

THIRTY YEARS AGO.

Some of the Graves that Line Windon's Trail in El Dorado.

The Jeff. Wilson and Jack Guinean Duel over in Yolo—Major Beaumont's Pacific Republic.

The Aurora (Ill.) Blade has from time to time contained reminiscences of scenes in El Dorado, County, that are of considerable interest. The following appeared recently from the pen of N. Whittemore: "Years ago, when we first went to the gold mines, we built our cabin near a trail on the bank of a river that runs to the west. Where that cabin once stood, and the country for miles about it is now a rocky wilderness. The jolly gold diggers of those old days sang 'We Will All Go Home in the Spring-time of a Year Not Far Away.' And this they evidently did; at least they have vanished from the old scenes of action. Where have they all gone? Who can tell? The winds of the mountain sing a mournful dirge over the resting place of many of them; their relatives may not know what has become of their fate."

Recalling his experiences along "Windon's Trail," and after relating many incidents connected therewith, the writer in the "Blade" says: "So, you see there are many interesting things scattered along this trail. Jack Windon had been a sailor—had been on many lands. His former life was in the United States and he had been on many long voyages over the wide ocean; but for some years he had lived here on a high hill, overlooking a deep canyon. Wild mountains and solitude were about him; a life of adventure stretched away in the past. I was at his cabin several times, and have heard him tell of the wonderful things he had seen. But his journeys are all ended now, for some years ago he sailed away from life's ocean forever."

"Near this trail are several lonely graves. One is that of a Mrs. Brandon, whose remains were buried there thirty or more years ago. One of her small children, a girl, died in the mountains at the head and the other at the foot of the grave. They are now some sixty or eighty feet in height. The wild winds of a sunny day will send their whistling through the trees, and the sound of the green boughs. Just beyond this place are two other graves—just that of an old man whose name was found in his cabin. The grass has long since covered his resting place and his cabin is gone, the rough stone chimney alone standing, a monument over the grave. Some thirty-five or more years ago we had a mining claim not far from this place—two other young men and myself. Our camp was by a mountain stream at the foot of a large rock. The rock and stream are there still, but the two young men have passed away. One sleeps in a green valley, the other in a mountain. The other rests east of the Sierras, in the silver land."

"Beautiful is the land by the Pacific sea. Many a one has said: 'My journey there in youth long will remember me. And we may go back to return no more.'"

An amusing incident occurred at the race-course in Yolo County, near Washington, on the 14th of January. It seems that Jack Wilson (dately known here) and Jack Guinean (also well known here) had been drinking quite freely and got into a quarrel. It was arranged, by their friends that they should go over into Yolo, and settle the matter by fighting a duel, and to this the belligerents agreed. Wilson selected Matt Beach of this city as his second, and Guinean chose an honest blacksmith of Washington to act in that capacity for him. The news of the coming hostile meeting soon spread about the city, and a large crowd gathered at the Yolo Park course to witness the duel. The principals and their seconds shortly afterward appeared on the ground, the latter carrying a couple of shotguns, the weapons agreed upon for the battle. Wilson and Guinean were placed fifty yards apart, and the crowd, which numbered several hundred, looked on with interest. It had been arranged that each should be entitled to two shots—one from each barrel—in case neither fell at the first fire. Everything being ready, the word was given, and each man, "with fire in his eye and determination stamped on his features," blazed away. Neither of them fell, and it did not appear as though either was injured, either. Then the duelists took another crack at each other, and still no blood was spilled. By this time the crowd had "caught on" to the joke, and the guns were loaded only with powder. This turn of affairs produced so much merriment that Wilson and Guinean both forgot their quarrel, and at the suggestion of their seconds shook hands, took drinks from the same bottle, and left the scene pledging eternal friendship.

On the 14th of January, 1861, the Republican citizens of Sacramento gave a complimentary dinner at the St. George Hotel to the Republican members of the Legislature then in session. Leland Stanford presided, and the first toast he offered was: "The Republican party—the great Union party of the country." J. M. Shafter responded, Wilson Flint responded to a toast by Mr. Fargo: "Our generous Hosts of Sacramento." Charles Crocker offered the toast: "Abraham Lincoln—South Carolina will find in him a second Jackson." There were some men of brains at that gathering of Republican patriots, and among them, Phelps, Shafter, E. B. Crocker, F. F. Fargo, Wilson Flint, B. W. Hathaway, Judge Campbell, I. B. Marshall, Cornelius Cole, Charles Crocker and others who have since become distinguished in State and national affairs. Edgerton Conness, Robert C. Clay, and others, who are Democrats, who afterward became Republicans, were members of the Legislature then in session, but their politics excluded them from the dinner.

Major Duncan Beaumont, now of this city, but at that time County Surveyor of San Joaquin, achieved considerable notoriety by running a steamship on a schooner at Stockton, indicating that the time had come (because South Carolina had decided to leave the Union) to declare for the Pacific Republic. Beaumont's flag first caused general ridicule, but after a few hours the Union men all over the town ran up their star-spangled banner. An attempt was made to burn the bear flag on land, but it was not permitted. And the Pacific Republic did not materialize.

There was great excitement at San Quentin Prison on the afternoon of January 16, 1861. Some thirty convicts attacked the guards and made a desperate fight for liberty. They caught Lieutenant-Governor Chellis, and held him in front as a shield against the bullets of the officers, and came near succeeding in making their escape. Six prisoners were killed, several wounded, and a few got away. Two of the guards were wounded.

During the trial of the case of Wetzel vs. Hovey, in the District Court, a sensation was caused one day by jurors H. S. Bemis and Charles Dured informing a man lying across the railroad track with a roll of blankets by his side.

The engineer blew the whistle and rang the bell, but the prostrate form moved not. In the meantime every effort was being made to bring the train to a stop, but it was with very close call for the man on the track.

Just as the wheels made their final revolution the pilot of the engine gently touched his body. The train lanes alighted and found the man dead—drunk. He was removed from the track to a safe distance, his head placed upon his blankets, and the train resumed its journey.

The Weather. The Signal Service temperatures at 5 A. M. and 5 P. M. yesterday were 32° and 37°, while the highest and lowest temperatures were 55° and 34°, with light and variable winds and a cloudless sky. The highest and lowest temperature one year ago yesterday was 41° and 40°, with 22.2 inches of rain, and the year ago to-day 53° and 40° with 60.0 of an inch of rain.

Irish exile, who escaped from Botany Bay and arrived in San Francisco in 1851, died in St. Mary's Hospital in that city on the 15th of January, 1891. He was one of the leaders in the revolution of 1848, and was the comrade of Smith O'Brien, Thomas Francis Meagher and Donohue. Practically the first gun of the rebellion was fired by him in 1848, by the passage of a secession ordinance by South Carolina. The news did not reach the Pacific coast until January, and it created profound excitement and alarm, and it was understood to be the keynote of action for the other Southern States to follow.

J. H. Doering, a veteran of the war of 1812, died suddenly in this city on the 13th of January, 1891, at the Ocean House, corner of Front and M streets. Letters were found on the old hero from his wife and daughters in Searsport, Me., begging him to return to the bosom of his family.

W. M. Cutter, the stenographer, who is now engaged in reporting the proceedings of the Assembly for the Reconstruction, was thirty years ago one of the official stenographers employed by the Senate. His colleague was Charles A. Sumner, who was recently a member of Congress and at present residing in San Francisco.

According to the census of 1880, which was just being made public, it was shown that the largest circulation claimed by any paper in San Francisco was 6,500. This was claimed for the Call, the Bulletin and the Alta following 6,000 each.

San Francisco Union cockades in their hats to show their loyalty. They consisted of rosettes composed of red, white and blue ribbons, mounted by gilt circles, with stars.

Just thirty years ago workmen were engaged in laying the concrete foundation for the present State Capitol building near the State House. The work was broken by hard, hence the work was necessarily slow.

On the 13th of January, 1861, H. O'Callaghan, a Sacramento lawyer, was run over and killed in San Francisco by a horse and wagon driven by one Moses Kline.

HELD TO ANSWER.

The Case of Auguste Fourgous Will Go to a Jury.

Judge Cravens Holds the Defendant to Answer for Murder, Without Bail.

The preliminary examination of Auguste Fourgous, charged with the murder of his wife, occupied the attention of Judge Cravens the entire day yesterday. Grove L. Johnson defended Fourgous and City Attorney Hart and Assistant District Attorney Buckley conducted the prosecution. Mr. Johnson stated that he had been incorrectly reported yesterday as having asked for a continuance of the case. The request was made by the prosecution. He observed that it was the first time he ever announced himself as ready on the first calling of a case of such importance.

The prosecution introduced half a dozen witnesses, and their testimony was about the same as was given at the coroner's inquest. The defense offered no testimony, and on the conclusion of the case on the part of the prosecution, Mr. Johnson asked for the discharge of the defendant, and insisted that if the court did think the case should go to a jury, that his client be held simply for manslaughter.

In support of his motion, Mr. Johnson made an extended argument, claiming, among other things, that if he wished to deal in technicalities he could well make the claim that the prosecution had not proven that Mrs. Fourgous was dead. He challenged the prosecution to prove by any direct testimony, or any confessions on the part of the defendant, that he had shot his wife.

Which the prosecution relied upon to make out their case was broken and disconnected, and instead of presenting to the court a strong case of circumstantial evidence, it was a weak and unreliable. Some of the circumstances, he claimed, were exceedingly remote and should not have been admitted in evidence, if he did not wish to criticize any rulings of the court. He urged the testimony of Mrs. Heisch not be given much weight, as the statements she made were contradictory to those she made at the coroner's inquest as to the credibility of the witness. He had been very nervous that her testimony could not be relied upon.

Judge Cravens reviewed the main points in the case and concluded that it was a proper case to be tried by a jury. He held Fourgous to answer for murder, without bail.

GARRETT ARRESTED.

One of Those Implicated in the Auburn Scandal.

Joseph L. Garrett, the young man for whose arrest a warrant was issued by Justice of the Peace Devine, he being accused of being implicated with a physician in this city in the performance of a criminal operation upon Mrs. Piva of Auburn, has been captured.

For several days the officers could find no trace of Garrett, and it was believed that he had left for parts unknown. It was learned, finally, that he had left for Auburn, and was traced back to Auburn, and the officers of the metropolis were notified and furnished with descriptions of the young man. But Garrett left San Francisco and was traced back to Auburn, where Sheriff Conroy promptly took him into custody.

The Auburn Sheriff brought Garrett down to this city yesterday and turned him over to Sheriff Stanley of this county. Garrett was then taken before Judge Devine and arraigned. He pleaded "not guilty," and had his examination set for next Friday. He stoutly maintains that he is innocent of the crime he is charged with having committed.

Garrett gave bail in the sum of \$1,000 and was released from custody.

CLOSE CALL.

A Man Rarely Escapes Being Mangled by a Train.

As the forenoon train for Stockton was speeding along at a lively gait yesterday it encountered a short distance from Galt a man lying across the railroad track with a roll of blankets by his side.

The engineer blew the whistle and rang the bell, but the prostrate form moved not. In the meantime every effort was being made to bring the train to a stop, but it was with very close call for the man on the track.

SUPREME COURT CHANGES.

A Well Advised Correspondent Gives His Views.

The Court Not So Badly Behind—Wisdom of Radical Changes in Judicial Systems.

Eds. SUNDAY UNION: In your editorial of the 14th about the Supreme Court (which, on the whole, is a fair one) you are exactly led astray as to facts by certain newspaper correspondents, who say that the court should be so re-organized that cases submitted to it can be decided "within the ordinary lifetime of the parties contesting." From this language an ordinary reader would understand that after a case gets into the Supreme Court it is not disposed of for, at least, several years. And this is the impression made by most of the newspaper communications on the subject. Let us look for a moment at the facts.

The Supreme Court has nothing to do with a case until it gets there by the filing of a transcript on appeal. Whatever delay there may have been in the trial court, through the consent, or negligence, or indolence of attorneys, or otherwise, does not figure in any part of any delay which may occur in the Supreme Court.

Now for the purpose of Supreme Court business the State is divided into three judicial districts, the Sacramento, the San Joaquin, and the San Francisco. The first includes about twenty-eight counties, in the San Joaquin and Sacramento valleys, the northern and Sierra foothill country, up to the Oregon line; the second, the extreme southern counties; and the third, San Francisco and the counties around the bay. The Sacramento and Los Angeles Districts may be dismissed from consideration; for in those districts the term is up with the term of the judge, and there are two terms a year in each of said districts; and at each term every case in which the transcript has been filed forty days before the term commences, goes to the calendar, and is decided, if counsel are ready to submit it, within about ninety days, or sooner. (Occasionally a case, owing to disagreement of the parties, may go into bank, which takes a little longer; but the rule is as above stated.)

The only delay which can be complained of is in the filing of the transcript, where the court started in under the new Constitution with from 800 to 900 old cases, handed down to it by the old court. In this court, in this year, the court was nearly three years behind. At the present time it cannot be fairly said to be, at the farthest, more than a year and a half behind; because the present January calendar contains all the cases in which the transcripts were filed up to October, 1889, and the cases on the present calendar will be disposed of, as a rule, within three months of their submission. And yet the court during the last four years has had greater difficulties to contend with than are likely to arise soon again. There was an unusual amount of sickness during that time among the Justices, and Chief Justice Morrison was too ill for work for several months before his death; Justice Sharpstein was sick for some time, although he recovered; and Justice Temple was unable to do work for an entire year before his resignation. There were also a great many short terms, which, under the business system, Justice goes out, there are nearly always cases left which he heard, and which—particularly in department—must be heard over again, and which, on constitutional questions were also disposed of in that time; and it must be remembered that the number of cases which the court heard in the year 1889 to 1890 were nearly twice as many as from 1870 to 1880, and that opinions under the present Constitution must be written in every case. Now the judges are all old men, and have comparatively long terms before them; many difficult questions have been settled; and it is fair to presume that in two or three years the court will be up with the business in the San Francisco, as it is in the other districts.

Under these circumstances it is wise to undertake, at the present time, to enter upon experiments with new appellate courts, which would be a great deal to do so to define as to prevent inextricable confusion? Judicial systems should never be radically changed until the old ones have demonstrated their insufficiency; and considering the above facts, it seems that, for the present at least, the best thing to do with our system of courts is to let it alone.

An amendment giving the court discretion as to writing opinions when judgments are affirmed would greatly improve the dispatch of business; but lawyers have always fought that proposition. Sacramento, January 10th. LEX.

FRUIT VS. WHEAT.

A Comparison Which Teaches a Great Lesson.

The following extract from the address of General N. P. Chipman at the Citrus Fair in Marysville, is worthy of consideration by the people of this section of the State.

"The work of evolution in California has about reached its climax, as reaching the discovery of its highest possibilities. The work of peopling this goodly land has but just begun, and the merchants of this State are all well taken in the matter, there will be a very large attendance."

An officer of the Federated Trades stated last evening that he had no doubt now that the movement would meet with success, owing to the fact that the merchants, as a rule, are in sympathy with the movement, and that the movement is in a general agreement to close at 6 P. M.

The following letter was received at this office last evening from an enthusiastic supporter of the movement, who is in sympathy with the movement:

Eds. SUNDAY UNION: From the numerous articles you published in your journal the past few days, I selected one early-closing agitation, I fail to see any from the young line of our country. I wish to say that we are all heart and soul in the matter, and we will be glad to see you refuse to sign the closing agreement after the mass meeting to be held on Sunday afternoon, and we will be glad to see you transfer their trade to merchants who have enough feeling for their clerks to close at 6 P. M. I have raised the question when we girls make up our minds to do anything we do it, and this movement is going to be a success, and don't you forget it. Before I close I wish you to thank the hero of our State, General J. G. Harting, for his noble and patriotic spirit, and to let him know that we are all heart and soul in the matter, and we will be glad to see you refuse to sign the closing agreement after the mass meeting to be held on Sunday afternoon, and we will be glad to see you transfer their trade to merchants who have enough feeling for their clerks to close at 6 P. M. I have raised the question when we girls make up our minds to do anything we do it, and this movement is going to be a success, and don't you forget it. Before I close I wish you to thank the hero of our State, General J. G. Harting, for his noble and patriotic spirit, and to let him know that we are all heart and soul in the matter, and we will be glad to see you refuse to sign the closing agreement after the mass meeting to be held on Sunday afternoon, and we will be glad to see you transfer their trade to merchants who have enough feeling for their clerks to close at 6 P. M. 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