

STREET SPRINKLING.

The Trustees Award Contracts Therefor for Six Months.

Changes in the Delegates to the Trans-Mississippi Congress—Sidelwalk Objected to.

The Board of Trustees convened yesterday for the purpose of awarding street sprinkling contracts.

Trustee Conklin said that before the bids were opened he wished to make some suggestions.

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report on his return whatever he had been able to learn there in relation to it.

The Trustees acted on the suggestion yesterday, and he has been furnished with credentials as the city's representative in the matter, which will open the door for him to obtain valuable information.

MADE IT STICK. Gus Haberdank's Alibi Served to Secure an Acquittal.

The Haberdank case was concluded in Judge Catlin's court yesterday.

Assistant District Attorney Jones made the opening and closing arguments for the people, and H. W. Johnson argued the case for the defense.

On the 7th of last August one Louis Kaeding, an unscrupulous Swede, who had been but a short time in the state, came to the city with some \$50 of his hard-earned savings.

He then took Kaeding down on Front street, including the driveways in the City Cemetery and to the Riverside road.

No. 5 from Sixth to Fourteenth, and I to the Central Pacific Railroad tracks, including the Twelfth-street road to North Street.

No. 6 from Fourteenth to Thirty-first, and street to the Central Pacific Railroad tracks on the north, including the roadways in New Helvetia Cemetery.

No. 7 from Thirty-first to Thirty-sixth, and I to Y, including Y street from the east line of Twelfth to the east line of Seventeenth.

No. 8 from Twenty-first to Twenty-sixth, and I to R.

No. 9 from Twenty-sixth to Thirty-first, and I to R.

The specifications have been drawn up very carefully by Street Commissioner Green, and he thinks there is no possible loophole left through which the contractors can escape giving satisfactory service to the city.

The contracts were awarded as follows: District No. 1—A. L. Roza, \$1,000; No. 2—G. H. Burns, \$1,200; No. 3—T. Burris, \$1,700; No. 4—A. F. Silva, \$1,450; No. 5—A. F. Silva, \$1,450; No. 6—L. A. Spurgeon, \$1,450; No. 7—G. H. Burns, \$940; No. 8—L. A. Spurgeon, \$1,450; No. 9—L. A. Spurgeon, \$1,450.

L. A. Spurgeon and John Hughes tied on a bid of \$1,250 for sprinkling District No. 4, and Trustee Conklin moved that as Spurgeon had secured No. 7, he be awarded the contract to Hughes, who had not been so fortunate.

Lincoln White, as Spurgeon's attorney, protested against such action, saying, as he said, had put in the lowest bid for District 4 and 6 jointly, his bid being nearly \$400 lower than any other two bids for the two districts, and he thought that in equity he ought to be awarded District No. 4. He could work the two districts with five teams, but would need three teams to work No. 7 alone.

The Mayor thought if the two bidders could not agree, the best way was for them to bid again, and quite a discussion ensued over the matter.

Spurgeon asked leave to withdraw both his bids and retire entirely, but was not allowed to do so.

On motion of Trustee Green the contract for District No. 4 was ordered to be readvertised for, the bids to be ready next Monday.

H. Weinstock and Dr. Dixon appeared before the board and stated that several gentlemen who had been chosen as delegates to the Trans-Mississippi congress were unable to go, and they requested the appointment of others in their places.

The board appointed Joseph Steffens vice R. T. Devlin, Colonel McNasser vice J. W. Wilson, Alvin J. Bruner vice G. M. Dixon, and W. Hassett vice E. J. Gregory.

SEWERAGE COMMISSION. The Mayor stated that the former board had taken some action in regard to a system of sewerage for the city, and moved that to further such action George Stoddard, Charles Hayes, E. M. Luckett, C. Pierson and J. C. Boyd be appointed to examine into and prepare plans for such a system. The Mayor said that in money, but it would be economical to do so.

The board concurred in his idea, and they were appointed.

UNSAFE SIDEWALK. City Engineer Boyd called attention to a sidewalk which extended on J street, between Eighth and Ninth, and which he did not consider either a good or a safe one, and thought it should not be allowed to proceed further.

DANIEL GARDNER'S APPEAL.

It Was Regarded Favorably by the Supreme Court.

Which Reverses the Judgment and Orders a New Trial—Why the Reversal Was Granted.

The Supreme Court has reversed the judgment in the case of Daniel Gardner, who was convicted in this county in November, 1891, of criminal assault upon a little girl named Lizzie Cox, and sentenced by Judge W. C. Van Fleet to five years in the State Prison.

After he had been in prison one week his attorneys, Grove L. Johnson and S. S. Holl, procured his return to the County Jail on a writ of probable cause, pending appeal to the Supreme Court.

The latter was of the opinion that the court had no jurisdiction to affix any penalty, or render any judgment, for the reason that no punishment was provided for the offense by the statute; also, that the information did not state facts sufficient to constitute a public offense.

The objectionable language of the information is "said Lizzie Cox being then and there under ten years of age."

The decision of the Supreme Court was filed yesterday in the office of the Clerk of the Supreme Court, and is as follows: It is now insisted that the information does not show the facts to have been under 14 years of age.

Appellant's (Gardner's) position has no merit, and the objectionable information, if it is objectionable, is entirely too technical to be reached otherwise than by special demurrer. As to the remaining ground presented for reversal, judgment is not a matter that could be argued upon the hearing of such a motion.

A motion of that character can only be based upon defects appearing on the face of the information or indictment. But the question is before us on appeal from the judgment, and we proceed to its consideration.

It is essential that no penalty is prescribed by statute for a conviction of the offense here charged. It will be noticed that the defendant was convicted of an attempt to commit rape, and not of the offense of an assault with intent to commit rape, for which provision is made by the Penal Code.

In order to determine what the punishment for an attempt to commit rape is we must look for the longest term of imprisonment imposed for the commission of the crime of rape. A defendant convicted of rape may be sentenced for life or he may be sentenced for any term not less than one year.

It is insisted that a judgment of life imprisonment is a longer term of imprisonment than one for any stated number of years, and the statute providing for judgment upon the defendant should be for a term of years not exceeding one-half of the longest term prescribed upon conviction for the crime.

It follows that the judgment should be for a term of years not exceeding one-half of the defendant's life, and such a term of years being impossible of calculation, the statute is meaningless, and consequently no penalty for this offense is found in the law.

This reasoning is ingenious, but not sound. If the judgment is to be in excess of one-half of the longest term that could be given, in case the defendant is sentenced to life imprisonment, it cannot be in excess of one-half of the longest term that is a longer term.

The evidence is sufficient to support the verdict, and in this case the evidence of the prosecuting witness, if convincing the jury and satisfying the law, need not be corroborated.

The court erred in admitting the testimony of the witness Brier.

One Stone was examined as a witness at the preliminary examination of defendant. At that time it was found that said Stone could not be found in the state, due diligence being used.

The deposition was rejected by reason of a defective certificate thereto, and thereupon the prosecution was called and testified as to the evidence given by the witness Stone, at the preliminary examination.

One of the objections made to the admission of the evidence was that the admission of an absent witness, given at the preliminary examination, could only be used at the trial by the introduction of his deposition taken at that time.

Both reason and authority sustain this position. In this case the testimony of an absent witness to be given to the jury through the medium of the recollection of a bystander at the hearing, and the reporter occupied no different position.

While heretofore the law in this respect has been peculiarly favorable to the defendant, it is to be observed that the facts here divulged by the record do not place this case with the former cases, and the general rule. Whatever may be the evidence regarding these matters in civil actions as declared by the Code of Civil Procedure, that rule has no application to criminal cases. The law states that defendant is entitled to be confronted with the witnesses against him in the presence of the court, with but a single exception, and this case is not that exception.

By rejecting the official notes, the court in effect held that it was not a deposition, and that being established, the exception provided by the statute requiring the presence of the witness in the court at the trial was not complied with, and the witness knowledge of the facts of the case could only have been pronounced before the jury from his own lips. No authority has been called to our attention which would justify the admission of the evidence here introduced.

The proposed evidence of the witness, Rich, as to the statements made to him by the prosecuting witness that she was going to get some money out of the defendant if she had to put up a job on him, was admitted, and it is to be observed that the prejudice and interest in the case, providing the proper foundation was laid when she was on the stand, but we are not referred to the facts of the transcript where such foundation is found.

The objections made by the Attorney-General to the admission of the record in this case are technical in the extreme, and we pass them by as not demanding extended notice.

the officers, but yesterday Officer Talbot ran across Daley and arrested him. The latter was also wanted on suspicion of having been implicated with Frates and a young man named Buglies in the theft of a pitcher of beer from a man who was on his way home with it.

TRANS-MISSISSIPPI CONGRESS. Action Taken by Local Delegates—Telegram to the Governor.

The Sacramento delegation to the Trans-Mississippi Congress, which is to assemble at Ogden, April 24th, met in the office of the Farmers and Mechanics' Bank last evening for organization.

Major H. Weinstock was elected Chairman of the delegation, and George B. Kates, San Francisco, was elected Secretary.

After a free discussion of the subject matter it was unanimously resolved to endorse the resolutions addressed to the congress and adopted at the San Francisco meeting on Tuesday evening last.

A telegram was prepared and ordered sent to Governor Markham, as follows: Hon. H. M. Markham, President, Cal. Trans-Mississippi Congress, Ogden, Utah. The Sacramento delegation to the Trans-Mississippi Congress respectfully request that your excellency be pleased to accept the delegation to Ogden, as we firmly believe that your presence in Ogden will materially aid us to obtain the important resolutions we hope to achieve for California.

Notaries Public. The following named have been commissioned Notaries Public by the Governor: W. J. Clarke, College City, Colusa County; F. P. Bruner, San Diego, San Diego County; Richard D. List, O. G. Johnson, L. L. Washburn, S. W. Hutton, Robert N. Bulla, Charles J. Fox, J. H. Meville, W. L. Cleveland, W. W. Phelps, W. J. Cox, J. B. Campbell, Los Angeles, Los Angeles County; Alameda County: Richard White, Oroville, Butte County; J. N. King, Selma, Fresno County; Frank M. Mottage, Rutherford, Napa County; H. Kelsey, Moreno, San Bernardino County; George A. Young, Jacob Underhill, San Francisco; C. H. Wyman, Stockton; B. E. Laughlin, Los Alamos, Santa Barbara County; J. Scott, San Jose; George Wood, Sierra Valley, Sierra County; W. W. Parr, Sebastopol, Sonoma County; C. S. Brooks, Marysville, Yuba County; S. W. Hutton, Riverbank; Isabel B. Winslow, Pasadena; T. C. Bondin, Azusa; James D. Knox, Los Nietos; J. W. Anderson, W. H. Harrison, Redondo Beach, Los Angeles County; Thomas Loyd, University, Los Angeles County.

The Weather. The Weather Bureau reports show the highest and lowest temperatures yesterday to have been 66° and 46°, with high to brisk northerly winds and clear weather prevailing.

The barometrical readings at 5 A. M. and 3 P. M. were 30.27 and 30.22 inches, respectively.

The highest and lowest temperatures one year ago yesterday were 76° and 50°, with a sprinkle of rain and one year ago to-day 67° and 48°, and no rain. But on the 15th of April last year there was .50 of an inch of rain measured.

An Amateur and a Professional. William Burk, a young man, was up before the Police Court yesterday for being drunk. He pleaded guilty, claiming that it was his first offense, and he was released.

Mary Roberts, the female terror, was up for the first time in over a month. She, too, had been drunk, but not nearly so drunk as she could get, and she claimed to have been both industrious and sober some of the time since she was last in jail, she was discharged.

The habeas corpus proceedings in the case of "Dr." Graham and his wife were up before Judge Catlin yesterday, and after being concluded, he announced that he would hear them this morning.

Revival Services. Rev. B. H. Greene of Tulare City is holding revival services at the M. E. Church south on Seventh street.

The cheapest place to buy fish, East-end Market, Twelfth and J streets.

DELICIOUS Flavoring Extracts

NATURAL FRUIT FLAVORS. Of perfect purity. Of great strength. Economy in their use. Flavor as delicately and deliciously as the fresh fruit.

MAILED. KAUFMAN-GILLIS. In this city, April 12th, at the residence of the bride, by Rev. T. C. Jones, Pastor of W. L. Kaufman to Etta M. Gillis, both of Sacramento.

DIED. GEORGE. In Stockton, April 11th, Fred L. George, a native of Sacramento, Cal., aged 29 years, 4 months and 23 days.

BSCH. In this city, April 13th, John William, eldest son of John and Martha Busch, a native of Sacramento, aged 8 years, 6 months and 9 days.

FARNSWORTH. In this city, April 13th, John Farnsworth, a native of Sacramento, aged 53 years, 8 months, and 23 days.

When Baby was sick, we gave her Castoria. When she was a Child, she cried for Castoria. When she became Miss, she clung to Castoria. When she had Children, she gave them Castoria.

MAPLE SUGAR. TO LOVERS OF A STRICTLY PURE Maple Sugar we will say that we have the best in this city.

KILGORE & TRACY, CASH GROCERS. N. E. Corner Eighth and J Streets, Sacramento

Changed Daily for Weinstock, Lubin & Co.

To-day at 9:30 A. M.

Owing to our large mail order and city business, we find ourselves with a large accumulation of Remnants in the Domestic Department. These we have decided to close out at once by reducing in price and selling at special sale. In the collection will be found useful lengths of

PRINTS, GINGHAMS, PERCALES, CRASH, SATEEN, SEERSUCKER, SHEETINGS, CRETONNES, TICKINGS, FLANNELS, TABLE LINEN, DRESS LINING, WHITE GOODS, MUSLIN, FLANNELETTES, ETC., ETC. DOMESTIC DEPARTMENT.

World's Fair Medals, in three kinds of metal; very handsome, 50c. NOTION DEPARTMENT.

See the Seven-piece Bedroom Suit in center doorway. Louis XVI. finish and bevel plate cheval glass. Price, \$22 50.

A large assortment of new Willow Straw Hats, sailor shape, for ladies' wear. Price, 50c. Many colors.

DIRECT FROM NOTTINGHAM. We have received a very large stock of Lace Curtains at \$1 to \$3 per pair, and all direct from Nottingham, England. The patterns are handsome and the values the best possible.

SOME NEW GOODS. White Lawn Aprons, with two-inch open-work embroidery, and finished at top with deep gros-grain ribbon fringe, \$1 50. Dotted Swiss Aprons, new Irish point embroidery, 75c.

Children's White Sun Bonnets, with pink and blue embroidery; very pretty, 75c. A New Purse, with patent opening, allowing change to be taken out easily, 25c. New Collars for children's wear, deep embroidery trimming, white or colors, at 25c, 35c, 50c and 65c.

New Finishing Braid for trimming muslin underwear and children's clothes, with an open-work edge, 25c and 30c a piece.

BLACK SATEEN SKIRTS. Ladies' Black Sateen Skirts, with five rows of fine tucks, deep flounce, handsomely trimmed with all-wool Yack lace. Price, \$1.

WEINSTOCK, LUBIN & CO. AGENTS FOR STANDARD PAPER PATTERNS, 400 TO 412 K STREET, SACRAMENTO.



INGRAM & BIRD, FURNITURE AND CARPETS. 617 K STREET.

JUST RECEIVED. All the Latest Styles in Gents, also in Ladies, Misses and Children's SHOES, and marked down to break prices at

O'BRIEN'S, 607 J STREET.

Men's French Calf Hand-well Shoes, in lace or congress. \$5 00. Men's Fine Calf Dress Shoes. 3 00. Workingmen's Shoes, in buckle, lace or congress. 1 05. Ladies' French Dongola, Opera or Square Toe, Diamond Tip. 3 00. Misses' Fine Dongola Button Shoes, tip. 1 75. Children's Dongola Button Shoes. 1 25.

Attorneys-at-Law. A. L. HART, ATTORNEY-AT-LAW—OFFICE, SOUTH-west corner Fifth and J streets, Rooms 12, 13 and 14. Sutter building.

WILLIAM A. GETT, JR., ATTORNEY-AT-LAW, SUTTER BUILDING, 14th and J streets, Sacramento. Telephone No. 359.

Underwriters. J. FRANK CLARK, UNDERTAKING PARLORS, 1017-1019 Fourth St., Sacramento. EMBALMING A SPECIALTY. GEORGE J. CLARK, Funeral Director and County Coroner. Telephone No. 124.

W. J. KAVANAUGH, Undertaker, No. 513 J St., bet. Fifth and Sixth. ALWAYS ON HAND A LARGE ASSORTMENT of Metallic and Wooden Caskets. Partial Cases, Coffins and Shrouds furnished. Coffin orders will receive prompt attention on short notice and at the lowest rates. Embalming a specialty. Office open day and night. Telephone No. 505.

CAPT. RUHSTALLER'S Extra Gilt Edge. MADE OF HOPS AND MALT ONLY. BEST BEER IN THE WORLD. TRY IT.

Hotels and Restaurants.

GOLDEN EAGLE HOTEL. Corner Seventh and K Streets. STRICTLY FIRST-CLASS. FREE BUS to and from the cars. W. O. BOWERS, Proprietor.

WESTERN HOTEL. THE LEADING HOUSE OF SACRAMENTO. ESSENTIALLY LOCATED AND CONVENIENT. Corner Seventh and K Streets. STRICTLY FIRST-CLASS. FREE BUS to and from the cars. W. O. BOWERS, Proprietor.

HOTEL LANGHAM. Northeast Corner Fourth and L Streets. FINEST FURNISHED ROOMS IN THE city by day, week or month. B. B. BROWN, Proprietor.

PACIFIC HOTEL. Corner K and Fifth Streets, Sacramento. ESSENTIALLY LOCATED AND CONVENIENT. Open to all places of amusement. The best family hotel in the city. The table always supplied with the best of the market affords Street cars from the depot past the door every five minutes. Meals, 25 cents. W. H. S. BROWN, Proprietor.

STATE HOUSE HOTEL. Corner Tenth and K Sts., Sacramento. BOARD AND ROOM, \$1 25 TO \$2 PER day. Meals, 25 cents. Accommodations FIRST-CLASS. Free BUS to and from hotel. W. J. ELDER, Manager.

INTERNATIONAL HOTEL. BOARD AND ROOM, \$5, \$5 50 AND \$6 50 per week. Meals, 25 cents. W. F. HAYES, Proprietor.

FREEMAN'S HOTEL. Opposite Depot, Auburn, Cal. THE LEADING HOUSE OF CENTRAL California. Every room lighted by electricity. W. A. FREEMAN, Proprietor.

BIVALVE Oyster and Chop House. 818 every respect. Orders in day, 8:30 P. M. Meals at all hours. JOSEPH HAINFORD, Proprietor.

VIENNA RESTAURANT. And Coffee Parlors. 709 J STREET, SACRAMENTO. FIRST CLASS in every respect. Ladies' dining room separate. Open day and night.

THE SADDLE ROCK Restaurant and Oyster House. FIRST-CLASS HOUSE IN EVERY RESPECT. Special facilities for private parties. Open day and night. BUCKMANN & CARLISLE, Proprietors. No. 1013 Second street, between J and K, Sacramento.

Restaurant of France. GEORGE WISEMANN & CO. PROPRIETORS. 427 K street, near Metropolitan Theater. Family orders, banquets and wedding parties a specialty.

Auctions. R. E. GREER & CO., GENERAL AUCTIONEERS, Real Estate and Commission Merchants. AUCTION DATES, WEDNESDAY AND SATURDAY. New and Second-hand Furniture bought and sold.

GRAND OPENING. SPRING AND SUMMER GOODS. Prices that defy all Competition. I have just purchased 1000 full pieces of the Best English DIAGONALS, CHEVIOTS & SERGES. Serves will be mostly new this season. Offer Guaranteed. Make to order at an additional reduction to my former Low Prices. Don't fail to see my display of samples.

JOE PONEH, the tailor. 600 J STREET. SACRAMENTO. Branch of San Francisco.

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Baby Carriages. FROM \$7 50 TO \$45. RUBBER WHEELS. LOW PRICES. Large Assortment. On Installments if Desired. A. J. POMMER, Ninth and J. Corner Plaza.

FRUIT, SHADE AND ORNAMENTAL TREES. Sole Agents for the KING ORANGE. The finest of all Oranges. Call and examine. Tree Yard Next to Passenger Depot. W. R. STRONG COMPANY.

LACE CURTAINS. SPRING TIME HAS ARRIVED, and home-cleaning is under way. Send your Lace Curtains to the AMERICAN STEAM LAUNDRY, Nineteenth and I Streets.

CROSSMAN'S SPECIFIC MIXTURE. WITH THIS REMEDY PERSONS CAN cure themselves without the least exposure, change of diet, or change in application to business. The medicine contains nothing that is of the least injury to the constitution. Ask your druggist for it. Price, 50c a bottle.