WILL THEY AGREE?

The Jury in the Frediani Case Locked Up All Night.

Judge Catlin Departs From the Old Rut in Charging the Jury—Close of the Arguments.

Grove L. Johnson resumed his argument for the defense in the Frediani murder case yesterday morning, and finished it at noon. He made an unusually eloquent plea for the acquittal of his aged client.

District Attorney Ryan made the closing argument for the people in the afternoon. He warned the jury to throw aside all sentiment and sympathy and do as the law demanded—decide the case upon the evidence given.

CHARGE TO THE JURY.

Mr. Ryan concluded his argument at 4 P. M., and Judge Catlin proceeded at once to deliver his charge to the jury. The Judge's remarks were somewhat novel, inasmuch as he departed from all the usual formalities and impressiveness resorted to in such cases, and simply gave the jury a plain statement, in plain language, of what their duties were.

"The defendant, Eduardo Frediana, is charged with the crime of murder, alleged to have been committed on the 4th day of November, 1890, in this city, by unlawfully killing, with malice aforethought, one Guiseppe Scatina," began his honor. "To this charge the defendant has pleaded not guilty. Our law divides murder into two kinds, namely: Murder in the first degree and murder in the second degree. Murder in the first degree is punishable by death, or imprisonment for life. Murder in the second degree is punishable by imprisonment for a term not less than ten years, said term to be fixed by the court. Manslaughter is the unlawful killing of a human being without malice, and is punishable by imprisonment in the State prison for a term not exceeding ten years, to be fixed by the court.

"You may, if the evidence warrants it under the further instructions which I will give you, find the defendant guilty of either one of the two degrees of murder which I have mentioned, or of manslaughter or you may find him not guilty. Murder is the unlawful killing of a human being with malice aforethought.

MALICE DESCRIBED.

"Such malice may be express or implied. It is express when there is manifested a deliberate intention unlawfully to take away the life of a fellow creature. It is implied when no considerable provocation appears, or when the circumstances attending the killing show an abandoned and malignant heart.

"All murder which is perpetrated by willful, deliberate and premeditated killing is murder in the first degree; all other kinds of murder are of the second degree. But it must be borne in mind that there must also be malice in the act in either case. That is to say: There can be no murder in either the first or second degree unless the killing is preceded by, and accompanied with, malice aforethought. The expression 'malice aforethought' is easily understood. It explains itself. It, of course, means an evil design, a wicked and malicious intent to injure, previously harbored in the mind. It need not be entertained for any particular length of time. It is sufficient if it actually exists at the time. I have already stated that malice may be express or implied, and under what circumstances it is express, and under what circumstances it is implied. Murder in the second degree is defined by the law, so far as it applies to this case, to be any kind of murder, except that which is perpetrated by willful, deliberate and premeditated killing. Murder of the second degree, therefore, is murder with malice aforethought, but without a deliberate, premeditated and preconceived design to kill. Manslaughter is where the killing is, as I have stated unlawful but without malice, and where the act is the voluntary act of the party accused, upon a sudden quarrel or heat of passion. The defendant in this case makes his defense, as you have heard it stated by his counsel, upon that section of the law which says that homicide is justifiable when committed by any person in resisting any attempt to murder, or to do some great bodily injury.

PRESUMPTION OF INNOCENCE.

"The law presumes every person accused of crime to be innocent, and this presumption continues during the trial, and until the presumption is overcome by evidence which convinces the minds of the jurors beyond a reasonable doubt. It is incumbent on the prosecution to establish the guilt of the defendant of some one of the grades of homicide which I have described, to the satisfaction of the jury beyond a reasonable doubt. If the prosecution fail in this, the defendant is entitled to be acquitted.

"In order to convict an accused person of any crime, the jury must, after a fair and full consideration of all the evidence, be convinced of his guilt beyond a reasonable doubt. You will perceive that this rule implies that the mind need not be wholly free from doubt, but it must be wholly free from all reasonable doubt; conjectures which a sound exercise of judgment at once detects as frivolous; theories which the reason easily exposes as being false; imagined possibilities, which, upon a thoughtful and impartial comparison of all the evidence, appear to be inconsistent wiih the evidence and to be far-fetched and improbable, should all be disregarded. They do not amount to that reasonable doubt upon which the law makes it your duty to acquit the defendant. But in order to convict him, the evidence, and that alone, as it has been given to you, after a full consideration of all of it taken together, must produce in your minds a strong and thorough conviction of his guilt of some one of the degrees of crime of which, under the information he may be convicted, a conviction that is not shaken by reasonable doubts. A reasonable doubt has been well described by an eminent Judge as that state of the case, which, after the entire comparison and consideration of all the evidence, leaves the minds of the jury in that condition that they cannot say that they feel an abiding conviction to a moral certainty of the truth of the charge.

"What is meant by being convinced beyond a reasonable doubt, will not appear difficult to any man of fair common sense. Twelve men selected from a large number by the concurrence of both parties for their sound qualities as impartial and intelligent jurors, and as men of experience in the affairs of every day life, cannot fail to distinguish between what are, and what are not, reasonable doubts. Any further instruction upon that subject I do not consider necessary or useful.

"It is a rule of law, as well as being good common sense, that a man is presumed to intend the natural consequences of his voluntary act. Malice, as I have said, is an evil intent entertained by one person against another, and if the defendant had an ill will and evil design towards Scatini at, or soon before the stabbng, it would be malice aforethought.

WAS IT WILLFUL MURDER?

"If, after a full consideration of all the evidence, you should not be satisfied that the killing of Scatini was done willfully, deliberately and with premeditation, your conclusion should be that the killing was not murder in the first degree. On the contrary, if, after such full consideration of all the evidence, you should be convinced beyond a reasonable doubt that the killing was done with malice aforethought, and was the willful, deliberate and premeditated act of the defendant, you should find a verdict of guilty of murder in the first degree; and in such case you may, if you think proper, fix his punishment to be imprisonment for life. If, after a full consideration of all the evidence, you should not be satisfied that the killing was an act of deliberation and premeditation, and that it was without malice, your conclusion should be that the killing was not murder in the second degree. On the contrary, if, after such consideration, you should be convinced beyond a reasonable doubt that the killing was an act done with malice aforethought, but without deliberation and premeditation, you should find a verdict of guilty of murder in the second degree.

"If your conclusions should be in favor of the defendant upon both these questions of whether the killing was murder of the first or of the second degree, you will then consider whether the killing was the crime known as manslaughter. I have already charged you that manslaughter is the unlawful killing of a human being without malice. If the killing was unlawful and was the voluntary act of the defendant upon a sudden quarrel or heat of passion without malice or premeditation, it would be manslaughter. The defendant does not deny that at the time and place stated in the information he inflicted the wound that killed Scatini; but he avers and claims that the act was committed in necessary self-defense. If it be true that the act was so committed, then it would be what the law declares to be justifiable homicide.

"If, after a full consideration of all the evidence, you do not believe that the act of the defendant was murder of the first degree, and do not believe that it was murder of the second degree; but, if after such consideration you do believe that it was an act committed by the defendant from necessity, in

DEFENDING HIS LIFE,

Or in defending himself from great bodily injury, then he should be acquitted by a verdict of not guilty. The killing of Scatini being proved and admitted, it is incumbent upon the defendant to prove circumstances of mitigation or that justify or excuse it. The law as laid down in our code upon this subject is as follows: 'Upon a trial for murder, the commission of the homicide by the defendant being proved, the burden of proving circumstances of mitigation or that justify or excuse it, devolves upon him, unless the proof on the part of the prosecution tends to show that the crime committed only amounts to manslaughter, or that the defendant was justifiable or excusable.' Although the burden of proof is upon the defendant, yet, if upon a consideration of the whole case you entertain a reasonable doubt from the evidence of his guilt, he should be acquitted.

"The law recognizes the right of a man to defend his life when it is in imminent danger; and also to defend his person from an imminent danger of suffering great bodily injury, even to the taking of the life of his assailant, when that is necessary. The danger must be actual, or the circumstances must be such as to make it appear so to the mind of a reasonable person. This extreme right of self-defense rests upon the necessity of the case. The law permits it only when the necessity exists, or if the necessity does not actully exist, the circumstances must be of such a

THREATENING CHARACTER

As to create in the mind of a reasonable person a well-grounded belief that his life is in immediate danger or that he is in immediate danger of suffering great bodily harm. If the defendant actually believed, upon good and reasonable grounds, that Scatini was about to kill him or was about to inflict a great bodily injury upon his person, at the time when he struck the fatal blow, and that such blow was necessary for his safety, then he was justifiable; but if he had not at that time good reason for believing, or did not believe, that Scatini was about to kill him or commit a great bodily injury upon him, then the law does not justify the act.

"Much has been said by counsel on both sides upon a question as to whether Scatini owed Frediani $6. Now this question is wholly immaterial, and you should not allow it to divert your attention from the real issues of the case. The fact that there was a dispute between them about it may be considered, but you are not called upon to decide the merits of that question.

"You are the sole judges of the evidence. The court is not permitted to express any opinion upon its weight or effect, and in considering the evidence you are the sole judges of the credibility of the witnesses. You must consider all the circumstances under which each witness testifies, and determine the truth of the statements of each of the witnesses upon a consideration of all of the other testimony in relation to such statements. The defendant, as he has a right to do, has testified in his own behalf. You should give such credence to his statements as in your judgment they are entitled to under the circumstances in which he is situated, and in connection with the other evidence before you in relation to statements made by him.

WHEN TO DEFEND.

"If you believe from the evidence that Scatini was about to kill the defendant, or that he was about to do great bodily injury to the defendant, to prevent either of which the defendant struck the fatal blow, you will find the defendant not guilty. If you believe from the evidence that the actions of Scatini just before he was struck were such that a reasonable person in the situation of the defendant would believe that Scatini was about to kill him, or to do him great bodily injury, you will find the defendant not guilty. Where the code says that homicide is justifiable in resisting an attempt to do great bodily injury, it is obvious that it does not mean every injury which causes pain, nor injuries which are not of a serious or permanent character. It is not necessary for me to illustrate by example what are great bodily injuries, and what class of injuries are not of that character. The expression, "great bodily injury," is easily understood. It is not reasonable to suppose that the law would permit the taking of life to prevent threatened injury, unless such injury was of a serious character—such an injury as is aptly described as being a great bodily injury.

"It is proper in this connection to say that it is immaterial whether the kick on the leg was a great bodily injury or not, as that occurred at another time and place, and some five or six hours before Scatini was stabbed. I consider that I would fail in my duty if I did not instruct you that the expression "great bodily injury" used in the law to which I have referred, does not embrace within its meaning such acts as the slapping of one's face, or the pulling of one's nose or beard, or any slight blow which does not cause serious injury."

OUT ALL NIGHT.

Judge Catlin allowed the jury to retire, in charge of Deputy Sheriff White, at 5:30 o'clock.

At 7 o'clock no agreement had been reached and the "twelve wise men" were taken out to dinner, aftre which they weer locked up again.

A large crowd of Italians loitered about the court-house all evening, discussing the probable outcome of the case. The general opinion seemed to be that no verdict would be reached.

Shortly before midnight it was rumored that the jurors were haggling about whether to bring in a verdict of murder or manslaughter. Two, it was said, were holding out for acquittal, four for murder, and six for manslaughter.

At the hour of going to press this morning the jury was still out, and they were no nearer a verdict than when they left the court-room.

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

Royal Baking Powder

ABSOLUTELY PURE

NOT CONSTITUTIONAL.

The Attorney-General Sees Some Legal Objections to Bill No. 174.

Attorney-General Hart rendered the following opinion yesterday regarding the fire department bill, which caused such a spirited contest in the Legislature recently:

Hon. E. F. Bert, Member of the Assembly—DEAR SIR: At your request I have examined Assembly Bill No. 174, and in reply will say:

First—I have no doubt but that the Legislature can pass an Act creating a Board of Fire Commissioners, but in order to do so it is necessary that the act shall be one that applies generally to towns, cities, and cities and counties of the State.

Second—It is provided by Section 5, Article XI. of the Constitution, among other things, as follows: "Sec. 5. The Legislature, by general and uniform laws, shall provide for the election or *appointment* in the several counties of Boards of Supervisors, Sheriffs, County Clerks, District Attorneys and such other county, township and municipal officers as public convenience may require, and shall prescribe their duties and fix their terms of office." * * * * * * Section 4 of Article XX. provides: "Sec. 4. All officers or commissioners, whose election or appointment is not provided for by this Constitution, and all officers or commissioners whose offices or duties may hereafter be created by law, shall be elected by the people, or appointed, as the Legislature may direct."

I have no doubt that under these provisions of the Constitution, Fire Commissioners may, if the Act so provides, be appointed or elected as follows:

1. May be appointed by the Governor.
2. May be appointed by the City Council or Board of Supervisors, or legislative department of the municipality.
3. Or may be nominated by the Governor and confirmed by the legislative department of the municipality.
4. Or may be elected by the people.

Third—It may be claimed that the provisions of Section 25 of Article IV. which provides:

Section 25. The Legislature shall not pass local or special laws in any of the following-enumerated cases, that is to say: * * * * *

Twenty-eighth—Creating offices, or prescribing the powers and duties of officers in counties, cities, cities and counties, townships, election or school districts," do not apply or operate against the power of the Legislature to pass a general law providing for a Board of Fire Commissioners. The section just quoted under this subdivision, simply provides that the Legislature shall not pass local or special laws on the subject mentioned, which implies that the Legislature may pass a general law upon any of the subjects therein enumerated.

It may be claimed that Section 13, of Article XI. of the Constitution applies to the subject of a Board of Fire Commissioners. Such is not the fact. That section simply applies as an inhibition upon the Legislature to grant to a "special commission" (which does not mean a Board of Fire Commissioners, or any board whose office applies to the whole city; but means a commission having charge of the opening of a street, or controlling a part of the municipality as distinguished from the whole). The proviso, "private corporation, company, association or individual," applies to private persons, private corporations, and incorporated companies as distinguished from officers of municipalities created by a general Act of the Legislature.

Fourth—Assembly Bill No. 174, as amended, when examined in the light of the foregoing authorities, presents the following facts:

1. Section 1 of the Act in its present shape is not constitutional, because it is not broad enough to be general in its nature and meet the requirements of the Constitution; and the first clause of Section 7 of the Act is insufficient to obviate the objections made to the first section.

2. Section 2 is objectionable (constitutionally) for the reason that it is not broad enough to be general in its nature, but practically limits its operation to the city and county of San Francisco, which makes the law special.

3. Section 3 of the Act prevents a Fire Commissioner from being eligible as a candidate to succeed himself. This is not lawful or proper.

4. Section 3 of the bill is also objectionable in that it confines the Commissioners to the rules and regulations of the City Council; which expression, "City Council," is not broad enough to include towns, snd cities and counties.

Section 4 is not broad enough to include towns, and cities and counties.

Other than this I do not see any legal or constitutional objections to the bill. Yours, respectfully,

WM. H. H. HART,
Attorney-General.

"URGENCY FUND."

A Proposed Law Intended to Cure the Prevailing Tramp Evil.

Following is the text of a bill introduced in both branches of the Legislature yesterday, at the request of the Pacific Coast Laborers' Union. Its promoters claim that its passage is demanded as a relief from the tramp evil:

Section 1. To institute an annual "special urgency fund."

Section 2. This fund to be duly distributed among the towns of the State of California at a ratio of $1,000 for each 5,000 residents, or fraction thereof.

Section 3. This fund is to be under the jurisdiction of the honorable Boards of Supervisors of the cities and counties, and to be expended on public works and ways.

Section 4. This fund is to be used solely for the relief of destitute American citizens during the winter months, who are entirely without other means of subsistence.

Section 5. Any person or persons taking advantage of this appropriation, and who shall subsequently, or at any time, be proven not to have been destitute and in absolute need, as stipulated in Section 4 of this Act, shall be punished by a fine of $500, and imprisoned in the county jail for two hundred days, or both, at the discretion of the court.

Section 6. The State Controller is hereby empowered to apportion from out the State Treasury the sum or sums due the respective city and county beneficiaries under this Act, and the Controller is hereby instructed to notify the said honorable Boards of Supervisors that he holds subject to their order the respective sums which they are entitled to control.

Section 7. The Auditors of all cities and counties are hereby instructed to include in all future estimates in apportioning the amount for the annual tax levy, proper, an adequate provision for the maintenance of this fund.

Section 8. This Act is to take effect immediately upon its passage, and all Acts in conflict therewith are hereby repealed.

SOCIAL AND PERSONAL.

The Undine Boat Club will give a party at Turner Hall Thursday evening, March 12th.

Arrivals at the Golden Eagle Hotel yesterday: Captain and Mrs. Clarkson, Loomis; R. K. Lee, Portland, Or.; Park Henshaw, Chico; O. W. Shelton, Boston; Charles E. Moore, De Lancey Stone, Chicago; Ed. E. Creager, New York; W. W. Douglas, city; Mrs. W. Cunningham, Livermore; W. J. Schmidt, Berkeley; Henry Adams, Stockton; H. N. Sloper, Oakland; A. H. Tifts, L. Mall, Los Angeles; W. H. H. Hart, F. M. Guiol, San Francisco; E. J. Bernhard, J. McMullen, Fresno; M. J. Doolin, E. Wilson, G. W. Stockwell, J. B. Schroder, Jr., L. Schrang, Frank Jarne and wife, John Landers, L. Lincoln, E. H. Greppin, San Francisco; T. J. Feld, Monterey; A. R. Dow, E. L. Dow, Oakland; J. A. Clayton, San Jose.

How to Help Your Digestion.

Almost every day we feel the unpleasant sensations of indigestion. Try ALLCOCK'S POROUS PLASTERS and be relieved. J. F. Davenport of Canarsie, New York, writes:

"I have been very much troubled with a violent pain below my chest bone. I was told by several physicians that it was rheumatism of the diaphragm. It resulted from cold and exposure. I had very little appetite and digested my food with great difficulty. I placed one ALLCOCK'S POROUS PLASTER below the breast bone and two on each side. In the course of twenty-four hours all pain ceased, and I was able to eat and digest a good square meal, something I had not done before in two weeks. I got better constantly, and at the end of seven days found myself entirely well. Since then I have used ALLCOCK'S POROUS PLASTERS for colds, coughs and pains in my side, and I have always found them quick and effective."

FOR breaking up a cold use Dr. D. Jayne's Expectorant, which subdues the inflammation and heals the soreness, relieving throat and lungs.

Miscellaneous.

Dr. Price's Baking Cream Powder.

Used in Millions of Homes—40 Years the Standard.

VISALIA'S DISGRACE.

Ambrose Bierce's Opinion of Its Grand Jury.

The following from the pen of Mr. Ambrose Bierce, is worthy of thoughtful perusal. We heartily commend the good sense, ability and fairness of that gentleman when he says:

"A Visalia grand jury has disgraced itself in a signally interesting way by indicting Haswell, the express messenger, for the killing of Radcliffe, the fireman. Mr. Haswell is a man of courage and conscience, who being intrusted with the custody of money, deemed it his duty to defend it against train-robbers—the only instance in my recollection. If in the performance of this duty a chance shot fired by him through the door of his car found its billet in the firemen's body, the mischance should have been overlooked without action. The robbers, it appears, had by intimidation compelled both the fireman and engineer to assist, them in procuring Haswell's surrender. It was their misfortune to be a part of the attacking force, and the defender not only had a right to kill them, but was under a moral obligation to, if by so doing he could gain an advantage. What would be thought of a military commander who should withhold his fire from an enemy whose attack is masked by prisoners of war?—nay, even by fugitives from a routed outpost. I have myself seen such fugitives fall by scores before the fire of their comrades, and no court-martial inquired as to the propriety of the sacrifice, nor would the fallen themselves have questioned it. It was the fortune of war—nothing more. In rendering the train-robbers unwilling service, active or passive, the engineer and fireman, being unarmed, did the best they could; they are not to be censured. But the character and composition of the force assailing him—the nature of the ties that bound them together in a fellowship of crime—these were matters that Haswell had no right to consider. He was bound to defend his trust against all comers, and it is inexpressibly disgusting that the first train messenger in this State who by courage and devotion has broken the shameful record of cowardly surrender should be molested by superserviceable lackeys of the law. Let him go!—in the name of decency let him go! Set him free to shake from shoes whose latchets we are not worthy to unloose, the dust of a State where courage gets no honor and fidelity no reward."

PRACTICAL TESTS.

An Astonishing Offer—Some of the Replies.

The San Francisco papers of recent date contained the following offer:—

"As an evidence of the ability of Joy's Vegetable Sarsaparilla to prevent sick headaches, we will give to the first twelve responsible persons who will apply at our office a bottle free if they will agree that after they have been cured that they will admit the fact over their signatures."

This offer so startlingly asserted the efficiency of the remedy that many accepted, and the letters of the parties, nearly all of whom responded, are probably the most convincing attestations that any remedy ever received. The following is a sample of those received:—

I have been subject to bilious headaches and constipation for several years past; in fact, have been compelled to take a physic every other night or else I would have a headache and dull, mean feeling. I have taken that bottle of Joy's Vegetable Sarsaparilla, and have derived great benefit from it, and intend continuing it. After my own experience I can heartily advise those troubled with biliousness and constipation to try it. Yours, CHAS. E. ELKINGTON,
125 Locust Avenue, San Francisco.

A certain clergyman was surprised to find the following note from a young lady in his pulpit a few evenings since: "Dear Mr. S.: Won't you please deliver your sermon a little slower to-night? I am studying shorthand, and can't keep up with you. I hope you won't refuse so small a favor."

DR. ABERNETHY'S

GREEN GINGER BRANDY,

An Elegant Substitute for Essence or Extract of Ginger.

INDORSED BY PHYSICIANS, DENTISTS, apothecaries and the public. It gives instantaneous relief in cases of CRAMPS, COLIC, PAINS IN THE STOMACH, DIARRHŒA, ETC.

Purchase only DR. ABERNETHY'S, having upon the label

Jos. N. Souther Manufacturing Co.,

SAN FRANCISCO.

For Sale by Druggists and Wine Merchants
ja15-tf

Chichester's English Diamond Brand.

PENNYROYAL PILLS

Original and Only Genuine.

SAFE, always reliable. LADIES ask Druggist for *Chichester's English Diamond Brand* in Red and *Gold* metallic boxes, sealed with blue ribbon. Take no other. *Refuse dangerous substitutions and imitations.* At Druggists, or send 4c. in stamps for particulars, testimonials and "Relief for Ladies," *in letter*, by return Mail. 10,000 Testimonials. *Name Paper.* Chichester Chemical Co., Madison Square, Philada., Pa. Sold by all Local Druggists.

CAST YOUR OVER THIS

SICK PEOPLE write for free illustrat[ed] family paper on surgical operatio[ns] tumors, fistula, piles, varicoce[le] hydrocele; braces, appliances f[or] deformities, female complaint[s], also, confidential book for me[n] explaining why thousands cannot get cured of special, priva[te] chronic diseases, eyes, ears, lungs, seminal weakness, loss [of] manhood, gleet, syphilis, unnatural losses, results of abuse [and] excesses, which unfit all for marriage, happiness, or life's d[u]ties. DR. LIEBIG'S WONDERFUL GERMAN INVIGORATO[R] the greatest remedy for above complaints. To prove its merit $1 trial bottle sent free. Address, DR. LIEBIG & CO. 400 Gea[ry] St., San Francisco, Cal., or 301 W. 9th St., Kansas City, Mo.

A. MEISTER,

CARRIAGES, VICTORIAS, PHAETONS, Buggies and Spring Wagons.

910, 912, 914 Ninth st., Sacramento.

TO WEAK MEN Suffering from the effects of youthful errors early decay, wasting weakness, lost manhood, etc., I will send a valuable treatise (sealed) containing full particulars for home cure, FREE of charge. A splendid medical work; should be read by every man who is nervous and debilitated. Address, Prof. F. C. FOWLER, Moodus, Conn.

CHARLES FLOHR, PRACTICAL GUNSMITH,

1024 SIXTH STREET, BETWEEN J AND K, importer and Dealer in Shotguns, Rifles and Pistols. Ammunition of all kinds constantly on hand. Safes and Scales repaired, and Trusses made to order.

$4 BUYS A CORD

OF OLD LUMBER WOOD. GET YOUR winter supply now at the C. O. D. YARD, Fourth and I streets.

GUTHRIE BROS.,

PRACTICAL PLUMBERS, STEAM AND Gas Fitters. Roofing and Jobbing. Terms reasonable. 127 J Street.

CAUTION AGAINST FRAUD.

IN THE MATTER OF THE ESTATE OF Thomas Harrigan, deceased, now pending in the Probate Court, no final account has ever been made nor no final settlement as yet. MARGRET HARRIGAN, executrix and administratrix. ja8-1m

Meeting Notices.

O. C. F.—INITIATION AT SACRAMENTO Council, No. 96, THIS EVENING at 7:30 o'clock. Visiting members are welcome. MRS. I. MARSH, C. C. H. DENTON, Secretary. 1t*

SPECIAL MEETING OF UNION Lodge, No. 58, F. and A. M., will be held at Masonic Hall THIS EVENING at 7:30 o'clock for work. Members of sister lodges and sojourning brethren cordially invited. B. W. FLYE, W. M. JOHN MCARTHUR, Secretary. 1t*

VETERAN ODD FELLOWS OF Sacramento—Remember your fraternal visit to Eureka Lodge, No. 4, THIS EVENING at 7:30 o'clock. GEO. B. DEAN, President. E. J. CLARK, Secretary. 1t*

THE MEMBERS OF EUREKA Lodge, No. 4, I. O. O. F., are hereby notified to attend their regular meeting THIS WEDNESDAY, February 18th, at 7:30 P. M. sharp. The Veteran Odd Fellows will make us a fraternal visit. Members of sister lodges are cordially invited to attend. 1t* J. R. CHILDS, N. G.

Wanted.

WANTED—BOY, AGE FROM 12 TO 16, to work in store; must reside at home. Address BOY, this office. 1t*

WANTED—A GOOD GIRL FOR GENERAL housework and cooking; small family. Call at 907 L street. fe18-3t*

A BARBER WANTED AT NO. 517 K street. 1t*

WANTED—A1 SALESMAN WITH GOOD record; must furnish bonds; big money for a hustler. Address D., this office. fe17-3t*

WANTED—A1 SOLICITOR FOR SACRAMENTO and surrounding country that can furnish bonds. Address D., this office. fe17-3*

WANTED—1,000 STRONG MEN TO empty a schooner of beer and take a free hot lunch, all for 5 cents, at Headquarters Saloon, 508 K street. fe17-3t*

WANTED—BY A YOUNG GIRL, A place to help do general housework. Please call at 2401 K street. fe17-2t*

WANTED—BY A FIRST-CLASS CHEESE and butter-maker, a situation on a large dairy. Call at California Hotel, Twelfth and I streets. fe17-3t*

WANTED—A SITUATION BY A GARDENER who thoroughly understands the cultivation and propagation of all fruits and vegetables. Address GARDENER, this office. fe17-3t*

WANTED—SITUATION AS BOOKKEEPER, cashier, or collector; will deposit cash security, or loan the same; wages moderate. Address BOOK-KEEPER, this office. fe17-7t*

A MIDDLE-AGED LADY DESIRES A situation as seamstress and dressmaker; a comfortable home desired, with small salary. Address 1111 L street, down stairs. fe17-3t*

SITUATION WANTED—BY A GOOD gardener, who understands vineyard and orchard work; will take best care of horses and cows. Inquire for GARDENER at Mechanics' Exchange, 120 I street. fe17-3t*

A GOOD DRESSMAKER CAN ACCOMMODATE a few customers by day or week. Perfect fit and style guaranteed; call or address, 1729 Ninth street. fe17-3t*

WANTED—THREE OR FOUR FURNISHED rooms, suitable for housekeeping; good location. Address C., this office. fe16-5t*

WANTED—ROOM AND BOARD IN PRIVATE family for gentleman, wife and child. Address C., this office. fe16-5t*

INFORMATION WANTED OF JOHN DONAHUE, a native of City of Dublin, Ireland. Was here in early days. Please write or send word to JAMES WARD, 241 Minna street, San Francisco. fe15-7t*

WANTED TEAMS—PARTIES WITH teams or traction engines to take contract to haul three million feet of lumber. All summer's work; for further particulars address, EL DORADO MILL & LUMBER CO., Diamond Springs, Cal. fe14-tf

WANTED—ONE OR TWO CHILDREN to board; good home and care. Address Board, this office. fe12-7t*

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 HAIRPIN. RETURN TO 710 J street and be rewarded. 1t*

To Let or Rent.

TO LET—THREE FURNISHED ROOMS for light housekeeping; $13; no children. Apply 616 P street. 1t*

TO LET—TWO NICELY FURNISHED rooms, suitable for housekeeping, also use of kitchen. Apply at 1512 O street. fe18-3t

TO LET—A COTTAGE OF FIVE ROOMS and bath; all modern improvements; good stable on the place. Inquire at GRANGE SALOON, Tenth and K streets. fe18-tf

TO LET—HOUSE OF 14 ROOMS FURNISHED for boarding and lodging; rooms all rented and doing a good business. Apply this office. fe17-7t*

HOTEL TO RENT, OR EXCHANGE FOR city property; furnished in running order; doing a fair business. Inquire at this office. fe15-1m

TO RENT—TWO OR THREE ROOMS FOR light housekeeping. Apply at 1528 Second street. fe12-7t*

TO LET—NO. 1613 P STREET, A COTTAGE of five rooms, and also a barn. Apply to MRS. J. A. BARRETT, 701 Twelfth street. fe11-tf

TO RENT—FURNISHED AND UNFURNISHED rooms, suitable for housekeeping; rents from $4 to $8. Inquire at 309 M st. f6-tf

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

For Sale.

FOR SALE CHEAP—A GENTLE HORSE, suitable for a family; also phaeton, cart and harness. Inquire at 1023 Third st. fe18-7*

FOR SALE OR EXCHANGE FOR CITY property—A first-class restaurant, nicely located, doing good business; good reasons for selling. Inquire at 606 I street, MUDDOX & FEE. fe17-7t

FOR SALE—NICE COTTAGE, HOUSE and lot in Highland Park, at 850; also, vacant building lot at a very low price. Inquire of STROBEL, 317 J street. fe17-4t*

FOR SALE—A HORSE, HARNESS AND two-seated carriage: horse seven years old, sound and gentle. Apply 1218 F st. fe16-tf

FOR SALE—NEW CART, HARNESS, show-case and two fancy pictures. Apply at FORREST, 415 K street. fe13-7t*

FOR SALE, AND MUST BE SOLD WITHIN the next thirty days—80 acres of fine fruit land, situated 7 miles from Roseville Junction, Rocklin and Loomis, and 5 miles from Folsom; the land is on the American River, in the Placer County fruit belt; 32 acres are cleared; 4 acres in table grapes; 3 acres in Crawford and Late George peaches; a small house of 3 rooms; stabling for 2 horses, barn and chicken house; also, well of good, pure water, 16 feet in solid granite; price, $1,600, or $20 per acre; will be sold on a liberal credit. Address E. BOOTH, Roseville Junction, Placer County, Cal. fe12-7td&1tw

FOR SALE—210 ACRES OF LAND IN EL Dorado county, five miles west of Placerville, two miles from Diamond Station; this is good fruit and vine land; 150 acres under ditch; ditch and water right goes with the place; all fenced; orchard of 500 trees; house, barn and out-buildings; price, $5,000; easy terms; will meet anyone at Diamond Station that wishes to see this place. Address M. J. WILLIAMS, Placerville. ja 3-31t*

General Notices.

$300 TO LOAN ON GOOD SECURITY. Apply at 727 L street. fe14-7t*

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

Capay Valley Lands.

A CAPAY COLONY.

Busy Fruit-Growers in a Pretty Yolo Valley—Tancred and Its Adjoining Farms.

IN THE SPRING OF LAST YEAR Robert A. and Neal D. Barker associated themselves with William McKay, all of Oakland, with a view of searching out a suitable location in which to engage in the profitable occupation of fruit-growing. After visiting many localities, they decided on the Capay Valley, Yolo County, and the Rhodes tract at Tancred.

Negotiations were opened with the Capay Valley Land Company, owning the tract in question. With W. H. Mills, the General Agent of that company, they arranged for the purchase of about 220 acres of foothill land. This being more than they had thought of taking for their own use, they spoke to a number of friends about it, with the result that the tract was divided among the following people: B. L. Hickok, 40 acres; W. T. Barnett, 20 acres; N. T. Greathead, 20 acres; Mrs. L. Greathead, 20 acres; W. McKay, 20 acres; N. D. Barker, 20 acres; R. A. Barker, 20 acres; J. P. Brownlee, 20 acres; E. H. Haslett, 10 acres; Joseph Barker, 10 acres; A. W. Kelly, 10 acres, and Frederick Kelly, 10 acres.

So far this had been merely a private venture of the gentlemen above named, but in talking up the question of dividing the land already purchased, it was found that so many more would like to join it than the area of the purchase would admit of, that it was suggested on all hands, "Why not get some more land and divide it up in the same way?" Then followed the idea of a stock company to take hold of a larger tract and arrange for the cultivation of the whole of it, after subdividing it according to the requirements of the subscribers. A provisional board was formed, a prospectus issued, and finally, on the 5th of June, 1890, the Western Co-operative Colonization and Improvement Company was duly registered and proceeded to business, with the following officers: President, William McKay; Vice-President, M. P. Brown. Directors—H. C. Ellis, Charles Brooke and R. A. Barker; Secretary and General Manager, Neal D. Barker; Solicitor, C. E. Snook; Treasurer, First National Bank of Oakland.

The balance of the tract, 373 acres, was purchased. A contract was entered into for the purchase of a large number of fruit trees, vines, etc. This early purchase of trees was the means of saving between $3,000 and $4,000 to the company, the prices in some cases having more than doubled since then.

The ideas which the prospectus set forth have been but slightly modified and the progress of the company has been uninterrupted. Those who went into it doubtingly have become enthusiastic, and almost all the members arranged to set out all their land in fruit trees, etc., the first year. Consequently in this, the first season, some 40,000 trees and between 20,000 and 30,000 vines will be planted.

The satisfactory working of this scheme has had the effect of attracting considerable attention to the work of the Colony Company, and a number of people are now desirous of joining in with them. An additional 200 acres have been added to the sixty acres originally purchased.

For the company is predicted a very bright future, as well as for the beautiful valley in which their operations are conducted. How this marvelous little garden has come to be so long neglected is a puzzle to every one who has visited it, but one thing is very sure, and that is that this neglect will never again be felt in the valley.

The fruits set out are mostly of the standard varieties—peaches, apricots, Bartlett pears, prunes, figs, raisin grapes, etc., while along both sides of the avenues, throughout the tract, walnuts will throw their graceful shade. A considerable number of citrus trees are also being set out; quite a sufficient number to demonstrate that these fruits can be successfully grown in the valley, about which the colonists appear to have no doubt, provided proper care is given to the young trees. Neal D. Barker, General Manager of the company, resides on the tract, and to his care is to be ascribed much of the success of the venture.

Mention should be made of the town-site, about which there is a pleasant innovation which might with profit be followed by more ambitious places. A small park of some three acres has been laid out right in the center of the town. This park it is proposed to beautify by planting in it from time to time as many of the beauties and curiosities of tree and shrub life as may be obtained by diligent search and a wise expenditure of money. It is not expected that Tancred will ever be a large and busy city, but it is thought that it can be made a very pleasant little place to dwell in.

A petition has been circulated recently and very largely signed, asking the county to accept Island avenue, on the colony tract, as a county road, and to build a bridge across Cache Creek at this point, in order to give the settlers on the east side of the creek access to Tancred Station. The Tancred colonists are quite willing to give the necessary right of way, and are very desirous of having a bridge there, as the colony lands extend along both sides of the stream. It is thought that it would be a very wise expenditure of public money to grant them this very necessary improvement, as the operations of such companies are of widespread benefit to the whole county and State. The attractions and comforts of the cities are well known, but to those who are willing to settle on the land and show that the country also affords attractions and comforts and ways of making money pleasantly, every inducement should be held forth.

The following is a list of the principal members of the Tancred Colony, with the number of acres owned by each, and a fact worthy of mention is that in each contract or deed issued by the Colony Company there is a provision that no intoxicating liquor shall ever be manufactured or sold on the land. The apparent success of the enterprise shows that the ideas and plans of the colony, as set forth in the prospectus some time ago, are not impracticable: C. T. Hull, Berkeley, 5 acres; W. P. Hammon, Oakland, 14 acres; C. S. Kasson, San Francisco, 11 acres; Jos. Barker, 10 acres; A. W. Kelly, Kincardine, Ont., 5 acres; N. T. Greathead, 5 acres; R. G. Greathead, Oakland, 10 acres; R. A. Barker, San Francisco, 10 acres; N. D. Barker, Tancred, 10 acres; Dr. K. Favor, San Francisco, 27 acres; J. P. Brownlee, Kincardine, Ont., 9 acres; W. T. Barnett, Berkeley, 5 acres; M. P. Brown, 10 acres; Chas. Brook, Sr., Oakland, 10 acres; W. C. Boutelle, Berkeley, 20 acres; Mrs. T. A. Crelin, Oakland, 5 acres; C. H. Peach, Tancred, 5 acres; H. C. Ellis, Oakland, 10 acres; J. Vanstone, Winnipeg, 10 acres; E. A. Vanstone, Tancred, 5 acres; E. Wadsworth, Sacramento, 5 acres; M. A. Thomas, Oakland, 6 acres; James Graham, San Francisco, 11 acres; A. Stark, 12 acres; J. Stark, 10 acres; Mrs. M. Vrooman, 5 acres; C. E. Snook, 10 acres; C. T. Greathead, 12 acres; Wm. McKay, 5 acres; Mrs. Wm. McKay, Oakland, 5 acres; Mrs. E. C. Wooley, Brooklyn, N. Y., 10 acres; Mrs. H. Beckley, Oakland, 5 acres; T. A. Marriett, 5 acres; J. C. Harrison, Tancred, 5 acres. The land reserved by the Colony Company, including townsite, consists of 61 acres. fe15d&wtf

Miscellaneous.

COMING TO SACRAMENTO!

DR. LIEBIG & CO.,

OF SAN FRANCISCO,

The well-known Specialist of the Liebig World Dispensary and International Surgical Institute of Kansas City and San Francisco, will visit

SACRAMENTO, Feb. 19th, 20th and 21st.

Offices for Free Consultation at 1001 1-2 Fourth Street, bet. J and K.

Chronic and Complicated Diseases of Men, Blood, Skin and Nervous Diseases.

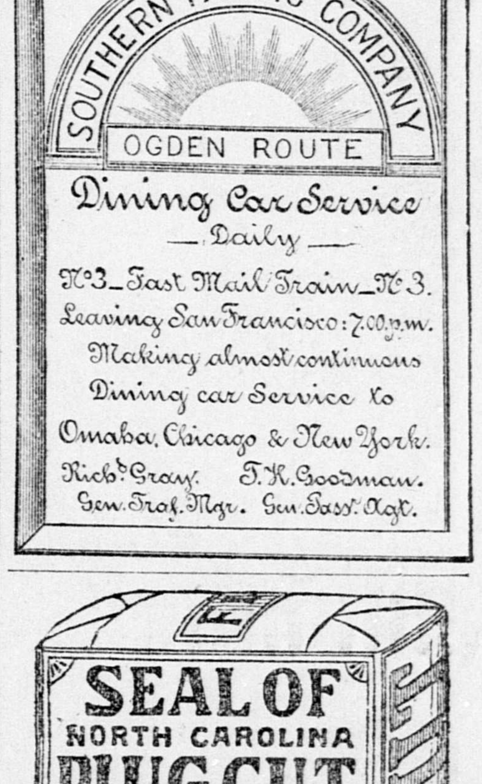
By the use of latest scientific remedies, hot springs and mud baths are unnecessary in the treatment of blood and skin diseases. Loss of vitality, hernia or rupture, hemorrhoids or piles specially treated.

Eye, Ear, Nose and Throat.

The reason the ordinary oculist and aurist so often fail to cure diseases of the above organs is owing to the fact that most diseases require proper constitutional treatment.

Deformities and Diseases of Women and Children.

Braces, splints, appliances for deformities, surgical treatment for malformations and chronic diseases of every description.
fe14-tillfe21&w1t



The great success of this well-known brand has flooded the country with inferior imitations.

Smokers—Beware of dealers who try to force on you an inferior Tobacco, under the pretense it is as good as "Seal." You know what you want. See that you get it.
MWF

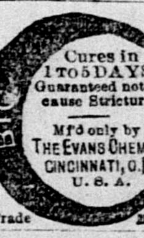
ALIAS SUMMONS—STATE OF CALIFORNIA, County of Sacramento, ss. In the Superior Court in and for said county. The People of the State of California, to J. EDWARDS & CO., greeting: You are hereby notified that an action was commenced in the Superior Court of the County of Sacramento, State aforesaid, by filing a complaint in the Clerk's office of said Court, on the 11th day of January, 1890, in which action E. A. PHELPS and S. M. MILLER, copartners, doing business under the firm name and style of PHELPS & MILLER, are plaintiffs, and you are defendants. That the general nature of the action, as appears from said complaint, is as follows: To recover judgment against you for $496 95, alleged to be due to plaintiffs from you for goods, wares and merchandise, sold and delivered by plaintiffs to you within the two years last past. All of which is fully set forth in the complaint on file herein, reference to which is hereby made, and you are hereby directed to appear and answer said complaint within ten days from the service of this writ, exclusive of the day of service, if served on you in said County of Sacramento; and within thirty days, exclusive of the day of service, if served elsewhere; and you are further notified that unless you so appear and answer within the time above specified the plaintiff will take judgment for $496 95 and costs of this action.

In witness whereof I, W. W. Rhoads, Clerk of the Court aforesaid, do hereunto set my hand and affix the seal of said court, this 2d day of February, A. D. 1891.

W. W. RHOADS, Clerk.
By J. F. DOODY, Deputy Clerk.
THOMAS W. HUMPHREY, Attorney for Plaintiffs. fe4-9tW

Wood-working Machinery

OF ALL KINDS, OF BEST make and Lowest Price. SAWMILL AND SHINGLE MACHINERY, HOE CHISEL TOOTH SAWS, Etc.



ENGINE GOVERNORS,

IRON-WORKING TOOLS, CROSBY STEAM GAUGES, ENGINES and BOILERS of any capacity, etc.

TATUM & BOWEN,
34 and 36 Fremont street, San Francisco, Manufacturers and Agents. WS

BIG G 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

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.
Sold by Druggists. PRICE $1.00.

FRIEND & TERRY
Lumber Company.

MAIN YARD AND OFFICE, 1310 Second street. Branch Yard, corner Twelfth and J streets.