the arrivals at the Palace.

J. F. Beck, a Montana capitalist, who has returned from Honolulu, where he went with a view to making investments, is at the Russ. J. W. Wiley, a business man of Medford, Or., and J. W. Donohue, representative of a mining syndicate in Sonora, Mexico, are late arrivals at the Wyoming. State Senator C. D. Clark of Silver Lake, registered at the Palace yesterday. They will leave for their home in Evanston shortly.

Viscount M. de Labry of France and his wife were among the passengers of the America Maru, which arrived yesterday. They had been visiting in Hawaii with his wife, registered at the Palace yesterday. They will leave for their home in Evanston shortly.

CALIFORNIANS IN NEW YORK.

NEW YORK, April 28.—Walter Green of San Francisco is at the Imperial. Mrs. C. Meyer of San Francisco is at the Savoy.

ANSWERS TO CORRESPONDENTS.

IDAHO—I. M. H. City, Idaho was admitted as a State of the Union on the 3d of July, 1890.

EMBASSADORS—C. C. Napa, Cal. This department has not been able to find any article that authorizes or prohibits the United States from acquiring property in a foreign country as a residence for an Ambassador.

CHICAGO AND NEW YORK—J. H. R. City. The population of New York City prior to the consolidation was given as 1,567,284 and that of Chicago at the same time at 1,550,000. The population of New York since it has become Greater New York is \$4,658,000.

TO STOP A PAPER—F. A. H. Alex. continued to send you a paper after the time of subscription has expired, and you have notified the publishers that you no longer desire it. If you refuse to receive it from the postmaster, then you cannot be held responsible to the publishers.

UNITED STATES AND FOREIGN COINS—F. S. Palo Alto, Cal. A 1 cent piece of United States coinage, dated 1799, in fair or good condition, commands a premium of \$5 upward, the last one of one-cent piece with arrows in talon opposite M in Massachusetts commands a premium from \$2 50 upward, according to condition. If you have any such pieces for sale, inquiry do not command any premium.

A POINT IN CASINO—G. G. and M. C. In playing casino, if A has six points, B has five points, A makes cards, big casino and one ace, B makes cards, big casino and B makes spades, little casino and three aces. A goes out first, as he has the first right to count by reason of having cards. In this game the one who holds cards is always the dealer, and if he has enough points to go out the other player or players need not count.

CALIFORNIA SAVINGS AND LOAN—V. R. and A. S. City. The California Savings and Loan Society in liquidation has paid three dividends, the last one in October, 1898, the total paid in dividends to that date being 13 per cent. Since that time the bank has exchanged real estate it held for depositors' books equal to the amount of a settlement, including dividends, equal to 53 per cent. There is no telling when another dividend will be paid, as the bank has enough points to know when property still held by the bank can be realized upon.

Broken baby cream, 15c lb. Townsend's Peanut taffy, best in world. Townsend's Moved to 73 Fourth st. Best eyeglasses, specs, 15c to 40c. Look out for No. 73.

Treat your friends to Townsend's California glace fruits, 50c lb. In fire-etched boxes or Jap baskets. 627 Market st. Special information supplied daily to business houses and public men by the Press Clipping Bureau (Allied) 215 Montgomery street. Telephone Main 1042.

A Gentle Hint. He—Can you tie a true lover's knot, Miss Willing? She—No; but I can give you the address of a clerkman who, I am sure, would be only too glad to oblige you.—Chicago News.

THE CALIFORNIA LIMITED, Santa Fe Route. Three times a week: 31c day. 44c to New York. Handicraft train runs three complete service. Full particulars at 625 Market street. When your appetite deserts you try just 10 drops of Dr. Slegert's Angostura Bitters in sherry or port wine before meals. "Why do people laugh at me?" asked Emperor William. "Am I such a joke?" "Oh, no," said the minister. "You applied the mind to you are perfectly serious."—North American.

ROYAL BAKING POWDER CO., NEW YORK. Baking Powder. Made from pure cream of tartar. Safeguards the food against alum. Alum baking powders are the greatest menaces to health of the present day.