

POINTS FOR LAWYERS.

THE SUPREME COURT DECIDES A FEW KNOTTY ONES.

Extra Duties May Be Required of City Justices—A Plumas Water Appropriation Enjoined.

The following Supreme Court opinion was filed Wednesday in the office of the Clerk of the Supreme Court in this city: Hewlett (respondent) vs. Pletcher et al. This is a Calaveras county case, in which action was brought by the respondent to foreclose a mortgage, and Pletcher and Watson were made parties defendant. Judgment was rendered for the plaintiff, foreclosing the mortgage, and the defendant Watson appeals from the judgment and the order denying him a new trial. The judgment and order are affirmed.

A TULARE CASE.

J. Goldman (appellant) vs. Mary J. Rogers. This is a Tulare case, and an action brought by plaintiff to recover possession of two lots in Tulare, the complaint being in the ordinary form in ejectment. The case was tried before a jury, and the verdict was in favor of the defendant. The court then made further findings and gave judgment for the defendant, from which the plaintiff appeals on the judgment.

JUDGMENT IS AFFIRMED.

AUGUST ESTATE.

The People (respondent) vs. T. P. Ward—Solano county case. The defendant was indicted for, and convicted of, misdemeanor in the office of Justice of the Peace, and judgment was rendered removing him from office for cause as stated in the judgment. The appeal from the judgment and an order denying him a new trial. The Supreme Court, among other things, says:

"The defendant had been Justice of the Peace at Vacaville township, Solano county, for many years, and the evidence shows him to have been a man of exceptionally good character, for truth, honesty and integrity. This case arises out of the prosecution of one Dayton G. True for the alleged theft of a horse from the plaintiff. C. Chapman, a witness in this case, is a conflict of jurisdiction and somewhat unpleasant feeling between the Justices of the Peace of said township and a Justice of the Township of Susan. And leaving out of view for the present, we think the jury were erroneously misled to the prejudice of the defendant by the instructions of the district Attorney in criminal prosecutions. We think the indictment insufficient and the judgment and order reversing the same should be reversed. The Supreme Court sustains the demurrer to the accusation."

THE JURY GUESSED IT RIGHTLY.

Wilson et al. (respondents) vs. Morton et al. Plaintiffs alleged that defendants agreed to pay them fifty cents per acre for the land in the city which they should examine and advise defendants to purchase, and which should afterwards be purchased by the defendants. The jury returned a verdict in favor of the plaintiffs for \$5,000. Judgment was rendered for the plaintiffs, from which the defendants appeal. The judgment and order are affirmed. Judge Patterson dissents from the opinion.

A JUDGMENT REVERSED.

A. B. Preston (respondent) vs. Caroline Knapp, executrix, etc. This was an action to recover \$48 3/4. There was one of the plaintiffs and an appeal was taken. The Supreme Court reverses the judgment and orders a new trial.

WATER APPROPRIATIONS RESTRAINED.

McClure (respondent) vs. Haggood et al. This is a Plumas county case, and a suit to restrain defendants from diverting the water of the main stream. The trial court gave judgment for the plaintiff and the defendant appeals. The judgment is affirmed.

EXTRA WORK FOR JUSTICES.

Miller (appellant) vs. Reibenstein et al. An application was made to the Superior Court of San Joaquin county for writ of mandamus, requiring the defendants, the Mayor and Clerk and Controller of the city of Marysville, to warrant upon the Treasury of that city in favor of the plaintiff, who is City Justice of the Peace in said city, for the salary of his office as such Justice of the Municipal Court for the month of December, 1889. Upon a hearing of the case the court denied the writ and ordered judgment for the defendants, from which plaintiff appeals.

The Supreme Court says: "The sole question is whether or not the plaintiff, who is regularly drawing and receiving his salary of \$2,000 per annum as City Justice of the Peace, is entitled to draw and receive an additional salary of \$1,000 per annum as Justice of the Municipal Court. Until the code is amended the City Justice of the Peace is entitled to the salary of \$2,000 per year and will not be entitled to receive either more or less by reason of any added duties that may be imposed upon his office."

Chief Justice Beatty dissents, saying: "If this decision, which affirms the judgment of the court in this case, be affirmed, for the doctrine there announced, all the provisions of the present charter of the city of Marysville, which relate to the Municipal Court are null and void. But if the validity of the charter of the city of Marysville cannot be now the conclusion can be avoided that the plaintiff is entitled to the compensation provided in the charter. It is not increased by his salary as City Justice to pay him the salary of another office, the duties of which are cast upon him by a new appointment."

WITNESSES' OPINION.

Some time ago a Chinaman named Ah Owa was convicted in the Superior Court of this county on a charge of conducting a tan game, and appealed the case to the Supreme Court. Wednesday a decision was filed in the Supreme Court's office here, reversing the judgment and remanding the case for a new trial. In its review of the circumstances concerning the trial, the Court takes occasion to remark that, under the information, it was the witness, however true the facts, that the defendant played, carried on, etc., a game of tan. The witness, however true the facts, that the defendant did not see the defendant do anything, but found him occupying the position, as at a gaming table, of the tan game, the supposed players having all fled.

During the trial the witness gave a description of the room in which the game was played, the instruments for playing the game, etc., and the witness said: "I would you tell from the position at the table whether he was the man who received and paid out the money?"

Counsel for defendant objected, as involving an interference of witness, but the court overruled the objection, and the witness answered: "Yes, he occupied the position of the man who received and paid out the money. The District Attorney asked if witness had seen a man in the position occupied by the witness, and witness answered: 'Yes, I saw a man in the position occupied by the witness, and he was the man who received and paid out the money.'"

Counsel for defendant objected. The objection was overruled, defendant excepted and witness answered: "Yes, I saw a man in the position occupied by the witness, and he was the man who received and paid out the money."

The Supreme Court concludes its opinion as follows: "It is clear that the Court, by overruling the objection, admitted the testimony of the witness, and the witness admitted evidence of the opinion of witness upon facts that were before the jury, and upon which the jury was to be competent to form an opinion, and a jury should not be induced by the testimony of a witness to form a complete to form one than themselves. As a general rule, the opinion of witness is not admissible in evidence."

OUR FRUIT IN NEW YORK.

Immense sales of California Products in a Single Day. A New York fruit-dealer, who handles a large percentage of California's present crop, writes as follows:

"My sales on Tuesday, September 23, of fifteen carloads of fruit, including a large quantity of note and comment for several reasons. This number of cars was the largest that had ever been sold by any other receiver, in any market in the United States, in one day, so far as California products are concerned. This is very significant, because the Chicago market has been one that was supposed to be able to take more California fruit in one day than any other in the United States. Inasmuch as there was a total of eighteen cars sold in New York on Tuesday, with results as above, which certainly indicate good prices for everything that was good, as against and in comparison with Chicago's sale of about ten days ago, of a similar quantity of fruit, it is not surprising that very disinterested, would seem to indicate that the New York market is certainly one of tremendous extent. These fifteen cars that I sold comprised about 3,500 boxes of Bartlett pears, which averaged about \$3 per box; about 4,000 boxes of peaches, which ranged in price from \$1.50 for anything of fair quality to \$2.25 for the best fruit; 1,500 boxes of plums and prunes in every variety, which ranged in price from \$1.50 to \$2.50; about 2,500 packages of Tokays, Muscats and other varieties of grapes, which sold at from \$1.25 up to \$2 for packages containing eighteen pounds, and for crates of forty pounds, the range being from \$2.50 to \$3.75. These results are certainly very gratifying to the fact of our market being able to take anything good, and making good, profitable prices, no matter the quantity. It will be interesting to see further in connection with this how these 11,600 packages were handled and disposed of by me. To prepare the sale of this enormous quantity of fruit, it required about twenty men to unload the cars, properly pack each and every one of the 400 different lots of fruit in shape for the sale, some of these

COMMERCIAL.

SACRAMENTO MARKET.

SACRAMENTO, September 11th. BARTY—Lemons—Early, \$10.00 50 c; California, \$9.50 50 c; Bananas, \$8.50 50 c; Apples, \$10.00 50 c; Peaches, \$10.00 50 c; Pears, \$10.00 50 c; Grapes, \$10.00 50 c; Raisins, \$10.00 50 c; Currants, \$10.00 50 c; Prunes, \$10.00 50 c; Walnuts, \$10.00 50 c; Almonds, \$10.00 50 c; Pistachios, \$10.00 50 c; Cashews, \$10.00 50 c; Pecans, \$10.00 50 c; Chestnuts, \$10.00 50 c; Hazelnuts, \$10.00 50 c; Macadamia, \$10.00 50 c; Brazil, \$10.00 50 c; Copra, \$10.00 50 c; Coconut, \$10.00 50 c; Sugar, \$10.00 50 c; Coffee, \$10.00 50 c; Tea, \$10.00 50 c; Spices, \$10.00 50 c; Oils, \$10.00 50 c; Fats, \$10.00 50 c; Waxes, \$10.00 50 c; Resins, \$10.00 50 c; Gums, \$10.00 50 c; Berries, \$10.00 50 c; Figs, \$10.00 50 c; Dates, \$10.00 50 c; Prunes, \$10.00 50 c; Apples, \$10.00 50 c; Peaches, \$10.00 50 c; Pears, \$10.00 50 c; Grapes, \$10.00 50 c; Raisins, \$10.00 50 c; Currants, \$10.00 50 c; Prunes, \$10.00 50 c; Walnuts, \$10.00 50 c; Almonds, \$10.00 50 c; Pistachios, \$10.00 50 c; Cashews, \$10.00 50 c; 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Peaches, \$10.00 50 c; Pears, \$10.00 50 c; Grapes, \$10.00 50 c; Raisins, \$10.00 50 c; Currants, \$10.00 50 c; Prunes, \$10.00 50 c; Walnuts, \$10.00 50 c; Almonds, \$10.00 50 c; Pistachios, \$10.00 50 c; Cashews, \$10.00 50 c; Pecans, \$10.00 50 c; Chestnuts, \$10.00 50 c; Hazelnuts, \$10.00 50 c; Macadamia, \$10.00 50 c; Brazil, \$10.00 50 c; Copra, \$10.00 50 c; Coconut, \$10.00 50 c; Sugar, \$10.00 50 c; Coffee, \$10.00 50 c; Tea, \$10.00 50 c; Spices, \$10.00 50 c; Oils, \$10.00 50 c; Fats, \$10.00 50 c; Waxes, \$10.00 50 c; Resins, \$10.00 50 c; Gums, \$10.00 50 c; Berries, \$10.00 50 c; Figs, \$10.00 50 c; Dates, \$10.00 50 c; Prunes, \$10.00 50 c; Apples, \$10.00 50 c; Peaches, \$10.00 50 c; Pears, \$10.00 50 c; Grapes, \$10.00 50 c; Raisins, \$10.00 50 c; Currants, \$10.00 50 c; Prunes, \$10.00 50 c; Walnuts, \$10.00 50 c; Almonds, \$10.00 50 c; Pistachios, \$10.00 50 c; Cashews, \$10.00 50 c; Pecans, \$10.00 50 c; Chestnuts, \$10.00 50 c; Hazelnuts, \$10.00 50 c; Macadamia, \$10.00 50 c; Brazil, \$10.00 50 c; Copra, \$10.00 50 c; Coconut, \$10.00 50 c; Sugar, \$10.00 50 c; Coffee, \$10.00 50 c; Tea, \$10.00 50 c; Spices, \$10.00 50 c; Oils, \$10.00 50 c; Fats, \$10.00 50 c; Waxes, \$10.00 50 c; Resins, \$10.00 50 c; Gums, \$10.00 50 c; Berries, \$10.00 50 c; Figs, \$10.00 50 c; Dates, \$10.00 50 c; Prunes, \$10.00 50 c; Apples, \$10.00 50 c; Peaches, \$10.00 50 c; Pears, \$10.00 50 c; Grapes, \$10.00 50 c; Raisins, \$10.00 50 c; Currants, \$10.00 50 c; Pr