

SERIOUS ACCUSATION.

A Witness in the Gardner Case Said to Have Been Approached.

Attorney Johnson Scouts It, but the Witness was Willing to Testify— Fight for Delay.

There was a bit of a sensation in Superior Judge Van Fleet's Court yesterday when the case of Daniel Gardner, the wood-dealer, who is charged with having criminally assaulted little Lizzie Cox, was called.

Grove L. Johnson, who, with S. S. Holl, represents Gardner, asked for a continuance of the case until a certain material witness named Rich could be found.

Mr. Johnson read an affidavit sworn to by Gardner, to the effect that he believed he could find this witness, if given time to do so.

A subpoena had been issued for Rich, and sent over to Yolo county, where the man was supposed to be, by the Sheriff of the county had been unable to find him.

WITNESSES TAMPERED WITH.

District Attorney Ryan objected to the continuance, on the ground that the defense had not shown diligence in the endeavor to produce this material witness.

Mr. Ryan intimated that he was anxious to try the case as soon as possible, because he had been reliably informed that Gardner, or his attorney, had made approaches to at least one of the witnesses for the prosecution, and he feared that the others would be tampered with.

Attorney Johnson denied vigorously the imputations of the District Attorney, and said that whoever gave Mr. Ryan such information lied wilfully.

Mr. Ryan stated that he would put the witness, who had been approached, on the witness-stand, if Mr. Johnson desired to hear more.

Judge Van Fleet, however, interrupted further dispute between the attorneys, and refused to grant the continuance asked for by Mr. Johnson.

He ordered that the trial proceed at the afternoon session.

SOME MORE LIGHT. In the afternoon, it was noted that the tapered witness was.

As soon as the jury in the Moynahan case went out to deliberate, the Gardner case was called up again, and Mr. Johnson made another motion for a continuance.

He produced another and a more voluminous affidavit by Gardner, which related how absolutely necessary it was to the defense, and requested that every effort had been made to have him in court.

Attorney Johnson was sworn and he told how necessary it was to have Rich present, too.

Mr. Johnson stated, as a further reason why a continuance should be granted, that he had only been recently called into the case and was as yet unfamiliar with the facts.

District Attorney Ryan objected again, but this time Judge Van Fleet was inclined to be more lenient, and granted a continuance until Monday, February 23.

In notifying the witnesses for the prosecution to be present on that date, Judge Van Fleet admonished them to avoid any and all persons who should desire to interfere with them about their evidence.

These remarks caused Mr. Johnson to recollect the discussion he had with Mr. Ryan at the morning session, and he demanded to know more about that tampering business.

"All right," said District Attorney Ryan, rising to his feet quickly. Then, turning to the member of the little Cox girl, he said, "Mrs. Cox, take the witness-stand, please."

Mrs. Cox was sworn to tell the truth by Clerk Jones, and given a seat on the witness-stand.

"Mrs. Cox, has anybody been to see you in the interval of the trial?"

"Hold on, gentlemen," interrupted Judge Van Fleet, "I cannot allow this examination to proceed here in the courtroom."

The Judge then explained that many persons whose names were on the term venire, and might be called upon to act as jurors, were in the courtroom, and therefore it would be highly improper for them to hear Mrs. Cox's statement.

He stated that at some time or other he would hear Mrs. Cox's statement in his chambers.

The spectators, who had been worked up to quite a high pitch of excitement in anticipation of some startling development, murmured with disgust and disappointment.

HOW HE GOT IT. Mr. Medley Owes His Good Fortune to a Democrat.

A resolution was adopted in the Senate yesterday allowing John C. Medley of this city \$5 a day to prepare a semi-weekly history of the bills before that body.

It has been the custom of late years to have this work done, but the duty is usually put upon the clerks at the desk, they being allowed extra pay therefor.

ports the following numbers of cases were received in New York in the years named: 1887, oranges, 672,883 boxes; oranges, 661,000, 1888, lemons, 1,161,578; oranges, 610,922, 1887, lemons, 1,548,350; oranges, 1,187,287, 1888, lemons, 1,451,408; oranges, 741,159, 1889, lemons, 1,346,808; oranges, 823,501, 1890, lemons, 1,495,016; oranges, 822,380.

These figures there will be noted quite a falling off in the importations of oranges during the last three years, and it is confidently predicted that receipts from foreign countries will continue to decrease, for the reason that the greatly increased products of California and Florida will drive the foreign fruit out of the market.

It must be remembered in connection with the above statistics that they only present the importations to New York City. A considerable quantity of fruit is received every year at the ports of New Orleans, Boston and Philadelphia, and the heaviest shipments are to New York.

These figures will also give a good idea of the quantity of lemons now used annually. This fruit can, and should be, grown in California much more largely than it is. The principal difference in quality between the imported lemons and the California stock can be traced to the curing. When our California growers have learned how this part of the work should be done, no doubt California lemons will take their proper place in the market.

The W. R. Strong Company estimates that there will be 250,000 orange and 50,000 lemon foreign planters in the so-called northern citrus belt (that is to say, at points north of Sacramento) this year, during the planting season, which extends from January to May.

AMUSEMENTS.

To-night, at the Metropolitan Theater, will be presented the sparkling comedy, "The Private Secretary." It was played here some years ago, and proved one of the most humorous dramas ever put upon the Metropolitan boards. Since then, we are assured, that it has been greatly brightened, made more laugh-provoking, and the situations all bettered.

"The Private Secretary" was the play that had the phenomenal run of over 200 nights in New York, and was pronounced by the press to be the wisest hit of the age. We regret to hear that the same play, in a harmless accident of a household, a do-



DUSTAN AS THE PRIVATE SECRETARY.

domestic conglomeration of humorous incidents, dexterously knitted into an interesting plot, a plausible story, and yet bubbling over with the most ludicrous, laugh-provoking events that only such a genius as "Gillette" could conceive. He will be remembered as the author of the military drama "Honor by the Enemy."

The plot of the "Secretary," in brief, is this: Douglas Catermae, a jolly, spendthrift, owes everybody, from his landlord to his tailor, and has a rich uncle in India from whom he has unlimited expectations. Mr. Marshall is a country squire, with a pretty daughter, and will, who hires the Rev. Robert Spaulding for his private secretary. To escape his debts for a time Douglas goes to the villa manse of the Rev. Mr. Spaulding, and leaves the latter in his lodgings. Upon the appearance of Catermae, the uncle, he mistakes the secretary for his nephew, and a "whole sea of trouble" is the result.

Around this plot a very ludicrous set of situations are gathered. The cast for to-night is represented as very strong, as in better than that of some years ago, the ladies and gentlemen of the troupe being leaders in comedy and all trained in the "art" of the stage. Seats can be reserved without extra charge to-day.

Monday night at the Metropolitan Theater the "Stein and Wood Mystery and Novelty Company" will appear. The company consists of Charles N. and Martha Stein, mind-readers, exponents of spiritualism, and operators in second-sight and clairvoyance, etc.; W. B. Wood, ventriloquist and juggler, and "Edna," a late European "sensation," a young lady "who walks in mid air."

The Steins declare that there is nothing supernatural in their business, that it is all a trick, but so refined as to be practically incapable of detection. From a large number of press notices we glean that the Steens are wonderful performers. The San Jose Mercury, for instance, says of the Steens in "second sight is simply great," and that their entertainment alone is sufficient to satisfy the most exacting.

Mrs. Wood and Dr. Wood says she has witnessed the feats of scientists who have investigated her feats, which include the most difficult spiritualists attribute to supernatural power. "Edna" is styled the "Human Oracle." The Portland Oregonian pronounces her walking in space to be one of the cleverest and most incomprehensible feats. Wood is represented as a superior ventriloquist, and one of the best of workers in modern magic. As to the Steens, they challenge anyone to do mentalism, or "second sight," or "spiritualism" mysteries that they cannot perform as well or better. The press appears to be unanimous that the troupe is one of the best of the kind in the Pacific Northwest, going so far as to pronounce the Steen and "Edna" performances as baffling explanation. The engagement of the company is for one week.

The Eunice Goodrich Company at the Clunie Opera House will produce to-night the best thing they do, in our opinion. It is a drama by Mr. Jackson, comedian of the troupe, entitled "Little Emily," the characters and story being drawn from Dickens' "David Copperfield." Mr. Jackson's "Merwin" is one of the best character personations in his repertoire and he does it admirably. Mr. McCann's old boatman is a fine act, a genuine dramatic success. Miss Goodrich's "Emily" is pathetic and cleverly drawn. The company as a whole fits into the play better than into any other it has given here.

The Alcazar Company concluded its engagement at the Metropolitan Theater last night, playing "Turned Up" to a fair house. The company is a superior one, but its engagement here has not been a financial success.

Meeting of the Clerks. The Clerks' Early Closing Union held a large and enthusiastic meeting in the dining-room of the State House last evening, which was kindly tendered for their use by the proprietor, C. A. Jenkins.

The cause for the calling of the meeting was to hear the reports of the two committees that were appointed at the last regular meeting of the union among the merchants. The reported very favorably, and it was stated that only four or five other firms were to be asked to sign the agreement to close their stores at 6 P. M. The meeting then adjourned.

A Pleasing Sense Of health and strength renewed, and of ease and comfort follows the use of Syrup of Figs, as it acts in harmony with nature to effectually cleanse the system when constive or bilious. For sale in 50c and \$1 bottles by all leading druggists.

NO VERDICT.

"Yorkey" Moynahan, the Hackman, Must Be Tried Again.

The Jury Stood Six for Conviction and Six for Acquittal—Testimony Taken Yesterday.

The trial of "Yorkey" Moynahan, the hackman, who is charged with having criminally assaulted and robbed Mrs. Rains in September last, was resumed before Superior Judge Van Fleet and a jury yesterday morning.

Police officer Campbell was called as a witness for the prosecution, but he did not respond, and the court was informed that the officer was confined to his bed with sickness.

The prosecution then rested. Moynahan was not placed on the stand in his own behalf, and the only other evidence he offered was to show that Mrs. Rains was drunk at the time she was alleged to have been assaulted, and therefore her testimony was not credible.

Mayor Comstock was on the train with Mrs. Rains, and she tried to engage him in conversation, but he paid no attention to her account of her condition.

PLEADING FOR MOYNAHAN. The arrangement of counsel were then heard. Hiram W. Johnson, who appeared for Moynahan, made an eloquent appeal to the jury for the acquittal of his client. He declared that it would be an injustice to send a man to prison on the testimony of a woman of Mrs. Rains' character. He declared that she was irresponsible and not a competent witness, on account of her weakness for intoxicating liquors.

District Attorney Ryan argued for the people, and stated that the burden upon the jury to do their sworn duty in the matter. He considered that the charge of grand larceny had been substantiated. He made no difference whether a person was drunk or sober, nobody had the right to outrage and rob them.

THE CHARGE. Judge Van Fleet, in charging the jury, first defined the crime of larceny, both petit and grand. The defendant had interposed a plea of not guilty to the charge against him, and that the burden upon the people of proving his guilt. The Judge defined the provincial "reasonable doubt," and said the jury should weigh the testimony so as to be beyond any reasonable doubt. Unless the jury was satisfied to a moral certainty of the guilt of the defendant, it must acquit him. The condition of the prosecuting witnesses at the time of the alleged crime should also be taken into consideration. A defendant is a witness against himself, and his refusal or neglect should not prejudice the jury against him. In conclusion, Judge Van Fleet stated that every person was entitled to protection just as much as a sober one, and the jury can only consider the condition of prosecuting witness in so far as it might affect her credibility.

COULD NOT AGREE. The jury retired at 3:30 P. M. and remained in consultation in one room until when word was sent to Judge Van Fleet that they wished to come in.

The crowd of hackmen, politicians and others of Moynahan's friends rushed to the court-room and waited for the verdict. But they were disappointed.

"All right," replied the judge. "I'll withdraw the sentence in both cases, and give you until to-morrow to bring your witnesses and money."

Stories About Footpads. It was reported that the Capitol last evening that on the preceding night two men had been garroted, or "held up," in the Capitol grounds, and that a tamale peddler was badly beaten and robbed. At the same time, the State was advised by the legislative porters were going to their work, they saw several tough-looking characters in the outskirts of the park. One of the porters blew a police whistle, and the fellows scattered the premises.

For Illegal Voting. The trial of Henry Weber, charged with having voted illegally at Galt at the last election, was commenced before Superior Judge Van Fleet yesterday afternoon, but was not finished, and will be resumed to-day. W. A. Galt, Jr., is attorney for the defendant, while District Attorney Ryan appears for the people.

Goldsmith Sentenced. Charles Goldsmith, alias Purcell, who pleaded guilty to petit larceny, in having robbed an Oakland woman named Josie Clark of some jewelry, was sentenced by Superior Judge Van Fleet yesterday to six months' imprisonment in the county jail.

Knocked His Hat Off. Joe Davis, a colored plasterer, was found guilty of disturbing the peace in Judge Craven's Court yesterday. Davis had a heated argument with a colored man named Gale, and he pushed him away so violently that Gale's hat fell off. Davis will be sentenced to a day.

Liquors, Etc., at Auction. On Tuesday next W. H. Sherrburn will sell at auction, at 323 K street, by order of S. B. Smith, receiver, the saloon furniture, liquors, etc., of the Union Saloon. The sale will take place at 10 o'clock A. M.

SUPERIOR COURT. Department One—Catin, Judge. THURSDAY, January 22, 1891. Mrs. Nellie Fort vs. A. A. Barker, et al.—Court orders decree of foreclosure. In re Fred Mason, an insolvent debtor—Case submitted for report to the court by Margaret Dragneau vs. Julian Dragneau—Divorce and alimony. Andrew Babalan, a native of Austria, admitted to citizenship.

Department Two—Van Fleet, Judge. People vs. Daniel Gardner, charged with rape—Continued. People vs. Thomas Moynahan, charged with grand larceny—Jury disagreed. People vs. Henry Weber, charged with illegal voting—On trial.

Bird Fancier—"Here you are, sir, a fine South American parrot, worth \$50, and on sale at half-price. It's a great talker." Snagsby—"Don't want it. I'm married."

To Purify your blood, Restore your strength, Cure scrofula, salt rheum, Dyspepsia, sick headache, Catarrh, rheumatism or malaria—Take Hood's Sarsaparilla.

STOCKTON Sarsaparilla and Iron, the great purifier. J. McMorry, agent, 4th and M. MARRIED. ROBERTSON-BIDWELL—In Albin, Mich., January 7th, at the residence of the bride's aunt, Mrs. M. Manning, William P. Robertson of Albin to Laura T. Bidwell of Sacramento.

DIED. MAY—In this city, January 22d, Susan S. May, widow of W. H. May, aged 65 years, 8 months and 7 days. Burial in the cemetery private. BARLOW—In this city, January 21st, William Barlow, aged 50 years.

LOMBARD—In this city, January 22d, John B. Lombard, a native of Elbe Island, Italy, aged 65 years, 11 months and 17 days. (San Francisco Chronicle, please copy.) Burial private.

Wawona Hotel Company, of Wawona, Mariposa County. Capital stock, \$500,000. Directors—A. H. Washburn, E. P. Washburn, J. S. Washburn, J. J. Cook and J. B. Cook. Realty Investment Association of San Francisco. Capital stock, \$100,000. Directors—John W. Farren, Jr., Daniel O'Callaghan, Frank H. Kilduff, George D. Clark, William P. Sullivan, Jr.,

George Jennings and Thomas W. Doyle. West Harmony Gravel-mining Company of Nevada City. Capital stock, \$200,000. Directors—R. C. Walrath, A. Hoar, B. J. Watson, W. W. Stow and Harry P. Stow.

Joffredo Mining Company, of San Francisco. Capital stock, \$100,000. Directors—J. J. Rinebold, E. E. Northrup, William B. Caldwell, V. A. Astell and Francis M. Starlard.

Women's Educational and Industrial Union, of San Francisco. Directors—Mrs. M. A. Pealer, Mrs. A. C. Barker, Mrs. C. W. Kinsman, Mrs. E. A. Dohrman, Mrs. R. C. Ewing, Mrs. H. N. Solomons, Mrs. J. P. Lightbody, Mrs. L. G. Smith, Mrs. H. A. Keller and Miss Marie Soule.

Cunningham & Co., of Santa Cruz. Capital stock, \$150,000. Directors—James T. Cunningham, James T. Cunningham, William E. Rice, B. F. Booth and William H. Ames. Methodist Episcopal Church, of Tulare County.

A TABLET For the Art Gallery—A Beautiful Present.

Some months ago the California Museum Association, administering the domestic affairs of the E. B. Crocker Art Gallery for the city, set about to have a suitable tablet placed upon a wall of the building, setting forth the fact of its presentation to the city and the date.

Such tablets are usually found upon public buildings of that character elsewhere. The association, not being by any means wealthy, proposed to put up a very modest panel, and to pay for it from its own funds. In ascertaining the cost, it was met by the generous offer of William Boyne, of this city, to prepare and present to the city and association a proper tablet. The association accepted the public-spirited offer, and the tablet has just been delivered at the gallery and will to-day or to-morrow be set into the east wall of the main vestibule of the second floor. It is a perfect and beautiful slab of spotless white marble with a retreating molded-edge to meet the plane of the wall. It is five feet in length and two feet in width, and is very heavy. Upon its polished surface is beautifully and deeply-discised in old English gothic, fancy script and ornamental Roman hand, the inscription: "This Building, with its Art Treasures, was presented to the City of Sacramento by Mrs. Margaret E. Crocker, in trust for the California Museum Association, May, A. D. 1885."

It is probably the largest tablet-slab of the kind that has been prepared, and of an artistic piece of work. The association will suitably acknowledge the generosity and public spirit of Mr. Boyne.

RELIEF NOTES. "Handsome" Brady got ten days yesterday in the Police Court for being drunk.

At the sessions of the following committees made yesterday by the State yesterday: Solano, \$36,277.36; Orange, \$11,999.79.

The Sacramento Packing and Drying Company is looking for an assessment of \$1 per share upon the capital stock of the corporation.

Lost His Breath. Mike Ryan and John Murray pleaded guilty to charges of vagrancy yesterday in the Police Court, and Judge Craven quickly pronounced a sentence of ninety days for each of them.

Hold on there, Judge! What the matter with you, Judge? Why after he had caught his breath? "I'll no grant. I've got money coming to me, and can prove it, if you will allow me." "All right," replied the judge. "I'll withdraw the sentence in both cases, and give you until to-morrow to bring your witnesses and money."

It was reported that the Capitol last evening that on the preceding night two men had been garroted, or "held up," in the Capitol grounds, and that a tamale peddler was badly beaten and robbed. At the same time, the State was advised by the legislative porters were going to their work, they saw several tough-looking characters in the outskirts of the park. One of the porters blew a police whistle, and the fellows scattered the premises.

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Changed Daily for Weinstock, Lubin & Co. TO-DAY, AT 9:30 A. M., SPECIAL SALE OF UPHOLSTERY ITEMS, REMNANTS, ETC.

We have picked out all the short lengths of Madras, Pongee Drapery, Lace Nets, Oil Cloths, Mattings and Carpets and marked them down to prices that will interest.

Also, a number of Odds and Ends from the Upholstery Department. One lot of Solid Walnut Extension Cornices, 29 cents each.

Choice Silk Striped Curtains in pretty new colorings and handsome designs, \$2 99 per pair; formerly \$5.

Silk Curtains, in gold and terra cotta, at \$3 99.

Sample pairs Lace Curtains, slightly soiled, reduced to much below former prices.

Saturday, at 9:30 A. M., SPECIAL SALE OF ODDS AND ENDS IN MEN'S, BOYS' AND CHILDREN'S HATS.

We have carefully gone through our Hat Department stock and culled out the Odds and Ends of broken lines and marked them at special prices. Of some Hats there are only one of a kind, while of some lines there are complete lines of sizes.

Children's Hats with fancy satin band and steel buckles on top, all sizes, 49 cents.

Fancy novelties in Children's Turbans, Fancy Caps and Steamer Helmets at reduced prices.

Men's Soft Crown Federa-shaped Hats and a line of Light felt "Blizzard" Hats at 49 cents.

A lot of Men's Stiff Hats, various shapes, colors and sizes, at uniform price of 99 cents. The former prices of these Hats ranged from \$1 50 to \$4 each.

Weinstock, Lubin & Co. 400 to 412 K street, Sacramento.

SEWING MACHINES. THE FAVORITE \$35 cash; \$40 instalment. High arm; light running. THE DOMESTIC 5,000 used in this city. Self-feeding attachments. THE NEW HOME (Light Running, Popular and Reliable. THE IMPROVED AUTOMATIC.

ALL SOLD ON INSTALLMENTS. Old Machines taken in trade. See SPECIALTY. Needles and Parts for all Machines. A. J. POMMER, Nos. 829 and 831 J street, corner of Ninth.

ANNUAL CLEARANCE SALE. HATS AT COST

To clean out stock to make room for new spring goods.

Call and See for Yourself

MRS. M. A. PEALER'S, 621-623 J Street, Sacramento.

SAY, WHEN THE WIND BLOWS YOU FIRE, IT IS USELESS TO TIRE YOURSELF! About half of your toil can be avoided by the use of Sapolio.

Doesn't make us tired to tell about the merits of SAPOLIO. Thousands of women in the United States thank us every hour of their lives for having told them of SAPOLIO.

BEWARE OF IMITATIONS. Enoch Morgan's Sons Co., New York.

ELLY'S CREAM BALM—Cleanses the Nasal Passages, Alleviates Pain and Inflammation, Heals the Sore, Restores Taste and Smell, and Cures Catarrh.

FELTER, SON & CO., 1009 and 1010 Second St., Sacramento. JOBBERS AND DEALERS IN CHOICE WINES, LIQUORS AND CIGARS.

SACRAMENTO LUMBER COMPANY Dealers in Lumber, Doors, Windows and Blinds.

WE HAVE A FEW MORE LEFT. JACKETS

JACKETS worth \$6, \$8, \$10 and \$12, reduced to \$2 50, \$4, \$5 and \$6.

LADIES' CLOTH NEWMARKETS, former prices, \$10, \$12, \$15 and \$20, reduced to \$5, \$6, \$7 and \$9 50.

GATTMANN & WILSON, 601 J Street, Jan-23-91

A Grand Success! PRICES WILL TELL!

O'BRIEN'S REDUCTION OF 15 PER CENT.

On his entire stock of first-class BOOTS AND SHOES appreciated.

O'BRIEN'S, 607 J STREET, Jan-23-91

THE SACRAMENTO Boot and Shoe Factory, 817 K STREET.

REPAIRING BY A NEW PROCESS, AND AT PRICES GENERALLY LOWER THAN IN SACRAMENTO. WM. J. FAHNELEY, Proprietor, Jan-23-91

ANNOUNCEMENT. MCCARTHY & COOPER, Electrical Supplies, 811 J STREET, Jan-23-91

WALL PAPER. OUR NEW STOCK IS NOW AT HAND AND OPEN FOR INSPECTION.

WE OFFER A SPECIAL LINE OF Novelties in New Designs and Colorings. Not to be Found Elsewhere.

Whittier, Fuller & Co., 1016 and 1018 Second street, Jan-23-91

IF YOU WANT The Finest and Freshest Box of Candy

Barton's NO. 810 J STREET.

TO EPICURES And Lovers of Good Meats.

YOUR ATTENTION IS INVITED TO OUR specialty season quality of BEEF!

THE SWEETEST AND BEST. CAPITAL! LINDLEY & CO., Sacramento.

FURNITURE AND THE LOWEST PRICES ALWAYS

W. D. COMSTOCK'S, FIFTH AND K STREETS.

THE CAFE ROYAL BILLIARD AND POOL PARLORS, The Most Pleasant Resort in North-central California.

A. LOTHAMMER, 1021 NINTH ST. TUNING AND REPAIRING IN ALL ITS BRANCHES. Pianos and Organs a specialty. Particular attention given to all musical instruments.