SACRAMENTO DAILY RECORD-UNION.

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SACRAMENTO, SATURDAY MORNING, JULY 30, 1881.

DAILY RECORD-UNION SERIES, VOLUME XIII—NUMBER 137.

HALE BROS. & CO.

"IT IS MORNING!"

GRAND OLD SACRAMENTO IS HEALTHY TO-DAY. It has had its Floods and its Fires, and it would seem that Nature, or Accident, or Incendiary have done their worst for the city; but SACRAMENTO IS TO-DAY GREATER THAN SHE EVER WAS! With her Live Merchants and the grand backing power of millions in produce, she must hold her own not only on that account alone, nor because it is the Capital of the State, but that there is associated with it the old Amalgam of the State California Pioneer, who, when asked the question: "SON OF MAN, CAN THESE DRY BONES LIVE?" touched a responsive chord, and although the "ALMOND TREE MAY FLOURISH, AND THE WHEEL NEARLY BROKEN AT THE CISTERN, AND THE GRASSHOPPER ALMOST MAKE HIM AFRAID;" yet, like a WATCHMAN on the wall of his dear old city, when the anxious inquiry of the citizen rings out in the depth of darkness: "WATCHMAN, WHAT OF THE NIGHT?" the response comes, "ALL'S WELL!" and by and by, when old SOL has gone his rounds, and sheds his first rays in the East, the good old, staunch WATCHMAN cries out: "IT IS MORNING;" and all the something unnamable that have lurked in the darkness, retire to their loathsome dens.

"IT IS MORNING!"

HALE BROS. feel and try their very utmost in the commercial world to give a "MORNING." When all febrile efforts of the borrowers from other's wealth to steady them in business; when the whole of those un-God blessed parasites (value, scarcely 30 cents to the dollar) shall have retreated by their own slimy trail into the burrows of their self-made corruption nests, and when a whole people, down-crushed and trampled under the corrosive CREDIT SYSTEM, and the abused confidence they have reposed in the self-called saviours, shall arise in their strength and manhood, then the grand old Capitol, with its sterling strength and the reflected rays of its Golden Dome shall, notwithstanding its drawbacks, shine as it should shine, resplendently in its brilliancy and dazzling in its brightness, and with

HALE BROS.,

—THE—

DRY GOODS WATCHMEN

—OF—

THE CITY!

CRY OUT:

"IT IS MORNING!"

And there shall be no more Night in Dry Goods!

The poor fettered, manacled-bound Father, who has been trammeled with the big fraud of usurious creditors, shall go free; and that manhood released from his imprisoned cell, will sing—"IT IS MORNING!" and the clarion note shall be so full that it will be a reminder of when "THE MORNING STARS SANG TOGETHER," and its thrilling music shall vibrate to the remotest walk in life:

"AND IT SHALL BE MORNING!"

HALE BROS.' pulse shall beat at medical gauge, although all other houses may be suffering, and whatever our competitors may feel or the inclination they may have TO BURY US AND OUR ADVERTISEMENT, yet will they eventually (unless every sense of self-preservation is extinct), cry out with us: "IT IS MORNING FOR THE PEOPLE!" However that may be,

HALE & CO.

—ARE—

DETERMINED THAT DURING THE NEXT THIRTY DAYS THERE SHALL BE A "MORNING!"

Walk erect, Father of a Family, who works hard for their sustenance, you are just as much appreciated as if you were a millionaire.

Poor Mother, don't tell your troubles to everybody. Go to HALE'S; they will try and help you.

To you, "Little Folks," that have brought precious love, and entailing lots of responsibilities, go to HALE'S, and see if you cannot, by the expenditure of your small coin, make Mother and Father feel happy!

☞ TO CONCLUDE!—We know that our competitors will criticise; let them do so, and while they are dissecting our "ADVERTISEMENT," and despite all the adverse comments that may be made, the Toscin shall ring from the old Capitol:

"HALE'S ARE HERE; IT IS MORNING!"

COME AND SEE US! Yours truly,

HALE BROS. & CO.,

Grand Central Depot,

CORNER OF NINTH AND K STREETS.

ANTI-DEBRIS.

INJUNCTION AGAINST THE GOLD RUN DITCH AND MINING COMPANY.

Granted upon Complaint of the Attorney-General—Letter from the Attorney-General—Action Taken.

The suit heretofore instituted against the Miocene Mining Company having been transferred on motion of the defendant to the United States District Court, which prevented its consideration and decision by the Courts of this State, the Attorney-General yesterday filed a complaint in the Superior Court of this county against the Gold Run Ditch and Mining Company, a resident defendant, for the purpose of obtaining an injunction and decision of the State Courts as to the right of the owners of hydraulic mines to discharge the tailings or debris from such mines into the streams of the State. This action is brought by the Attorney-General personally, because of the change of venue referred to. The Attorney-General is desirous of having the whole matter reached and finally adjudicated in the State Courts at the earliest possible date, and the institution of this suit was, that the legal principles involved may be brought to issue and trial by the most expeditious judicial proceedings. The suit is instituted also in response to a large number of petitions received by the Attorney-General from various counties injuriously affected by the flow of mining debris down the streams and the deposit of the same upon the agricultural lands of the valley. The entire matter is clearly set forth in a letter from the Attorney-General as a reply to George Cadwalader and others, which accompanied his signing the complaint instituting the proceedings, and which is as follows:

ATTORNEY GENERAL'S OFFICE, SACRAMENTO, July 29, 1881.

Dear Sir: The petition, signed by you and others, as the attorneys of the county of Sacramento, asking for the right to commence and prosecute an action in the name of the people of the State against the Gold Run Ditch and Mining Company, to enjoin that company from depositing its debris in the American river, has been duly considered by me. Several other petitions of the same character have been presented to me, but I have been endeavoring to moderate the litigation growing out of this important controversy, and hence have concluded, for the time being, to allow only one of the actions in which petitions have been filed to be commenced; and, as all the petitioners are interested more in the general result than in any particular action, I have determined to grant the petitions of all to the extent of allowing all the petitioners and their attorneys to participate in one action. I allow the action to be commenced against the Gold Run Ditch and Mining Company, in preference to all others, because that company having been incorporated in this State, as appears in the averments of the petition, it cannot delay the trial and final determination of the action, by transfering it to the United States Courts, unless it can show that some Federal question is involved in the controversy, and that transfer may be had, by writ of error, after the cause has been tried and finally determined in the State Courts. These petitions have been before me for some time, as you are aware, and I have hitherto refused to permit the actions to be begun because of the pendency of another action of the same nature against the Miocene Company. It is desirable that this litigation should be limited as much as possible for many and very potent reasons. Aside from the expense to both sides, for costs and in the employment of counsel, which would follow an unrestrained litigation of the matter, the importance of the questions, and the magnitude of the interests involved, render it reasonably certain that a wholesale resort to legal restraints by the one side upon the other would engender a bitterness between the different localities which might seriously endanger the peace and prosperity now existing throughout the State. It has therefore been my policy to test the question in one action, if possible, and it was my sincere desire that, instead of resorting to technical means of procuring delays, both parties in the Miocene case would join me in my endeavor to have the question speedily settled at as little cost as possible. That case, however, has been transferred to the United States Court, at the instance of the defendant, and it is now impossible to say when it may be brought to a trial. Motions designed only for unnecessary delay may be made by the defendants in these actions. I have no power to prevent the defendants from consistently and persistently pursuing such a policy. So far, however, as the plaintiff is concerned, I shall insist upon the right to control the cause of the State, and shall force the plaintiff to a trial whenever the issues are settled and the defendant announces itself ready. I must also insist that the defendant shall come to an early trial of the matter. The relief asked for by the petitioners is that certain alleged damages shall be prevented. Every day diminishes the reasons which induce the presentation of these petitions to me, because every day, it is alleged, is accompanied with some of the damage which the petitioners ask to have restrained. While, therefore, it is my desire to avoid a virtual decision of the question by myself, and to relieve the hydraulic miners from as much expensive litigation as possible, I cannot, consistently with my official duty, permit the hydraulic miners to avail themselves of my leniency for the purpose of accomplishing that which the petitioners ask that they be prevented from doing, by procuring repeated delays, and thus postponing the settlement of the question. While I am willing to treat both parties with perfect fairness and impartiality, I must insist that my treatment shall be received and acted upon in a spirit of equal fairness. I therefore announce again that in granting this petition it is my present intention to confine the petitioners to this one action, and that the people must come to trial whenever the defendant is ready. If, however, the defendant resorts to delay for the purpose of defeating the objects herein above expressed, I will make it interesting to the other side to bring the matter to a speedy trial, if in order to do so it is necessary for me to enjoin every hydraulic mine in the State. After years of preparation both parties must be ready for trial, and I am specific in expressing my own policy in the future, because it may result in inducing both sides to desire a trial and a speedy determination of the matter. I am fully convinced that an early settlement of the question will be for the best interests of both sides.

I have the honor to be, yours, respectfully,
A. L. HART, Attorney-General.

THE COMPLAINT.

In the Superior Court of the county of Sacramento, State of California. The People of the State of California, plaintiff, vs. The Gold Run Ditch and Mining Company, defendant.—The people of the State of California, by A. L. Hart, its Attorney General, now come and complain against the Gold Run Ditch and Mining Company, and for cause of complaint show to the honorable Court, as follows, to wit:

That the Sacramento and American rivers lie entirely within the limits of the State of California; that the latter is a tributary of the former, and empties into it in Sacramento county, about one mile north of Sacramento city. That the Sacramento river is a navigable stream, and has been continuously navigated by steamers, barges, schooners and smaller craft since the summer of 1849; and during the earlier part of that period, and up to the summer of 1862, was navigated from the bay of San Francisco to the city of Sacramento, at all stages of water, by ships, ocean steamers and other water craft. That the Sacramento river has been declared navigable by the Legislature of the State to the extent mentioned in section 2340 of the Political Code of said State, and to that extent is and has been actually navigable. That since 1862 the navigation of said river has become seriously impaired by deposits of tailings therein from hydraulic mines; so that now it is only during the highest stages of water that the city of Sacramento can be reached from the bay of San Francisco by ships, ocean steamers or vessels of deep draft.

That hydraulic mining as now practiced and understood, is a mode or process of mining for gold by which high banks of earth and gravel, usually composed of streaks containing gold enough to pay for the washing, and streaks that do not—the latter in cubic contents largely predominating—are washed and removed from their natural position, after being shaken up and shattered by means of immense blasts of powder, into sluice-ways and flumes, and thence into the natural water courses and rivers, by means of large streams of water forced through iron pipes and thence discharged from nozzles attached to said pipes with great force and velocity against the said banks of earth and gravel, by a heavy water pressure of from one hundred feet to four hundred feet in hight, the gold being separated from the earth, sand and gravel by the action of the water, and retained in the pavements of said sluice-ways and flumes, whilst the refuse matter, consisting of boulders, cobble-stones, pebbles, sand and clay, generally called and known as "tailings," or "debris from the mines," is washed into and down said natural water courses and rivers and deposited in the beds and channels thereof, throughout their entire length, the heavier portion thereof being first deposited and lodged in the upper portions of said water courses and rivers, whilst the lighter portions thereof are carried further down and deposited in the lower portions of said rivers. This mining by the hydraulic process has been practiced and carried on to some extent in the mountainous parts of the State of California during the last twenty years—it attained great dimensions about the year 1876, and at the present time is carried on extensively, principally in the counties of Butte, Yuba, Sierra, Nevada and Placer, and on a much smaller scale in some of the other mountain counties, and in the hilly parts of a few of the valley counties of California, lying to the east of the Sacramento river. The tailings from a part of the hydraulic mines worked in Placer county are discharged into the North Fork of the American river and the streams tributary thereto, and a large part thereof has been deposited in the bed, and lodged in the bed and channel of the said North Fork of the American river, and the American river proper, below said North Fork, throughout its entire length below the town of Alta, in Placer county, but a large portion thereof has been washed and carried by the water into and down the Sacramento river, and deposited in the bed and channels of the last-named river throughout its entire length below its junction with said American river. That the grade of said American river, from opposite to the town of Alta to Alder creek, in Sacramento county (where it debouches into the valley), is about thirty feet to the mile, after which and until it reaches the Sacramento river its grade is reduced to three feet to the mile.

That the tailings from another part of the hydraulic mines worked in Placer county are discharged into the Middle Fork of the American river. That the tailings of a part of the hydraulic mines in El Dorado county empty into the South Fork of the American river and its tributary streams. That said Middle Fork joins the North Fork about twenty miles below Alta, and the South Fork still lower down, at the town of Salmon Falls. That the deposit of tailings from the hydraulic mines aforesaid has filled up and raised the beds and channels of the Sacramento river to a great extent below the mouth of the American river, and has filled up and raised to a much greater extent the main American river, between Alder creek and its mouth, and had greatly widened the beds of said rivers and shallowed the channels thereof, and formed sand bars in the Sacramento river, and otherwise materially impaired and obstructed the navigation of the Sacramento river, and had caused the Sacramento river, below the mouth of the American, and the American, for the first twelve miles east of the Sacramento, to overflow their banks and submerge large portions of the adjacent lands, the property of citizens of this State, during seasons of high water, and thereby had interfered with and obstructed the free and comfortable use and enjoyment of said lands by the owners and occupants thereof to a much greater extent than at any time before said rivers were so filled up as aforesaid by said tailings, and to a much greater extent than said lands would have been overflowed, or the use and enjoyment thereof would have been interfered with or obstructed, had not said tailings been so deposited as aforesaid in the beds and channels of said rivers.

That the defendant herein, The Gold Run Ditch and Mining Company, is a corporation, organized under and by virtue of the laws of California, for the purpose of mining in Placer county, California.

That prior to the month of June, 1881, the defendant acquired possession of and claims to own two large tracts of mineral land, in area over 400 acres, bordering on Canyon creek, and situate adjacent to the North Fork of the American river, on the north side thereof, about one mile westerly and southwesterly from the town of Gold Run, in Placer county. The surface of each of said tracts of land is about 1,000 feet above the low water level of the said North Fork of the American river and the smaller of the two said tracts of mineral land or mining claims is susceptible of being worked and mined to a depth of fifty feet below the surface, and the larger to an extent of least 100 feet, and both to such respective depths are composed of various strata of red earth, pipe clay, sand, gravel, small stones, and a few cobbles, the greater part of which, except the pipe clay, contains small particles of gold. That by means of ditches and iron pipes, defendant has conducted to its aforesaid two tracts of mineral ground or mines, a supply of 2,000 inches of water, which it is using and will continue to use, under a vertical pressure of 200 feet, to mine its said tracts of land by said hydraulic process, discharging water through monitors, from nozzles five inches in diameter, and dumping all the tailings from such mines into the North Fork of the American river, through a short and steep tributary stream thereof, called Canyon creek, aforesaid.

That the defendant has been mining its said tracts of mineral land for several years immediately last past by the mode and process aforesaid, and is now continuously, day after day, discharging and dumping into the North Fork of the American river, at the mouth of said Canyon creek, 13,500 cubic yards of solid material from its said two mines, said solid material being composed of cobble stones, gravel, sand and clay. That its yearly discharge of said tailings from its said two mines into the bed and channel of the North Fork of the American river at the place aforesaid has been at least two and one-half millions of cubic yards annually, and will continue to be that quantity annually, and at such rate it will require over ten years to mine out and exhaust said tracts of mineral land. And plaintiff further shows that the defendant, by its agents, has declared its intention and really intends to continue to mine said tracts of mineral land in the manner and at the rate aforesaid, and to discharge and dump the tailings from such mining ground into the North Fork of the American river as aforesaid, until both said tracts of land shall be mined out and exhausted, and will so continue to mine and to discharge and dump said tailings into the North Fork of the American river unless enjoined and restrained by order of this honorable Court. That the tailings discharged and dumped into the North Fork of the American river, by the defendant as aforesaid, have been washed and removed down said rivers by the natural force of the waters and commingled with tailings from other hydraulic mines, and with them have been deposited and lodged in the beds and channels of said Sacramento and American rivers, and upon the lands adjacent to said rivers. That since the defendant commenced to mine its said tracts of land as aforesaid, the beds and channels of Sacramento river below the mouth of the American, and the American below the mouth of Alder creek, in Sacramento county, have been filled up, raised, widened and shallowed by the deposits therein of tailings from the defendant's mines and other hydraulic mines as aforesaid, to a much greater extent than at any time before, and by reason thereof the Sacramento river, below its junction with the American, has been impaired and obstructed, and the banks thereof and the lands adjacent thereto, as well as the banks of the American river, for the first twelve miles east of the Sacramento river, and the lands adjacent thereto have been overflowed and injured to a much greater extent than at any time before the commencement of such mining by the defendant, and that by said mining and discharge of tailings into the North Fork of the American river by the defendant as aforesaid, said defendant has largely and materially added and contributed to the said filling up, raising, widening and shallowing of the beds and channels of the Sacramento river and that of the American, from Alder creek to its mouth, and to the impairment and obstruction of the navigation of the Sacramento river, and also to the said excessive overflow of the banks and lands adjacent to said rivers, to the great injury of said lands and to the damage, discomfort and intolerable annoyance of the owners of said lands and the residents thereon.

Plaintiff further shows that the power and force of the water to scour out and carry off the tailings from the hydraulic mines deposited in the beds and channels of said rivers as aforesaid, are proportioned to the depth of the water flowing in said beds and channels and between the banks of said rivers. The greater the depth of the water so flowing, the greater is its force and power to scour out and carry off said deposits, whilst such force and power decrease in proportion to the diminution of the depth of the water so flowing in said river beds and channels, and to the extent that said water is surcharged with earthy matter.

That said bed of the Sacramento river and said bed of the American for the first twelve miles east of the Sacramento have already become so much filled up and widened by the tailings from the hydraulic mines, including those of the defendant, that the depth of the water therein has been thereby greatly diminished, especially during the high stages of the water, when the water overflows the banks of said rivers and spreads over large tracts of land on each side of said rivers, instead of being confined within the natural banks, as it would have been but for said deposits therein from the hydraulic mines. That by reason of the diminution of the depth of the water in the beds and channels of said rivers, they will hereafter be filled up, and the navigation thereof obstructed much more rapidly in proportion to the quantity of hydraulic tailings deposited therein than formerly, when their waters had greater depth and greater purity, and consequently more power to scour out and carry off such deposits. That a continuance of the deposits of tailings from the hydraulic mines, including those of defendant, during the next two years, at one half the rate they have been deposited during the last two years, will further obstruct and impair, if it does not destroy the navigability of the Sacramento river, and will submerge and render unfit for cultivation or habitation all the bottom and other low lands adjacent to said rivers, on both sides thereof, by the overflow thereof and the deposit thereon of sand and gravel from said hydraulic mines, to such a depth as to render said lands unproductive and valueless. That more than ten thousand acres of such lands, of first-rate quality, and of great value, have already been so overflowed and covered by a deposit of sand and tailings from said hydraulic mines, to which the tailings from the mines of the defendant have largely and materially contributed, to a depth of from one foot to ten feet, and have thereby been rendered totally unfit for cultivation or any other useful purpose, and of no value whatever. That there are in the American and Sacramento valleys, within reach of the overflowing waters of the American river, over one hundred thousand acres of valuable agricultural lands—the property of citizens of this State—highly improved and cultivated, which remain uninjured, or injured only in a small degree by the overflow thereof and deposit thereon of tailings from said hydraulic mines, but which will be subject to such overflow and deposit thereon, and which will be overflowed by water and covered by a deposit of tailings from said hydraulic mines, including that of the defendant, and thereby greatly deteriorated in value and usefulness to the owners thereof, if not rendered totally useless and of no value whatever, within a very short period of time, if hydraulic mining be continued by the defendant and others, as at present conducted; and plaintiff is informed and believes, and upon such information and belief alleges, that unless restrained and enjoined by this honorable Court, such hydraulic mining will be so continued by defendant and others during the next ten years, to the utter and total destruction of all the agricultural lands and the improvements thereon, and of all the cities and towns within the valley of the American river below Alder creek, and within the valley of the Sacramento river below the mouth of the American river.

Plaintiff further shows that the discharge and deposit of tailings by defendant from its said mine as aforesaid, so fouls and adulterates the waters of the North Fork of the American river, and the American river proper, at all points below defendant's said dump, and down to the junction of the Sacramento river, as to render said waters unfit for any use by the inhabitants of the valley, through which said river runs, and in the absence of such fouling and adulteration, said waters were and would still be of first-rate quality for all the purposes for which water is used by man and beast.

☞ Plaintiff further shows that the filling up of the beds of said American and Sacramento rivers by tailings from the said hydraulic mines of defendant and others, and to which filling the defendant has largely contributed and will continue so to contribute, unless restrained by this Court, and the consequent overflow of the banks of said rivers and the lands adjacent thereto, within the described limits, and the deposit of tailings thereon as aforesaid, both the natural and artificial drainage of the lands and the sewerage of the cities, towns, and villages in the American river and Sacramento valleys have been greatly obstructed, and thereby said valleys have been rendered more unhealthy to the inhabitants thereof than they otherwise would have been, and will thereby continue to be rendered still more unhealthy by the continuance of hydraulic mining, conducted as aforesaid by defendant and others.

Plaintiff further shows that if hydraulic mining by defendant and others is stopped and not again resumed, that the waters of said rivers will at once commence to scour and carry off the tailings heretofore deposited therein as aforesaid, and within a few years will thereby restore said rivers to their former and normal conditions of navigability, deep channels and pure water.

Plaintiff further shows that the wrongful acts of the defendant, above complained of, constitute a public nuisance of a continuously recurring nature, produced and continued by repeated wrongful acts of defendant, and not subject to abatement, but that the only appropriate or adequate remedy for which, is by injunction from a Court of equity, and for which there is no remedy at law except by information or indictment, as for a misdemeanor, the penalty of which is, and will be, totally inadequate to suppress the wrong; besides, such misdemeanor must be prosecuted in the county where it is committed, and is there triable by a jury, where it would be difficult and generally impossible to convict the offender, by reason of the great influence of those generally guilty of the offense, and from the fact that a majority of the people in those mountain counties where the offense is committed regard the wrongful acts hereinabove complained of as constituting no public offense. That the prospect of real and speculative profits from hydraulic mining, as hereinabove described and complained of, is generally such that persons engaged in it would suffer all the prosecutions and penalties of the law that could be inflicted upon them, rather than discontinue the commission of the consequent wrongful acts of defendant above complained of, and that such destruction can only be prevented by the writ of injunction from a Court of equity.

That if the wrongful acts of the defendant and others, above complained of, are continued, the beds and channels of the lower portion of said American river and the Sacramento river below the mouth of the American, will very soon be so filled and choked up by tailings from defendant and other hydraulic mines, that said rivers will be turned from their natural beds and channels, and will spread and run at random over the entire valleys, in which condition the depth of their water will be so diminished that they will have no force or power to scour said channels or to carry off the tailings deposited therein as afore said, and said valleys will become dismal swamps, incapable of habitation or cultivation.

☞ Wherefore the plaintiff prays that during the pendency of this action the defendants and all its officers, Superintendent, agents and employes may be enjoined and restrained from discharging or dumping into said North Fork of the American river, or into any stream or canyon tributary thereto, and especially Canyon creek, and also from causing or suffering to flow into said river any tailings, boulders, cobble-stones, gravel, sand, clay, debris or refuse matter from its said tracts of mineral land, mines, or elsewhere, and that upon the final hearing and trial of this action the said defendant may be so as aforesaid enjoined and restrained perpetually, and that plaintiff recover its costs of suit herein. A. L. HART,
Attorney-General of the State of California; and Geo. Cadwalader, I. S. Belcher, Hall McAllister, Stabler & Bayne, of counsel, attorneys for plaintiff.

Upon filing the above, Judge Denson issued the following

ORDER FOR INJUNCTION:

In the Superior Court of the County of Sacramento, State of California—The People of the State of California, plaintiff, vs. The Gold Run Ditch and Mining Company, defendants.—It appearing from the duly filed and verified complaint herein that the plaintiff is entitled to the relief demanded, and that part of such relief consists in restraining during the pendency of this suit the commission of certain wrongs in the complaint described, it is therefore ordered that the above-named defendant and all the officers, superintendent, foremen, agents and employes thereof, be enjoined and restrained from discharging or dumping into the North Fork of the American river, or into any stream or canyon tributary thereto, and especially Canyon creek, any tailings, boulders, cobble-stones, gravel, sand or debris from its mine, and also from causing or suffering to flow into said river any tailings, boulders, cobble-stones, gravel, sand, clay, debris or refuse matter from its said tracts of mineral land, mines or elsewhere.

S. C. DENSON,
Superior Judge.

July 29, 1881.

In obedience to this order the Clerk issued a writ of injunction, directed to the defendant, as follows, and which was sent by last night's train to the Sheriff of Placer county for service:

WRIT OF INJUNCTION.

In the Superior Court of the county of Sacramento, State of California—The people of the State of California, plaintiff, vs. the Gold Run Ditch and Mining Company, defendants—The people of the State of California to the above-named defendant send greeting: In the above-entitled cause the Judge of the above-entitled Court having made an order that a writ of injunction should issue enjoining and restraining the defendant in said cause from certain acts in said order set forth, we, in consideration thereof and in obedience to said order, command you, the defendant in said cause, and all and each of your officers, agents, Superintendent, managers, servants and employes, until the further order of this Court, to desist and refrain from discharging or dumping into the North Fork of the American river, or any stream or canyon tributary thereto, and especially Canyon creek, and also from causing or suffering to flow into said river any tailings, boulders, cobble-stones, gravel, sand, clay, debris or refuse matter from its said tracts of mineral land, mine or elsewhere.

In testimony whereof I have hereunto set my hand and affixed the seal of said Court this 29th day of July, A. D. 1881.

THOS. H. BERKEY, Clerk.
By J. H. PARNELL, Deputy Clerk.

PASSENGER LISTS.

CARLIN, July 29th.—Passed here to-day, to arrive in Sacramento to-morrow: Miss Woodward, Mrs. Wm. Martin, Frank Martin, C. Y. Furgeson, New York; Mrs. Peter Gerity, J. Miller, J. D. Redding, Geo. H. Parker, Mrs. B. W. Brown Master Harry Brown, Master Willie Brown, Mrs. McClellan, San Francisco; Mrs. R. K. Morrass and child, Eureka, Nev.; Miss Alexander, Miss Geneva Williams, Chicago; Miss C. L. Walker, Otumwa, O; M. C. Millett, Salem, Mass.; D. E. Goodman, Fairbault, Minn.; A. R. F. Young, Edinburgh, Scotland; J. D. French, Burmingham, Conn.; F. Hall, Boston, Mass.; W. H. Ferry, Chicago; J. M. Dawley, East Oakland, Cal.; H. T. Proctor, Cincinnati; Mrs. R. H. Tyner, George P. Tyner, Davenport, Ia.; W. H. James, Leadville, Col.; John Harris and wife, Ogden, Utah; Miss Minnie Martines, Galena, Ill.; A. G. Wing, Fort Keogh, Mont.; J. H. Pratt, Omaha; Yellowstone Kitt, Helena, Mont.; H. E. Garfield, Kansas City; Mrs. D. Wathrous, St. Paul, Minn.; John Allen and wife, Scotland; Mrs. Gilchrist, Cheyenne; J. Scott, Halleck; 12 emigrant passengers, to arrive in Sacramento July 31st.

NEWHALL, July 29th.—Passed here to-day, to arrive in San Francisco to-morrow: Mrs. A. H. Stevens, Oakland; G. W. Jordon, A. J. Nixon, Los Angeles; C. J. Hopkins, L. A. Booth, W. B. Hopkins, Oakland; H. E. Hill and wife, San Jose; R. F. Del Valle, Los Angeles; J. H. Fearey, New York; C. H. Lord, Ohio.

OMAHA, July 29th.—Passed here to-day, to arrive in Sacramento August 2d: Rev. J. W. Healy, Milwaukee; Miss E. M. Beadle, Mills' Seminary, Cal.; Miss Kunler, Cincinnati; John H. Seliveiner, wife and son, Samuel S. Campbell, Philadelphia; F. W. Soule, New York; H. T. Payne, Buffalo; Miss Maud Cummings, Madison, Wis; Theo. Van Pelt, Cleveland; Moses Dorman, St. Louis; Henry S. Slaven, Pittsburg.

Sixty through emigrants left on last night's emigrant train, to arrive in Sacramento August 5th.

On the mountain ranch of Jas. Samuels, twenty-eight miles northwest of Healdsburg, one day last week, a 400-pound bruin of the black bear species was caught. When discovered by Mr. Samuels, the animal was quite ferocious, but Wilson Brown plugged him in the temple with a navy ball, and ended his sheep killing and steel trap experiences forever.

Sunday evening, says the Chico *Enterprise* of the 26th, we were shown a lamper eel, nearly two feet long, captured by Master William Montgomery in Chico creek, about half a mile below the railroad bridge. It is said to be the first ever caught in the waters of Chico creek, and was a great curiosity to many, being the first they had ever seen.

TELEGRAPHIC.

SPECIAL TO THE RECORD-UNION.

DOMESTIC.

The President's Condition.

EXECUTIVE MANSION, WASHINGTON, July 29th—8:30 A. M.—Immediately after the evening dressing yesterday the President's afternoon fever began gradually to subside. He slept well during the night, and this morning is free from fever. He looks well, and expresses himself cheerfully. No rigors have occurred during the past twenty-four hours, nor indeed at any time since the 25th instant. A moderate rise of temperature in the afternoon is to be anticipated for some days to come. At present his pulse is 92, temperature 98.4, respiration 18. Signed by Bliss, Barnes, Woodward, Reyburn and Hamilton.

[SECOND DISPATCH.]

EXECUTIVE MANSION, July 29th—12:30 P. M.—The President bore the dressing of his wound well this morning, and exhibited very little fatigue after its completion. The appearance of the wound, the character and quantity of the discharge, and the general condition of the President are satisfactory. He rests well, and takes an adequate quantity of nourishment. At present his pulse is 98, temperature 98.4, respiration 18. Signed by Barnes, Bliss, Woodward, Reyburn, Hamilton.

Hartmann, the Nihilist.

NEW YORK, July 29th.—The *Herald* says: Leo Hartmann, the celebrated Nihilist, who has successfully escaped the snares of the acutest detectives in the world, arrived in this city from Europe yesterday. Hartmann, being interviewed, said: "As soon as circumstances will permit, I am fully prepared to return to Russia, together with my comrades. I mean to continue to the bitter end the struggle against despotism. I am come as a delegate of the Executive Committee of the Russian revolutionary party to the people of the United States, and have no personal motive whatever in coming here."

O'Donovan Rossa and Those Infernal Machines.

NEW YORK, July 29th.—O'Donovan Rossa, being interviewed by a *Times* reporter, admitted that he has advanced $90,000 for the skirmishing fund to build an Irish torpedo boat, which was a failure, and which would not sell for anything but old iron to-morrow.

Speaking of the infernal machines, Rossa said: "The whole farce was got up by an Irishman who belongs to the League. He shipped some harmless material to England, and then pretended to act as informer to the British Government. He went to Consul-General Archibald and told him that the explosives had been sent, and furnished him sufficient proof that the shipment had been made. For this the Irishman received $1,000, and was promised $9,000 more when the English police should have seized the explosives. The material which the Irishman shipped cost about $40, and he got for it $10,000, which will be used to fight the English with. Now that Archibald has found that he has been made a victim of this practical joke, he is tearing his hair with rage."

The Thanksgiving Question in Texas.

ST. LOUIS, July 29th.—The *Republican* has the following somewhat remarkable special from Palestine, Tex.: Mayor Pickens, of Palestine, says that when the Governors decide on the day, he will issue a proclamation inviting a general thanksgiving by the citizens here for the recovery of President Garfield. Lieutenant-Governor Storey passed through here to-day, and said if a united call is made from the people, he will issue a proclamation to the whole State, regardless of the attitude of Governor Roberts. The Mayors of Galveston and Cameron side with the Governor, and refuse to join in the thanksgiving requests of the people. There is apparently a reaction in favor of Governor Roberts, as the public begin to think his position is misconstrued. He has never issued a thanksgiving proclamation during either of his terms as Governor, and is evidently conscientiously opposed to it, and truth forces me to say that I observe among a large and respectable class of citizens a belief that the President's injuries have been greatly magnified for three obvious reasons: First, to make a great reputation for the attending physicians; second, to make it appear as an almost miraculous recovery, attributable principally to the President's extraordinary powers; third, that the alleged deception has not been altogether free from a political bearing, particularly up to the time of the termination of the contest at Albany.

The Missouri Train Robbers.

ST. LOUIS, July 29th.—The Sheriff of Laclede county arrived here yesterday, having in his possession a letter from a gentleman whose reliability he vouches for, stating that a party of seven well armed and mounted men were seen six miles from Plato, Texas county, Mo., Thursday night, who fully answer the description of the Winston train robbers. They were traveling toward Iron Mountain, and the writer of the letter evidently thinks that they will be heard from at some point on that road.

PACIFIC COAST.

Further Railroad Enterprises.

LEWISTON (Idaho), July 29th.—Articles of incorporation of the Idaho, Clear Water and Montana Transportation Company were filed yesterday, under the laws of Idaho, and a certified copy forwarded to the Secretary of Idaho. This new company embraces seventeen prominent citizens of North Idaho, and it is claimed that they have been induced to form this company at the instance of several Eastern capitalists with the view of securing the routes named, and that preliminary surveys of these routes will soon be made under the direction of the managing trustees; that the purpose of the incorporation is to build a railroad and telegraph line eastward from Lewiston via Clear Water pass of the Bitter Root mountains and the Big Horn pass of the Rocky mountains, to intersect with the Utah Northern, a distance of less than three hundred miles, and through a much better country than that of the Northern Pacific or the Snake river route via Boise and Baker City, and about one hundred and fifty miles shorter. They also propose to build from Lewiston via Snake and Grand Ronde rivers to La Grange, Oregon, a distance of one hundred miles. They further propose to build a railroad and telegraph from Lewiston north via the Potlach, South Palouse, four miles north of Palouse, Cedar creek, Pine creek and Fork creek valleys, the outlet of Coeur de Alene lake, to intersect the Northern Pacific near Westwood. They also propose to construct, equip and operate steamboats on the Snake, Clear Water and Columbia rivers in connection with their railroads. They claim for these routes great advantages over any other lines for character of country through which they pass, for easy grades and cheapness of construction. There is but little doubt that, with those roads built, this entire section of country, which is acknowledged to be the best of the great Columbia basin, will be better served with transportation facilities than it will be by any other routes that have been projected.

Deadly Affray in a Saloon Between an Old Man and His Son.

MERCED, July 29th.—A bloody and probably fatal affray took place in the town of Mariposa on Wednesday afternoon last, between David Hart, an old man, and the father of a family of fifteen children, and his oldest son, Wm. Hart, aged about 40 years. The weapons used were beer bottles and glasses by the father, and a revolving pistol by the son. In the encounter the father received three severe bullet wounds, one in the forehead, one in the side of the neck near the collar-bone, and one passing through and breaking one arm between the elbow and wrist. The affair occurred in a drinking saloon. The wounds of the old man are expected to be sufficient to cause death.

North Pacific Coast Railroad.

SAN RAFAEL, July 29th.—All kinds of rumors have been in circulation here for the past week concerning the sale of the North Pacific Coast Railroad, but the only thing authentic is that a syndicate of capitalists have taken a bond on the road for sixty days. A party consisting of J. W. Doherty and Captain Waddell, of the railroad, J. D. Walker, David Nye and I. B. Morris, in the interest of the sydicate, started this morning on a special train to go over the road on a tour of inspection.

Killed by a Rolling Log.

YREKA, July 29th.—A man named Thomas Scruggs, employed at the Black Bear quartz mine, while rolling logs, inadvertently got on the lower side of one, which rolled over him, breaking his thigh bone and causing his death in fourteen hours after the accident.

Ravages of the Hessian Fly.

NAPA, July 29th.—The Hessian fly has made great ravages in the lower part of this county this year. From 125 acres of wheat sown, R. Brownlee got only thirteen bags, which is the product of 140 bags which was sown on the tract.

San Francisco Stock Sales.

SAN FRANCISCO, July 29, 1881.

MORNING SESSION.

30 Ophir	5½	160 Y. Jacket	4 35
70 Mexican	8¾	50 Andes	1 45
220 G. & C.	54@55	310 Belcher	3 05
635 Best & Belch	10½	150 Benton	1
780 California	75@70c	170 Sierra Nev	92
50 Savage	2 80	45 Bullion	53c
70 New York	5c	50 Exchequer	1 15
1575 Con. Vir.	2 15@2 10	335 Overman	1 30@1 25
270 Potosi	2 70	120 Union	85@84
5 Hale & N.	3 20	315 Alta	4 15
150 C. Point	2 05	50 Utah	8½
100 Imperial	15c	200 S. Hill	15c
10 Kentuck	2 75	30 Challenge	72c

AFTERNOON SESSION.

29 Eureka	31	100 S. Bodie	5c
65 Jackson	55c	440 Mono	2 70@2 50
200 Prize	5c	200 Addenda	10c
50 Navajo	75c	720 N. Noonday	55@50c
200 Independence	9c	100 Noonday	75c
50 Star	9c	do assess delin.	
405 Day	2 65	900 University	10c
100 Albion	1 75	200 Boston	30c
350 Holmes	55c	100 Belle Pinel	2 60
960 Bechtel	1 20@1 25	25 Tiptop	5½
100 Skydiste	40c	120 S. King	20½
100 Bodie	6½	100 N. Belle Isle	30c
250 Gordshaw	45c	200 G. & Old Abe	2½
200 Wales	7	400 Oro	65c

STATE ITEMS.

The Teachers' Association will convene in the Normal School building, Vacaville, Saturday, July 30th, at 1:30 P. M.

The Red Bluff *People's Cause* is whooping up the capitalists of its town to build a woolen mill and other manufacturing enterprises.

A visitor from