THIRTY YEARS AGO.

LEGISLATURES THEN AT WAR ON PRISON AFFAIRS.

The Act to Divide the State—Horrors of the Mountain Meadows Massacre in Utah.

As far back as 1859 the State Prison was a disturbing factor in State politics and legislation. McCauley was the "lessee" of the San Quentin Prison, but he was anxious to surrender his charge to the State, the Legislature having refused to appropriate money to pay for the keeping of the convicts. The Legislature of 1859 had frittered away almost the entire session in discussing the State Prison question, then a potent lever in the fight for the Governorship, having been divided into two factions—the Weller and anti-Weller. The *Alta* of May 28, 1859, in discussing the situation, said: "The wicked and unprincipled knaves who pretended to be political leaders in either House, kept the State Prison matter an open question for factional purposes, without giving the real public welfare a single thought in connection with the subject. Under the absurd presumption of pretending to legislate for the public good, these persons split the Legislature into factions upon the State Prison question, merely for the furtherance of the aims of rival political aspirants for office." Thus, it will be seen that in some particulars California has made little progress. For thirty years we find the public welfare subordinated by the politicians who have run the Legislatures to party or individual interests.

.....The Democratic primary election in San Francisco in May, 1859, developed much feeling between the Northern and "chivalry" wings of the party, and the result was a victory for the former, which even then was known as the Tammany element. The same old jealousies seem to have been maintained to the present day, or rather to have been revived since the war, for the Southern wing of the National Democracy point to the result in New York State at the last Presidential election as proof that Tammany "threw it down" by electing Hill for Governor and yet giving a large majority for the Republican candidate for President.

.....The question of a division of the State was being discussed by the press as an issue in the coming campaign. The Legislature of the winter of 1859 had passed a bill for division, leaving its final decision to a vote of the people of the proposed new State and its ratification by Congress. The Union was strongly opposed to the measure, and declared: "The principle upon which that bill passed is wrong. The division of a State is not a question to be decided solely by those who favor such division. It is one in which the whole people of the State should have an opportunity to express their opinions through the ballot-box. It is a political divorce case, in which two distinct parties should appear. The Legislature, however, made only one party to the suit—the people of the five counties that want to secede."

.....At the annual election of the Dashaway Association of Sacramento Alexander Badlam was chosen President, and Morris M. Estee one of the Vice-Presidents. Just what it was that these gentlemen were disposed to "dash away" in those days is not specifically mentioned, but intoxicating beverages are presumed to have been alluded to. They both have changed their "politics" since then, however.

.....Every community in those days was afflicted by a set of men who regarded themselves as wonderful vaqueros. They were the same type of beings known at the present day as "bad" men or cowboys. One of this class made his appearance in Sacramento on May 31, 1859, mounted on a fiery untamed broncho, and made a specialty of riding into houses along the street—wherever there was the appearance of a bar being inside. He made the effort several times on the Court-house block, but being repulsed started off down town, keeping a lookout for openings. He struck one on J street, and essayed to dash through it, but the door was too low, and while the broncho got safely inside his rider came to grief on the sidewalk. Some years later the feat was frequently accomplished by a well-known and distinguished volunteer cavalry officer then stationed at Camp Union, at Agricultural Park—the dashing but unfortunate Colonel Edward McGarry, who finally ended his life by his own hand at the Occidental Hotel in San Francisco.

.....News had just been received (June 2d) of the arrival of Indian Agent Forney at Salt Lake with sixteen children, the survivors of the terrible Mountain Meadows massacre. Several of the children declared emphatically that white Mormons participated with the Indians in the awful butchery of their parents. The men who went after the children found skulls and skeletons of the slain emigrants strewn along the meadows for a distance of two miles, where the victims had fallen during the eight days of the butchery. On every hand were found ghastly evidences of the bloody onslaught and extermination of the unfortunate emigrants en route to the Pacific shores, with all their household treasures.

.....On the evening of June 1 (1859) the Republicans of Sacramento elected the following-named delegates to the County Convention: J. R. Ray, E. L. Barber, S. Solon Holl, Charles Babb, J. W. Owens, C. P. Huntington, Leland Stanford, F. Woodward, George I. Lytle, David W. Miller, J. W. Avery, James W. Hill, R. C. Downs, Washington Weeks, A. H. P. Harmon, J. B. Marshall, William Hendrie, Dr. A. B. Nixon, D. H. Haskell, P. W. Burnett, L. Frink, H. Montfort, W. R. Strong, John Carroll.

.....The UNION of May 31st devoted a column to an elaborate description of the plans for the Agricultural Pavilion, at Sixth and M streets, the contract for which had just been let, and in which the name of M. F. Butler figured as architect. It would puzzle the most ambitious of reporters to find much to say in praise of the old structure to-day.

.....In a review of the Sacramento produce market the fact was stated, with much pride, that one of the leading firms engaged in that business (J. Gregory) sent out nearly every week a dozen wagon-loads of vegetables for the mountain towns. Nowadays hundreds of carloads of green fruit and vegetables are shipped weekly to all parts of the coast and to every point in the United States. Gregory Bros., sons of the same J. Gregory referred to, last season shipped forty-one carloads of fruit and vegetables during one week.

.....Caduc & Firderer were then in the ice business on Third street, between J and K, where the Union Ice Company now has its headquarters.

.....Heuston, Hastings & Co. was one of the prominent clothing firms in business in Sacramento, their store being at Second and J streets.

.....There was a lively opposition going on between the Young America and Princess steamboats, plying between this city and Marysville. One day they came down the river, each under a full head of steam, in a race to Sacramento. It was a most exciting race, and the passengers, forgetting their danger, entered into the spirit of the contest with much enthusiasm. The boats passed through the drawbridge side by side. The Princess, having the "inside track," hitched up at the wharf first and won the race. The fare then was $1 to Marysville by the Princess and 25 cents by the Young America. From here to San Francisco each charged 50 cents.

.....One of the prairie-schooners of those days passed through town one Saturday with an inside passenger—a lame or sick horse, standing upright in the hold, secured by sundry lashings to the craft's bulwarks. As the vessel passed a meat-market on K street, the attaches hooted at the Captain and his queer cargo. The skipper of the prairies got even with them, however, by asking if they did not want to improve their stock of meats by buying his sick horse and butchering it.

.....A magnolia in bloom in the garden of General Redington, in this city, was regarded as a great curiosity, and hundreds of people visited the place daily to inspect it. It was believed to be the only tree of that kind in bloom in the State.

.....Down in Napa there were three clergymen under indictment for joining in marriage persons under age. It was not an uncommon thing in those days to come upon country homes where wives of 15 or 16 years of age had more or less little towheaded youngsters floundering about the floors.

.....O'Connell, Ryan & Co. conducted a large dry goods store on J street, between Third and Fourth.

.....The New York *Tribune* of that day, on appearing in a new dress of type, gave some figures regarding its average yearly expenditures. Among the items was $13,000 for telegraphic news, which it regarded as a wonderful expenditure in that department. That would be considered a very small bill for telegraphic service for a California daily paper of to-day.

.....Lola Montez, the beautiful, gifted, but wayward woman, was one of the attraction then of London, where she was delivering lectures at times and turning the heads of English noblemen.

COUNTERFEIT MONEY.

A Dangerous Five-Dollar Silver Certificate.

Prentiss Smith, of the Bank of D. O. Mills & Co. yesterday condemned a counfeit United States $5 silver certificate, which is supposed to be the first one of its kind discovered on this coast. The imitation is far beyond ordinary counterfeits, the principal variation from the genuine being in the portrait of General Grant, a close comparison showing indifferent engraving and a slight difference of expression. From a personal inspection we believe that it would be difficult of detection by those inexperienced in handling currency.

Another important discrepancy is in the line "Register of the Treasury," after Rosecrans' signature, the alignment changing between the word "Register" and "of the Treasury."

This counterfeit has been in circulation in the East and is described in Dickenson's United States Counterfeit Detector as follows:

Act of Aug. 4, 1886. 5's Series of 1886.
W. S. Rosecrans, D James W. Hyatt,
Register. Treasurer.

A fair counterfeit; numbering good. The portrait of General Grant does not bear the life-like expression found on the genuine. The stud in the shirt front is also missing. The check letters D in the genuine have the ending in a scroll crossing the perpendicular line, but in the counterfeit the termination is a small loop outside of the line. On the medallion on the back of note in the word "Pluribus" the "i" is missing. No attempt made to imitate the fibre paper in these counterfeits.

BROWN AND GREEN.

Mamie Brown's Infatuation for an Ex-Police Officer.

Mamie Brown, the young girl who appeared in the Police Court several weeks ago on a charge of vagrancy, is again in the toils of the law. Her mother, an elderly woman, came down to the Police Station yesterday and complained to Chief Lee that she could not put up with the girl's conduct. She says the center of all the trouble is ex-police officer Green, and that her girl is so infatuated with him that she thinks of hardly anything else. According to the Chief's statement, Mrs. Brown says that Green comes around the house and whistles for the girl, who goes to him, and that he keeps her out almost all night. She is very violent towards her mother when reproached for her conduct.

When last in the Police Court the girl pleaded guilty of vagrancy, but judgment was suspended during her good conduct. However, it is now thought that she can be brought up on the old charge and sentenced. Chief Lee thinks that as the girl is not of age she can be sent to the Boys' and Girls' Aid Society Home at San Francisco.

Very Much Like Burglary.

John Widdows, who was arrested some days ago in Marysville on suspicion of being one of the parties, or the party, who robbed a room in the Howard House of a gold watch and chain and $30 or $40, made a statement to Chief Lee the other day, and, though he denies the charge of robbery, he admits that he took the watch from the room. His statement is to the effect that he went to the house with a companion in search of lodging, and that the landlady showed him to room No. 6. While sitting on the bed he noticed the watch under a stand in the room and picked it up.

Later on he said that he did find between $15 and $18 there also. Chief Lee thinks he has a good case of burglary against Widdows, and he will be tried on Wednesday next.

Police Court Cases.

In the Police Court yesterday James Dunphy, charged with battery, was discharged.

The case of burglary against John Widdows was set for the 5th instant.

Philip Rivers was ordered to appear for sentence on the 3d, being convicted of disturbing the peace.

John Connor, who was to be sentenced for battery, asked that he be given a jury trial. Judge Buckley granted the request and set aside the verdict of guilty. A venire of twenty jurors was ordered issued, returnable on June 4th.

Margaret Hurley, charged with disturbing the peace, had her case continued till Monday.

Notaries Public Appointed.

The following notaries were appointed by the Governor yesterday: John G. Mattos, Jr., Mission San Jose; Oscar C. Schulze, Germantown; John G. Rossiter, Pasadena; R. A. Marshall, Burbank; Z. B. West, Santa Ana; T. W. Phinney, Bolinas; L. A. Morgan, Mendocino; W. H. Pyburn, Salinas City; John F. Ellison, Red Bluff; M. De Vries, Stockton; Harry D. Cassiday, A. L. Hitchcock and S. W. Kroff, San Diego; E. W. Holland, Tulare; George P. Ashton, Los Guilcos; W. W. Blood, Greenville; George D. Kellogg, Newcastle; W. H. Hanlon, Edwin K. Alsip, Sacramento; C. B. Weeks, Colton; A. M. Nash, Butte Creek Valley.

Another City Bond Suit.

George E. Bates has commenced suit in the Superior Court against W. E. Gerber, Treasurer of the city of Sacramento, praying that a peremptory writ of mandate be issued, directed to the defendant, commanding him to pay the plaintiff, upon the surrender of coupons Nos. 19 and 20 of city bonds, the full sum claimed to be due thereon for principal and interest, amounting to $8,921 18, with interest accruing since the maturity of said coupons, and for costs. W. C. Belcher and A. C. Freeman are attorneys for the plaintiff.

State Land Patents.

The following land patents were signed yesterday: Frank Tryon, 200 acres, Del Norte county; W. J. McManus, 160 acres, El Dorado county; Arthur Hill, 160 acres, Fresno county; E. S. Rego, 360 acres, San Diego county; J. B. Haggin, 329.86 acres, Kern county; Cornelius Boardman, 80 acres, Colusa county; C. G. Lamberson, 152 acres, Tulare county; John McLaughlin, 528.12 acres, Del Norte county; C. W. Clark, 1,897.80 acres, Modoc county.

District Agricultural Directors.

The following Directors of District Board of Agricultural No. 22, for San Diego county, were appointed yesterday: J. A. Stice, C. C. Watson, Chester Gunn, Charles McDougall, John Judson, W. H. H. Dinwiddie, Jacob Gruendike and W. W. Stewart.

R. Bostwick was appointed a Director of District Board of Agriculture No. 27, for Shasta county, vice J. Culverhouse, resigned.

The Railroad Hospital.

The Superintendent of the Southern Pacific Railroad Hospital reports for the month of May, 1889, as follows: Number of patients in hospital May 1, 1889, 35; number admitted during month, 41; total, 76; number discharged during month, 36; number died, 1; number on hand June 1, 1889, 39; number of private house and office patients treated during month, 300.

Pleasant June Weather.

According to Sergeant Barwick, the highest and lowest temperature during the past week was: Highest 94° (on Tuesday and Wednesday), and lowest 53° (on Monday and Wednesday). The highest and lowest one year ago for the same time was 83° and 49°. The highest and lowest temperature yesterday was 82° and 56°, while for the same time last year it was 71° and 60°.

Excursion to Monta Vista.

There will be an excursion this morning to Monta Vista, southeast of the city, where great improvements have been made. The excursion train will leave the depot at 10:30 A. M., the fare for the round trip being twenty cents.

Yesterday's Fruit Shipments.

The California Fruit Union last evening shipped hence to Chicago two carloads of fruit. One was composed of cherries and the other of peaches and apricots.

BUY the Keystone dust-proof watch; best in the world; $1 per week. 829 J street. *

"UNWRITTEN HISTORY."

TOLD BY A CITIZEN WHO KNEW JOHN A. SUTTER.

An Alleged French Captain Whose Only Weapon was a Yard-stick—A Broken Idol.

In the *Themis* of last Sunday appeared a so-called biographical sketch of John A. Sutter, around whose name there has been woven a web of romance, and valor, and great deeds, calculated to cast into the shade the memory of pioneers whose deeds entitle them to the everlasting gratitude of Americans. The same paper which pretends to give a faithful sketch of Sutter, takes the SUNDAY UNION to task for a couple of trifling inaccuracies in its review of California incidents of thirty years ago, as regards unimportant local matters, but gives great space to prove how little it knows about incidents of history that deserve to be correctly stated. The SUNDAY UNION has long been aware that there were men still living who believe Sutter to have been more of a greedy adventurer, working in the interest of foreign power, than a patriotic American desirous of extending the glory of his adopted country. Indeed, there is good reason to believe that more than mere accident operated to prevent John A. Sutter from giving a foreign Government the foothold in California that was secured by the United States. And if this foothold was gained without shedding blood, the fact is due more to the wisdom and tact of our soldier pioneers than to any love that Sutter had for the glory of the stars and stripes.

Among those who know enough of the earlier history of Sutter to prove that, instead of the great military hero so many ignorant persons accredit him with having been, he was simply a money-seeking person of limited experience as a "counter-jumper" in a Missouri store, is J. A. Laufkotter of this city. Mr. Laufkotter was a cotemporary of Sutter, not only in California, but east of the Rocky mountains, and his knowledge of the man and of his career is of more historical value than volumes of unfounded romance.

A few days since a representative of this paper called upon Mr. Laufkotter and asked him if he had read the article on Sutter in the local Sunday paper, and he replied that he had. On being asked if it was not full of inaccuracies, the old pioneer said that it was.

"You are said to have been an old associate of Sutter," remarked the reporter, "and a statement from you regarding that portion of his life-history connected with his coming to California, and the motives that governed his movements would be of great interest to the people, especially as there is a wide-spread belief that much that has been said and written about him has been largely drawn from the brains of imaginative would-be historians."

"Yes," said the venerable argonaut, with a far-away look in his eyes that seemed to gaze on scenes of other days, "I know a great deal about John A. Sutter. I knew him long before either of us came to this coast—when we were struggling tradesmen in the then young State of Missouri, and if you will have the patience to sit down and listen, I will tell you a few of the things I know, and which I think will quite upset some of the alleged history as published in the *Themis*.

"The writer in the *Themis* entitles his article 'Unwritten History,' notwithstanding that the subject has been served up in all its forms for the gratification of the people ever since 1849.

"The first fabrication is, 'Sutter was a Captain in the army of France under Charles X.' I have contradicted this assertion many times, and my authority is Leonard, the intimate friend and companion of Sutter. He it was who brought Sutter's family from the old country to California. A communication from Leonard denying Sutter's connection with the army of France I have in my possession at the present time. I never heard Sutter—in all my association with him—express an opinion in regard to politics.

"'Arriving in New York, he went at once to Missouri, intending to form a colony,' says the *Themis*. He remained three months in Cincinnati after leaving New York. A man who had never handled any implement save the yard-stick would be a poor person to lay out plans for a colony. 'The sinking of the vessel with his implements on board prevented the carrying out of his idea,' says that paper. Nobody in Missouri ever heard of such a catastrophe. Sutter was in the habit of arrogating to himself the merits of others. In this case the 'implements' he mentions were *mine*, and his information concerning them was gleaned from the men who were with me for the purpose of starting a colony. Again the *Themis* says:

"'After sojourning a time in St. Louis (there should be added St. Charles) he went to New Mexico on an exploring excursion.'

"This whole sentence is the product of ignorance. The excursion was only a trading expedition, made with an ox-team. The hunters and trappers with all that follows comes under the same category of fables, for he told me in Santa Fe during his second trip that he had spent the whole time of his former trip in Santa Fe in a room, and consequently could not communicate with any one, or gain any such information, which he proved sufficiently afterwards.

"The writer in *Themis* next stated that Sutter returned to St. Louis in 1836. This shoul d read: 'He returned to St. Charles in the fall of 1835.' This was the headquarters of the new German expedition to Santa Fe. Again, the writer muddles things sadly by saying that Sutter left with Captain Tripp for the Rocky Mountains in the spring of the same year. Sutter was really a great man if he could do this in one summer—make both a trading trip to Santa Fe and an expedition to the Rocky Mountains. Sutter himself mentions nothing about Fort Vancouver in his letter from Honolulu to his friends. He arrived safe in Astoria, and after waiting four weeks he took passage on a schooner and left Astoria for Honolulu on New Year's Day, 1839.

"The local historian who takes you to task and who penned the next few lines, either had on a high fever or some other affection of the brain. He says: 'In 1837, 1838 and until the middle of 1839, he (Sutter) traded between Sitka and the Sandwich Islands, and on the 2d day of July, 1839, passing down the coast from Sitka, his vessel was driven into the bay of San Francisco in a distressed condition.'

"Now, in 1837, Sutter and myse.f occupied the same quarters, and shared the same bed for three weeks on his farm near Westport, and till I came on a second trip to the Pacific Coast. Some historians say the departure from Westport was in the middle of April, 1838. This is true, so far as his mere departure from Westport is concerned, but he spent four weeks with his friends, the Delaware Indians, and started in the middle of May, with Captain Tripp, for Oregon.

"Now, about his landing in San Francisco on the 2d of July, 1839. Those pioneers of 1849 and 1850 ought to know how long it took to traverse the distance between Missouri and San Francisco. It took me seven months to come from St. Louis to Sacramento. I suppose Astoria is about an equal distance, and the road was not so good as that from the East to California. Sutter's first letter says he got safe to Astoria, and, after waiting four weeks, left for Honolulu on New Year's Day, 1839. Now, I leave it to anybody to make his own calculations as to how long it took to journey from Astoria to Honolulu, from Honolulu to Sitka, and from Sitka to San Francisco, taking into consideration the kind of sea-faring vessels they had to travel in at that time, and they certainly were not fast sailers. And, besides, the weather was very rough during every voyage.

"According to Sutter's own statements he remained eight months in Honolulu and three months in Sitka. This makes a delay of eleven months, consequently he would arrive in San Francisco about December 1, 1839, not taking into account the time consumed in making the voyages from place to place. Now, in order to have him reach San Francisco in July of 1839 there would be required great transformation of dates, but this, I presume, was settled by interested persons. We must charge this inaccuracy of dates, I presume, to his great tour in this extensive wild country, during which his exploring faculties became so abnormally excited that he lost a whole year's time through confusion. But I shall also produce another proof of the authenticity of my assertion that Sutter did not arrive in California in 1839, as the *Themis* asserts. The first letter from him, by which we received news of his whereabouts, was dated at Honolulu in 1840, and was sent by a whaling vessel that landed in Boston. From Boston the letter was sent to St. Louis, arriving there about the middle of August, 1840. If we allow for the vessel six months before reaching Boston, and Sutter's voyage to Sitka, a three months' stay there, and the voyage to San Francisco, it seems to correspond very well, that the whaler—and Sutter, as supercargo—must have left Honolulu together in January, 1840, the whaler for Boston, and Sutter for Sitka.

"In 1850 I wrote to French & Co., Honolulu, the firm that sent Sutter out as supercargo to Sitka. After waiting a long time for an answer, I at last received one with the information that the records did not bear evidence so far back as that, but to the best of their knowledge Sutter left there in the latter part of 1839, or the beginning of 1840.

"Next the *Themis* writer says: 'After eight days' search, he (Sutter) found the mouth of the American river.' This gives the finding of the river a mysterious appearance, but we know that the Russians had a branch trading post here, and an embarcadero, so he could only have a Russian guide to the embarcadero. Sutter knew very well that, as he had purchased Fort Bodega and Fort Ross, by this purchase he had acquired the Russian possession on the Sacramento, and he was therefore anxious to inspect his new acquisition. Through the advice of some smart pioneer, he covered his possessions with the Micheltorena Grant, well knowing that the Russian title would not hold good. This grant—happily for Sutter and his son—was rejected, and, instead, the Alvarado grant was stretched from the Feather river down to Sacramento.

"If Sutter's grant had been on the summit of the Sierras it would have taken in the site of Sacramento. About his first view of this region historians differ. Some say he was going up the Sacramento, and others that he was on the American. The remaining ideal stories that follow in the *Themis* I do not credit at all, but others may like them or not, as they choose.

"Much is said of his bravery, but I saw many things to convince me to the contrary. But, as he was famed as such a great soldier, I will name one instance, as related to me by an eye-witness in 1849. When the allied army fought under Sutter at the battle of Guenga (somewhere in the neighborhood of Los Angeles), one shot scattered the whole Mexican army, but Sutter was not present during the battle. On the contrary, he was fighting a battle in a saloon to the music of clinking glasses.

"It is a deplorable state of affairs when people are obliged to swallow these doses of falsified history prepared by persons not even born when those scenes were transpiring, but who desire to shine in the estimation of the people as wise in historical lore. It is humiliating that one has to contradict this kind of so-called history, and it is unpleasant to be compelled, by a regard for the truth, to reflect on an old friend; but where would be true history if eye-witnesses did not contradict such falsifications? As a lover of truth nothing shall deter me from correcting errors that a little research and examination will prevent local or other historians from falling into. The recitals as to the discovery of gold is in the same muddle. I challenge any person to prove that Marshall was the first and only discoverer of gold in California. If any one can establish this satisfactorily I must, of course, believe it, but I do not now, in the light of my own knowledge and of the real history of the country, as I have good reason to believe it to be."

SUPREME COURT DECISIONS.

A Batch of Opinions Filed in Several Important Cases.

The following Supreme Court opinions were filed in the office of J. S. Williams, Clerk of the Sacramento District, yesterday:

Peter G. Sharp (appellant) vs. John M. Blankenship. This is an action of ejectment to recover a strip of land lying along the boundary line between two coterminous owners. The verdict and judgment were for the defendant. Plaintiff appeals from the judgment and from an order denying a new trial. The judgment and order are reversed and a new trial granted.

TO QUIET TITLE TO LAND.

County of Yolo (respondent) vs. Margaret Barney. This action was brought by plaintiff to quiet its title to a piece of land, claimed adversely by defendant. An answer and cross-complaint were filed by the latter, in which, after denying the right and title of the plaintiff, she claims by continuous adverse possession for more than five years before the commencement of the action, and asks that the plaintiff be made to show its interest in the land, and that her title thereto be quieted. Judgment was given quieting the plaintiff's title to the land, as against the defendant, and for costs. From that, and an order refusing a new trial, the appeal is taken. The judgment and order of the lower Court are affirmed.

THE CARPENTER WILL.

Estate of Carpenter, deceased, a San Joaquin county case. This is a contest over the will of Charles W. Carpenter, deceased. Special issues were submitted to a jury, who found that the will was not procured to be made through fraud exercised by anyone, and was not procured to be made in the form in which it was made, through undue influence exercised by anyone, and was executed and attested according to law, but the jury also found that the deceased, at the time of the execution of the will, was "of unsound mind," was "incompetent to make a will" and did not have "sufficient mental capacity to comprehend fully," etc. Thereupon the Court entered an order revoking the will (which had previously be admitted to probate.) The proponents, executor of the will and devisees and legatees appeal from said order, and also from an order denying a new trial. The Supreme Court reverses the orders appealed from and grants a new trial, on the grounds that in their opinion there was not enough evidence to show that the deceased was of "unsound mind."

DIVERSION OF WATER.

J. P. Sharp (appellant) vs. S. Hoffman and L. Hicks, action for damages for wrongful diversion of water; verdict and judgment for plaintiff. Defendants moved for and obtained an order granting a new trial, from which plaintiff appeals. The new trial was granted upon two grounds: the insufficiency of the evidence to justify the verdict, and of errors of law that occurred at the trial, and which were duly excepted to by the defendants. The order is affirmed.

A SACRAMENTO CASE REVERSED.

John F. Fenton (appellant) vs. E. K. Alsip et al. This is an action to recover money paid as a part of the purchase money for real estate for which the plaintiff claims he got no title. There was a nonsuit granted by the Court below, on the ground that the plaintiff had received a deed for the property, and the title having rested in him, he must tender a reconveyance of the property before he could recover back the money paid by him. But the evidence shows that the property deeded to the plaintiff was not the property purchased by him, but of lots in a different block, and that immediately upon discovering the fact he declined to go further with the trade and did not take the deed, although it had actually been placed in his hands. The judgment is reversed.

L. W. Dreyfus et al. vs Sarah Giles—An action to foreclose a mortgage. Order and judgment appealed from affirmed, with ten per cent. damages.

POSSESSION OF CHURCH PROPERTY.

Henry Baker et al. (respondents) vs. John Ducker et al. This is an action to recover for the use of the members of the "First Reformed Church of the City of Stockton" a lot of land with the dwelling-house thereon, which is situated in Stockton, and was purchased and formerly used as a parsonage for the church. A demurrer to the complaint was overruled and thereupon the defendants answered. The findings and judgment were in favor of plaintiffs and the appeal was taken by defendants from the judgment and an order denying them a new trial. The judgment and order are affirmed.

Settled Out of Court.

One of the attorneys in the suit of A. V. Tupper against M. T. Walter, the owner of the race-horse Al Farrow, informed a RECORD UNION reporter yesterday that the case had been settled out of Court. Walter agrees to pay all the expense thus far incurred, and the horse has been returned to him. Farrow lately went lame again, and Tupper evidently concluded that his possession was not worth fighting for. Beside he wanted to leave for Oregon yesterday, and was anxious to settle the matter.

Improvement Association.

The annual meeting of the Sacramento City and County Improvement Association will be held at the rooms of the Association, 614 I street, on Monday evening next. In order to achieve the results for which the Association was formed, it is necessary that each and every member interest himself and assist in the work. Besides the election of officers and Executive Committee, other important matters will be considered at the meeting, and a full attendance of members is desired.

THE LAND O' CAKES.

HOW IT WAS REPRESENTED HERE ON YESTERDAY.

Scotchmen in Their Kilts, and Bagpipers Who Painted the Air Red with Music.

If the Sacramento Caledonian Club had had the making of the weather for its thirteenth annual picnic, held at East Park yesterday, it could not have produced a lovelier day for the festivities than was vouchsafed for the occasion. If the weather was not perfect, it was so nearly so that nobody could tell the difference. The genial warmth of the sun was tempered by a delightful breeze, and, so far as atmospheric conditions were concerned, it was all that the most exacting could desire.

The Caledonian picnic had long been looked forward to with pleasurable anticipation by a great many people outside of our Scotch-born citizens, for the reason that this annual festival is regarded as a great event in Sacramento's pleasure annals. For years past the Caledonia Club has prided itself upon its yearly festival, and has spared neither pains nor expense to make it productive of the greatest possible amount of pleasure and enjoyment to all who participated in it, either actively or as guests and spectators.

With such an undoubted reputation for past glories, it was perfectly natural that the club should make it their especial effort to sustain its name on the present occasion, and it is only fair to say that it succeeded beyond all cavil, and it is generally conceded that this year's picnic was, all things considered, the most successful in the history of the club.

About 10 o'clock A. M., the members of the club, together with their visitors from abroad, took carriages and drove through the principal streets, the procession being enlivened by the stirring notes of the bagpipe. By the time the procession had arrived at the park it had been augmented by hundreds of people in carriages and afoot, and all concerned made a prompt start upon a day given up to festivity.

Among those who came from other points were: Angus McLeod, Chief of the San Francisco Caledonian Club, and Hugh Fraser, Chief of the Thistle Club of San Francisco, with sixty of the members of those two clubs, and representatives from Stockton and other places.

The programme, as advertised, commenced at 10 o'clock sharp. It embraced a long list of competitive exhibitions of muscle and skill, and held the interest of the vast throng from the commencement to the close. The results of the different contests appear below.

One of the pleasant features of the day was the appearance of the Sacramento Pioneer Association, who were the invited guests of the club, as were also the children of the Protestant Orphan Asylum.

The invited guests, which included the representatives of the press, were gracefully received by the Reception Committee and entertained in royal style at the Chief's tent, where Scotch hospitality was dispensed in most lavish form.

The First Artillery Band furnished music for the disciples of Terpsichore, and this feature of the occasion was productive of no end of pleasure for hundreds of people whose greatest joy is in "the poetry of motion." The dancing was kept up until midnight, and several hundred people regretted that this delightful part of the programme was so short.

It was a great day for Scotland in Sacramento. Here were representatives of all the different clans and all vied with each other in promoting the pleasures of the day and the renewal of pleasant memories of Bonnie Scotland.

The games and contests of skill and strength, with the winners of the prizes, were as follows:

THE CLUB GAMES.

Quoits—John Morrison first, Hugh McWilliams second.

Throwing heavy hammer—Thomas Carroll first, 90 feet 4 inches; W. F. Scott second, 85 feet 5 inches; David Reid third, 78 feet 9 inches.

Putting heavy stone—W. F. Scott first, Thomas Carroll second, David Reid third.

Grand Highland reel—R. M. Munro first, Ed. Ross second, James Baxter third.

Hitch and kick—W. F. Scott first, Charles Reid and Ed. McPherson tie for second.

Best-dressed Highlander in Highland costume—R. M. Munro first, McRae Vert second, W. I. Wallace third.

Reel o' Tulloch, by twenty-eight lads and lasses—Cash award to each.

Best-dressed boy in Highland costume—D. Finnie first, A. McCaw second, W. Renwick third.

Best plain-dressed Highlander—Ed. Ross first, James Baxter second, W. McDougall third.

Reel o' Tulloch—Ed. Ross first, R. M. Munro second, James Baxter third.

Sword dance for lads and lasses—Sadie Robertson first, D. A. Finnie second, W. H. Renwick third.

Throwing light hammer—Thomas Carroll first, W. F. Scott second, D. Reid third.

Putting light stone—W. F. Scott first, Thomas Carroll second, Ed. McPherson, third.

Highland fling for lads and lasses in costume — Maggie McLeod first, Laura Cooper second, Sadie Robertson third.

Highland fling for men—R. M. Munro first, James Baxter second, Ed. Ross, third.

Grand Highland reel for lads and lasses—Cash award to twenty-eight entries.

Sword dance for men—R. M. Munro first, Ed. Ross second, James Dexter third.

Tossing the caber—Thomas Carroll first, W. F. Scott second, D. Reid third.

Best piper—D. W. Beaton first, Ed. Ross second, R. M. Munro third.

Tug-of-war between married and single men—Won by the team headed by James McCaw, of the married men.

OPEN TO ALL COMERS.

Old men's race—W. A. Kendrick first, W. A. Simmons second, P. J. Buckley third.

Girls' race—Josie Meyers first, Ida Harlow second, Regina Upman third, Lottie Wilson fourth.

Young ladies' race—Kittie Wittenbrock first, Dicey Harlow second, Eva Higgins third.

Married ladies' race—Mrs. Nettie Jackson first, Mrs. Douglass second, Mrs. Doe third.

Boys' race—Harry Hilbert first, W. Marley second, R. Tetherington third.

Short race for men—D. W. Long first, Ed. McPherson second, George Jackson third.

Standing wide jump—W. F. Scott first, Chas. Reid second, W. Morgan third.

Standing high jump—W. F. Scott first, M. Henderson second, Thomas Carroll third.

Running long jump—W. F. Scott first, T. Waddle second, W. Morgan third.

Throwing 56-pound weight—Thomas Carroll first, W. F. Scott second, J. Kenney third.

Vaulting with pole—W. F. Scott first, Chas. Reid and M. Henderson tie for second.

Half-mile race—Ed. McPherson first, J. M. Jackson second, J. W. Long third.

Running hop-step-and-jump—Thomas Twaddle first, W. F. Scott second, Chas. Reid third.

Running high jump—W. F. Scott first, Chas. Reid second, Thomas Twaddle third.

Mile race—J. W. Long first, W. Strachan second, G. Boyne third.

Vaulting with the pole for boys under 16 years—D. Finnie first, G. Newbert second, M. Newbert third.

Best waltzing couple—A. Simmons and Miss Louise Lineberger.

The children formed a most pleasing feature of the occasion. Their part in the programme drew forth the unstinted praise of all beholders, and in the games in which they participated they fairly divided the honors with their seniors. Especial praise was due to Wallace Renwick, the twelve-year old piper—said to be the youngest piper of renown in America.

There were probably 6,000 people in attendance at the picnic during the day and evening. And the chances are that about 6,000 people voted it as pleasant a picnic as they had ever attended. Nothing occurred throughout the whole day to mar the pleasure of the occasion, and the unanimous verdict was that the Caledonian Club picnic was the biggest kind of a success in all respects.

IRRIGATION FOR ORANGEVALE.

The Company Contracts for a Ten Year's Supply of Water.

A contract was filed in the Recorder's Office by which C. W. Clarke, H. G. Smith, and L. Williams agree to furnish to the Orangevale Colonization Company one-third of the water running in the canal owned by them, for irrigating the lands of said colony. It is stipulated that the Orangevale Company shall, on the 1st of March of each year, for the space of ten years (the time during which said contract is to run), notify the owners of the canal of the specific number of inches of water that will be required by them during the year, and for such they are to pay seven cents per inch per day, or $25 55 per inch per annum. If additional water be required at any time it is to be furnished at the rate of 15 cents per inch per day.

It is further agreed that before the 1st day of April next Messrs. Clarke, Smith, and Williams shall construct a branch ditch to bring water around the hills above the old reservoir on the lands of John T. Cardwell, at a cost of $1,000. The Orangevale Company agrees to use at least $500 worth of water this year.

BRIEF NOTES.

The single tax theory will be discussed at Turner Hall this evening.

The river marked 20 feet 4 inches last evening and was falling steadily.

The State Printer's pay-roll for the past two weeks amounted to $5,734 45.

The road from Thirty-first and M streets to Perkins' Station is being sprinkled daily.

John Talbot distributed 500 fans free among the picnickers at East Park yesterday.

Helena Wagner has entered suit for divorce, in the Superior Court, from John Wagner.

Work on the addition to be built to the State Printing Office has already commenced, and will be pushed as rapidly as possible.

George E. Plummer of Alameda county has been appointed a member of the State Board of Forestry, vice Joaquin Miller, who failed to qualify.

Hon. Thomas J. Shearman, of New York, will speak on the single tax doctrine in the near future after filling his engagement at San Francisco.

Two men named Sullivan and O'Brien, who are suspected of having robbed a man at Davisville recently, were arrested here yesterday by officer Coffey.

This evening the first of the summer series of open-air evening concerts will be given at the city plaza by the First Artillery Band, commencing at 6 o'clock.

A horse was overcome by the heat on Friday afternoon on Ninth street, and fell down in the road, but shortly recovered sufficiently to proceed on its way.

A fractious horse played smash among the cast-iron goods in front of Holbrook, Merrill & Stetson's store yesterday, and also demolished L. C. Chandler's sign.

Annie Scanlan has sued policeman William Scanlan for divorce, alleging desertion as the cause. The parties entered into a private marriage by written contract in June last.

The City Board of Health did not hold its monthly meeting last night, in consequence of the death of a relative of one of the members. The Board will meet next Saturday evening.

Mrs. E. Keegan, mother of Deputy State Printer J. J. Keegan, Mary A. Keegan, Mrs. E. J. Ketchum and Mrs. H. M. Bernard, died at her residence yesterday at the ripe age of 76 years.

State Prison Director Devlin and P. Huelsman had relatives at Johnstown, Pa., one of the towns deluged by the bursting of an immense reservoir on Thursday, and it is feared that they may have perished.

Referring to certain published reflections on his official integrity, Constable Todhunter of Washington states that he desires the fullest investigation, confident that his record will bear the fullest light.

Industrial Lodge, No. 157, I. O. O. F., elected the following officers last evening: Noble Grand, A. Felt; Vice-Grand, W. E. Bowman; Secretary, J. L. Robinette; Treasurer, James Stewart; Trustee, J. J. Nissen.

Officer Frazee last evening arrested George Borchers, the whilom ball-pitcher, who, the officer said, was creating a disturbance on Twentieth and H streets. At the police station it required several "good men and true" to put the youngster in the lock-up.

Articles of incorporation of the Pacific Carriage Company were filed in the Secretary of State's office. Principal place of business, San Francisco. Capital stock, $50,000. Directors—Almon D. Carville, Oliver Hinkley, Stephen C. Walsh, M. W. Fox and Michael M. Fallon.

Persons interested in trotting horses should bear in mind the sale of F. A. Jones' highly-bred stock to-morrow at 1606 M street at 10 o'clock in the morning. He will put under the hammer several young animals, capable of trotting well down in the twenties, with great future possibilities. Bell & Co., auctioneers, will conduct the sale, which also includes sulkies, harness, etc.

SOCIAL AND PERSONA