NATIONAL CAPITAL.

Decisions Rendered by the United States Supreme Court.

CRUISER SAN FRANCISCO TO BE SENT TO CHILE.

The Navy Department Ordered Draped in Mourning Out of Respect for the Late George Bancroft—The Raum Investigation Resumed—San Francisco Postoffice Site.

Special to the RECORD-UNION.

WASHINGTON, Jan. 19.—The United States Supreme Court to-day handed down an opinion affirming the judgment of the Circuit Court of the United States for the eastern district of Virginia, directing that a writ of habeas corpus be granted to William Rebman, convicted in Norfolk of a violation of the State meat inspection law.

This is one of what is known as the dressed beef cases, arising out of State legislation, having for its object the restriction of the sale of meats by firms located outside of the State in which the meats are offered for sale.

It was held that the law was an interference with interstate commerce.

Justice Brown to-day rendered his first opinion as a member of the United States Supreme Court. He delivered two opinions, of which the more important was in the case of George H. Cope vs. Janot Cope and Thomas H. Cope, brought here on appeal from a decision of the Supreme Court of the Territory of Utah. The question involved was whether or not by a polygamous marriage he had the right of inheritance from his father, it being claimed that he was illegitimate. The court holds that a son by a polygamous marriage did have the right, and reverses the judgment of the Territorial court. The court says the Edmunds-Tucker Act declared legitimate all children of Mormon parents born within less than twelve months from its passage. The object, the court says, was to make these unfortunate children the especial object of care, and to make the parents relinquish polygamy by fixing the period until after which their offspring should be legitimate.

Justice Field delivered the opinion of the Supreme Court in the case of George F. Packer, plaintiff in error, vs. Jake Bird and Frank Bixler, appealed from the Supreme Court of California. The latter's decision is affirmed.

The question presented was whether a patent of the United States describing the eastern boundary of the land as commencing at a point on the Sacramento River, which was on the right side of the west bank, and running southerly on its margin, embraces an island within it (in Colusa county), or whether, notwithstanding the terms of the apparent limitation of the western boundary to the margin of the river.

The patent carries the title of plaintiff holding under it to the middle of the stream.

The contention of the plaintiff is that the land granted and patented, being bounded on the river, extends to the middle of the stream and thus includes the island. It does not appear on record that the waters of the river at the point where the island is situated are affected by the tides, but it is assumed that such is not the case. The contention of the plaintiff proceeds upon this assumption.

It is undoubtedly the rule of common law that the title of owners of land bordering on rivers above the ebb and flow of the tide extends to the middle of the stream, but where the waters are affected by tides the title of such owners is limited to the ordinary high-water mark.

In England this limit of the right of the riparian owner is confined to such navigable rivers as are affected by the tides, but in this country those rivers are held to be navigable which are navigable in fact.

WASHINGTON NOTES.

The Cruiser San Francisco Will Probably be Sent to Chile.

WASHINGTON, Jan. 19.—In view of the fact that no other vessel is available, it is probable that the cruiser San Francisco will be sent to Chile to look after American interests, provided she can be made ready in time. She will have the final contractors' trial on the 24th inst., and if then found satisfactory will at once be fitted out for sea service.

The Colorado gentlemen who recently presented a silver brick at the Philadelphia mint with a demand that it be coined into dollars for them, without the usual seignoirage, to-day prayed the Supreme Court of the District of Columbia to summon Secretary Windom into court to answer their petition, and, after a full hearing, to grant a peremptory mandamus commanding the Secretary to receive and coin their bullion.

Secretary Noble has a letter from the missionaries among the Sioux commending his part of the policy towards the Indians, and protesting against the transfer to the War Department.

Authority has been granted General Miles to transfer temporarily, as a military measure, the northern Cheyenne band of 500 Indians from Pine Ridge to Fort Keogh, Montana.

Senator Paddock to-day introduced a bill to authorize the Secretary of Agriculture to inspect all vessels that carry export cattle to foreign countries, and prescribe the rules and regulations for the accommodation of cattle on shipboard.

Senator Sanders to-day introduced a bill making it an offense punishable by fine and imprisonment for any person to sell or lend fire arms and ammunition to the Indians.

In the Senate to-day Power of Montana introduced a bill reserving to settlers all rights by them acquired to public lands prior to the passing of the Sundry Civil Appropriations Act of October 21, 1888, reserving irrigable lands from settlement.

Congressman Geary has been assigned to the Committee on Postoffices and Post Roads, in order to make a full complement of the committee to consider the postal telegraph bill, which comes up to-morrow. He takes the place of Judge Rowland of North Carolina, who is ill.

Mrs. Anna E. Stakes, of California, has been promoted to a $1,000 clerkship in the Pension Office.

California Postmasters commissioned: Mark E. McDonald, at Grayson, and Henry O. Adams, at Tiburon.

John J. Conlan, of San Francisco, is at Willard's.

PENSION COMMISSIONER RAUM.

Investigation of the Charges Against Him Resumed.

WASHINGTON, Jan. 19.—The Raum investigation was resumed this morning. Assistant Secretary Bussey testified that he did not now have, and never did have, any interest in the refrigerator company. Raum once asked him to allow the use of his name in organizing the company, in order to comply with the law, and believing Commissioner Raum a thoroughly reputable man, he had no hesitation in attending the meeting at Alexandria, at which the company was organized. He did not intend to be a stockholder, and so far as he knew, no stock was ever assigned to him.

Brodley Tanner, the Commissioner's Private Secretary, testified that he was Secretary and Treasurer of the District of Columbia Refrigerator Company, of which the Universal Refrigerator Company was the parent company. No stock was ever issued.

Green B. Raum, Jr., was asked by Cooper the name of the man who took care of his horses. He replied that the name was O'Donnell, a messenger in the Pension Office at $70 a month. O'Donnell did his duty and attended to witness' horses after office hours, for which witness paid him.

THE LATE GEORGE BANCROFT.

Telegrams of Sympathy From the Emperor of Germany.

WASHINGTON, Jan. 19.—The Secretary of the Navy to-day issued general orders officially announcing the death of Mr. Bancroft, and directing that the Navy Department be draped in mourning for thirty days.

J. C. Bancroft received the following dispatch from the Emperor of Germany, through the German Minister here:

"His Majesty, the Emperor and King, remembering the relations of friendship which for many years existed between his Majesty, the late Emperor William, has directed me to express to you and your family his most sincere sympathy for the great loss which has fallen upon you and your country."

The pall-bearers at the funeral will be Chief Justice Fuller, Justice Field, Justice Blatchford, Senator Evarts, Mr. Bayard, Admiral Rodgers, Mr. Spofford, George William Curtis and John A. King.

Port Angeles Townsite Reservation.

WASHINGTON, Jan. 19. — Secretary Noble to-day transmitted to Congress a communication of Commissioner Goff, submitting the deficiency estimates for the appraisement of lots and blocks within the Port Angeles townsite reservation, Washington. Last August Congress appropriated $5,000 which, in the opinion of the Surveyor-General of Washington, is wholly insufficient for the purpose. It will require $4,500 to have the land surveyed and $300 additional to plat the same. The lots platted will be worth $40 apiece, for which the Government will receive for the sale of the entire reservation $48,000. Secretery Noble approves the estimates submtted.

Popoff Island.

WASHINGTON, Jan. 19.—Representative Morrow has received a telegram from E. A. Belcher, of San Francisco, saying: "Lynde & Hough do not wish to encroach on any rights already established on Popoff Island, and your bill may be amended to provide therefor."

The above refers to Morrow's bill for the lease of Popoff Island, in Alaska, to Lynde & Hough, of San Francisco, to which the McCollam Fishing Company objected, as mentioned in yesterday's dispatches.

San Francisco Postoffice.

WASHINGTON, Jan. 19.—Senator Stanford went to see Speaker Reed to-day to endeavor to get him to recognize the bill for the San Francisco Postoffice building. Reed gave him no satisfaction, and told him to "come back to-morrow."

THE HORSE REPORTER.

He Tries His Hand at Field Trials, and Gets Things Mixed.

It is not surprising that a certain metropolitan journal, which publishes reports of all sorts of out-door pastimes in the same column with accounts of horse-racing and prize-fighting, under the general heading of "Sports," should make the following egregious blunder in referring to the field trials now in progress near Bakersfield, under the management of the Pacific Coast Field Trial Club:

The eighth annual field trials of the Pacific Kennel Club are being held at Bakersfield. This is the richest and at the same time most useful and profitable sport in that region. The fields are actually overrun with wild rabbits, and it is no trouble to find plenty of that character of game. At these field trials, as a rule, thousands of rabbits are slain, and as the swift and cowardly animals are a pest to the country where they flourish in such immense numbers, the people are much gratified at the result of the sport, which attracts many people to that locality every year to participate in the exciting round-up and slaughter, for it amounts to pretty much that sort of thing.

Of course, it is not to be presumed that everybody who is not a sportsman knows just what a field trial is, but any person who considers himself competent to edit a department on a paper which embraces that subject, certainly should understand the difference between a competition between bird dogs and a hare-slaughtering matinee, in which clubs are trumps, and where no dogs are permitted on the ground.

"TASTEFUL AND ELEGANT."

Not Lacking in True Journalistic Diligence.

[Los Angeles Express, January 13th.]

The RECORD-UNION of Sacramento comes to us this morning dressed in new type and enlarged to a six-page daily. Its columns, slightly wider, have been reduced from eight to seven to the page. Intellectually there was no room for the improvement of this ably-edited and scholarly journal. The margin which existed for mechanical improvement has disappeared. The typographical modiste has shaped for the RECORD-UNION a dress at once tasteful and elegant. Our Sacramento contemporary has ever been conservative of all that is clean and elevating in American journalism. It has never allowed itself to run to sensationalism nor to enterprising inaccuracy. Neither has it been lacking in true journalistic diligence. We congratulate the RECORD-UNION upon its acquisition of a new lightning-press and new dress, and upon the promise of continued prosperity.

BRIEF NOTES.

The Treasurer of Santa Barbara County paid $40,638 34 into the State Treasury yesterday.

The State Gardener, laborers, policemen and watchmen appointed by the State Capitol Commissioners the other day, will commence their duties on Februrary 1st.

Mrs. A. H. Bruce will deliver another lecture on spiritualism at the lecture-room of the Sixth-street Methodist Church this evening at 8 o'clock. Her last lecture was very largely attended.

J. A. Elliott, proprietor of the ice-cream and candy store in the Clunie building, who recently fell heir to $200,000 through the death of a relative in England, leaves in a couple of days for that country to look after his interests.

IF you decide
To take Hood's Sarsaparilla,
Do not buy any substitute.
Get only Hood's.

SUPREME COURT DECISIONS.

[Filed January 4, 1891.]

Appeal from the Superior Court of Tuolumne County—J. F. Rooney, Judge.

For appellants, James H. Budd, F. D. and G. W. Nicol.

For respondent, F. W. Street, E. A. Rodgers, J. C. Campbell.

IN BANK.

JANE ANN CLAVEY, ADMINISTRATRIX, ET AL., Appellants, vs. JOSEPH LORD, Respondent. } No. 13,578.

The first count of the complaint in this action alleges that the decedent, in his lifetime, verbally contracted with the defendant to deliver to the latter a large number of stock cattle, which the defendant was to herd, pasture, feed and care for; in consideration of which the defendant was to have one-half of the increase of said cattle, but was to return, or account to the decedent for, all the cattle originally delivered and one-half the increase, at the expiration of the contract. The contract did not fix or state the time during which the defendant was to keep the cattle, but it is alleged that he kept them until William Clavey died—June 25, 1885. Nor is the date of the contract alleged, but it appears that it was made in 1875.

It is further alleged, on information and belief, that the deceased delivered to the defendant, under the contract, "about 140 head of stock cattle," which defendant kept, according to the contract; and "that the increase of said cattle, while in possession of the defendant under said contract, amounted to many hundreds."

It is further alleged, on information and belief, that during the lifetime of Wm. Clavey there was no accounting between him and defendant in regard to the cattle; and that no accounting or settlement has been made between plaintiffs and defendant in regard to the cattle since the death of Wm. Clavey.

In the second count it is alleged, on information and belief, that during the lifetime of the deceased he and defendant entered into a verbal contract, "by the terms of which they were to purchase large tracts of land in Tuolumne county, the same to be held by them in common." That under said contract "Clavey furnished to defendant large sums of money with which to purchase and pay for his (Clavey's) interest in the aforesaid land;" and that defendant, "with said money, and money of his own, and under said agreement, did purchase large tracts of land, the deeds and conveyances of which were taken in the name of defendant, and in trust, however, for the joint benefit of himself and said Clavey, each of whom owned an undivided half thereof." That the defendant still holds the title to said lands and "refuses to account to plaintiffs therefor, or for the rents and profits of the land, or for the money invested therein by Clavey, and refuses to make any statement of his trust under said contract, all of which has been demanded by plaintiffs."

The prayer of the complaint is: First, that defendant account for the cattle under the contract first alleged; and, second, that he account for all money received by him for the purchase of land under the contract, alleged in the second count, and for all lands purchased therewith, and for the rents and profits thereof.

The answer of the defendant admits a contract in regard to the cattle, but with the additional terms that the defendant was authorized to deal with, sell and dispose of, the cattle and the increase as his own, during the time he should keep them, and account to Clavey for the proceeds of such sales; and that defendant was not to be liable for loss of cattle by death or otherwise; and, also, that defendant was to hold said cattle as security for all debts due the defendant from Clavey. And denies that Clavey delivered to defendant more than seventy-seven head of cattle under the contract. Denies that there had been no accounting and settlement with Clavey and the defendant, but alleges that, at divers times, he had accounted to, and settled with, Clavey, during his lifetime, all matters pertaining to the cattle contract, and that in March, 1887, he had accounted and settled with the plaintiffs for all the cattle and increase thereof that remained in his possession after the death of Clavey.

The answer also denies all the material allegations of the second count.

Twenty-five special issues, framed by counsel for the respective parties, were submitted by the court to a jury, and on April 7, 1888, the jury returned a verdict in favor of the plaintiffs upon all the issues except one, as to which the jury failed to agree.

Thereupon each party asked for judgment on the special verdict; but no further action appears to have been taken by court or counsel until July 14, 1888, when defendant's counsel asked permission to introduce further evidence, which was allowed by the court against the objection of plaintiffs' counsel.

After hearing the additional evidence the court set aside the special verdict, and upon all the evidence made written findings in favor of the defendant and rendered judgment accordingly.

The plaintiffs appeal from the judgment and from an order denying their motion for a new trial.

The court found the cattle contract to have been as stated in defendant's answer, and that defendant received only seventy-seven head of cattle under the contract; and further found in regard to the cattle transaction, as follows:

"6. That during the lifetime of said Clavey, defendant and said Clavey had frequent settlements and accountings in regard to the cattle so received, and the increase thereof, and that at each of said settlements defendant fully settled with said Clavey for all of the cattle sold and the increase of said cattle.

"7. That on or about the 10th day of March, 1887, defendant delivered to plaintiffs herein, the administratrix and administrator of the estate of the said William Clavey, deceased, all of the cattle that remained in defendant's possession, whether the same were original stock cattle or the increase of said stock cattle, and the plaintiffs herein received the same.

"8. That at the time of the commencement of this action defendant did not have in his possession any of the original stock cattle received from William Clavey, nor any of the increase of the original stock cattle so received, nor any of the proceeds of the sale of said cattle or the increase thereof, but had fully accounted to said Clavey during his lifetime for the increase of said cattle and the proceeds from the sale of the same, and had turned over to said plaintiffs all of the cattle that they were entitled to receive under the terms of said contract."

Upon all the issues in the second count the court found in favor of defendant.

1. Many of the findings are attacked on the ground that they are not justified by the evidence. But I think all the findings, except that as to the number of cattle delivered to defendant under the contract, are sustained by a preponderance of evidence; and the finding as to the number of cattle delivered is supported by the positive testimony of the defendant and of the witness, Richards, opposed to the positive testimony of John Loney and the rather indefinite testimony of McFarland for the plaintiffs. There was an attempt by each party to discredit the witnesses of the other as to the number of cattle; but there is nothing in the record from which it can be seen or determined here that the court did not justly estimate the credibility of the witnesses. Besides, if the sixth, seventh and eighth findings, as to settlements with the deceased and plaintiffs, are justified by the evidence, as I think they are, they are controlling, and render the issue as to the number of cattle immaterial.

2. It is insisted by appellants that the court erred in hearing additional evidence three months after the verdict of the jury was rendered, and in disregarding the verdict of the jury.

When the verdict was rendered each party moved for judgment upon it, and it does not appear why the court did not further act in the case until three months thereafter; yet it does not appear that the delay was objected to by the appellants.

If the court disagreed with the verdict of the jury there should be no question that it had the power to disregard and set it aside of its own motion, since, until adopted by the court, it was only advisory. (Johnson vs. Powers, 65 Cal. 179; Sweetser vs. Dobbin, *Id.* 529, and other cases.)

The only remaining question under this head is whether the court erred in permitting the defendant to introduce further evidence without showing cause therefor by affidavit.

It was undoubtedly within the discretionary power of the court to permit further evidence under the circumstances disclosed by the record. (Foote vs. Richmond, 42 Cal. 441; Barry vs. Bennett, 45 Cal. 80; Keyes vs. Warner, 45 Cal. 60; Homestead Association vs. Willard, 48 Cal. 615; Cousins vs. Partridge, 79 Cal. 224; First National Bank vs. Wolff, 79 Cal. 70.) And no abuse of that power appears. Both parties were permitted to introduce additional evidence without any apparent restriction, and both parties did introduce additional evidence. There is no complaint that the plaintiffs were surprised or were not allowed ample opportunity to procure and introduce evidence in rebuttal or in chief, nor does it appear that plaintiffs failed to procure any additional evidence desired, which would have been available under other circumstances.

Conceding that the court might have denied the motion to admit further evidence without any apparent abuse of discretion, as in the case of Kohler vs. Wells, Fargo & Co., (26 Cal., 613) cited by respondent, it does not necessarily follow that it was an abuse of discretion to grant the motion; for, in cases where the decision is goverened entirely by the discretion of the court, it may often happen that a decision in favor of either party would not appear to be an abuse of discretion. To say that the law allows no latitude for the exercise of discretionary power, is to deny that the power is discretionary. The only limitation that the law has placed upon the exercise of discretionary judicial power is that it must not be abused. While it may be difficult to define exactly what is meant by abuse of judicial discretion, and whatever it may imply as to the disposition and motives of the judge, it is fairly deducible from the cases, that one of its essential attributes is, that it must plainly appear to effect injustice.

3. On the trial before the jury, McFarland testified for the plaintiff as to the number of cattle delivered to the defendant. On the trial before the court three months later, the defendant offered to prove by his witness, Preston, that after McFarland had testified, he made a statement in regard to the number of cattle, inconsistent with his testimony before the jury. Thereupon the following objection by counsel and ruling by the court were made:

"Mr. Nicol—I object, upon the ground that no proper foundation has been laid to impeach his testimony.

"Mr. Budd—If it was not after he had testified, he cannot be impeached in that way.

"Mr. Campbell—It was after.

"The Court—Answer the question.

"Mr. Budd—Plaintiff excepts."

The witness then testified to a statement by McFarland, made after he had testified before the jury, inconsistent with his testimony before the jury.

Counsel for appellants contend that the admission of Preston's testimony was error.

I think, however, that the objection, as modified by Mr. Budd, who appears to have been the leading counsel for plaintiffs, was no objection to proving what McFarland said *after* he testified before the jury; and the objection must have been so understood by the Court and counsel for defendant.

4. The deposition of J. W. Tullock, Assessor of Stanislaus County, was offered in evidence by defendant, to show how many cattle were assessed to Clavey in 1874. The plaintiffs objected to questions numbered 7, 8, 9, 10 and 11. Their objection was sustained as to 9 and 10 (fol. 414), but was overruled as to 7, 8 and 11. Those questions were as follows:

"No. 7. State whether or not the assessment list of that year contains certain cattle belonging to the said Clavey?

"No. 8. State just what the assessment book shows with reference to these cattle, with regard to number, value and quality?

"No. 11. State whether or not the 124 head of cattle above referred to include all the cattle which were assessed to William Clavey in 1874?"

The answers to these questions appear to have been read by the witness from Page 22 of the assessment roll of 1874, showing that 124 head of cattle and no more had been assessed to Clavey that year, and that "124 head of stock cattle had been removed to Tuolumne County."

The grounds of the objections were, that No. 7 was incompetent, irrelevant, and not the best evidence; the same as to No. 8 and also that it does not appear who made the assessment, or that Clavey signed or had anything to do with it; and, that No. 11 did not ask for the best evidence.

It is claimed by appellants' counsel that the court erred in overruling their objections to the questions numbered 7, 8 and 11.

If there was error in any of these rulings it was harmless. The evidence objected to tended to prove only, that Clavey owned no more than 124 head of cattle at the time of the assessment in 1874; and, therefore, could not have been applied to any other issue than that as to the number of cattle delivered to defendant. It had no bearing whatever upon the issues as to settlements, and could not have influenced or contributed to the findings upon these issues. These findings are controlling, and dispose of the case in favor of the respondent without regard to the number of cattle delivered.

5. Several other exceptions to rulings of the Court were taken, but they appear to be either grounded upon misapprehension of the facts, or unimportant in view of the settlements found.

I think the judgment and order should be affirmed. VAN CLIEF, C.

We concur:
FOOTE, C.
HAYNE, C.

THE COURT.

For the reasons given in the foregoing opinion the judgment and order are affirmed.

SOCIAL AND PERSONAL.

P. J. Drescher, of Pomona, is in this city.

Leon L. Dennery, of San Francisco, is at the Golden Eagle.

Arthur McEwen, the well-known journalist, came up from San Francisco last night.

Arrivals at the Capital Hotel yesterday: J. S. Noyes, California; James Vance, Yreka; J. H. Goldman, San Francisco; C. C. Right, Modesto; Dennis C. O'Neil, Marysville; J. J. Morrison and son, Loomis; W. S. Green, Colusa; George W. Wear, Bakersfield; J. H. Martin, Woodland; J. C. Campbell, Colusa; Alexander Brown and wife, Walnut Grove; R. C. Berry, Wheatland; A. R. Story, Dixon; A. J. Laison, Lodi; Bill Garvey, Ukiah; T. M. Norten, Berkeley; E. J. Elliott, Dell Rapids, S. D.; A. B. Dihin, Park Henshaw, Grass Valley; Wm. M. Cutter, Marysville; Fred C. Mile, Penryn; J. N. Bailbache, Healdsburg; H. Kruise, C. T. McCarthy, San Francisco; John Woods, Miss Hoods, Suisun; O. A. Neale, L. Montgomery, San Jose; C. T. Elliott, Lodi; R. M. Day, Latrobe; J. C. Ball, Woodland; C. L. Wilson, Jr., Chico; P. C. Russell, San Francisco; Stoddard Jess, S. W. Andrews, F. P. Fing, Pomona; J. French, J. Doychert, San Francisco.

Arrivals at the Golden Eagle Hotel yesterday: W. L. Leland, Sisson; J. P. Kennedy, Portland; J. Fuller, New York; J. Brown, San Bernardino; P. J. Dresher, J. D. H. Browne, Pomona; George H. Crafts, Redlands; W. H. Loutzenhausen, M. A. Loutzenhausen, R. M. Loutzenhausen, Grass Valley; J. H. Costigan and wife, E. S. Denison, R. W. Snow, M. C. Chapman, R. S. Leckie, W. G. Henchett, J. H. Kirkpatrick, Oakland; M. Phillips and wife, H. M. N. Spring, K. H. Peate, F. E. Spencer, San Jose; L. W. Cooper, L. R. Stockwell and wife, William G. Beach, James R. Wilson, J. A. Long, Miss Mila Bacon, George O. Willey, Alcazar Theater Company; J. M. Mannon, Ukiah; L. Gregory, San Jacinto; C. E. Tinkham, Jules Pagee, C. L. Wilson, Jr., P. Henshaw, George P. Gilless, Chico; S. Washburn, Pasadena; Charles Aull, Folsom; H. Burth, Anderson; W. J. Schubert, St. Louis; S. Beheme, Chicago; L. A. Longley, Los Angeles; Miss Ella Manton, Minneapolis; Leon L. Dennerey, R. P. Doolan, Geo. A. Fisher, H. S. Millgan and wife, Frank M. Prindle, E. H. Langley, Arthur McEwen, J. W. Thomas, W. T. Bennett, A. J. E. Turbish, Arthur F. Bell, Z. J. Kelley, J. Doychert, C. Robinson, A. Perrier, S. S. Roberts, J. M. Dodge, Wm. H. Brown, A. G. Wilson, Thomas Doolen, San Francisco.

EARLY CLOSING.

Some of the Merchants Have Agreed to It.

EDS. RECORD-UNION: In behalf of every salesman and saleswoman of this city I appeal to the heads of families and those employed in the various manufactures, to assist in every way in their power this popular early closing movement. Remember that many of you have sons and daughters whom circumstances compel to it for their daily bread. Take the question home to yourselves. Is it right or justice to ask these young people, many of whom are just budding into manhood and womanhood, to labor twelve and fourteen hours per day, when the thousands of able-bodied men in all other departments of public service work but ten hours?

To show that nine-tenths of our merchants favor the proposition, I will state that a committee appointed for that purpose, in a couple of hours got the following firms to agree to close at 6 P. M., providing, of course, that the balance of the merchants in the same business do likewise: Gus Lavenson, Fabian Bros., C. Ehmann & Co., Zeimer Bros., C. E. Reese, O'Brien & Son, Christianson, Dierssen & Co., Farmers' and Mechanics' Store, R. D. Finne, F. A. Jones, Kilgore & Co., C. F. Williams.

The above merchants, by their progressive spirit, show themselves abreast of the times, and I only wish the same could be said of a few of their brother merchants who will not be coaxed or counseled. The people have this matter in hand and these very same merchants derive their trade from the people. Now what will the people do about it? Let the young men and women organize, and do it at once. J. G. MARTINE.

GAMBLING DOOMED.

Faro Stopped, and the "Crap" Games Notified to Close.

The gamblers have given up the fight against the police. Last night the faro rooms were dark and deserted, and the dealers and other attaches were to be seen idling around the neighborhood, with their hands in their pockets.

The police did not relax their vigilance, however, and the places where the game is usually played were well guarded all night.

Officer Gibson and special McLaughlin were detailed last night to herd up the numerous "crap" games about town. They visited all of the places, and notified them that if they were caught in operation again they would be "raided." As a rule, they all closed up.

It is stated that the police will turn their attention next to the Chinese gamblers.

ARE you subject to periodical headaches? Bradycrotine will certainly cure them.

THE LEGISLATURE.

CONTINUED FROM FIFTH PAGE.

the little State of Connecticut, cited here, and draw from its statute books the Blue Laws, with which we are all so familiar; one of which, I believe, made it a penalty for a man to kiss his wife on Sunday. If we are to enact laws because adopted in any particular State as a precedent, we ought to go over the category of States; and, as shown by the consensus of opinion in all of them, there can be but one conclusion as to our action upon the measure now before us. The result of an amendment of this character will be to create an unrecognized class within the State; a class with no political rights whatever; a class composed of those who, though they may hold property and have deep interests in the prosperity of this great commonwealth, and may have respectable families, are voiceless in the administration of the laws. I am opposed to the amendment for this reason. I believe it is the duty of every State to so educate its citizens and its children that the reproach will not be upon its statute books that it is necessary to disfranchise them because they cannot read or write. It is the pride of America that it has the grandest school system of any country under the sun; and I believe, with the great body of the people, that it should be the mission of that school system to so instruct the whole citizenship of the State that in time to come all will look upon such a constitutional provision as this, as I look upon it now, as a reproach that never should have been broached in an assemblage for law-making. Make education compulsory; let children be taught in the schools to know right from wrong, as well as how to read and write. And here let me remark that the qualification required by this amendment is not really an educational one. Let a man be learned as he may, let him have German and French at his finger tips, let him know the Constitution of California from A to izzard in another tongue, yet he becomes disfranchised by it because he does not understand our own. I do not believe that an understanding of the English language is necessary to an understanding of the merits of our institutions. [Applause.] The gentleman from Humboldt, as another argument in its favor, says this will tend to check the great flow of immigration. Now, as the gentleman from Yolo has remarked, we have thrown wide the doors to the people of the world, inviting them to come here and enjoy the advantages of our institutions. They have come here in full faith, confiding in that invitation. There are almost countless numbers of them now within our borders, and each year more are coming. If too many, let the party of which the gentleman from Humboldt is a member check the flow of the undesirable immigration. If more than can be assimilated to republican institutions, if there be danger of an overflow of ignorance and vice, then let the party in power close the doors. The responsibility lies with it, not with the party I have the honor to represent.

Mr. Shanahan offered the following amendment, to be added to line 1, which was adopted:

"Also, provided that the provisions of this amendment shall not apply to any person prevented by his physical disability from complying with its requirements, nor to any person who now has the right to vote, nor to any person who shall be 60 years of age or upwards at the time this amendment shall take effect."

Made special order for Wednesday, at 2 P. M.

THIRD READING RESUMED.

A. B. 132, to amend an Act in relation to certain deputies of County Clerks. Passed.

A. B. 22, to amend Section 1209 of the Code of Civil Procedure, relative to powers of Courts to punish contempts. Recommitted to Committee on Engrossment.

A. B. 52, to amend Sections 58 and 792 of the Political Code, so as to authorize the appointment of female Notaries Public.

Mr. Martin moved to amend by recommitting, with instructions to amend by adding: "Provided, the applicant shall be a maiden or widow with children." Lost.

[Mr. Bruner in the chair.]

The bill then passed—Ayes 43, noes 27.

A. B. 53, to amend Section 2024 of the Code of Civil Procedure, relative to the manner of taking depositions out of the State. Passed.

SECOND READING.

A. B. 148, to amend Section 4046 of the Political Code relating to the powers of Boards of Supervisors. Read second time.

A. B. 112, to amend Subdivision 4 of Section 25 of County Government Act. Made special order for Thursday at 2 P. M.

A. B. 13, to amend Paragraph 27 of Section 25 of County Government Act. Recommitted to Committee on County Governments.

FIRST READING.

The following were read a first time:

A. B. 68, to amend Municipal Corporations Act.

A. B. 142, to amend Section 499 of Civil Code, relative to street railways.

A. B. 114, to amend Section 497 of Civil Code, with reference to street railways.

A. B. 66, to authorize cities to acquire water rights.

[Speaker in the chair.]

A. B. 116, to confirm municipal ordinances granting electric street railway franchises.

A. B. 21, to repeal Act declaring Klamath River navigable.

A. J. R. 4, relative to improvement of Humboldt Bar.

A. B. 129, to add Section 159½ to Penal Code, making it a misdemeanor to advertise to obtain a divorce.

A. B. 139, to provide for the levy and collection of school taxes outside of San Francisco.

S. B. 207, to amend Sections 245, 246 and 268 of the Political Code, and repeal Sections 248 and 249.

Made special order for to-morrow immediately after the reading of the Journal.

A. B. 48, to provide for the free printing of State school books was refused a first reading.

A. J. R. 2, relative to the Sacramento river, was referred to Committees of Ways and Means and of Mining Interests.

RESOLUTIONS.

By Mr. Bert—That Windrow be substituted for Bert on Claims Committee. Adopted.

By Mr. Culver—That the State Printer print 1,000 copies of the list of standing committees. Adopted.

By Mr. Dibble—That the State Printer print 400 extra copies of Journal for January 13th. Adopted.

By Mr. Galbraith—That Cram and Murnan be added to Committee on Education. Adopted.

Adjourned.

SUPERIOR COURT.

Department Two—Van Fleet, Judge.

MONDAY, January 19, 1891.

People vs. John Monahan, charged with rape—Continued until January 21st.

People vs. John Monahan, charged with grand larceny—Continued until January 21st.

FOR catarrhal and throat disorders Brown's Bronchial Troches are renowned and marvelously effective, giving immediate relief.

ANGOSTURA Bitters are used by mothers to stop colic and looseness of the bowels in children. Dr. J. G. B. Siegert & Sons, manufacturers.

Miscellaneous.

SEVENTH ANNUAL CLEARANCE SALE
—OF THE—
MECHANICAL CLOTHING STORE,
414 K STREET, - - - SACRAMENTO,
Commencing Monday, January 19, 1891, at 10 o'clock A. M.,

When will be offered all of our mammoth stock of CLOTHING, HATS, BOOTS AND SHOES, UNDERWEAR, Etc., at half former prices. Entire stock to be disposed of during this sale without reserve.

MEN'S SUITS.

Former price, $8....now $4 00
Former price, $12....now $7 50
Former price, $20....now $14 50
Former price, $10....now $5 00
Former price, $15 to $17 50..now $10 to $12 00
Former price, $22 50 and $25....now $17 50

MEN'S PANTS.

Former price, $6....now $4 00
Former price, $4....now $2 50
Former price, $3 50....now $2 00
Former price, $1....now 65 cents

OVERCOATS.

Heavy Blue Chinchilla.
Former price, $12....now $7 50
Former price, $18....now $12 00
Men's All-wool Cassimere, in dark patterns, former price, $12 50....now $8 00
Men's Overcoats, former price, $8....now $5

Fine Dress—All Patterns.
Former price, $15....now $10 00
Former price, $20....now $14 00
Chinchilla Coats and Vests, former price, $8 50....now $5 00

CHILDREN'S SUITS.

Former price, $1 50....now 75 cents
Former price, $3....now $1 50
Former price, $5....now $2 50
Former price, $2....now $1 00
Former price, $4....now $2 00

MISCELLANEOUS.

Men's Laundried White Shirts, former price, 75 cents....now 35 cents
Men's Fancy Overshirts, former price, 50 cents....now 25 cents
Men's Colored Flannel Shirts and Drawers, former price, 75 cents....now 30 cents
Boys' Glace Caps....reduced to 5 cents
Fifty dozen All-wool Scarlet Merino Shirts and Drawers, former price, $1....now 55 cents
Men's Striped Wool Merino Shirts and Drawers, former price, $1....now 55 cents
Fine Percale Shirts, damaged by water....now 15 cents

SHOES.

Men's Heavy Brogans, former price, $1 25....now 70 cents
Boy's Congress Shoes, former price, $1 25....now 75 cents
Men's Wool-lined Cloth Slippers, former price, 50 cents....now 25 cents
Men's Heavy Lace Shoes, former price, $1 40....now 90 cents
Men's Fine French Calf Shoes, former price, $4....now $2 50
Men's Police Shoes, former price, $3....now $1 85
Men's Fine Shoes, in lace or congress, former price, $1 25....now 90 cents
Children's Lace Shoes, sizes 4 to 7, former price, 50 cents....now 15 cents
Men's Fine Congress Shoes, former price, $2....now $2 00
Men's Genuine Cork Sole Calf Shoes, former price, $3 50....now $1 95
Men's Fine Calf Shoes, former price, $3....now $1 75

MECHANICAL CLOTHING STORE,
414 K STREET. H. MARKS, Proprietor.

JOS. THIEBEN CROCKERY CO.
The Leading Crockery House in Sacramento.

With one years' experience we can safely say, by carrying the best selected stock and selling goods at a living profit, and a all times catering to the wants of the trade, we have succeeded in establishing ourselves before the people of this city as a STRICTLY FIRST-CLASS AND RELIABLE HOUSE. Our motto at all times is to please our customers, and as our goods are marked in PLAIN FIGURES, we invite you all to give us a call before buying goods in our line.

JOS. THIEBEN CROCKERY CO.,
NO. 518 J STREET.

WE ARE THE RECOGNIZED HEADQUARTERS FOR HOTEL, BAR AND RESTAURANT SUPPLIES.

$10--NO. 7 COOK STOVE--$10.

We offer you the largest Cook Stove, with the largest and best oven to be found in the State, for $10. Come and see it. Every one warranted. New price-list free on application.

ROOFING, PLUMBING AND GENERAL JOBBING.

CHAMBERLIN & CO., 613 K Street.

Meeting Notices.

THERE WILL BE A MEETING OF THE Sacramento Coursing Club on FRIDAY EVENING at Jucke's Hall, Nineteenth and M streets, at 7:30 o'clock, for the purpose of entering and drawing dogs. T. KENNEDY, President. P. CALLAHAN, Secretary. 1t*

DAUGHTERS OF ST. GEORGE WILL hold their regular meeting at Y. M. I. Hall TUESDAY EVENING, January 20th, at 7:30. By order of MARY CROPPER, President. VICTORIA GARRISON, Rec. Secretary. 1t*

CALEDONIAN CLUB.—ALL MEMBERS of the club are requested to attend THIS (Tuesday) EVENING at Pioneer Hall at 8 o'clock; installation of officers; all Scotchmen are invited to attend. 1t TOM SCOTT, Chief.

REGULAR MEETING FAIR OAKS Corps THIS AFTERNOON at 2:30. MARY O'NEAL, President. MAUD P. HENRY, Secretary. 1t*

ATTENTION EXEMPTS!—THE The regular election of officers of the Exempt Firemen's Association of Sacramento will be held on SATURDAY, the 24th day of January, 1891, at Firemen's Hall, Eighth street, between J and K, Sacramento. The officers of the election are ELI MAYO, Judge; C. M. FOLGER and J. W. M. SMITH, Inspectors. The polls will be open from 3 to 7 P. M. All members three moths in arrears for dues and fines cannot vote. Sacramento, January 12, 1891. HIRAM COOK, President. WM. AVERY, Secretary. [B.C.] ja13-11t

Wanted.

WANTED—A GIRL TO DO GENERAL housework and cooking. Apply at 521 J street, up-stairs, room 4. ja20-2t*

WANTED—COMPETENT WOMAN FOR general housework; wages, $18; no washing. Apply 819 O street. ja20-tf

WANTED—A YOUNG, INTELLIGENT, active lady to canvass Sacramento; salary or commission paid. Apply at 811 J street. ja20-3t*

WANTED—FURNISHED ROOM, WITH family preferred; must be centrally located. Address "B.," Senate Chamber. 1t*

WANTED—A SITUATION BY A GARdener who thoroughly understands his business. Address A. K., this office. ja20-2t*

BOYS WANTED—APPLY TO C. A. FISK, 408 J street. ja19-2t

SALESMAN—AN ENERGETIC MAN wanted to push our manufactures on this ground. One of our agents earned $5,200 in '89. Address P. O. Box 1371, N. Y. ja19-5t*

WANTED—A GOOD SHOEMAKER ON repairing at 817 K street. ja19-2t

WANTED—BY YOUNG MAN; HAS HAD some experience in groceries; situation more of an object than salary; good reference given and letter of recommendation. Inquire at 1313 G street. ja18-5t*

WANTED, AGENTS!—GOOD ACTIVE gentlemen or ladies for something entirely new; light and profitable; takes with every one. Apply 1033 Eighth street, from 1 to 9 P. M. ja4-tf

WANTED—PARTIES TO TAKE AN INterest in the Sectional Giant Quartz Mill, of meritorious qualities; patented. JAS. A. SCOTT, Golden Eagle Hotel, Sacramento. d25-tf

WANTED—MEN FOR FARMS, VINEyards, dairies and all kinds of labor. Women and girls for cooking and general housework. Plenty of work for desirable help. Apply at EMPLOYMENT OFFICE, Fourth street, K and L.

Lost—Found.

LOST.—A GOLD GLOVE-BUTTONER, with a quartz charm; initials, B. R. B. Return to 1228 O street, and receive reward. ja18-3t*

To Let or Rent.

TO RENT—A COTTAGE OF FIVE OR SIX rooms, with modern improvements. Address Postoffice Box 391, Sacramento. ja20-4t*

TO LET—UNFURNISHED ROOMS FOR housekeeping; no children; rent, $9. Apply 1709 Third street. ja20-2t*

TO LET—IN A PRIVATE FAMILY, A room with board. Call at 1502 G street. ja20-7t*

TO RENT—A FRONT SUITE OF ROOMS nicely furnished. Terms reasonable. 507½ J street. ja17-7t*

TO LEASE—FOR A TERM OF FOUR years, house of eight rooms, with all modern improvements. No. 1305 L street, fronting State Capitol grounds. For further particulars call at T. H. COOK & CO.'S, Tenth and K streets. ja17-tf

TO LET—LARGE, SUNNY ROOM, FURnished, suitable for one or two persons; 1214 H street. ja16-7t*

To Let or Rent.

TO LET—HOUSE ON THIRD STREET, BEtween Q and R, containing six nice rooms; has large yard with fruit trees and stable. Inquire at 304 J street. S. ROSENFELD. j16-7t

FOUR NICE ROOMS TO LET AT 1213 Ninth street, between L and M. ja16-tf

TO LET—NEWLY FURNISHED ROOMS from $5 upwards. Inquire at 609½ I street. ja15-7t*

TO RENT—NICELY FURNISHED FRONT rooms, for one or two gentlemen, at 814 Seventh street. ja14-7t*

TO LET—A PARLOR, AT 715 I STREET; also a carriage barn. Inquire at the above number. ja13-tf

TO LET—A HOUSE OF SIX ROOMS AND closets, neatly finished, at No. 1412 J st. Inquire of A. COOLOT, 812 J st. ja8-tf

401 COR. L AND FOURTH—ROOMS BY the day, week or month. LANGHAM. d19-1m

TO LET—SMALL TENEMENTS AND also unfurnished rooms, cheap; suitable for housekeeping. Apply to D. GARDNER, at wood-yard, Fourth and I streets. my17-tf

FURNISHED ROOMS AT CENTRAL House, from $5 per month upwards; also family rooms at low prices. HORNLEIN BROS., Proprietors. mr19-1y

TO LET—A FURNISHED FLAT OF FIVE rooms. Inquire at 1128 Ninth st. ja7-14t*

TO LET—A HOUSE OF SIX ROOMS, newly painted and papered throughout, corner Thirteenth and F streets. Apply at Brown House, Fourth and K streets. MRS. A. GLEEMAN. ja9-tf

For Sale.

FOR SALE—OR EXCHANGE FOR OTHER property, a good patent right. Money in it to the right party. Address, INVENTOR, Sacramento. ja17-10t*

FOR SALE—LODGING-HOUSE WITH lease; house doing good business. Apply at 1221 Third street. ja15-7t*

FOR SALE—HORSE, DELIVERY WAGON, business, buggy and harness; will sell the outfit for near what the wagon is worth. Inquire 2210 H street. ja15-7t*

FOR SALE—GENUINE ENGLISH CLUSter Hop Roots, in quantities to suit, at lowest market price. Address T. B. FLINT, one mile below Sacramento, or P. O. box 438, Sacramento. ja14-14t*

NOTICE—HAVE YOU ANY INTENTION of investing in 2, 4, 6 or 10 acres of rich land just outside the city and only short distance from terminus of New Electric Railway? If so, it will pay you big to see me and find what I have to offer. M. J. DILLMAN, 1420 O street; at 305 J street between 12 and 1. ja6-tf

FOR SALE—A HANDSOME BUGGY-horse, perfectly gentle; especially suited for lady to drive; rapid traveler, and one of the best saddle-horses in the city. A. O. GREGORY, Fifth and J, Sacramento. ja9-tf

FOR SALE—ONE OF THE FINEST AND largest saloons in the city; extra family entrance; best location; stock and lease. Inquire at this office. o5-tf

CHOICE LOT OF CANARY BIRDS FOR sale, 1112 F street. d21-1m*

FOR SALE—CHOICE AND RELIABLE fruit trees. Call on O. O. GOODRICH, Riverside Nursery, three miles south of city. P. O. address, Sacramento. d31-tf

FOR SALE—GAS LAUNCH "NITA;" ONE man can handle her; needs neither pilot nor engineer license; simplest and safest engine made. Inquire OFFICER MAY, Washington, Yolo. ja8-14t*

General Notices.

MADAME BELL, RENOWNED IN TELLing life's future events, fifteen years' practice in India and Australian colonies; late of San Jose. Young people should know their future. Fee, 50 cents and $1. 1010 Third street. d9-tf

MONEY TO LOAN—ON CITY AND country property. MUDDOX & FEE, 606 I street. ja8-tf

SACRAMENTO COUNTY POULTRY Yards; leading varieties for sale; eggs for hatching; for further particulars send for catalogue. GEO. E. DUDEN, proprietor. Box 376, Sacramento. ja8-tf

DRESSMAKING—MRS. MAY STEVENS, formerly with Mrs. Schirmer, has opened first-class dressmaking parlors at 916 Seventh street, back of Cooper's music stores. Ladies', children's and infants' white underwear a specialty; plain sewing solicited. o22-tf

Big G is acknowledged the leading remedy for Gonorrhœa & Gleet. The only safe remedy for Leucorrhœa or Whites. I prescribe it and feel safe in recommending it to all sufferers. A. J. STONER, M. D., DECATUR, ILL. Cures in 1 TO 5 DAYS. Guaranteed not to cause Stricture. Mf'd only by The Evans Chemical Co. Cincinnati, O. U. S. A. Trade Mark. Sold by Druggists. PRICE $1.00.

Highest of all in Leavening Power.—U. S. Gov't Report, Aug. 17, 1889.

Royal Baking Powder
ABSOLUTELY PURE

Dr. Price's Baking Cream Powder.
Used in Millions of Homes—40 Years the Standard.