

TRIAL BY JURY.

Held to be Unnecessary in City Ordinance Cases.

Police Judge Cravens Renders His Decision in the Case of Ellsworth, the Saloon-Keeper.

Police Judge Cravens, in a long and carefully prepared decision, yesterday reviewed the demand of William Ellsworth for a trial by jury on a charge of having kept open his saloon after midnight in violation of a city ordinance.

The defendant in this case is charged with violating an ordinance of the City of Sacramento which requires all bars, saloons, or other places where liquors are sold by the bottle or glass, to be closed between the hours of 12 o'clock midnight and 5 o'clock in the morning.

The defendant enters a plea of not guilty and demands a jury trial, and the question before the court is, is he entitled to a jury trial as a matter of right? The constitutionality of the ordinance is not in issue.

The right of trial by jury shall be secured to all and remain inviolate; but in civil actions there shall be no trial by jury in any case where the amount in controversy does not exceed \$500.

It is in this common law sense that the language has always been regarded by the courts of this State as a right secured to all and inviolate forever in cases in which it is exercised in the administration of justice according to the course of the common law.

Mr. Sedgwick, in his work on "Statutory and Common Law," says: "When the Constitution guarantees the right of trial by jury it does not mean to secure the right in all possible instances, but only in those cases in which it existed when the Constitution was formed."

It is contended on the part of the defendant that the right has been enlarged by the provisions of the Constitution which allow a trial by jury in cases not amounting to a felony.

It is clearly settled that the common law in relation to jury trials is in existence in this State. This calls upon us to determine what the common law right of trial by jury was, and whether or not it included the class of cases which are now included in the ordinance.

It is contended on the part of the defendant that the common law right of trial by jury in cases not amounting to a felony was not included in the ordinance.

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Statute law and by-laws are intended to meet different wants and exigencies, and to reach different purposes.

It is contended by defendant's counsel that the ordinance with which he is charged is a mere regulation of the police power of the corporation.

This contention of counsel is answered by the suppression of the State in Pillsbury vs. Brown, 47 Cal. 47.

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DISSEMINATING STUDENTS.

Pupils Who Were Well Up in Their Studies Last Month.

Following is the roll of honor of students at the Christian Brothers' College for the month of November.

The monthly distribution of testimonials took place yesterday. The first figures indicate percentage in studies.

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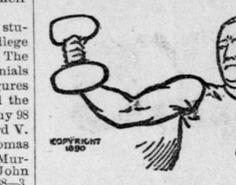
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MISCELLANEOUS.



WET WEATHER GOODS.

The long-expected rainy weather is now upon us, necessitating the use of solid, stylish and durable footwear of every description.

Men's Extra-heavy Snap-proof Hip Rubber Boots, made of pure Para rubber on heavy army duck, well stayed, double knee cap and tap sole, Cande brand.

Men's Extra-light Pure Rubber Hip Hunting Boots, cotton lined, light tap sole, tight fitting, Cande brand.

Men's Hip Rubber Boots, heavy tap sole, double knees, seams are all double stayed, all sizes, Cande brand.

Ladies' Light-weight Knee Rubber Boots, pebble leg, narrow and medium widths, beautiful fitter, Cande brand.

Misses' Light-weight Knee Rubber Boots, same style as the women's, sizes 11 to 2, Cande brand.

Boys' Knee Rubber Boots, wool lined, sizes 3 to 6, Cande brand.

Men's Light-weight Gossamer Rubbers, called feather-weights, Cande brand.

Men's Heavy Rubber Overs, Cande brand.

Men's Best Footholds, no heels, Cande brand.

Ladies' Gossamer Rubbers, extra light, made on a shapely last, narrow and wide widths, Cande brand.

Ladies' Gossamer Rubbers, light weight, for narrow-toed shoes.

Ladies' Heavy-weight Rubbers, Cande brand.

STREET CARS LAID UP.

The Highland Park and Upper K Street Lines Discontinued.

The Central Electric Railway Company yesterday discontinued the Highland Park horse-car line, also the cars on K street east of Tenth.

It appears that most of the Highland Park residents traveled on the electric cars, which run on the eastern end of the track, while the horse-car line entered the latter on the west side, only four blocks distant.

The K street line east of Tenth carried very few passengers, being between the J and M street electric line.

Auction Sales. To-day, at 10 o'clock a. m., Bell & Co. will sell at auction, at their salesrooms, Tenth and J streets, a steamboat load of new and elegant furniture.

W. H. Sherburne will to-day, at 10 o'clock a. m., at his salesroom, 323 K street, begin the sale of his household goods.

Settled on the Outside. Robert E. Reed, the bookbinder, who some time ago locked his affections with those of Hattie Miller, the daughter of noisy Mrs. Miller, appeared in the Police Court yesterday to answer to a charge of disturbing the peace of the said Hattie.

To Point a Moral, or Adorn a Tale. An index to the bills of the Legislature has been issued from the State Printing Office. It was compiled under the direction of State Librarian Perkins.

The volume will be found quite useful to members of the next Legislature, as it will not only acquaint them with the titles of deserving measures, but also of those which it would be wise to leave unresurrected.

Railroad Hospital Report. Dr. Huntington, Superintendent of the Southern Pacific Company's Hospital, reports as follows for November: Number of patients in hospital November 1, 1891, 50; admitted during month, 71; discharged during month, 55; died during month, 3; number of patients on hand December 1, 1891, 72. Total number of private hospital office patients treated during month, 318.

Rehearing Asked For. Yesterday a petition for a rehearing was filed with Deputy Superior Court Clerk Govan in the case of Moore vs. East, which was decided by the Supreme Court about three weeks ago.

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RAILROAD TIME TABLE.

Table with columns: LEAVE TRAINS RUN DAILY, ARRIVE. Lists various train routes and times for the Southern Pacific Company.

Advertisement for 'A Coolie's EXTENSIVE CIGAR HOUSE' located at 829 1/2 Street, Sacramento.

Advertisement for 'WE KEEP Leading Brands TOBACCO' at lowest market prices.

Advertisement for 'C. H. GILMAN, RED HOUSE, SACRAMENTO.' Specializing in millinery and ladies' stylish hats.

Advertisement for 'O'BRIEN'S' shoe store, 607 J Street. Specializing in men's shoes.

Advertisement for 'AHEAD OF ALL, MAGEE RANGES.' Specializing in parlor heating stoves.

Advertisement for 'H. K. WALLACE, 318-315 J St., Sacramento.' Specializing in furniture, bedding, mirrors, etc.

Advertisement for 'W. D. COMSTOCK, FURNITURE, BEDDING, MIRRORS, ETC.' Specializing in furniture and home goods.

Advertisement for 'JAS. G. DAVIS Furniture and Carpets.' Specializing in furniture and carpets.

Advertisement for '\$10,000 Reward' for information regarding a specific case.

Advertisement for 'PIK-RON' paint, highlighting its durability and ease of use.

Advertisement for 'Liebig Company's Extract of Beef', promoting its health benefits.

Advertisement for 'HUMPHREYS' medicine, listing various ailments it treats.

Advertisement for 'SPECIALTIES' from J.P. Pace Tobacco Co., listing various tobacco products.

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