ESTATE OF A. J. STEVENS.

AN IMPORTANT DECISION RENDERED BY JUDGE VAN FLEET.

Mrs. May Hubbard to Have a Share of Her Father's Estate—Her Child's Adoption Declared Void.

After the death of the late A. J. Stevens, Master Mechanic of the Southern Pacific Company, the fact was disclosed that his will made no provision for his son Fred, and daughter May, the former holding a position on the railroad, and the latter being the divorced wife of W. W. Hubbard, and a member of the family household at the time of her father's death. Mrs. Stevens was made the executrix of the estate, without bonds. In his will Mr. Stevens made provision for his grandson, the child of his daughter. The Civil Code provides that, though a child may be omitted in a will by the parent, it is still entitled to its share in the estate, unless the Court should be satisfied that the omission was intentional and for a purpose.

In this case it seems the widow assumed that the omission was intentional, and Mrs. Hubbard brought suit for a division of the estate, under the provision of the code referred to, and for an accounting by her mother. The latter opposed the petition, and sought to prove the intention of her husband to purposely omit his daughter by the fact that he did specifically provide for her child. It was further shown that the latter had been adopted by its grandparents under a decree issued by the late Judge Clark, of the then County Court. The effect of this adoption, it held to be legal, would have been—even though Mrs. Hubbard should be awarded a share in the estate—to reduce her interest therein from one-fourth to one sixth.

The case was tried before Judge Van Fleet some weeks ago and submitted. Yesterday he rendered his decision therein (which is given in full below), holding that the law under which the child of Mrs. Hubbard was adopted by its grandparents is void, and that the petitioner (Mrs. Hubbard) is to receive her legal share of the estate, which is one-fourth, the widow being entitled to one undivided half under the law. The decision reads:

In the Superior Court of the County of Sacramento, State of California, Department Two. In the matter of the estate of A. J. Stevens, deceased.

Andrew J. Stevens died in said county of Sacramento on the 11th day of February, 1888, being a resident thereof at his death and having an estate therein. He left surviving him, as next of kin, his widow and two children—a daughter, May S. Hubbard, the petitioner herein, and Fred A. Stevens, a son. He left a will (olographic), whereby he devised all his property to his widow, Lydia M Stevens, and made her sole executrix. He did not name either of said children in this will nor make any provision for them therein. More than four months having elapsed since letters issued on his estate, May S. Hubbard, the daughter, now makes application to this Court for a partial distribution of said estate to her, claiming as a pretermitted child. After alleging jurisdictional facts, the petitioner sets forth that the testator omitted to provide for the petitioner in his will, and that it does not appear that such omission was intentional; that she is one of the heirs-at-law of deceased and entitled to a distributive share in his estate of one-fourth of the whole thereof; and she asks that said share be now distributed to her upon her giving such bond as may be necessary to secure the payment of her proportionate share of the debts and expenses of administration.

The executrix, Lydia M. Stevens, filed an answer to said petition which in legal effect raises two objections to the granting of petitioner's application, the first going to the entire exclusion of petitioner from any share in the estate, and the second, if sustained, effecting a material diminution in the distributive share to which petitioner would be entitled.

I. The first objection arises upon the denial in the answer that the omission to provide for petitioner was unintentional and the averment that said testator purposely and intentionally omitted to provide for petitioner in his will, and that his said intention appears from the face of the will itself. This feature of the answer and the contention of the respondent thereunder rests upon the following language of the will, wherein the testator, after making a devise of all his property to his wife, says: "I request, however, that she [the wife] will set aside and cause to be invested in some good and safe interest paying securities $1,000 for the benefit of my grandson, William A. Stevens, both principal and interest accumulations to be paid to him when he shall have arrived at the age of twenty-one years, but in this matter my wife may use her own judgment." It being admitted in that connection that said William A. Stevens is the son of the testator, May S. Hubbard, by a former husband, A. D. Billings.

It is contended by respondent that while petitioner is not specifically named or referred to in the will, that nevertheless it is manifest from the language of the will, above quoted, that the omission to name or provide for her was intentional; that the naming of her son by the testator shows by necessary implication or inference that the mother was in his mind at the time, and that he intended to make no provision for her.

Section 1307 of the Civil Code, upon which petitioner bases her right to share in the estate, provides that: "When any testator omits to provide in his will for any of his children, or for the issue of any deceased child, *unless it appears that such omission was intentional*, such child or the issue of such child must have the same share in the estate of the testator as if he had died intestate." (Italics volunteered.) It has been determined that under this statute the fact that the omission was intentional must appear from the language of the will itself; that extrinsic evidence is not admissable to show the intention of the testator. (Estate of Garraud, 35 Cal. 342.)

In determining, therefore, the intention of the testator we are limited to an examination and construction of the language of the will.

The doctrine of vicious or inferential mention, or in other words, that a reference by the testator in his will to some person intimately connected with the omitted heir is sufficient evidence that the omission of the testator was intentional, has received some recognition. (Wilder vs. Goss, 14 Mass. 357; Hockensmith vs. Slusher, 26 Mo., 257; Guitar vs. Gordon, 17 Mo., 408; Merrill vs. Sanborn, 2 N. H., 499.)

These cases follow principally that of Wilder vs. Goss, above cited. There the testator mentioned in his will the husband of his deceased daughter, and gave a legacy to one of said daughter's children, and it was held to justify an inference that other children of such daughter were intentionally omitted by the testator. But the reasoning of these cases is to my mind not such as to commend itself to one's favorable consideration, and I am satisfied, after a careful examination, that the doctrine they announce is not sustained by the better or greater weight of authority. In a well considered and much later New Hampshire case than that of Merrill vs. Sanborn, supra, which is cited by respondent as one of the leading cases in support of the doctrine contended for, that case and the case of Wilder vs. Goss, are strongly disapproved of and it is distinctly held that the naming of a grandson, and describing him as such, is not a sufficient reference to his father or mother to satisfy a statute of like import with section 1307, *supra*; and that the doctrine is squarely declared that under such statute "*the naming of one person, however closely related to another, without more, is no reference to that other.*" (Italics volunteered.) After a thorough review of the authorities on this subject, in a note to the case of Wilson vs. Fossett (6 Met. 490, 39 Am. Dec. 736), the able editor of American Decisions concludes: "Indeed, it may well be doubted whether in any case the omission of one heir, whether child or grandchild, should be deemed intentional merely because some one else, closely related to him, is named in the will." (See also 1 Redfield on Wills, 434; 1 Jarman on Wills, 469.) But the doctrine contended for by respondent has been distinctly repudiated in this State. In Bush vs. Lindsey, (44 Cal. 121), it is held that "if the testator, in his will, devise his property to his grandson, the son of his deceased son, and the testator has children living, it does not show, as matter of construction of the will, that his children were brought to his recollection and that his omission to provide for them in his will was intentional." I quote from the syllabus, which is fully sustained by the text. So in the estate of Utz (48 Cal., 200), where the testator expressed the intention in his will to leave his property to his "children," and named and provided for his living children, but failed to mention or provide for two grandchildren, the children of a deceased daughter, it was held that the language of the will did not warrant an inference of "the existence of a deliberate purpose actually in the mind of the testator, to wholly exclude the children of his deceased daughter from a share of his estate."

The doctrine contended for is one of dangerous uncertainty in its application; the question is one of intent or purpose in the testator which must be gathered from the language of the will. The testator omits an heir, but he mentions some one more or less intimately connected with the omitted one. Where are we to draw the line between that character of relationship or association which will invoke a legitimate inference of intention to omit, and that which will not? The line must of necessity be an arbitrary one. Take the case at bar: It is contended that a mention of her child should exclude the mother, but if so, why should it not by the same process of reasoning go a step further and exclude the omitted son of the testator also? Yet, as we have seen, such an inference cannot be indulged. Bush vs. Lindsey, supra. It seems to me that the moment you depart from a construction which requires a direct and unmistakable reference in the will to the omitted heir by name or other equally definite means, you do violence to the language of the Code provision and destroy its purpose and intent. My conclusion is that the mention of her son does not show an intentional omission of the petitioner by the testator, nor exclude her from a share of his estate.

II. The respondent's second objection is based upon the averment in her answer, in substance, that the said testator left surviving him an heir other than those above mentioned, to wit: an adopted son, William Andrew Stevens, 12 years of age, regularly adopted by said testator on August 26, 1878. It is conceded that, if true, this fact would result in cutting down the petitioner's distributive share from one-fourth of said estate as claimed by her to one-sixth thereof. To support this averment the respondent offered in evidence the record of certain proceedings had on the date alleged, before the then County Judge of Sacramento county, by A. J. Stevens, the testator, and Lydia M., his wife, for the adoption by them of the child now called Wm. A. Stevens. These proceedings purport to have been taken under the provisions of the Civil Code governing the subject of adoption as they then existed, and appear in all respects to conform thereto. To this record the petitioner objects upon several grounds, but among others that the whole proceeding was void and ineffectual for the reason that the sections of the Code under which this adoption was sought to be had were unconstitutional, in that the Legislature had no power to confer upon the County Judge as such, and as distinct from the County Court, jurisdiction of a proceeding of this character. This is the only point of objection I care to notice. At the date of said proceeding, in 1878, the provisions of the Civil Code relating to adoption were, and yet are, Sections 221 to 230, inclusive. Sections 221 to 225 provide under what circumstances a child may be adopted. Section 226 provides: "The person adopting a child and the child adopted, and the other persons, * * * whose consent is necessary, must appear before *the County Judge* of the county where the person adopting resides," where necessary consent must be signed, agreement executed, etc. Section 227 provides that "*The Judge* must examine all persons appearing before him pursuant to the last section, each separately, *and if satisfied that the interests of the child will be promoted by the adoption, he must make an order* declaring that the child shall thenceforth be regarded and treated in all respects as the child of the person adopting." (Italics in above quotations volunteered.)

It will be observed that the proceeding thus provided for is judicial in its character and not merely ministerial. The functions to be performed by the Judge under Section 227 are clearly of a judicial nature: "The Judge must examine all persons appearing before him * * * *and if satisfied that the interests of the child will be promoted* * * * must make an order," etc.—this language clearly vesting the officer with a judicial discretion of an unmistakable and very important character. It will be farther observed that the proceeding is not required to be commenced in any Court or in any manner connected therewith, but is to be had before the County Judge as such, in a capacity separate and apart from the duties cast upon him in connection with a case or proceeding in such Court, the various sections nowhere referring to the County Court in any such manner or connection as to indicate an intention in the legislative mind to vest jurisdiction of this proceeding therein, or in any way characterize it as a Court proceeding. From the language used it was undoubtedly the intention of the Legislature to create the individual holding the office of County Judge into a judicial tribunal and vest in him jurisdiction to hear and determine proceedings of this particular class. The proceeding provided for is of a special character, it is one unknown to the common law and the rights intended to be conferred by it are repugnant to common law principles. It is therefore a special case or proceeding as distinguished from those cases or proceedings had, as it is termed, in accordance with the course of the common law. (Ferguson vs. Jones, 20 Pac. Rep. 812.) The Constitution of the State in force at the date of these proceedings provided: "The judicial power of this State shall be vested in a Supreme Court, in District Courts, in County Courts, in Probate Courts and in Justices of the Peace, and in such Recorders and other inferior Courts as the Legislature may establish in any incorporated city or town." (Sec. 1, Art. 6, Const. 1863.) It further provided that "the County Court shall have original jurisdiction * * * * of all such special cases and proceedings as are not otherwise provided for." * * * * (Sec. 8, Art. 6, Const. 1863.) Under these provisions of the Constitution, in a case arising under a statute conferring similar powers upon County Judges, the Supreme Court of this State says, after referring to the provisions of the Constitution: "The question therefore arises whether, under the Constitution, the Legislature has competent power to create a tribunal and confer upon it jurisdiction in special cases; for it is beyond question that the County Judge is not the County Court, and although the Legislature may authorize the Judges of the several Courts to perform certain duties at chamber, in respect to proceedings in a case, yet some Court has jurisdiction of the cause, and the Judge, in chambers, whether of the same or another Court, acts as a Commissioner, or in some other capacity, merely in aid of and subordinate to the Court having jurisdiction of the cause. It being, we think, beyond dispute, that a County Judge is not the County Court, if jurisdiction of special cases could be conferred upon the County Judge it is equally competent to the Legislature to confer it upon the County Clerk, Recorder or Sheriff, or to create a new tribunal for the exercise of such jurisdiction." And the Court concludes: "It is our opinion that the Legislature is not authorized to provide for the exercise of such jurisdiction by any tribunal other than one of the Courts provided for by the Constitution, and that a statute which grants such jurisdiction to a judicial officer cannot be upheld." There would seem to be no escape from the application of this doctrine to the case at bar. The cases are to my mind strictly analagous, and the conclusion is inevitable that the provisions of the Civil Code, as they existed at the date in question, so far as they attempt to confer jurisdiction of the proceeding upon the County Judge, are obnoxious to the provisions cited and unconstitutional. (See also concurring opinions of McKinstry and Myrick, J. J., in Cholar Mining Co. vs. Wilson, 66 Cal., 377.)

As a result the proceedings had for the adoption of the child Wm. Andrew Stevens are subject to the objection made and void. It follows that the petitioner is entitled to a distributive share in the testator's estate of one-fourth of the residue thereof, and no question of expediency appearing why such partial distribution should not be made at this time, a decree will be entered as prayed for, upon petitioner executing a good and sufficient bond in proper form in the sum of $1,500. W. C. VAN FLEET, Judge.

GOLDEN STATE FRUIT ASSOCIATION.

The New Organization for the Shipment of Fruits to the Eastern Markets.

A reporter of the RECORD-UNION yesterday interviewed E. T. Earl, President of the Earl Fruit Company, through whom will be conducted the business of the newly-organized Golden State Fruit Association.

"We are not fairly started, as yet," said Mr. Earl, who was seen in the company's new office, on K street. "You see everything is in confusion, and it will be several days before we get to running smoothly. No shipments through the new Association have been made as yet, but they will commence within a day or two, although we do not expect to see much of a rush until the Bartlett pears commence moving—about the 1st of July.

"After that date the Association will make up regular daily trains for the East, and all growers and shippers who make application will be permitted to ship by them.

"These special trains will enable the growers to place their fruits in the Eastern markets at lower rates than are obtainable on single cars by the passenger trains, and if they wish to ship less than car lots they can avail themselves of the special rates by shipping their fruit by the Earl Fruit Company, Sacramento, by local freight, and the company will forward it through the Golden Gate Fruit Association at the same proportionate rates charged for carload lots."

Mr. Earl dilated upon the advantages claimed by the new Association in the matters of lower rates of commission and superior auction facilities in the East, but was particular to declare that the new Association was in nowise a "rival" of the other organizations in the same field. He averred that the production of fruit in California was rapidly increasing, and with the increasing demand in the East, and the new markets which would soon be developed, there was "plenty of room for them all," and there need be no friction between the organizations prepared to feed the country with our luscious fruits.

Ball at Courtland.

On Thursday evening Courtland Parlor, No. 106, N. S. G. W., held its annual ball at Osborne's Hall, at that place. The ball was tastefully decorated with evergreens and banners, and presented a fine appearance. About 150 couples were present, and enjoyed themselves until a late hour. About fifteen couples from Sacramento were present.

Done While Drunk.

John Stewart has filed a complaint against Jesse Derr, in the Superior Court, to recover $375 damage on account of having been induced by the defendant to purchase of him a certain piece of property at the price named when the plaintiff was in a state of intoxication.

Fruit Shipments.

Four carloads of fruit were last night shipped East by the California Fruit Union one from Winters, two from Vacaville and one from Sacramento. The shipments consisted of apricots, peaches, plums and cherries.

THE great success that Hobb's little vegetable pills have met with in all parts of the world is a proof of their curative properties. Try them.

MATHUSHEK PIANOS the best. Indorsed by artists. Cooper's music store. *

RELIEF FUND.

THE GOOD WORK GOES STEADILY ON.

Nearly Twenty-two Hundred Dollars Sent On and More To Go.

Yesterday the RECORD-UNION, through the courtesy of the National Gold Bank of D. O. Mills, forwarded of the people's voluntary contributions for the Pennsylvania sufferers the sum of $655 to Governor Beaver of Pennsylvania, making in all sent $2 155 up to 2 P. M. June 7th. The contributions yesterday were:

Whittier, Fuller & Co.	20 00	F. A. J.	3 00
Geo. Schroth	5 00	Cash	2 00
G. W. R.	5 00	S.	5 00
C. Reed	1 50	Mrs. G. E. Pinkham	2 50
Mrs. Garcia, Truckee	2 50	Cash	1 00
M. Moran	1 00	S. S. Nathan & Co.	5 00
J. V. Pettite	2 00	Charles Robin	10 00
A. Dunn	3 00	Matt F. Johnson	2 00
Guthrie Bros.	5 00	Sac. Turn Verein	25 00
Cash (B.)	2 50	Andrew Black	5 00
Michael Fay	5 00	Cash (M. L.)	5 00
Cash	50	W. A. Brown	4 50
W. J. Milgate	1 00	Cash (Collection box)	63
James McGuire	2 50	Cash	1 00
Wm. Turton	2 50	Dr. J. A. McKee, Elk Grove	2 50
Cash	2 00	L. E. Vandercook	1 00
A lady (by mail)	2 00	Mrs. W. H. Richards	1 00
Joe Bowsher	1 00		
A friend	25 00		
J. Linthicum	$5 00		

Pennsylvania relief fund contributions from the citizens of Gold Run, Placer county, California.

A. N. Davison	$2 00	Bert Moody	2 00
Mrs. A. N. Davison	1 00	W. H. White	$ 50
George Bettea	1 00	J. A. Harrison	1 00
Mr. Haag	50	J. P. Baily	50
C. A. Bartlett	50	Fred Herrman	1 00
Mrs. Ed. Brown	50	Ed Dolan	1 00
Mrs. M. A. Murray	50	M. C. Garton	1 00
Mrs. J. Williams	50	Mrs. Wm. Mitchell	1 00
J. Stewart	1 00	Jerry Haley	50
J. Merlech	1 00	Frank Mitchell	50
Larry McConnell	50	Mrs. Dolan	1 00
M. S. Noyes	1 00		
Balance on hand June 6th			$587 15

Total	$777 68
Forwarded June 7th	655 00
Balance on hand June 8th	$122 68

In addition to the above may be added in estimates the sum mentioned in the following dispatch:

GALT, June 7, 1889.

To the RECORD-UNION *Sacramento*: As an evidence of the sympathy felt in Galt for the Pennsylvania sufferers, $100 or more, with a list of the contributors, will be added to your fund to-morrow. JOHN SAWYER, O. HARVEY.

The list will remain upon our counter today and this evening for the reception of signatures, and the hope is entertained that sufficient will be received to enable a sum to be telegraphed early that will make the aggregate $2,500 or more. This journal will report all the contributions and daily furnish a statement of the disposition of the funds.

The reparations for the benefit concert Wednesday night are taking form, and it promises to be very successful. Mrs. A. Bonheim and Mrs. Dr. Brune constitute the ladies' Committee of Management, and W. H. Kinross is to have the musical direction. An exceedingly fine programme is promised. When the tickets go out they should be taken with great liberality and the humane work of the ladies heartily seconded.

PRINCIPALS OR DEPUTIES?

Can the Board of Examiners Perform Their Duties by Proxy?

The money in the State Treasury was counted yesterday and the sum total amounted to $2,140,948 11. Not a member of the Board of Examiners was present, but each was represented by a deputy—General Davidson for the Secretary of State, Marcus D. Boruck for the Governor and W. P. Johnson in place of the Attorney-General. The amount in the Treasury was found to be 54 cents in excess of what the Controller's statement called for.

There was considerable comment about the Capitol building as to whether, according to law, the Board of Examiners could be represented by deputies. It was the opinion of many of the officials that it was not just the thing, and that the Board of Examiners could not be represented in a transaction of this kind any more than it would be legal for the deputies to pass upon and sign bills.

General Davidson, Deputy Secretary of State, said he did not know whether it was legal or not, and Deputy State Treasurer Danielwitz confessed that he was not thoroughly posted on the question.

Attorney-General Johnson thought the Board of Examiners could be represented in the monthly counting of State money, as that was simply a ministerial duty connected with their office.

It was the opinion of Supreme Court Clerk Williams that a majority of the Board of Examiners should be present in person.

AMUSEMENTS.

A good attendance greeted Mr. N. O. Goodwin and his very competent company last evening at the opera-house. In the fine old farce, "Lend Me Five Shillings," Goodwin was admirable and his support unexceptionable. In the three-act monstrosity that followed, entitled "Turned Up," it was demonstrated how one of the cleverest comedians on the American stage can, for the sake of money, prostitute the dramatic art by lending his fine talent to buoy a disgustingly weak, silly and even naseous farce. Hoyt's abominations are bad enough, but "Turned Up" is utterly vile, because it has not even the excuse of coarse satire to cover its rawness. How the San Francisco *Bulletin* found merit in such a play passes comprehension. The audience of last night laughed; it roared; it applauded, because all Goodwin does he does well, and he forces laughter, his method is so droll. His drunken undertaker was inimitable. His simulation of the tipsy wit was more than clever. But if his talent had been manifest in some one of the scores of sterling comedies of dramatic literature what a treat his performance with such excellent people about him would have been. The same bill tonight.

At the Opera House, Monday and Tuesday next, the "Ivy Leaf Company" of W. H. Powers will appear. The troupe was here some months ago and met with success. The play, the "Ivy Leaf," is an Irish drama of the better order. It is clean, of sustained interest and has several very sensational scenes, as the flight of an eagle with a child, a leap from a tower, a revolving scene. The company that presented it then was very good and included a leading man in the part of Murty, who was notably an artist of merit: There was with it, also, an Irish piper and a quartet of vocalists of much excellence. The promise is made that the troupe is equally as strong now.

Friday, and Saturday matinee and evening, of next week the Bostonians, an English opera company, well known and favorably received throughout the United States, will appear at the Metropolitan Theater. There are seventy people in troupe, which has its own orchestra of fourteen pieces, much rich costumery and a complete outfit, two carloads of scenery. There will be sung here "Mignon," "Dorothy" and "Pygmalion and Galatea." In the troupe are Marie Stone, a versatile actress and leading soprano; Jessie Bartlett Davis, leading contralto, who when here with the Carleton Opera Company on its first visit was a great favorite in Sacramento; Juliette Corden, soprano; Carlotta Maconda, Louise Bianchi, Josephine Bartlett and Jessie Oliver, who are ranked among principals. On the male side are Tom Karl, a tenor known far and wide, H. C. Barnabee, W. H. McDonald, Edwin Hoff, Fred Dixon and others, who stand among the leading singers of the company. The Bostonians have had very great success in San Francisco, singing there to full and often to crowded houses for four weeks consecutively. The *Call* of the 19th of May, in an extended review, pronounced the troupe one of the best musical organizations ever in that city, and referred especially to the fresh voices of the chorus, the accuracy of the leaders, and the exactness of the orchestra, in which it is claimed not a false note will be heard in its playing of the entire repertory of the troupe. The prices to be charged here will be the same as prevailed in San Francisco, $1 50, $1 and 50 cents, the sale of seats to begin on Wednesday next.

Punching Paviors.

A lively little scrimmage occurred yesterday afternoon between a couple of the employes of the paving company engaged in putting down a sidewalk on I street, between Sixth and Seventh. A man named L. B. Felker had charge of loading the wheelbarrows with the molten bituminous rock used. Another of the workmen, James Todd, came up with his wheelbarrow for a load of the material, and in handling it Felker threw some of the hot liquid mass over Todd. The latter at once became maddened, and commenced to curse and revile the author of the mishap. Hot words followed, and resulted in Todd striking Felker a succession of violent blows, which raised big lumps over both eyes. Todd was arrested for assault, taken before Justice Henry and held over until this morning in bonds of $50.

Unitarian Church Sociable.

The church sociable given by the Unitarian Society at Pioneer Hall last evening was well attended and thoroughly enjoyed by all present. An interesting programme was rendered in a very pleasing manner, all the performers doing their part with unusual excellence. The programme was as follows: Vocal quartet, Misses Felter and Wheat, Messrs. Shannon and Milligan; vocal solo, Mr. Shannon; recitation, "Too Utterly Utter," Miss Marie C. Fuller; vocal solo, Miss Emma Felter; reading, "Allow for the Crawl," Miss Amelia Duggan; vocal solo, Mrs. Addie Carter; vocal duet, Misses Felter and Wheat; recitation, "The Boys," Professor W. H. V. Raymond. Miss Gertrude Gerrish played the accompaniments with great taste. At the conclusion of the programme refreshments were served.

New Incorporations.

The following articles of incorporation were filed yesterday in the Secretary of State's office:

Asbury Methodist Episcopal Church of East Los Angeles. Directors—J. O. Wilder, T. G. Wagstaff, Freeman Gay, G. A. Carlton, Hiram Ogden, D. A. Sovereign and R. N. C. Wilson.

Emmanuel Baptist Church of San Jose. Directors—L. F. Sanderson, Z. L. Orcutt, F. E. Caton, H. T. Hite and B. T. Bailey.

Pacific Electric Belt and Truss Company of San Francisco. Capital stock, $50,000. Directors—A. T. Sherwood, Martin Armstrong, John L. Boone, M. G. Loefler and J. A. Vaughn.

Hartman Gold Mining Company of San Francisco. Capital stock, $500,000. Directors—W. P. Miller, F. S. Zimmerman, W. J. Beran, N. L. Lenham and C. H. Fitler.

County Hospital Affairs.

Dr. White, Superintendent of the County Hospital, yesterday submitted to the Supervisors his report of the County Hospital affairs for the month of May as follows: Number of patients in hospital May 1st, 163; admitted during the month, 56; died, 7; discharged, 56; remaining, 156.

Mortality list—B. F. Slater, aged 63 years, native of New York, hemiplegia; Jane Stafford, 55, England, enteritis; James Parmer, 25, California, typhoid fever; Ada M. Curry, 38, New Hampshire, peritonitis; Jim Crow, 70, Hawaii, albuminuria; John F. Teskey, 57, Germany, angina pectoris; James Walker, 77, England, enteritis.

The current expenses have been: Salaries, $750; subsistence, $1,079 63; coal, $284 30; calcimining, $195. Total, $2,308 93.

Police Court Cases.

At yesterday's session of the Police Court Hermann Bauer, charged with selling a roll of blankets which did not belong to him, was found guilty and will be sentenced to-day.

Margaret Hurley was taxed $2 50 for disturbing the peace.

J. C. Donohue and Mrs. Donelly will be tried to-day for disturbing the peace.

The case of G. W. Otto, charged with robbing John Cahill of $16, was continued until to-day.

Clarke Tibbs was sent to jail for a couple of days to recuperate from an attack of the "jim-jams."

Mrs. Venezuela, charged with adultery, was acquitted.

Pleasure and Pumpkins.

A very pleasant affair of last evening was the monthly social of the Methodist Church South, given in the church parlors. A musical and literary feast was provided in the following programme: Instrumental solo, Miss Dickson; recitation, Albert Hart; cornet duet, Mrs. Merry and Miss Spargo; vocal duet, Miss Cropper and Mrs. DeWitt Rentro; reading, Rev. A. C. Bane; cornet duet, Mrs. Merry and Miss Spargo; vocal duet, Miss Ingham and Miss Foote. When the set programme was finished the company amused itself by guessing the number of seeds in a large pumpkin, after which came refreshments, concerning which there was no guess-work whatever.

Something of a Sprinter.

It transpires that the feature of the St. Rose's Church picnic on Thursday last was a foot-race, and an exciting one at that. The contestants were A. Hare and policeman Larry Farrell. The course was about two miles, as nearly as could be estimated, and was straight away across fields covered with a heavy growth of tar-weed and "bronchos." It was a very exciting contest from start to finish, and was finally won by Farrell. The judges, however, declared against the fleet-footed policeman on a foul, it having been shown that he interfered with his antagonist by catching him by one of his hind legs.

To-Day's Ball Game.

The ball game this afternoon at Snowflake Park, between the Sacramento and San Francisco clubs, will doubtless be largely attended, as there is considerable anxiety to see Barry pitch. He is reported to be in his old-time condition and doing excellent work for his club. Sacramento will probably give the visitors a chance to show their mettle in a close game. Heretofore the bay nine have been enjoying walk-overs with the other clubs, and everybody claims it is simply Haverly luck.

The game begins at 3 o'clock, and one train will leave the depot at 2:45.

Sergeant Barwick's Essay on the Weather.

The highest and lowest temperature yesterday was 80° and 53°, while for the same date last year it was 77° and 48°. The highest and lowest one year ago to-day (8th) was 85° and 52°.

The weather yesterday was simply a perfect June day. The temperature did not reach the perspiration point, while there was a fresh and pleasant ocean breeze from the southwest, wafted in from the cool Pacific, making life worth the living in this glorious country.

Grape and Wine Men.

A regular meeting of the Grape Growers' and Wine Makers' Association of California will be held June 18th, at 11 o'clock A. M., at Platt's Hall, San Francisco. The subject for discussion will be: "Practical Experiences in Maturing Wines, and the Proper Age for Bottling Old Wine," by Arpad Haraszthy and Jacob Schramm. The formation of a co-operative union to handle dried grapes will also be effected.

To-Day's Auction Sales.

Bell & Co. will sell to-day at their salesroom, 927 K street, at 10 A. M., ten bedroom sets of furniture, beside a lot of new mattresses, pillows, carpets, refrigerator, parlor and dining-room furniture, Cabinet organ, etc. Also vehicles, horses and harness.

Millinery Sale To-day.

For prices see our advertisement in this issue. Red House. *

FOR SALE.—A good second-hand square piano, in fine condition. A bargain for cash. Hammer's music store, 820 J street.*

THE BOY AND THE CALF.

A Youth Undertakes a Bigger Contract Than He Can Perform.

Considerable amusement was caused on J street yesterday by the desperate efforts of a boy to lead a calf through that thoroughfare. The boy wanted to go up the street, but the unaccountable perversity of the young bovine's nature made the job a difficult one.

The calf wanted to go the other way. This fact illustrated the difference between human reason and brute instinct.

There were many reasons why the boy should not care to go down the street just then but one alone was sufficient—he had no business in that direction. He had a definite object in view—to get the calf up town.

The calf might just as well have gone peaceably up the street as down, but instinct seemed to tell it that it would not comport with the proverbial idea of bovine independence to let the boy have his own way about it.

And so the calf lingered, while the youth, with "Excelsior!" painfully depicted on his brow, struggled and tugged and sweated.

The calf complacently chewed its cud and tried to look unconcerned, while the crowd momentarily increased along the sidewalk and coached the desperate and perspiring lad.

The calf had more square feet of bone and muscle than the boy, and had also an advantage in the number and distribution of legs. It was especially built for an emergency like this, but the boy was not. He had only two legs to the calf's four and the attraction of gravitation gave him less bracing power on the cobbles than his antagonist.

Then the juvenile cowboy got mad. He ceased to remonstrate with his bovine tormentor, and assumed the offensive. It took the calf just ten seconds to knock him out, and he sought the sidewalk and sat down to rest before the next round.

At this juncture the tall form of officer Frazee was seen making its way through the crowd. After some difficulty the blue-coated peace-preserver reached the boy.

While this was going on the calf was getting its second wind for the anticipated renewal of the attack. It looked so innocent as it stood there, with its great, soft, pleading eyes bent upon the crowd, that the officer's tender heart was melted.

"What have you been abusing that calf for?" he cried in thunder tones at the boy.

The bedraggled youth gave one sad look at the unruffled calf, and then glanced down at his own bedraggled clothes. He paused a moment, while his frame seemed to be convulsed with some mighty emotion. Then, dashing the perspiration from his brow, he struggled to his feet, struck an attitude that would be worth at least six bits to Nat Goodwin in one of his stage characters, and exclaimed—his features enshrouded in a mask of disgust and pain:

"What yer yiv'n me, cop? Tost dodgasted fool calf's bin abusing *me* awful fur an hour!"

And, exhausted with his effort, he sat down in the gutter and waited till a butcher's wagon came to his relief and carted him and the calf away.

The crowd tittered at the officer's discomfiture, and the latter hastily sought obscurity in the crowd.

STATE MONEY.

Transaction of the Treasurer's Office for the Month of May.

The following is an outline of the transactions of the State Treasurer's office for the month of May:

Balance on hand May 1st	$2,441,059 02
Paid out during May against the several funds as follows:	
General fund	271 281 52
School fund	46,651 80
Interest and sinking fund	8,000 00
University fund	3 00
Library fund	2 886 00
Supreme Court Library fund	336 25
War bond fund	49 51
San Francisco Harbor improvement fund	15,664 87
Construction fund, Dis. No. 1	50 00
Mining Bureau fund	788 70
Railway tax fund	17 19
Revolving jute fund	112 70
Fish Commissioners' fund	965 85
Bank Commissioners' fund	1,572 90
State school book fund	7,098 22
San Quentin Prison fund	586 26
Insurance Commission special fund	88 00
State University fund	92,385 74
Total amount paid out	$423,138 84
Received during same period of time	$83,164 55
Balance on hand June 1st	$2,101,085 23

UNNATURAL PARENTS.

A Ten-Year-Old Child Ordered Locked in a Dark Cell.

A man who lives in the St. George building, on Fourth street, appeared at the station-house last night with his little ten-year-old son, whom he directed the officers to lock up in a dark cell. He said he could do nothing with the boy, and wanted to punish him.

After he left the kind-hearted night clerk, officer Higgins, placed the sobbing child in the Chief's comfortable office. The little fellow said that the trouble was that he wanted to go to school, but his parents would not let him, insisting that he was old enough to earn his living. He said he had staid away from home for two nights through fear of his parents; that his mother tied his hands and feet and stuck his head into a pail of water, and threatened to beat him if he ever came home late. He seems like a very tractable child, and declares that he is afraid of his parents.

It seems that the mother of the boy was arrested about a year ago for stringing him up by the thumbs and beating him. The desire to have the child locked in a dark cell shows the utter heartlessness of his parents.

Held for Trial.

At Auburn yesterday H. C. Gorton, the alleged Clipper Gap train robber, was held to appear in the Superior Court for trial. His bail was fixed at $5,000.

Millinery Sale To-day.

For prices see our advertisement in this issue. Red House.

There is not a whisky shop in Tyrrell county, N. C. The prison for the county is empty, and there was not a State case on the docket at the last Court.

ALL people who are interested in good value of goods, in large variety, should attend our sale to-day. Every department will be represented at Red House. *

FOR first-class, cheap sewing machines, see A. J. Pommer, cor. Ninth and J. *

Birth, death, and marriage notices must be sent in by responsible parties, and paid for as follows: Births and marriages, 25 cents each; funeral notices, 50 cents.

BORN.

Sacramento, June 4—Wife of O. F. Babcock, a son. *

MARRIED.

San Francisco, June 6—By Rev. Dr. Foute, William McIntosh to Alice W. Entwistle, both of Roseville, Placer county.

Take Hood's Sarsaparilla 100 Doses One Dollar

The Chief Reason for the great success of Hood's Sarsaparilla is found in the fact that Merit Wins. It is the best blood purifier and actually accomplishes all that is claimed for it. Prepared only by C. I. Hood & Co., Lowell, Mass.

Very Important News About Paper Patterns.

We have, at a direct loss of some hundreds of dollars, abandoned the Domestic Paper Patterns. Our reason for so doing is that we believe we have found another make of Patterns of superior excellence. As we wish to keep only the BEST, we have taken the agency of the "Standard Patterns," which are having a large sale wherever introduced. Several of the largest firms in the country with whom we have corresponded state that these patterns give the greatest satisfaction to their customers, who, having once tried them, will buy no other make.

The "Standard Patterns" are comparatively new, and combine the best features in other patterns, with none of their faults. They are as perfect as taste, skill, experience and money can make them.

We believe that those who once give these patterns a trial will thank us for having called their attention to them.

Eight-page sheets of the current styles are ready for free distribution, while on our counters will be found large catalogues of the complete stock.

JUNE MILLINERY.

WE ARE PREPARED TO take orders for Summer and Traveling Millinery, and deliver in due season. The force of trimmers is large and thoroughly skilled. We have never turned out better work than we are doing at present.

Our stock of materials—silks, ribbons, flowers, etc.—is very much larger than it would be but for the fact that we have a large out-of-town as well as city trade to provide for. This makes our prices lower and assortment more varied than they would otherwise be.

Ten sorts of Tall Hats for all sorts of needs. Tall Straw Hats for summer, three colors, $3 50; Tall Cassimere Hats for dress, pearl brown or black, $4; Light Wool Felt Tall Hats, $2; Imported French "Pullovers," light in color and light in weight, $5. Besides the above special Summer Hats, we have the "Broadway" Black Silk at $5, and Dunlap's latest block at $8, than which there is nothing finer anywhere.

WEINSTOCK, LUBIN & CO.,

Nos. 400 to 410 K Street, Sacramento.

Candies, Ice-Cream and Soda-Water.

For the Best, Freshest and Purest —GO TO— Barton's.....810 J st.

ICE-CREAM SODA A SPECIALTY. a12tf

JOE POHEIM THE TAILOR,

Makes the Best Fitting Clothes in the State at 25 per cent less than any other Tailor on the Pacific Coast. Rules for Self-measurement and Samples of Cloth sent Free to any address.

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