MISCELLANEOUS.

One of these cute little goat and cart rigs makes quite a handsome Christmas present for your little man.

All you have to do to get one is to make a purchase in our house, guess the goat's weight, and if you're the nearest guesser, you'll get one. Take a look at it in our window.

Saturday's Contest closes Saturday at 8 P. M.

DID YOU EVER STOP TO CONSIDER WHY WE DO SUCH A BIG BUSINESS?

Does it not strike you as rather peculiar that during this present dullness you have never heard us complain.

You will always find, notwithstanding how dull it is in town, one house that is always doing a large business, and that house is RAPHAEL'S. Whatever trade there is to be done in town (and there is considerable) we're going to do it. We shape our prices and give such sterling values that your money would be actually wasted if you spent it elsewhere.

FOR FRIDAY AND SATURDAY we will have on sale, numbering in round numbers, something like 2000 HIGH-CLASS READY-TO-WEAR TAILOR-MADE SUITS. They are merely ready-made in name, for they are equal and superior in many respects to garments turned out by your high-price tailors. The styles are exquisite; the tailoring all that the most exacting could desire.

Among these Suits you will find some very swell styles in DOUBLE-BREASTED SACKS, SINGLE-BREASTED SACKS, and Dressy CUTAWAYS, FOR SUNDAY WEAR.

These Suits ordinarily sell for $15.00, $16.00, $17.00 and $18.00.

The fabrics they are shown in are reliable, sturdy, all-wool fabrics.

The colorings are neat and genteel.

You will find many styles in light shades, in plain mixtures, and in plain, solid colorings.

Your Pick From Any of These SUITS for Friday and Saturday at $10 $10

We will not enlarge any further upon the merit of these Suits; we prefer you to see them and you'll do the rest of the advertising for us.

One favor we crave at your hands: Should you purchase one of these $10 Suits, do us the favor of telling your neighbors what you paid for it and where you bought it.

We will press, alter and deliver to your house, any of these garments during this special sale, free of charge.

Raphael's
(INCORPORATED),
9, 11, 13 and 15 Kearny Street.
Frisco's Largest and Handsomest Establishment.
Occupying Two Entire Buildings of Eight Floors.

THE M'CREARY ACT

Ominous Silence of the Six Companies.

WILL CHINESE REGISTER?

They Show No Inclination to Obey the Law.

THE INCREASE IN PARTNERS.

Membership in Chinese Firms Quadrupled Within Three Months. Grounds for a Test Case.

There is every reason to believe that the Chinese in California, and especially those in San Francisco, have no intention of obeying the law passed by the extraordinary session of Congress a few weeks ago and commonly known as the McCreary bill, requiring all Chinese other than diplomats, students, merchants and travelers en route to foreign countries to register.

Internal Revenue Collector Welburn does not believe the Chinese intend to obey the law, and he bases his belief upon investigations that have been made at his request.

It is a noteworthy fact that from the time of the announcement that the McCreary bill extending the time for registration had passed on up to the present date less than a score of Chinese have called at the Federal building to make inquiries concerning its requirements, the proposed date for opening the registers or to ask instruction and advice as to how to proceed to comply with the new law. On the contrary, the Chinese have been conspicuous by their absence, and sphinx-like silence has been maintained alike by the famous Six Companies and their lawyers.

The present attitude of the Chinese toward the McCreary bill is in marked contrast to their actions at the time of the passage of the Geary act. When that act became a law the Federal buildings were thronged day after day with Chinese all anxious to know what they should do to be saved from deportation and how they should go to work to secure immunity from such a fate. So great was the rush of laborers anxious to register that the Six Companies issued not one but three or four proclamations telling the Chinese not to register and assuring them that in the event of their disregarding the Geary law no harm should come to them. Even after Secretary Carlisle partly nullified the Geary act by striking out the clause requiring photographs on the registration certificates, and some 800 Chinese registered in consequence, the Six Companies issued another circular, which was threatening in its tone, and which most effectually put a stop to registration. Despite the assurances and threats of the Six Companies the Chinese laborers were uneasy and continually, in one way or another, manifested their uneasiness and fear of punishment for having failed to register.

There are no such indications of either willingness to register or fear of punishment in case of refusal manifested by the Chinese now, and yet they have neither the threats of the Six Companies to deter them or the assurances of that powerful organization to strengthen them in their defiance of law by promises of protection in case of trouble. The Six Companies have issued no circulars of advice or warning, and have made no threats in regard to obeying or refusing to obey the McCreary law, while the Chinese amenable to the law have given not even the slightest indication as to their intentions other than the manifestation of utter indifference. All this, too, when more than a month of the six months' extension of time in which to register given them by the new law has expired.

There is no one who will claim that the Chinese are ignorant of the requirements of the McCreary bill, and since they are not deterred by threats as before the motive for their apparent indifference must be looked for in other directions. It is highly probable that the laborers are acting now, as before, under the guidance of the Six Companies; but that organization was taught a lesson in its fight against the Geary act which it has profited by. An influential Chinese merchant probably expressed the true state of affairs yesterday when, in a discussion of the McCreary bill, he said:

"Last time the Six Companies talk too much on paper. This time they say nothing, but do heap more. By and by you see."

In just what way the new law is to be attacked, if it is to be attacked at all, is a mystery to the Federal officials, but there are several "straws" which may indicate at least a part if not all of the Six Companies' plan of battle against registration. For more than three months past the Federal officers, and more especially United States Commissioner Heacock, have noticed that the Chinese mercantile firms have increased the number of partners or stockholders in their companies to enormous numbers. It never was surprising to find a Chinese firm with ten or even fifteen partners in the concern, but of late merchants in giving the list of their partners furnish from thirty to fifty names, each person owning an equal share in the business. As the McCreary bill does not require merchants to register, the increase in partners is significant.

The new registration law is most explicit in its definition of a merchant. It says:

"The term 'merchant,' as employed herein and the acts of which this is amendatory, shall have the following meaning and none other: A merchant is a person engaged in buying and selling merchandise, at a fixed place of business, which business is conducted in his name, and who during the time he claims to be engaged as a merchant does not engage in the performance of manual labor, except such as is necessary in the conduct of his business as such merchant."

It is a well-known fact that not one Chinese firm in a hundred, taking only the most reputable, is conducted under or in the name of an individual. The Chinese live in tribes and all the members of a tribe trade at the store of their tribe. For instance a store with a sign You Kee & Co. doesn't mean that a Chinaman You Kee is the proprietor, but it means that it is a store of the You family or tribe. The name is the same as an English or American firm whose sign reads, "The Northwest Development Company," or "The Consolidated Dry Goods Syndicate," and the firm may contain two to three hundred partners. It is certainly clear, so say the lawyers, that a partner in a firm, even if it is conducted under some other name than his own, is as much a merchant as the man who runs his own business in his own name.

Again, Chinese firms engaged in selling chickens, vegetables, seeds, etc., or in manufacturing boots and shoes and selling them, need not have all its partners, so say the lawyers, actively engaged in the store. If Smith & Co., dealers in hardware and agricultural machinery, in which firm there are five partners, have two factories, a nailmill and a machine-shop besides their store, and one partner manages a factory, another the nailmill and another the machine-shop, they are quite as much merchants as are the two partners who stay in the store and sell the manufactured goods. So, say the legal lights who have looked into the matter, it will be with the Chinese. If it can be proven that a firm has twenty ranches or shops which supply the parent store with the goods it sells, and these ranches or shops are managed by partners, the men managing are merchants quite as much as their partners who stay at home and sell goods. For, supposing the partners change around, and one stays in the store for a month and then goes and manages the ranch for a month, it would be a legal flipflap to make him a merchant one place and a laborer another.

If this view of the matter be correct it is reasonable to suppose that there are more Chinese merchants in California than ever before, and the first of the ranch or shoe factory managers who is arrested because he has not registered will furnish a suit against the constitutionality of the McCreary law, that will probably be made to drag along for months, meanwhile, as with the Geary act, the enforcement of the law will be in abeyance. This is but one of the points that it is presumed the Chinese will urge against the new law, but it is an important one in view of the rapid increase of Chinese partners recently.

There is another question bothering Collector Welburn and that is concerning the certificates of registration already issued to Chinese, but which have no photographs attached to them. Mr. Welburn wants to know whether the Chinese who have these certificates must again register, furnishing photographs, or whether the certificates they now have must stand. The law says: "The certificate herein provided for shall contain the photograph of the applicant, together with his name, local residence and occupation, and a copy of such certificate, with a duplicate of such photograph attached, shall be filed in the office in the United States Collector of Internal Revenue of the district in which such Chinaman makes application. Such photographs in duplicate shall be furnished by each applicant in such form as may be prescribed by the Secretary of the Treasury."

The lawyers, as usual, disagree. Some of them say the law cannot be retroactive and that the Chinese who are registered and in possession of certificates need not register again. Other lawyers say that those who have registered must take out new certificates. If the latter is the view taken by Commissioner Miller it will undoubtedly furnish another ground for contesting the new law, and if he hold that the certificates without photographs are sufficient, then the Federal officers fear that the 3000 in existence will furnish many with the means of remaining in the United States, for the certificates are easily counterfeited.

In fact, it has already been established in the case of Mock Hong's certificate that the Chinese have found a way of removing photographs from certificates and replacing the originals with others, and, as described in THE CALL a day or two ago, by this method one certificate can be made to answer for at least two and probably more people.

The present outlook is that the Chinese will refuse to register, and if they are half as successful in contesting the new law as they were in fighting the Geary act they will certainly have no cause for complaint. In the meantime, the Six Companies, who could have been crushed out of existence had the Geary act been enforced, are stronger than ever, and, while saying nothing, are undoubtedly plotting and planning to overthrow the laws passed to restrict Chinese immigration.

HONORED IN PARIS

Dortha Klumpke Gets the D. M. Degree.

The First Woman Upon Whom It Has Been Bestowed in France Is a Californian.

A cablegram from Paris to THE CALL yesterday afternoon announced that Miss Dortha Klumpke of San Francisco had just passed a brilliant examination for the degree of Doctor of Mathematics in that city. To her many friends and acquaintances here this information will be good news, for although comparatively little of her life has been spent in California many are her correspondents from her native city, and they have watched with uniform interest her career since she has made her home abroad.

Miss Klumpke was born in San Francisco on August 11, 1865, in a little house at the corner of Larkin and Chestnut streets, since replaced by a more elegant home, and now owned by her father. She entered the public schools here when about 5 years of age, and here the foundation for the education she has since received was laid. There were five children

Miss Dortha Klumpke.
[From a photograph by Eugene Pirou, Paris.]

in the family—John W., Annie, Dortha, Julia and Winne. At as early an age as 6 years Dortha showed a marked ability for tracing the movements of the heavenly bodies. In 1872, when she was but 7 years of age, accompanied by her mother and younger sister, Julia, she went to Germany, settling in her mother's native town, Gutting. There she continued her education for three years in the common schools, entering the academy in that city in 1875. For four years in that institution she studied astronomy and the other higher branches of education. In 1879 she went to Switzerland and entered an academy at Lausane, where for four years she devoted her entire time to the study of astronomy. During the time she was studying in Switzerland she made several visits to Paris, where her name and her study became known to the Paris Observatory.

In 1885 at a meeting of the Western Tower Observatory Directory she was unananimously chosen to fill the position made vacant by death of superintendent of the observatory, being the first woman who ever held a like position in the world. Her duties in her position were to record the movement of the heavenly bodies, and this position she has held ever since.

A few years ago Mrs. Kumpke returned from the Continent, and is now settled in a quiet little home in Cincinnati. Of the balance of the family but one now resides in San Francisco. He is John W. Kumpke, the only brother, and is a gunsmith. Annie, the eldest daughter, is living in Boston, where she conducts an art studio, assisted by the youngest member of the family, Julia. The second daughter, Minnie, is now the wife of a prominent physician practicing in Paris, and was herself admitted to the degree of M. D. a few years ago, and has an office adjoining that of her husband.

D. M. Kumpke, the father of the family, is now living in the home standing on the same property where the family was born.

ROMANCE ENDED.

Death of A. W. Burrill, an Ex-Trustee.

Billy the Pacer May Never Be Tried. The Water Front Again. Divorce Notes.

OAKLAND.—The death of A. W. Burrill, one of the first city fathers of Oakland, ended a romance. Mr. Burrill was 73 years of age, and had been twice married, and it is said would have again led a bride to the altar had not the great king stepped in, despite the fact that he bore on his shoulders the burdens of three score and ten winters.

Mr. Burrill, in his day, was a great admirer of the lovely fair, and it is said by those close to him that he had captured the heart of a woman of 45, handsome and with $75,000 to her credit in good hard gold and corner lots. But money was not the sole object, for Mr. Burrill had a sprinkling of this world's goods. The name of the lady who was to have taken the name of Burrill, being No. 3, was Mrs. Dennie of San Francisco. But death stepped in the Burrill house instead of Hymen.

Some remarks have been passed by old-timers because of the neglect of the authorities to put the City Hall flag at half-mast on the death of Mr. Burrill, which is usually done when an ex-city official or ex-member of the Council passes away. It is said that this should have been done in the case of Mr. Burrill more particularly since he was of the first Council, or Board of Trustees as it was then called.

Comment has also been made on the failure of the Council to pass resolutions at its last meeting touching on the death of the one-time City Father.

A Councilman said yesterday that there was no objection to do these things that he had heard of, because there had been no proposition made to that effect by any one. He said he supposed the matter was entirely overlooked. At any rate, he had not given the matter a thought one way or the other.

"To say that no action of this kind was taken because Mr. Burrill was a member of the Council which transferred the water front to Carpentier is all foolishness," said this Councilman.

May Never Be Tried.

It begins to look as though "Pacing Billy" Butts, the man who created the Oakland sensation of running amuck on a crowded thoroughfare and shooting down two men—Conductor Beeny and William Green—may never be brought before the bar of justice. Billy is the hero with two murder charges against his name and five bullet-holes in his own body. He has been lying on his back since that quiet Sunday evening months ago, for a great part of the time having been at the Receiving Hospital, where he got the best of nursing and care, and where several ladies who had interested themselves in him visited him daily with fruits and flowers. It was here Billy had a piece of his chest cut out and drainage-tubes inserted in his wounds to draw off poisonous matter which had accumulated. Billy rallied a little and was moved to the County Jail, where it was thought he would be safer. He was getting too strong, the authorities thought. The time was set for his preliminary examination. He was too weak to appear. He had another date set, but still failed to answer to his name. For the third time Billy was cited to appear in the Police Court yesterday, but no Billy answered when the name of William Butts was called.

Dr. Stratton stated yesterday that Butts was still too weak to undergo removal to the courtroom. He had an attack of pleurisy a few days ago which affected his left lung. As his right lung is almost gone by reason of the hole made in it to get at the bullet which perforated it Billy almost stopped breathing for a time. He may yet escape the wrath of the law by dying a natural death.

In a Quandary.

The special Water-front Committee of the Council is just now in a quandary as to whether the opening of Castro street is advisable at the present time. When Councilman Barnard asked at the Council meeting the other night what had become of his Castro-street opening resolution he was put off by Mr. Snell, who informed him that the matter was in the hands of his committee, and that advice was being awaited from the attorneys. A suit is pending which will probably decide the matter within the next thirty days, and if the verdict makes Castro an open street then the Council can go ahead with its improvements without trouble. If the decision is adverse, then, under Mr. Barnard's resolution, it would necessitate the condemnation of the property, and a tedious time would be had if there was opposition, and such there would surely be. The water-front attorneys will hold a conference to-day to decide upon what steps to take in the premises.

In the water-front contest with the Water Front Company the attorneys for the city yesterday made a motion to strike out a portion of defendant's answer. They got the following order issued by the court:

Good cause appearing therefor it is ordered that the time of notice of plaintiff's motion to strike out certain matter from the second defense set forth in defendant's answer on file herein be and it is hereby shortened to two days. Let this order be served upon the attorney for defendant forthwith by a delivery of a copy hereof.

In Mud and Rain.

James McDonald, a young man who acts as a collector for J. M. McLaughlin & Co. in the Flood building in San Francisco, was thoroughly waterwoaked, covered with mud and unconscious when picked up near the railroad track at Oak and First streets at 5:30 o'clock yesterday morning by an officer, who immediately sent for the patrol-wagon.

It was thought for a time that the man was dead after he was taken to the Receiving Hospital. He was somewhat injured too, the doctor finding on examination that he was suffering from a concussion of the brain, a scalp wound on the back of his head, a fracture of the left shoulder and several broken ribs.

When McDonald recovered consciousness he said he did not remember how he got in the place where he was found. He said that the previous day he had been to Berkeley on business and had passed through Golden Gate on his way to Oakland. After that he remembers nothing, but supposes he got on the Alameda train in the evening about 8 oclock and in some way fell off. He had lain in the rain and mud all night.

He is doing first rate at the hospital under Dr. Larsen's care.

Committed to Napa.

Frank Hardy will not soon again annoy young Miss Orr by his attentions. He was yesterday committed to Napa by Judge Ogden after examination by Drs. Dunn and Blood.

John K. Orr and his wife were on hand to hear the proceedings yesterday morning, and Mrs. Orr made an appeal to Judge Ogden that Hardy be put somewhere where he could no longer worry them and their daughter. She said that for four years Hardy had been persecuting them, and she thought it was time to put a stop to it.

Miss Over has not spoken to Hardy for years and is engaged to be married soon. She has been annoyed almost to death by Hardy's attentions.

Young Hardy was in court, and appealed to his father not to let him be sent to an asylum, but Mr. Hardy stated that he would not interfere again.

The commitment was signed before Frank knew exactly what had been done, and he made a plea in his own behalf, and finally Judge Ogden decided to allow him another hearing. This was held yesterday afternoon, and resulted in his commitment of the morning being confirmed.

The City Schools for '93.

J. W. McClymonds, Superintendent of Schools, has made his report for the year 1893. He furnishes some very interesting statistics. In his report the Superintendent says that Oakland school children are taller and heavier than those of Boston, Worcester, Toronto, St. Louis or Milwaukee.

The total number of teachers is 199. The first public school in the city was established in 1853 and contained 155 pupils. Now there are 13,674 of school age and 10,493 are enrolled. These last were divided as to sex as follows: Girls 4949, boys 5521. The percentage of attendance was 94.13. Promotion 12,468, cases of truancy 209, and 172 cases of corporal punishment. The total expenditure for the year was $298,408 79. The money was expended as follows: Salaries, 66.5 per cent; real estate, 17.4 per cent; other expenses, 16.1 per cent.

Too Proud to Beg.

Thomas Little is a young man too proud to beg, but not too honest to steal. But Little committed his theft when somebody was looking. The eye of a policeman was on him, and Little knew it, strange to say. Yesterday in passing a Washington-street store he picked up an umbrella that was outside, and immediately the hand of the law was upon him. He was marched to the City Prison and locked up, which was, he said, just what he wanted. He was now assured of a bed and something to eat and would not be compelled to stay out in the rain all night. In the Police Court he told the Judge that he wanted to be jailed. He said he never begged in his life and could get nothing to do, and he took the umbrella to get under shelter. His case comes up to-day.

Takes Her Maiden Name.

Lillian S. Cook is happy, although she got no alimony when she got rid of her husband, Thomas S. Wylie, and his name, all in one day. Judge Ogden granted her a divorce yesterday on the ground of misconduct with which she charged her husband. He put in no defense.

Divorce Notes.

Mrs. Emelia Rapoza has asked for a divorce from Manuel Rapoza on the ground of desertion. When she told her story to Judge Ellsworth she was awarded the custody of the minor child.

Eliza C. Sutherland has asked for a divorce from David R. Sutherland on the ground of neglect.

Notes.

The men who assaulted V. Heck, the Southern Pacific gateman, John Quigley and Victor Ghirardelli, had the charge of assault against them dismissed yesterday by Judge Allen because of insufficiency of evidence, and were immediately rearrested and locked up on a charge of battery. Their bail was fixed at $100 each. Their cases will come up in March.

James McDonald, the so-called "boy pirate," was released yesterday from the County Jail on $2000 bail given by Alice V. Dunning and J. E. Hansen. He will be tried on January 6.

John H. Kercheval, a brother-in-law of Mrs. Sarah Osgood Harris, has petitioned to have her declared incompetent. She is worth $11,000.

BERKELEY.

The apportionment of the receipts from the town taxes has been made to the various funds by the Clerk as follows: School fund, $11,716 33; general fund, $7030 16; road fund, $4627 18; total, $23,433 66. There remains due $15,425 94 to be divided thus: School fund, $7712 97; general fund, $4627 28; road fund, $3085 19. The school fund has been overdrawn $3449 14, but with the receipt of the State and county funds in January the deficit will be more than covered. The general fund is $5902 36 and the road fund $2967 20 on the credit side of the ledger. Until next year's collections, for purposes outside of school matters, there stands $16,582 53, but license receipts will increase that amount to $21,000. The budget for the coming year's expenses puts $11,958 apart for lighting, and $7000 for the care of streets, leaving only about $2000 for the many minor expenses. Of this $1000 is already taken up by the chemical fire engine just about to be purchased.

The Posens' Engine.

The Posens of the West End have just obtained a double-cylindered chemical fire engine, and Wednesday evening the company, a crowd and the Town Trustees assembled to witness a trial of the engine before its acceptance from the manufacturers. The test shanty proved too green to burn, however, and the engine had no chance to display its powers. Another test will be given it next Sunday. The chemical engine weighs 1100 pounds, has two tanks of a capacity of eighty gallons of liquid, carries 300 feet of hose, and is able to project the stream of the chemical preparation forty feet.

The Honor Pledge.

That no student can claim ground against the honor-pledge resolution adopted by the associated students, the faculty in stating that no paper will be accepted without this pledge adds that any student having conscientious objections to signing the pledge will be given an oral examination by the professor in charge. It is quite likely that this movement may eventually lead to the abolition of examinations, or at least of the working system, the three grades—pass, condition, failure—only being given.

Swindling Peddlers.

Peddlers have become very numerous of late in Berkeley, and many of them seem of a class to be avoided. One of them on Wednesday afternoon sold Mr. Carcot, a West Berkeley bakery proprietor, sixty dozen eggs for $8, which were later found to be in their entirety, except the top layer, of the overripe and useless variety.

ALAMEDA.

The Board of Trustees has placed a license of $250 on solicitors who represent outside firms. Water companies must pay $50 per annum as a license, and gas companies are likewise assessed. The telegraph company must pay $25 per annum, while the telephone company pays $50. Street railways are required to pay $2 50 per annum for each car. Peddlers' license is fixed at $100, and this is supposed to freeze out the Chinese vegetable peddlers. These provisions are now set out by the new license ordinance, presented to the board on last Wednesday evening.

An Election.

Halcyon Parlor, N. S. G. W., has elected the following officers: Past president, J. C. Bates; president, A. V. Clark; first vice-president, J. R. Knowland; second vice-president, O. Collischonn; third vice-president, J. B. Barber; recording secretary, F. C. Sunders; trustee, P. C. Breck; historian, S. E. Mastick; surgeon, G. C. Zeyn, M.D.

Fire Alarm Boxes.

Some of the citizens of Alameda are not, as yet, accustomed to the use of fire alarm boxes. On Wednesday a man who was near the pottery, on First street, saw a blaze in Fruitvale. He rang in from that locality and the entire department responded.

A MARINE BEAUTY.

The Brand New Pilot-Boat Gracie S to Be Launched To-Day.

To-day is one that will long be remembered by pilots. The ways of the Union Iron Works, which support the pilot-boat Gracie S, are well greased and her road to the briny is smooth.

The Gracie S, which has been built by the Union Iron Works for a combination of pilots, is without doubt the finest vessel of her type that has ever been constructed on the Pacific Coast. A yacht in excellence of points and gracefulness of lines and a stanch sea craft in the matter of strength and seaworthiness, she is without a parallel in the harbor. The Gracie S is somewhat larger than the pretty pilot-boat Bonita. She is 81 feet on the waterline, 96 feet over all, and 24 feet 6 inches beam. When launched she will be entirely ready for sea. Fifteen tons of ballast will be in place, and everything will be in readiness for her crew, if on board, to spread sail and away for a cruise. In all, fifty-four tons of ballast will be given the new boat.

The pilot-boat George Peabody, which will be relieved by the Gracie S, is somewhat of an old-time craft. She was built in 1867 at Boston. Her net tonnage is 51.87. About $16,000 has been expended on the Gracie S, and she is not only expected to throw all rivals in the shade in the matter of equipments, cabin accommodations and elegance of finish, but her speed will, it is thought, excel that of any of the older members of the pilot-boat fleet. Just what time the new craft will make over a measured course and with a fair wind is, of course, a matter to be decided in the future. Suffice it to say that much is expected of her. The Bonita is perhaps the only pilot-boat capable of giving the Gracie S a close run. Very few prettier craft than the Bonita can be found in the harbor. She was built for speed and endurance combined.

Pilot Svenson's Lady Mine may give the new boat a good race for her owners' money, but until all the points of the latter have been tested pilots will be on the qui vive for results.

SAY, GIRLS, if you want to fool that best fellow just ask him to give you his package of White's Yucatan Gum, when he asks you to be excused for a moment between acts. see?

Society Notes.

The Normal Class of '94 will give a reception and ball this evening at Armory Hall, 815 Ellis street.

Flagg's dancing academy will give a fancy dress and domino party this evening at Pacific Hall, corner of Geary and Leavenworth streets.

The fourth anniversary ball of Court Apollo, No. 120, Companions of the Forest, will be held this evening at Union-square Hall.

TO FIX A RATE.

Oaklanders Are Looking at a Law of '61.

The Power That It Has Vested in the Common Council Concerning Railroads.

The Mayor and some of Oakland's Councilmen are investigating in a quiet way the statute authorizing the construction of a railroad from Clinton, now East Oakland, to the bay shore, now known as the Point station, which was approved on May 20, 1861.

The statute in full reads as follows:

[Approved May 20, 1861.]

The people of the State of California, represented in the Senate and Assembly, do enact as follows:

Section 1. The right to construct, maintain and operate an iron railroad from a point at or near the westerly end of the bridge leading from the city of Oakland to the town of Clinton through the streets of the said city of Oakland to a point in the bay of San Francisco where the Alameda County shore approaches nearest to Yerba Buena Island, or at such point as a railroad may be built from to said island, under and by virtue of an act entitled "An act granting to certain persons the right to establish and run a ferry between the island of Yerba Buena and the city of San Francisco, and to construct a railroad from said island to the Alameda County shore," is hereby granted to Rodmond Gibbons, William Hilligas, R. E. Cole, Samuel Wood, Joseph Black and George Goss, their associates, successors or assigns, for a period of fifty years from and after the passage of this act: provided, the Common Council of the said city of Oakland shall designate the streets through which said road shall be constructed: provided, further, that whenever said road is built through any streets as aforesaid the said Common Council shall not have the right to remove the same or cause the same to be removed.

Sec. 2. The railroad authorized by the first section of this act shall be built in the most substantial and approved manner, and shall be completed and ready for the accommodation of the traveling public within two years from the passage of this act; provided, the persons named in section 1 of this act, their associates, successors or assigns, shall be permitted to build such lateral branches of such road as public convenience may require, in any of the streets of said city, at any time during the existence of this franchise after having obtained permission of the Common Council of the city of Oakland so to do.

Sec. 3. The rates of toll to be charged and collected for the transportation of persons and property upon said road shall be fixed from time to time by the Common Council of the city of Oakland; provided, said rates shall not be fixed below an amount sufficient to yield an interest of 10 per cent per annum on the amount of capital invested in such road, exclusive of the cost and expense of running and maintaining the same.

Sec. 4. The Common Council shall have the right and power to regulate the speed upon said road, and also to designate the motive power to be used in propelling the same.

Sections 3 and 4 of the above law places the fixing of fares on this railroad on the City Council, and some of the City Fathers are asking themselves if they have not the right, according to this law, of saying how much shall be charged by the railroad company for carrying passengers on the Seventh-street line.

It had been supposed all along that the local road was operated under an act of the Legislature of 1862, but the following is quoted from the minutes of the Council of 1861:

"On November 14, 1861, the Council passed an ordinance which J. P. M. Davis, the Mayor in that old day, approved on November 20, which granted the right of way "along Seventh street, from its easterly limits to or near its junction with Market street, and from thence in a straight line to the western boundary of the city, which line is represented on a map filed with the clerk of the Council and marked 'San Francisco and Oakland Railroad Company, exhibit B,' is hereby granted and re-leased to the San Francisco and Oakland Railroad Company for the purpose of laying a single or double track and the necessary side tracks along said street and line, and running cars and carrying passengers and freight thereon. * * *"

Section 2 of this ordinance permits the erection of a station on Seventh street "at or near its intersection with Broadway."

Section 3 provides for and in consideration of promoting the construction of said railroad, and the advantages accruing to the city of Oakland therefrom, and in consideration of $1, and upon consideration that the said San Francisco and Oakland Railroad Company shall within three years from this date complete said road and bridge upon the line designated upon said map, marked exhibit B, the use of that portion of the overflowed land situated at the western terminus of the said projected road and bounded by the mainland on the east, and on the north and south by two parallel lines, each 250 feet distant from the center line of said bridge, is hereby granted and re-leased to said company for the term of fifty years.

Under the ordinance the Mayor accordingly conveyed to the San Francisco and Oakland Railroad Company the right of way on Seventh street for fifty years, or until November 11, 1911.

The road was built and application then made to the Legislature to ratify the ordinance passed by the Council and approved by the Mayor. One clause in this statute reads:

Be it therefore enacted that the said ordinance and deed executed in pursuance thereof, above named and recited, be and the same are hereby ratified and confirmed and declared legal and valid according to the terms and conditions therein named: provided that the rate of toll on said wharf, if any shall ever be charged, shall be regulated from time to time and be under the control of the Common Council of the city of Oakland; provided that nothing herein contained shall prejudice or in any manner affect its rights, either legal or equitable, of any private person not a party to the deed hereinabove recited; provided that the right and franchise herein granted shall not continue for a longer period than fifty years.

The act was approved April 27, 1863.

Now some Councilmen are saying that under the above the city has the right to fix fares on Seventh street, and that on Monday night very likely some action will be taken looking to the introduction of an ordinance to this end.

The whole matter regarding the fare question has been gone over time and time again during the thirty years or more in which the railroad company has run its cars through Oakland's street, and it was supposed there could be nothing new in regard to the matter, and this last phase has created not a little talk.

There are plenty of able minds who insist that the Council cannot regulate the fares, and the City Attorney, it is said, is of this opinion.

Tariff on Raisins.

The Board of State Viticultural Commissioners has adopted the following resolutions:

WHEREAS, It is proposed by the Committee on Ways and Means of the House of Representatives of the United States to reduce the import tariff on raisins from 2½ cents to 1½ cents per pound; and whereas, such action would cause the uprooting of tens of thousands of acres of raisin grapes in various portions of this State, and would cause the resultant financial ruin of a large proportion of people who have embarked their possessions in this branch of the viticultural industry, therefore be it

Resolved, By the Board of State Viticultural Commissioners of California, acting on behalf of the raisin growers and packers, that we protest in unmeasured terms against such proposed action, considering that it would bring about vital injury to an industry that at the present time and under equitable tariff conditions is in a none too flourishing state, and needs fostering rather than discouragement.

Resolved, That these resolutions be sent to the Pacific Coast delegation in Congress and to the press.

The Washburn and Moen Manufacturing Company has attached the property in this city the Eastside Railroad Company for $3074, claimed to be due on two promissory notes.

MISCELLANEOUS.

DYSPEPSIA.

The Symptoms: *Loss of Appetite; Rising of Food; Heartburn, Distention of the Stomach, Headache, Bad Breath, Sleeplessness, Low Spirits and general prostration. Dyspepsia is frequently attended with Constipation, but sometimes with Diarrhœa.*

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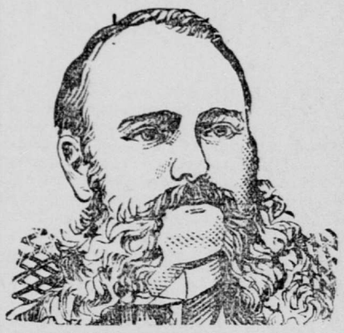

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