

The Record-Union is the only paper on the coast, outside of San Francisco, that receives the full Associated Press dispatches from all parts of the world.

NEWS OF THE MORNING

In New York yesterday government bonds were quoted at 125 1/2 for 4s of 1907, 112 1/2 for 4 1/2s, sterling, \$4 3/4 for 4s, silver bars, 107 1/2.

Silver in London, 49 1/2; consols, 99 1/2-100; 5 per cent. United States bonds, extended, 105 1/2; 104 1/2, 105 1/2.

In San Francisco Mexican dollars are quoted at \$1.05 cents.

The middle Comstocks still had a rising tendency in San Francisco yesterday morning, and other sections of the market were firm in sympathy with the favorites.

John L. Sullivan was fined \$15 in a Boston Court yesterday.

Riley File, a desperado and moonshiner, has murdered two men in Fickett county, Tennessee, and citizens are searching for him.

The will of Charles E. Hill, who left an estate valued at \$1,000,000, is to be contested in Syracuse, N. Y.

In a railway disaster near Sydney, N. S. W., forty passengers were killed.

A naval engagement between French and Chinese men-of-war is reported from Shanghai.

A fire at Chico yesterday caused a loss of \$20,000.

Over 100,000 fruit trees have been delivered at Redding so far this season.

The senatorial contest in the Oregon Legislature is still undecided.

During the past week 254 business failures occurred in the United States and Canada.

Aggie McMurrin has been held at Salt Lake for perjury in \$1,000 bonds, in connection with the Young polygamist case.

The National Silver Convention completed its labors in Denver yesterday, and adjourned sine die.

A caving back killed two men at St. Paul, Minn., yesterday.

It is said that the wound received by Stewart in the Soudan is similar to that which caused President Garfield's death.

John McCullough insists that his ailment is indigestion, not craziness.

Another negro exodus has begun in North Carolina.

The State Horticultural Society is in session at San Francisco.

Willie Butler, aged 13 years, was killed in San Francisco yesterday by a fall from a ladder.

Fifteen hundred operatives have been thrown out of employment in Philadelphia by an accident to the engine of Dolson's carpet mills.

Speaker Carlisle visited President-elect Cleveland in Albany yesterday.

Oliver Kittle cut his throat at Elko, Nev., Thursday night, and is still alive.

The Nevada Silver Convention meets in Carson to-day.

The United States Senate adjourned yesterday until Monday.

The National Board of Trade adjourned sine die in Washington yesterday.

Fire in San Francisco, loss, \$60,000.

Adolph Spreckels, who shot De Young, was held in answer in San Francisco yesterday, with bail fixed at \$50,000.

The great heat of the past few days caused more than a score of deaths in Buenos Ayres.

A negro was burned at the stake in Vera Cruz, Mexico, yesterday.

The circulation of O'Donovan Rossa's paper in Ireland has been prohibited.

A noted gang of outlaws have been captured in Indian Territory by an Arkansas Sheriff.

Owing to an insult offered them in the Chamber, the newspapers of Vienna refuse to further publish the proceedings of the Reichsrath.

In the hard glove fight at San Francisco last night between Whistler and Brady, the former was "knocked out" in the first round.

THE INJUSTICE OF NEW TRIALS—PROPOSED REFORMS.

Judge T. B. McFarland, of the Bench of the Superior Court of Sacramento, has a paper in the Overland for February, which may very well awaken the attention of the Judiciary Committees of both houses of the Legislature now in session, and stimulate the search for a remedy for the abuse which the paper demonstrates certainly exists in the matter of granting new trials.

pass upon all the exceptions brought up, it may take a single one, and send the case back upon that alone. It is not made the duty of the upper Court to determine whether the judgment below was right or wrong, but simply whether, in traveling the broad highway to substantial justice, a single detour was made, a single departure taken, notwithstanding the fact that the Court got back to the straight path and reached the proper judgment at the end. Says the essayist:

If the Court below were merely taken back to where it is supposed to have left, the regulation route, and made to commence the journey over again from that point, there would be, at least, some double work avoided; but it is compelled to return to the original starting-point, and to go over all the long stretch of open tumpike, where, beyond all doubt, it had correctly and safely traveled before. A man of good intelligence, but not learned in the law, would call this an absurdity; and he would call it by the right name. It is like tearing a massive brick building to its foundations, and building it all over again, on account of a defect in a board partition in the attic.

The Judge admits that the application of a remedy is fraught with difficulties with respect to cases tried by juries, and in such cases would require radical constitutional amendments. He exempts from his article, by special affirmation, all reference to criminal practice, and states that in most States the majority of civil cases are tried without juries.

The partial remedy he suggests—the sending up of the whole case, except where the parties stipulate otherwise—is open to the objection, that while it is most desirable to have the appellate Court view the whole case, and ascertain whether, upon a broad view of the whole matter, the final judgment was right or wrong, it would entail great expense in writing or printing a transcript. To this it is replied, first that in many instances the whole case clearly hinges upon one or two points, and only a short "statement" is needed. Secondly, in many other instances the attorneys could agree upon a comparatively short digest of the evidence, which would fairly present the whole case. But if it is admitted that every word must be transcribed and sent up, still the cost will only be a trifle compared with the ruinous expense of an entire new trial, and parties would have the satisfaction of feeling that no step would have to be retraced, and would be free from the harrowing doubt, "if it were only done when 'tis done'."

But it may be objected that the appellate Court is not situated to properly dispose of a case when it has only a printed transcript to deal with, and cannot so well weigh the testimony of witnesses it cannot see or hear.

But this objection would not be a controlling one even if no case were being heard in the Supreme Court, upon an original trial. Under the present system, the witnesses are heard in all the Federal Courts, and in the Circuit Court, in such cases, does not see or hear the witnesses, and it does not appear that justice is less surely done in those cases than in others. On appeal, the case has already been heard, and the present rule, in every well-considered trial, is that the decision of the Court below, of the majority of fact as to which there is no legal question, will not be inquired into or disturbed. There is conceded to such Court the capacity to look through the contradictory testimony, to weigh the conflicting interests of parties and witnesses; to understand the nature and character of the facts and actions; to detect any fraud, perjury, false suggestion, or fraudulent concealment; to know what is important and what is unimportant; and to keep the whole of a complicated case before the mind like a picture, and see in it the true and material facts.

Applying this rule to the proposed remedy, and it would seem clear that the objection taken has not sufficient weight. The essayist admits that the proposed new system would require of Courts of last resort something more of solid thinking in some instances, to determine what judgment would be right, instead of getting rid of the whole thing by merely saying that the judgment of the lower Court was not right. But there would be substantial gain in taking largely the time devoted to writing opinions and giving it to the doing of justice in the cases at hand. The accumulation of "opinions" in books of reports is becoming alarming—it is, indeed, already monstrous, and as the Judge insists, if it goes on upon the basis of the present ratio of increase of production, one may mathematically estimate the time when there will be law reports sufficient to cover the entire surface of the land. At this point he suggests, with grim humor, that he reveals his faith in still another reform. The Hon. Mr. Knox has diligently advocated, that "creation will probably be the only remedy for this, as for another evil."

A final objection is answered: Suppose that the lower Court has erred in receiving or rejecting certain offered evidence; what then should be the course of the higher Court? The reply is made that the Supreme Court, having the whole case before it, can determine whether the exclusion of evidence erroneously admitted would have changed the judgment. If it desires the opinion of the Judge below on that point it could remand the case with an order to exclude the obnoxious evidence and render judgment anew. If the error lies in rejecting offered evidence, he holds that the remedy is plain. Assuming the party to be able to prove what he offered to prove, if the judgment should be changed by such proof, then it should stand. If it would alter the judgment let the case go back to have the lower Court hear the rejected evidence and the reply to it, and then again render its judgment. But, in the name of common sense, and in the interest of things temporal and not eternal, exclaims the Judge, why should the testimony of nineteen witnesses be taken all over again because a certain question asked of the twentieth witness was improperly excluded? And all the lay world will hold up its hands and ask also, "Why, indeed?"

The essayist finds time to but glance at the subject of new trials in jury cases, but asserts that the powers conceded to Courts has already destroyed much of "the sacred right of trial by jury." If a Judge can disregard a verdict as wrong, a step further would enable it to say what verdict would have been right. Practically, this suggestion of Judge McFarland would work the abolition of the jury; but a very large part of the thinking world would applaud such a result. We are not prepared to go to that extent in correction of patent evils, but agree with the essayist in his next position:

to have a case tried by a jury amounts to little, if a verdict in his favor can be set aside by a Judge. The good the essayist believes would result from the proposed reform would be to give greater gravity and importance to trials; to induce thorough preparation as to the law and the evidence, under the consciousness that there would be no chances for the result of slipshod work to be avoided by an entire new trial; the law of cases would be fully investigated by counsel beforehand; points would not be raised on the spur of the moment, to be ruled upon, and the feeling would disappear that it does not matter much how the judgment goes in the Court below.

CITY CHARTER REFORM.

A call is made for citizens of an interest in the matter, to discuss the proposed new charter before legislative committees, Monday evening. While Assembly Bill No. 211 is an amendment to the general Act for the government of municipal corporations, it is very well understood to be applicable to Sacramento only, since there is no other city of the class sought to be treated by the bill. It is to be considered, therefore, as a Sacramento charter intended to displace the one we now have. There are objections to the bill, which has many good features, however. If the objections can be overcome, and the commendable clauses of our present charter and the new one combined, it is probable this people will accept the result. But we are told that if this is not attained, and the Supreme Court should hold, as is contended, that our system of levying and collecting taxes is fatally defective, we will be driven to accept the Act of 1853, which is more objectionable in some respects than the Davis bill. It is therefore a matter of prudence to secure the passage of the Davis bill in such a form that if we are forced to abandon the present charter, or shall choose to do so, we will have equally as good or a better one to fall back upon, since we cannot be compelled by the Legislature to accept a new charter. We believe the principle under which we now operate, of making our local government board consist of the heads of departments elected by the vote of all the people, and duly salaried, to be the very best system. The Davis bill proposes to abolish it and substitute an unpaid Board of Aldermen, elected from eight wards by the separate votes of the wards. This Board is to give power to elect several specified city officers and fix their salaries, and to elect any other officers it may deem necessary, and to fix their salaries. These are the main objections to the bill. It is a backward step to set up eight little political dynasties in this small city, with municipal sovereign powers. It is an attempt to limit the representative system. It erects a body that is to do a great deal for nothing, and which will be the hot-bed for ring contentions and all sorts of "politics," to say of dishonesty and schemes for lining private pockets. The power given to create offices, fill them, and fix the salaries of the incumbents, is too great and dangerous to be considered for a moment. Nor is there any need for it. The interests of the people of Sacramento are common so far as municipal government is concerned. If we must have a Board of Aldermen, let them be nominated from wards, but voted for by the voters of all the city. Ward politics are the lowest and most objectionable of all. A better plan would be, we believe, to make up the legislative body as it is now constituted, with a possible enlargement on the same plane, if nothing short of a larger Council will do. Whatever economy stands the test of examination may well be adopted, and some provisions in the new bill in that direction are full of suggestion. The matter is in such a shape now that citizens having honest and economic municipal government at heart, cannot afford to neglect it.

CONTEMPORARY EXPRESSION.

As the law now stands it gives positive encouragement to the grossest wrong doing. It would actually be better to repeal the law altogether, and have no enactments on the subject, than to allow the statutes to remain as at present. The spectacle presented by the Hill bill is not enough to excite indignation; the urgent need is for an amendment to the law—[Inno Independent on the need of reforming the marriage law.

COMPETING POINTS.

Referring to Sacramento and some other places being terminal points for rail transportation of freight, and the objection San Francisco raises to interior and nearer places to Eastern markets receiving goods at like charge with that made for transportation to the metropolis, a more distant point, a correspondent in our issue of Friday said: "The giving to Sacramento and Los Angeles the same advantages, except that of charging the same for a shorter haul, was in obedience to complaints having their origin in San Francisco, urged on by aspiring politicians of both political parties for the sake of the capital there is in it." Whatever of accuracy there is in that statement, the natural competitive advantage of Sacramento cannot be properly omitted. This city is situated upon a navigable stream that empties into a great tidewater harbor. This gives her communication with the maritime markets of the world, subject only to the handling of the goods at San Francisco. It makes her a competitor by nature. This is one of the most potent reasons for the preservation of the navigability of the Sacramento river, and should, if no other reasons prevented, make Sacramento jealous of any action that may impair it. Another sentence in the letter of our correspondent may lead to misapprehension: "Within the last two or three years Sacramento, Stockton, San Jose and Los Angeles have been made common or terminal points—that is to say, rates to and from these points have been the same as to San Francisco." Sacramento has been recognized as a competitive point many years. As far back as 1874 the matter was examined into by the Legislature, and it was then testified before a Senate committee that the Eastern roads for a long time had refused to recognize San Francisco as a competitive point. After a while, however, the California railroad operators induced them to do so. Next they recognized Sacramento, and then Marysville and San Jose, and still later Stockton—as competing points.

SAYS THE SAN FRANCISCO EXAMINER.

"Some of the addresses nominating Governor Stanford were eloquent; but the most casual reader, in comparing them with those made by the Democrats, will perceive the vast difference between the positions which the Republican and Democratic parties, respectively, occupy on the vital issues in this State." In which expression we concur. It is pleasant to be able to find something in the Examiner at least of which we can approve. It is a sign of returning

reason, or our contemporary, which so signally fails as an exponent of public opinion, has been able on its own account to appreciate how vast is the difference between the positions of the Republican and Democratic parties regarding those questions in which are bound up the best interests of all the people. But we cannot refrain from expressing the regret that returning intelligence has not enabled the Examiner to perceive from the nominating speeches, from personal records and from historical pages, how vast is the difference between the characters that were the subjects of eulogiums—a difference even greater than that between the positive and the negative man, between the office-seeker and the officer sought, or between the man of conceded ability and unquestioned capacity, and the aspirant whose qualifications and claims are alike unknown quantities.

THE WOMAN'S SUFFRAGE ASSOCIATION OF THE UNITED STATES HAS ADOPTED A RESOLUTION DENOUNCING THE DOGMA THAT "WOMAN IS AN AFTERTHOUGHT OF CREATION." THIS IS A SLAP AT THE GENTLEMAN OF THE CLERICAL CLOTH WHO HOLD TO THE MOSAIC ACCOUNT OF THE RIB EXTRACTED.

It is carrying the woman's rights question into philosophical and speculative realms, and does not add to the proofs of her capacity for full and equal rights with man—but it does prove how plucky the woman suffragists are. They certainly strike high and deep, and reach a long way back in assertion of their equality. It will be observed that the resolution is very adroitly worded, and that while it may be construed to concede that man was first put upon the stocks, it scents the idea that the thought of the creation of his partner was not contemporaneous with the conception of the plan to create him. Men will not lose sleep over this low concerning their precedence in the order of evolution, and if it will help the woman suffragists a particle, will concede that man was an afterthought, but a most happy one.

The Supreme Court of Nebraska has decided that a telephone company has no right to refuse its service, and may be compelled to extend its privileges, to any person willing to comply with the usual requirements imposed upon subscribers generally. Now let Courts or legislators go a step further and require the monopolists of the telephone to sell their instruments to would-be buyers. The very purpose and manning of the patent monopoly grant, is to secure to inventors the exclusive right to the profits of the manufacture and sale of their inventions. It was never intended to put up the bars in front of great scientific discoveries, to prevent their use by the people.

It is dawdling at last upon the San Francisco press, as it some time ago did upon the Prison Commission, that the State Prison jail manufacturing experiment is a complete failure. The Record-Union opposed it some years ago, and then pointed out the inevitable result of the attempt to lift one's self over a fence by the straps of his boots.

The victories in the Soudan may be said to signal the close of the Egyptian campaign so far as the British are concerned. Gordon will now be speedily relieved, and the English troops will retire from lower Egypt and turn the solution of the Soudan problem over to the Egyptian authorities.

The defeat of the Nicaraguan treaty was not unexpected. The subject was quite fully discussed, but evidently not so fully understood in all the possible results to flow from ratification, as to lead a sufficient number of Senators at this time to give it approval.

As the law now stands it gives positive encouragement to the grossest wrong doing. It would actually be better to repeal the law altogether, and have no enactments on the subject, than to allow the statutes to remain as at present. The spectacle presented by the Hill bill is not enough to excite indignation; the urgent need is for an amendment to the law—[Inno Independent on the need of reforming the marriage law.

The infamously attempt to blow up the public buildings in London has elicited so general, so emphatic a response throughout not only the civilized world, but especially this country, that it ceases to be a mere subject of conversation. It is certain the National legislation, so long called for, will be speedily forthcoming.—[San Jose Times-Mercury.

There is no characteristic of the people of this city more marked and recognizable by all visitors than the kindly courtesies and warm reception which they extend to all strangers who come to our city in respectable guise. The testimonials on this point are so emphatic and numerous that we cannot cite them in the compass of an editorial article. All representations to the contrary are from persons who have been foiled in some scheme to avail themselves of this civility and kindness, or to impose upon the credulity of our perhaps too impulsive and confiding people and promote some scheme of private gain.—[New Orleans States.

It is a pity that the people of this State are well favored, the people of that state who have had at heart the temperance reform need to bestir themselves. The question whether the acknowledged evils of intemperance can best be met by prohibitory enactments, or by restrictive legislation, or by the local option policy, or by moral influence exclusively, is a practical question which is to-day subjected to a practical test before the whole world.—[New York Tribune.

The practice of vivisection is a form of cruelty which should not be prohibited. It is necessary in the pursuit of knowledge, not otherwise attainable, intended to conserve the life and health not only of human beings who inflict it, but of the brute creation who suffer. We kill myriads of brute creatures to eat them, and thus prolong our own existence. This assertion of paramount authority over the lives of inferior beings carries with it the right to torture them for the love of torture, but it relieves the researches of the vivisectionist, pursuing important, proper and adequate inquiries for the good of mankind, from any imputation of wantonness and inhumanity.—[Philadelphia Record.

NEW PUBLICATIONS.

"Custom and Myth" by Prof. Andron Lang (Oxford) is from the press of Messrs. A. L. Bancroft & Co., San Francisco. There are delightful essays on the Method of Folklore, the Customs and Myths, the Marvels of Hindu Mythology, the Doctrines of Strange Beliefs, on Fetichism, the Art of Sorceries, Star Myths, etc. A most interesting volume has not recently appeared. While engaged in the study of Greek and Indian and savage mythologies, the author became impressed with a sense of the inadequacy of the prevalent method of comparative mythology. This method is based on the belief that myths are the result of a disease of language, as the pearl is the result of a disease of the oyster. It is argued, says Professor Lang, that men at some period, or periods, spoke in a singular style of colored and concrete language, and that their children, hearing the phrases of this language after losing hold of the original meaning. The consequence was the growth of myths about supposed persons, whose names had originally with more application to the objects, to expose the objections to this theory and point out the true methods of analysis is the task Professor Lang has undertaken and has accomplished with originality with this hypothesis the method of comparative mythology examines the proper names which occur in myths in the search for a key to the meaning of the words. It exposes the objections to this theory and point out the true methods of analysis is the task Professor Lang has undertaken and has accomplished with originality with this hypothesis the method of comparative mythology examines the proper names which occur in myths in the search for a key to the meaning of the words. 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