



The Daily Express

A. SIEMERING & CO., Proprietors. Official Journal of the United States... OFFICIAL JOURNAL OF BEXAR COUNTY.

THURSDAY, April 22, 1875.

A Serious Question—Is the Present City Council a legal body?

Below we give the petition of Marshall Dobbin to the City Council, which has elicited a report from a committee:

CITY OF SAN ANTONIO, March 15th, 1875. To the Hon. the Mayor and City Council:

Your petitioner would respectfully represent that the late amendments to the City Charter relative to the fees of office of the City Marshal, are, in the opinion of some of the best lawyers in direct violation of the constitution and general laws of the State.

The law has fixed the fee of the Marshal as a peace officer, and that law cannot be abrogated and revoked by the voters of this corporation.

If the voters of this city possessed the right to make laws and to take away by an election the fees of the Marshal, then the voters of the county by the same mode, would have undoubtedly the right to deprive the Sheriff and Constables of their fees.

Your petitioner has repeatedly asked the present Recorder since his induction to office, to have his fees taxed, this he has refused to do, stating, as his opinion that the amendments had taken away the fees; your petitioner has therefore been compelled to apply to your honorable body for redress and respectfully asks that you will, on this subject, in Recorder office to said laws to the present time, and that in future all his fees may be charged to the defendants, when sued.

In concluding your petitioner respectfully asks that this matter be taken into consideration by your honorable body, and as in duty bound he will ever pray.

I have the honor to be your obedient servant, JOHN DOBBIN, City Marshal.

Upon this petition the committee to whom it was referred, of which Alderman Teel was Chairman, makes an elaborate report which they promise by saying:

"This power of making laws or of changing or amending acts of the Legislature is exercised by virtue of the act of April 24th 1874 (generally laws 1st session 14th Leg. p. 140) which by the terms of its first section authorizes the charter to be amended by a vote of the qualified electors. This confers the power. And if it is constitutional, then the amendment can be made, otherwise not.

"This act of 1874 delegates to the voters of a municipal corporation the power to amend and therefore make laws. This is the plain meaning of the law. We believe this law to be a violation of the Constitution of this State. On this question Judge Cooley in his work on Constitutional limitations 2nd edition page 116 says:

Then follows the quotation which directly bears on the point, and lays down explicitly that the Legislature cannot delegate its law making power to any other body, and that the Legislature alone could make the amendments to the City Charter; also a decision of our own Supreme Court which sets forth that the people having delegated the legislative power to the Legislature, the constitution does not authorize the Legislature to re-delegate to the people.

Other authorities are cited, and the committee conclude: "There can be no doubt but that the act of April 24th, 1874 providing for an amendment of the acts of the Legislature incorporating towns or cities, by a popular vote of the electors of such municipalities, is unconstitutional and of no effect, and that the amendments to the charter of the city of San Antonio made in December 1874 are null and void, and the charter of the city is unaffected thereby and remains as it was before that election was held.

"Your committee would therefore respectfully recommend that the prayer of the Petition be granted." Upon this report being read, it was on motion laid upon the table for further action. It is a serious question, and if the conclusions of the committee are correct, then all the amendments passed are of no effect, and the city charter as it was before being amended; in force. This would sweep away our present city council, and require some method instituted to return to the former legal status. The only officer legally in office is the Mayor; in fact the question has thrown a cloud over our entire city government.

So much for the stupidity of a Democratic city administration and a Democratic Legislature. We infer that the city council intend to fully investigate the position of affairs, even if it is at their own expense.

General News Items.

BLACK HILLS. Cheyenne, April 16.—The publishers of the Cheyenne Daily Leader issued today an edition of 50,000 copies, containing a map of the Black Hills region, including all the mountain ranges known under that name. The map was made from an official survey obtained at the Surveyor General's office.

Professor Janney, Black Hills geologist, and General Crook, commander of the Department of the Platte, are expected here tomorrow. Several companies of cavalry have left here during the past week for Fort Laramie, from which point they will be sent to guard the entrance to the gold fields. Indications are that the government will open up this country to settlement. The city is rapidly filling with fresh people, who are only waiting permission of the government to go to the new El Dorado.

THE BLUE AND THE GRAY. Chicago, April 16.—At a meeting tonight of the Committee on Invitations, appointed at a recent meeting of the officers of the Grand Army of the Republic here, it was decided, in addition to issuing general invitations to Confederate soldiers and sailors, that special invitations should be sent to prominent Confederate officers, and that they should be requested to attend the approaching anniversary here, under the designation of CHRISTIANS BY TRADE.

Vienna, April 14th.—It is reported that the Turks have murdered two hundred and seventy Christians in Roumelia and Bulgaria during the last few months, and that the names of the victims have been communicated to the foreign representatives in Constantinople.

GROWTH OF CATHOLICISM. The growth of Catholicism in this country is something astonishing. The Catholics in the United States probably number eight million communicants. The Catholics occupy 6,000 stations, chapels and churches; they have the service of 4,873 priests, 6 apostolic vicars, 49 bishops, 9 archbishops and one cardinal. They have 18 theological seminaries with nearly 1500 students; over 3000 schools of all grades, and more than three hundred asylums and hospitals. There are among them 7 different orders of monks and friars, 12 of nuns, 8 different institutions such as Jesuits and Redemptorists, 12 congregations of priests and brothers and 30 sisterhoods.

THE BRITISH GOVERNMENT has issued a friendly paper match with the Dublin team, "will not be interfered with if they conduct themselves with propriety, and that the Government will, if necessary, make a special arrangement to secure their entire freedom of movement and their exemption from the formal operation of the law, it is regarded as having arms in Ireland. This is really very kind and considerate, and we are sure that our men will be pleased to go to Dublin on these terms. Perhaps it would be well for them to give thanks for their good behavior on their landing, although Sir Michael Hicks-Beach is kind enough to say that they are "undoubtedly law-abiding citizens," and that "there is no reason to suppose that they will break the law."

THE EDITOR of the Herald in just one year behind his party on the constitutional convention question; when he catches up he will be all right in the eyes of the electors. The Herald quotes approvingly Coke's message of a year ago instead of his last pronouncement, on the subject of a Constitutional Convention. "Coke simply proposed to amend the Constitution by amending it with amendments, then, but his party wanted the fun of spending the people's money by holding a constitutional convention and he was proposed to stand up to his first proposition. It won't be long before the editor of the Herald will discover another remarkable coincidence between his own views and those expressed by Coke four months ago.

Nothing with the imprint "Chicago" on it should circulate in the South. The morals of the press are no better than those of the people, and so city that sustains an inferior, and whose Chamber of Commerce, after the war, voted barrels of ammunition to the South, should be considered as a very ignorant and unprincipled one. Chicago sent thousands of dollars to aid the starving Southerners, so no city north or South was so generous. Chicago, so far as morals are concerned, possesses as high if not a higher standard than any Southern city ever of half of one hundred years. Such indefensible attacks upon our newspapers do great harm.

TOBACCO TOBACCO TOBACCO SHEEP DIP TOBACCO WE SELL AT COST. BUT ONLY TO Sheep Raisers! SALT Very Cheap. Wagner & Hummel.

STERNWAY Grand, Square and Upright Pianos. We have obtained the Highest Honors awarded to any Piano Manufacturer in the World.

STERNWAY Grand, Square and Upright Pianos. The world's greatest pianists and composers, including the renowned Dr. Franz Liszt; Anton Rubinstein; Berlioz; Kullak; Hummel; J. S. Bach; Mendelssohn; Chopin; Schumann; and many others.

STERNWAY Grand, Square and Upright Pianos. Superiority of the Steirway Piano over all others, and design to be the STANDARD PIANO OF THE WORLD.

STERNWAY Grand, Square and Upright Pianos. All American Piano Manufacturers, with one exception, and a large number of the most celebrated European makers have been forced to copy the Steirway scale, because of its construction and various improvements, and to adapt the Steirway System.

STERNWAY Grand, Square and Upright Pianos. We are in correspondence with the dealers in the best Cotton Gin and Presses, Cotton Gins, Baling Presses, Mowers and Reapers, and all other agricultural machinery.

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A. SCHEIDEMANTEL, PIANOS, MUSICAL INSTRUMENTS, Music and Stationery.

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H. SIEBENMANN, BOOK BINDER. Will keep constantly on hand a full assortment of bindings of every variety.

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Sleeping Cars attached to all night trains. BAGGAGE checked through to destination.

FOREIGN TICKETS OR ANY INFORMATION regarding rates of freight or passage, or routes, apply at the Freight or Ticket Office near Menker Hotel.

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CRYSTAL BILLIARD PARLORS, 74-dim. MICHAEL & CO.

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CITY DIRECTORY

Geo R Dabell, Joseph Sweeney, T T Teal...
Wm H Hedges, Mayor...
Aldermen Ward No. 1...

CONSPIRACY, TAKE NOTICE - Every moment of delay makes your cure hopeless...
Wm H Hedges, Mayor...

NOTICE! I hereby inform my friends and acquaintances that the public generally that the late Mr. J. J. ...

SELMA HOUSE. For prompt attendance, good meals and drinking water...

NOTICE! The Grandview Hotel is now open for business...

ARRIVAL AND DEPARTURE OF MAILS. Arrive. Leave. Depart.

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FREE SAMPLES to Agents. Ladies' Contention Soap...
Wm H Hedges, Mayor...

FOR COUGHS, COLDS, HOARSENESS AND ALL THROAT DISEASES. USE WALLS' CARBOLIC TABLETS...

CHRISTIAN HARMONY. By Wm. Walker, A. S. H. A religious tract...

HAVE YOU TRIED JURUBESA. ARE YOU Weak, Nervous, or Debilitated?

TO MAKE MONEY. In the next three months to keep you a regular...

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FITS CURED FREE. Any person suffering from the above disease is requested to address Dr. Price...

RESTORE YOUR SIGHT. DR. J. BALL & CO'S. New patent improved ivory eye cups...

GENUINE DURHAM. (TRADE MARK.) SMOKING TOBACCO. Manufactured only by W. T. Blackwell...

CAUTION. Under date of March 25, 1900, Hon. Charles G. ...

ALARM CASH DRAWER. EVERY MERCHANT SHOULD HAVE ONE. Sold at FAIRBANKS' Scale Warehouse...

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HAIR. Every year increases the popularity of this valuable Hair Preparation...

RESTORE YOUR SIGHT. DR. J. BALL & CO'S. New patent improved ivory eye cups...

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Waters' Condensed Sarsaparilla. Organ's possession is beneficial and peculiarly so...

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GENUINE DURHAM. (TRADE MARK.) SMOKING TOBACCO. Manufactured only by W. T. Blackwell...

CAUTION. Under date of March 25, 1900, Hon. Charles G. ...

ALARM CASH DRAWER. EVERY MERCHANT SHOULD HAVE ONE. Sold at FAIRBANKS' Scale Warehouse...

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