

FOOTBALL IN THE MUD.

The St. Mary's and Sacramento's Game Yesterday.

The Former Win a Hard-Fought Battle With a Score of Four to Nothing.

The outlook for a football game at Snow Flake Park seemed decidedly gloomy yesterday morning, the lowering clouds hanging like a pall over the city and an occasional dash of rain falling. Indeed, up to 2 o'clock it was not a sure thing that the weather would admit of the game. In consequence, the stand, which under favorable conditions would have been filled with ladies and gentlemen, was very sparsely tenanted, one lady being conspicuous by her presence and enjoying the distinction of being the only one to brave the weather and attend the game.

The ground was in better condition for a skating rink than as an arena for football, for although the depressions that held puddles last winter had been filled in, there was still some water and the ground was soft and very slippery. The opposing forces were in the mud and got to work promptly at the appointed time, in decided contrast to the weary wait on the occasion of the last game there.

The game started with the ball in Sacramento's territory and was put in play with a flying wedge with a gain of three yards.

On the second down St. Mary's got the ball on a fumble and immediately began making short gains by bucking the center till the ball was within twenty yards of the Sacramento goal, when on a St. Mary's criss-cross Dunn, their Captain and right half, with good intention, made a pretty run around the left end for a touch-down, scoring four points.

They failed to make their kick at goal and Sacramento took the ball to the center and with a flying wedge made five yards. This ended the home talent and they at once put up a stronger game. St. Mary's got the ball on a fumble and worked it within twenty-five yards of the Sacramento goal and then punted, with the hope of breaking through the line and securing another touch-down. But Hamlin dropped on the ball and made a touch-back, which allowed the Sacramento team twenty-five yards and scored nothing for the St. Mary's.

Sacramento started with a wedge for eight yards.

Cole then made a neat run around the left end for twenty yards, but time was now called with the ball very near the center and in the possession of the Sacramento boys. Score, 4 to 0 in favor of the St. Mary's colors.

After ten minutes' rest St. Mary's started the second half with a wedge of three yards, and by bucking the center gained four more, but lost the ball, not making their five yards in three downs. Sacramento tried around the ends with no gain, and lost the ball on third down (St. Mary's ball). Holl made a beautiful tackle, the St. Mary's losing five yards. St. Mary's gained four yards on a criss-cross. Sacramento lost five yards on an offside play. Cole grabbed the ball on a fumble Sacramento's ball, Sacramento bucked the center for five yards. Sacramento lost the ball on a fumble and St. Mary's gained eight yards on an end play. Hamlin dropped on the ball, but Sacramento lost it on the next down. St. Mary's ball, but they lost it on the third down.

The ball now being in the center of a muddle, the players were almost drowned in the mud and looked more like negroes than white men.

Sacramento, by bucking the center, gained seven yards, but lost the ball on third down.

St. Mary's made five yards on an end play, but lost the ball on a fumble.

Cole made five yards around the left end.

The home boys now began playing hard. St. Mary's got the ball on a fumble. Powers of the Sacramento team was hurt and May took his place. St. Mary's gained ten yards by a run around the left end. The ball was now within thirty yards of the Sacramento goal, but Hamlin again fell on it. St. Mary's got the ball on third down, but immediately lost it on a fumble. Sacramento's ball, but lost on a punt.

St. Mary's punted on the third down, with a gain of ten yards, but lost the ball by bucking. Sacramento gained five yards, but lost the ball on a punt, with no gain.

Captain Cole being hurt had to give way to Pommer. The Sacramento team was now badly handicapped by losing both Powers and Cole, two of the best men, but they played hard ball just the same.

St. Mary's made a punt, but Hamlin made a fair catch and was allowed a free kick, making fifteen yards, but losing the ball.

Time was now called with the ball within thirty yards of the Sacramento goal. St. Mary's winning an exciting game by only four points, they not scoring at all in the second half of the game.

While every man in the Sacramento team played ball for all there were in him, Powers and Cole did great work, their opponents seeming to have singled them out with the determination of breaking them down, which they finally succeeded in doing.

The St. Mary's team showed great superiority in bucking the center in the first half of the game, but the home boys caught on to their tactics in the last half and opposed them more successfully, paying them back in their own coin several times.

A more sorry-looking lot of scarecrows than walked off the field at the end of the game has seldom been seen. "Their name was mud."

In the evening an entertainment was given at the Metropolitan Theater under the direction of Arthur Arnold, manager of the athletic club, who had labored very hard to provide the entertainment. There was a fair attendance. The respective football teams occupied the boxes, and occasionally the St. Mary's team indulged in college cries and witticisms, but the young men were dignified and well behaved, and the audience enjoyed their occasional outbursts of enthusiasm.

Messrs. Strobel and Goepel gave a fine exhibition of parallel bar exercise; Jack Campbell gave a clog dance cleverly, and responded to a request to dance many times, it being his first appearance in public. Messrs. Kleinsorge, Arnold and Spanjer appeared in a first-class horizontal bar exercise, and won deserved applause and recalls.

Miss Maude Caswell gave her graceful and original tamborine dance. It is simple justice to say that she does it well, and as far as high kicking in a dance may be deemed deserving, she has very few, if any, superiors. The audience gave her a very complimentary encore.

Boxing bouts followed between William Johnson and William Donahue, and Wells Hibbsal and William McInaw. It was good, proving that boxing properly conducted is a creditable, manly exercise, and without the slightest reproach.

Al. Kleinsorge gave an exceedingly fine exhibition of Indian club swinging. Miss Gussie Stevenson sang "Bright Star of Love," and a song for an encore. She has good tones in her strong voice, which needs schooling for public work. Her accompanists were Mrs. Kinross, pianist, and Miss Lewis violinist. Jack Powers gave a minstrel lecture, but it was rather dull. C. M. Phinney sang in good voice and solo, and Mr. Dunphy entertained the audience well with some humorous tumbings, contortions and postings, as good as the professional in that line usually gives.

Arthur Arnold, as an acrobatic clown, and Maude Caswell as a dancing girl, closed the entertainment with a clever, indeed a decidedly original and good sketch, in which the young woman proved that she is more than a dancer, and is beyond all a dancing girl. Her somersaults and leaping from her teacher's hands and the like with ease,

AT ST. PAUL'S CHURCH

Thanksgiving Sermon by Rev. G. A. Ottmann Yesterday.

Thanksgiving services were held at St. Paul's Church yesterday morning, Rev. G. A. Ottmann officiating and preaching a most eloquent sermon from Deuteronomy viii., 2: "Beware that thou forget not the Lord thy God."

He said that following in the course of time the holding of an annual thanksgiving it had become the custom of late years for the President to set apart a day, whose chief characteristic should be a thanksgiving to the Almighty for his many blessings to us. It had always been the practice of the church in her prayer service to give thanks and her loyal children gladly welcome and observe the day. This year, by a coincidence, it is also St. Andrew's day.

He gave the story as told in the New Testament of St. Andrew calling to his brother to come and see Christ, and denominated him the first missionary. The chief characteristic of Christianity, he said, was missionary work—to carry glad tidings to others. Speaking also of the pentecostal manifestation of the Holy Spirit he said that the twelve Apostles were ignorant, unlettered fishermen, yet on that occasion they accomplished a great work—that of converting 3,000 people. Separately they went their different ways to spread the gospel, and did so through death and martyrdom. The result is with us to-day. Through them came civilization and enlightenment to our forefathers. Try to explain as much as you may, it all comes back to the fact that Christianity has made the world what it is.

Fifty years ago, when missionary work began, cannibalism reigned in New Zealand and the Pacific Ocean islands. Now it is abolished, and 200,000 converts have been made in the last seventeen years, and the Christian population of the world has doubled in the last century. We all have reason for thanksgiving today, in spite of care and sorrow and trouble. We should to-day lift up our hearts in thankfulness to our Creator for our homes and kindred, and should each try to do some good to-day to our less fortunate brethren.

QUONG YEK'S THANKSGIVING.

An Inoffensive Chinaman Brutally Beaten by Toughs.

If Quong Yek, a well-behaved proprietor of a Chinese wash-house, doesn't lose his right eye it will not be the fault of a trio of hoodlums who tried last evening to deprive him of it by a rough sort of surgery.

About 8 o'clock Quong was passing the Salvation Army barracks on K street, near Fifth, when three young rowdies sprang upon him and one dealt him a terrific blow in the right eye. The character of weapon used is not known, but it was probably what is known as a "brass knuckle" implement.

Whatever it was, it cut open the lower lid, and apparently drove the eyeball to one side. Morris Rubenstein heard the poor fellow's cries for help and escorted him to the Receiving Hospital. By the time Quong reached there swelling about the injured optic was so great that the full extent of the injury could not be ascertained by the officers present, and the City Physician could not be reached. The Chinaman's assailants made their escape, but unless they leave the city they will be apt to pay dearly for their Thanksgiving Day sport.

AN ENJOYABLE OCCASION.

The Ladies of Cathedral Parish with the Cathedral Parish Ladies.

The ladies of Cathedral Parish gave their usual Thanksgiving ball last night at Turner Hall for the purpose of contributing financial aid to the Cathedral fund, and judging by the large number who were present the result must have been very gratifying to them. At least a hundred couples took part in the grand march, and a large number were present who did not do so.

Neale's orchestra furnished delightful music for the dancers and every effort was made to render it pleasant for all who attended. If any one went away without enjoying himself to the fullest extent the fault must have lain with himself.

The floor directors were A. J. Wilson and H. Ryan. Floor managers—W. E. Gormley, J. L. Harton, Thomas Flahive, G. Edward Hook, Ernest Ruppe, James Longshore, Jr., J. L. McQueeney, Thomas Carolan, C. D. Hastings and William Douglas.

SPRAINED HIS ANKLE.

Accident to an Elderly Man Down Near Gait.

Constable J. M. Haller of Galt arrived on last evening's train with a man named John Redmond, whom he took to the City Receiving Hospital, suffering from a badly sprained ankle.

The injured man said he was traveling along the railroad south of Galt about noon yesterday when he was overtaken by a train of cars. He was safe enough, but did not know it, so he leaped off, and in doing so hurt his ankle.

The engineer saw him and stopped the train before the spot was reached and Redmond was taken on board and brought hither for treatment.

BRIEF NOTES.

Officer Maloy yesterday arrested William James for handing a pistol to a man engaged in a row with another.

Several sportsmen of this city went over to Davisville yesterday to participate in the trap-shooting tournament there.

C. B. Emish has sworn to a complaint charging his room-mate, L. E. Martin, with having skipped with money and clothing belonging to him.

The statement yesterday that S. J. Doyle, the patient who ran away from the Ridge Home on Tuesday morning, demanded his money and checks when returned by the police, was not quite correct. His checks were not in the man's possession, but in his coat in his room.

The Humane Society compelled the Thanksgiving turkey-raffle speculators to abandon the cruel practice of interlocking the wings of five turkeys. It was "to be or go to jail," and the rafflees obeyed. The Humane Society deserves thanks for the very many excellent reforms it has introduced.

Party at the Armory.

The postponed party to be given by the Military Social Club will take place at Armory Hall this evening. It is expected to be one of the best yet given by the club, and several visitors from other places have announced their intention to be present.

Extensive preparations have been made to make the affair the event of the season. Invitations that were sent out for the party that was advertised for last Friday evening and which was postponed on account of the death of Major Heilbron, will hold good for to-night's party.

Military Rifle Tournament.

On Sunday next the military shooting tournament, arranged for by Company E, will be held at the Twelfth-street range. A large number of elegant prizes have been procured for the successful marksmen.

The prizes have been placed on exhibition at John Breuner's furniture store. The numerous military and club shooting teams of this city will be amply repaid for their attendance at the tournament.

Foresters' Band Party.

A domino party was given last night by the Foresters' Band at the Old Pavilion, and was largely attended, nearly one hundred and fifty couples taking part in the grand march, while the seats on the sides of the room were well filled with spectators.

TRADE-MARK RULING.

Trespass Upon Business Rights and Titles Forbidden.

An Interesting Decision, in Which is Involved a New and Important Issue.

Recently the Superior Court of Sacramento, Judge Johnson presiding, decided the case of Weinstock, Lubin & Co. vs. H. Marks, for plaintiff. The decision involved the always interesting question of trade mark and business title and infringement upon them. It also involved a wholly new phase of these questions, due to copying in architecture in an adjoining structure the design of the building of a business competitor.

These questions being of such general interest to business men, that just what the court found and held is presented in the following syllabus of the extended opinion rendered in the case by the court. The language used is a succinct and comprehensive synopsis of the several findings, without anything being added or taken therefrom.

The court finds that the plaintiffs have and conduct a business house in Sacramento. That defendant conducts a business house in the same city, the store of plaintiffs. Both deal in men's and boys' clothing. The plaintiffs have erected a building of peculiar architectural design in which their business is conducted, no other building in Sacramento at all resembling it, especially as to the lower story.

Defendant thereafter modeled his store front or the lower story to an exact copy of the building of the plaintiffs, and the two buildings adjoin.

Plaintiffs from the outset adopted the title "Mechanics' Store" for their name and business title. Later they used the corporation firm name also, and both are in use. Defendant, after adoption of such title by plaintiffs, adopted and used the title "Mechanical Store" for his place of business, and this was done for some years prior to the erection of the building now in use by either plaintiffs or defendant.

The court is unable to say what was the intention of defendant at the outset in adopting a title similar in sound and form to that of plaintiffs, and it might have been for the purpose of profiting upon the result of the similarity of names, or it might have been to attract the attention of mechanics and laboring people. But the court finds that when in 1885 defendant copied in the architecture of his building that of the plaintiffs, that he had some design to appropriate some of the trade which was the result of plaintiffs' exertions and business methods.

The court finds that after defendant so built and conducted business within such building, which by its lower story resembles a continuous frontage of plaintiffs' building, customers of plaintiffs were misled by the similarity of the two structures, and went into defendant's store as a result. The court finds that defendant had no sign sufficiently prominent in his store to indicate that it was his and not one of plaintiffs' store rooms, and the court finds that in fact customers were led into mistakes by the absence of such prominent sign.

Some customers who came into defendant's store mistaking it for plaintiffs', asked if they were in the latter's store, and the replies given misled them and tended to make them believe they were in plaintiffs' store, and the answers given to them were misleading, and not fair dealing, and not justice to the customer or the plaintiffs.

Further, the court finds this intention to mislead to exist, because it was proved by the evidence introduced and presented that the belief that the methods as to prices of goods adopted by defendant were not the methods well known to have been adopted by the plaintiffs as to prices, defendant or his clerks gave replies tending to quiet such suspicion, or to dissuade and this the court finds was done with intent to convince such customers that they were trading in plaintiffs' store, when, in fact, they were trading in defendant's store.

So the court finds that the words "Mechanical Store" and "Mechanics' Store," and "Weinstock & Lubin" were used by defendant to deceive customers and lead them to believe they were trading with or in the store of plaintiffs. The court finds that plaintiffs had established a trade on the basis of a fixity of prices, the same price to all for the same article, and are entitled to be protected in the reputation built upon that system; that defendant in using plaintiffs' title was intending to gain by reason of the reputation of plaintiffs gained under their title, and that this was injury to plaintiffs.

Therefore the defendant should be restrained in the future from representing himself or his business as of the plaintiffs' firm or business, and from using the title "Mechanical Store" in the connection in which he has been using it. Defendant should place a sign in his store, visible at all times in business hours to all comers, to designate the store as that of H. Marks. Also, he should place a sign on the outside of his building to show that his store is not the store of plaintiffs, and the prayer of plaintiffs in that respect is granted.

The court finds that to a certain extent Mr. Marks thought he had right to use the words "Mechanical Store" as a title, that it was a device or trick he had a right to employ, but such use, in connection with his act regarding the business front of his store, was in violation of the law, and he must be restrained as prayed for.

But the court finds that it cannot come to any conclusion in dollars and cents as to actual damage done, and therefore allows nominal damages, in the sum of one dollar.

A BLACK FROST.

One that Visited the County Seat of Glenn Recently.

Some weeks ago a young negro tough named Frost was driven out of the city, but it was a case of getting out of the frying-pan into the fire.

He went to the bucolic town of Willows, where he committed a robbery, for which he was arrested and locked in jail. A few nights since he made his escape, and the Sheriff notified Chief Rodgers to be on the lookout for him.

He did not come this way, however, for yesterday a telegram was received stating that he had been recaptured at Orland.

To tone up the system and stimulate the appetite, take Angostura Bitters. Dr. J. G. B. Siegert & Sons, sole manufacturers. At all druggists.

MARRIED.

FIEDLER-LOGAN—In this city, November 30th, by Rev. R. M. Stevenson, Mr. Max Fiedler to Miss Jessie May Logan.

DIED.

McGUIRE—In this city, November 29th, Patrick J. McGuire, a native of Louisiana, aged 23 years, 1 month and 15 days.

Friends and acquaintances are respectfully invited to attend the funeral from the residence of the deceased, at 2 o'clock p. m., from the family residence, 214 Eleventh street.

KELLY—In this city, November 30th, John Kelly, a native of Scotland, aged 62 years.

Friends and acquaintances are respectfully invited to attend the funeral Saturday, December 3rd, at 2 o'clock p. m., from the family residence, 214 Eleventh street.

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.

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DECEMBER FIRST.

The light of another Christmas is already here. Its gleam may be seen in many things. The holiday spirit tinges everything. Even staple goods take on a cheerier mood than is their usual wont, and those who select from their ranks are sure to choose acceptably and well. In Holiday Goods proper we have never had so many beautiful goods as this year, or been able to put them so nearly within the reach of everyone. Our advertisement will serve its purpose if it directs attention to the wisdom of early buying. The various assortments are now at their best. Prices are as low as they will be at any time hence. Purchases can be made with deliberation and care. Everything favors early buying.

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Our variety of these goods is too large to describe the items in detail, but we have a splendid assortment in tan, cardinal, gray and new mixtures, from \$2 95 to \$10.

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Miscellaneous.

"It is believed that the only books typographically perfect are an OXFORD EDITION OF THE BIBLE, a London and Leipzig Hoe and an American reprint of Dante. In the first of these such care was taken that for years the University of Oxford has a standing offer of a guinea for every error found. After many years an error was discovered, the reward paid, the error corrected and the book is now regarded as typographically perfect."

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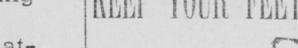
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