

LIBELOUS ARTICLES DENOUNCED.

Grove L. Johnson's Closing Argument for the Plaintiff

In the Gilman-"Bee" Case—Scathing Criticism of Libelous Publications.

Mrs. Truitt and Pat Barry.

Grove L. Johnson made the concluding argument for the plaintiff yesterday in the Gilman-Bee libel case. He was listened to by a large audience. He said in closing that the responsibility resting upon him was an important one and that he was not to be swayed by prejudice...

THE ARGUMENT RESUMED. Relying upon the law, said Mr. Johnson, the court must find that the defendants did publish the article, and that the plaintiff is entitled to a judgment...

Mrs. Truitt's story is illogical, unreasonable and untrue. Evidence must be consistent and coherent, or it should be rejected by the court. Simply because a person swears to a certain thing it must not necessarily be taken as the truth.

Mr. Johnson then took up Mrs. Truitt's deposition and testified that she said it was contradictory throughout, and proceeded to show wherein her statements were contradictory. Take her testimony just as the defendants had introduced it and to contradict any part of it would be a reproach to our jurisdiction.

THE LAW OF LIBEL. Counsel explained at length the law of libel, covering all phases of malicious publications, as follows: "The law is that the character of the plaintiff in this action is presumed to be good."

"The law is that in an action of libel, when the article complained of is libelous on its face, that of itself is sufficient proof of malice to uphold exemplary damages."

"The law is that in considering the amount of damages to be awarded to the plaintiff in this case the court is to consider the plaintiff's injured feelings and tarnished reputation, and the pain and mental distress which would naturally result from a malicious libel, taking into consideration the extent of its publicity, and the character, condition and influence of the parties."

"The law is that in estimating the damages to be awarded the plaintiff in this action the court has a right to consider the amount of cost and expense the plaintiff has been put to in maintaining the action to vindicate his character."

"The law is that actions for such wrongs as libel are designed not only to furnish some indemnity so far as money can do it for the injury inflicted, but to vindicate the character of the person unjustly assailed, and to protect against a repetition of the outrage."

"The law is that the pain and mental distress which would naturally result from a malicious libel, taking into consideration the extent of its publicity, and the character, condition and influence of the parties, may claim compensation."

"The law is that every person has, subject to the qualifications and restrictions provided by law, the right of protection from personal insult and from defamation."

"The law is that the head notes or title of an article may of themselves be libelous, although the article itself might not be a libelous article."

"The law is that in any action for the breach of an obligation not arising from contract, where the defendant has been guilty of oppression, fraud, or malice, actual or presumed, the jury or court, in addition to the ordinary measure of damages for the sake of example, or by way of punishing the defendant."

"The law always presumes that in the publication of an article which is libelous upon its face, the defendant has a malicious intent. The law does not impute malice not existing in fact, but presumes the malicious motive for making the charge, which is to be rebutted by evidence to the contrary when no other motive appears. In such cases it is unnecessary for the plaintiff to entitle him to recover to introduce any evidence from which malice may be inferred other than the libelous character of the article."

"The law is that if the defendant in an action for libelous words, in which the crime is imputed to the plaintiff, justifies on the ground that they were true, he must prove the plaintiff guilty of the crime imputed to him by testimony sufficient to convict him of the crime on a criminal trial."

the plea may be taken into consideration by the court in estimating damages; this evidence tending to show malice and continued malice. "The law is that the justification by the defendant in an action for libel must be as broad as the libel itself. In other words, that all the allegations in the article claimed to be libelous must be proved, or else the justification is a failure."

Mr. Johnson then adverted to the compact made between Mrs. Truitt and Pat Barry to "frighten" Gilman. This was followed up by the woman's visit to Gilman's store, and her subsequent testimony was outraged on the 11th of August, again insulted on the 12th, and on the same day her friend Madison was invited by Gilman, and left the following day she went to the latter's store, as she says, to buy some lace. She could have gone to any other store.

Barry says she told him she was going to buy lace, and that she was going to get it on credit. He told her she could not get anything on credit. This is probably the truth, for she did ask for credit and was refused. Mr. Johnson claimed that, taken in connection with the other testimony, it showed that she went to the store for purely blackmailing purposes—to get the money she had been promised by Barry. The whole transaction shows her to be a woman unworthy of credence.

Continuing his argument at the afternoon session, Mr. Johnson resumed his analysis of Mrs. Truitt's testimony. She had, he said, repeatedly contradicted herself in the several stories she told different parties as to her purpose in visiting Gilman's store. The contradictions were so numerous that he was obliged to refer to her story as a whole as a tissue of lies.

In regard to the horse and cart episode, counsel testified that if Gilman had been guilty of the crime charged, he would have been guilty of granting her request to allow her to use them. If Gilman were guilty would he have left the woman unmolested for a week in the hallway, and then have cursed her in the presence of Madison and Barry? He would have been more careful for fear she would retaliate by exposing him to his family, to Madison and to the neighbors. If he had done this, Gilman would have done this thing in the presence of her friend Madison, and within the hearing of the neighbors?

What would have been the result of this? Certainly not—he would have been guilty to lead to have thus favored her. After Pat Barry told Gilman what the woman had done, he would have been guilty to lead to have thus favored her. He would have been guilty to lead to have thus favored her.

And yet this woman's story is made the basis of a libel in the Record-Union paper. The courts have always held that no conviction should be allowed on unsupported testimony of this character, which is so easy to make and so difficult to rebut. If it were possible to lay down in laying down instructions to juries in this class of cases.

Mr. Johnson referred to the fact that Judge John F. Kelly had questioned the proceedings against Gilman on the testimony of Mrs. Truitt alone. He then paid an eloquent tribute to virtue, and contrasted with the character of a pure and innocent woman that of one who had been guilty of the crime charged. He then referred to the fact that Mrs. Truitt had been guilty of the crime charged.

The defense had claimed that Mrs. Truitt had been guilty of the crime charged. He then referred to the fact that Mrs. Truitt had been guilty of the crime charged. He then referred to the fact that Mrs. Truitt had been guilty of the crime charged.

Mr. Johnson continued to comment on Barry's testimony, declaring that if it were worthy of any credence at all it only went to show that Gilman was innocent of any crime like that charged by Mrs. Truitt. This is the only testimony the defense depends upon outside of that of Mrs. Truitt, and he declares that he saw no force used by the plaintiff in her testimony.

Counsel for the defense based their arguments on the assumption that the plaintiff used force in the alleged assault, and yet there is no testimony except the testimony of Mrs. Truitt that she was used.

Barry had not had experience as a witness in criminal cases, but had been a defendant himself in a criminal action. He is not an ignorant man, and he would not have been so easily misled by his own testimony. He had been traced, in looking up his origin, to the Bee office, to the office of Charles T. Jones and that of Alvin J. Bruner. He had been traced, in looking up his origin, to the Bee office, to the office of Charles T. Jones and that of Alvin J. Bruner.

When Mrs. Baird and Mrs. Gilman returned from the springs Barry told them that the woman (Mrs. Truitt) was a bad woman and a blackmailer, and that they must pay no attention to what she said or say against Mr. Gilman. On testimony less flagrantly untruthful than that of Barry, Sir John Thomas More was convicted in a case of perjury, and having escaped punishment would he not, like another Michael Feeny, feel confident that, having defeated American Justice once he could do so again?

When Mrs. Baird and Mrs. Gilman returned from the springs Barry told them that the woman (Mrs. Truitt) was a bad woman and a blackmailer, and that they must pay no attention to what she said or say against Mr. Gilman. On testimony less flagrantly untruthful than that of Barry, Sir John Thomas More was convicted in a case of perjury, and having escaped punishment would he not, like another Michael Feeny, feel confident that, having defeated American Justice once he could do so again?

Like a Don Quixote Barry had set out, with his Spanish Panza detective, to wage war on the innocent. He had no mission—because the latter had no mission to sue the defendants for \$50,000 damages for libel. Upon such testimony as his no court nor jury would be justified in convicting the defendants. He had no mission to sue the defendants for \$50,000 damages for libel. Upon such testimony as his no court nor jury would be justified in convicting the defendants.

Mr. Johnson next referred to the location of the rooms and hallway in the Gilman house, as seen by the court and others, showing that the partition and doorway which Barry testified were not there, had existed ever since the house was built. Barry's testimony concerning the location of the rooms and hallway in the Gilman house, as seen by the court and others, showing that the partition and doorway which Barry testified were not there, had existed ever since the house was built.

Barry's testimony concerning the location of the rooms and hallway in the Gilman house, as seen by the court and others, showing that the partition and doorway which Barry testified were not there, had existed ever since the house was built. Barry's testimony concerning the location of the rooms and hallway in the Gilman house, as seen by the court and others, showing that the partition and doorway which Barry testified were not there, had existed ever since the house was built.

Barry's testimony concerning the location of the rooms and hallway in the Gilman house, as seen by the court and others, showing that the partition and doorway which Barry testified were not there, had existed ever since the house was built. Barry's testimony concerning the location of the rooms and hallway in the Gilman house, as seen by the court and others, showing that the partition and doorway which Barry testified were not there, had existed ever since the house was built.

as she says he did. He is a timid man, and would not have taken such chances of personal injury. Mrs. Truitt charges Gilman with perjury, and she failed to take advantage of the opportunity to make an outcry for help. She says Gilman then told her he would have nothing more to do with her. She could not have known that she could understand it to have her jaw dislocated; she could put up with the vilest of treatment, but it was not until Gilman told her he would have nothing more to do with her that she was so shocked as to leave the house. "Hell hath no fury like a woman scorned." A man would convict on such testimony a man of standing and respectability in the community like Mr. Gilman?

Mr. Johnson then adverted to the compact made between Mrs. Truitt and Pat Barry to "frighten" Gilman. This was followed up by the woman's visit to Gilman's store, and her subsequent testimony was outraged on the 11th of August, again insulted on the 12th, and on the same day her friend Madison was invited by Gilman, and left the following day she went to the latter's store, as she says, to buy some lace. She could have gone to any other store.

Barry says she told him she was going to buy lace, and that she was going to get it on credit. He told her she could not get anything on credit. This is probably the truth, for she did ask for credit and was refused. Mr. Johnson claimed that, taken in connection with the other testimony, it showed that she went to the store for purely blackmailing purposes—to get the money she had been promised by Barry. The whole transaction shows her to be a woman unworthy of credence.

Continuing his argument at the afternoon session, Mr. Johnson resumed his analysis of Mrs. Truitt's testimony. She had, he said, repeatedly contradicted herself in the several stories she told different parties as to her purpose in visiting Gilman's store. The contradictions were so numerous that he was obliged to refer to her story as a whole as a tissue of lies.

In regard to the horse and cart episode, counsel testified that if Gilman had been guilty of the crime charged, he would have been guilty of granting her request to allow her to use them. If Gilman were guilty would he have left the woman unmolested for a week in the hallway, and then have cursed her in the presence of Madison and Barry? He would have been more careful for fear she would retaliate by exposing him to his family, to Madison and to the neighbors. If he had done this, Gilman would have done this thing in the presence of her friend Madison, and within the hearing of the neighbors?

What would have been the result of this? Certainly not—he would have been guilty to lead to have thus favored her. After Pat Barry told Gilman what the woman had done, he would have been guilty to lead to have thus favored her. He would have been guilty to lead to have thus favored her.

And yet this woman's story is made the basis of a libel in the Record-Union paper. The courts have always held that no conviction should be allowed on unsupported testimony of this character, which is so easy to make and so difficult to rebut. If it were possible to lay down in laying down instructions to juries in this class of cases.

Mr. Johnson referred to the fact that Judge John F. Kelly had questioned the proceedings against Gilman on the testimony of Mrs. Truitt alone. He then paid an eloquent tribute to virtue, and contrasted with the character of a pure and innocent woman that of one who had been guilty of the crime charged. He then referred to the fact that Mrs. Truitt had been guilty of the crime charged.

The defense had claimed that Mrs. Truitt had been guilty of the crime charged. He then referred to the fact that Mrs. Truitt had been guilty of the crime charged. He then referred to the fact that Mrs. Truitt had been guilty of the crime charged.

Mr. Johnson continued to comment on Barry's testimony, declaring that if it were worthy of any credence at all it only went to show that Gilman was innocent of any crime like that charged by Mrs. Truitt. This is the only testimony the defense depends upon outside of that of Mrs. Truitt, and he declares that he saw no force used by the plaintiff in her testimony.

Counsel for the defense based their arguments on the assumption that the plaintiff used force in the alleged assault, and yet there is no testimony except the testimony of Mrs. Truitt that she was used.

Barry had not had experience as a witness in criminal cases, but had been a defendant himself in a criminal action. He is not an ignorant man, and he would not have been so easily misled by his own testimony. He had been traced, in looking up his origin, to the Bee office, to the office of Charles T. Jones and that of Alvin J. Bruner. He had been traced, in looking up his origin, to the Bee office, to the office of Charles T. Jones and that of Alvin J. Bruner.

When Mrs. Baird and Mrs. Gilman returned from the springs Barry told them that the woman (Mrs. Truitt) was a bad woman and a blackmailer, and that they must pay no attention to what she said or say against Mr. Gilman. On testimony less flagrantly untruthful than that of Barry, Sir John Thomas More was convicted in a case of perjury, and having escaped punishment would he not, like another Michael Feeny, feel confident that, having defeated American Justice once he could do so again?

When Mrs. Baird and Mrs. Gilman returned from the springs Barry told them that the woman (Mrs. Truitt) was a bad woman and a blackmailer, and that they must pay no attention to what she said or say against Mr. Gilman. On testimony less flagrantly untruthful than that of Barry, Sir John Thomas More was convicted in a case of perjury, and having escaped punishment would he not, like another Michael Feeny, feel confident that, having defeated American Justice once he could do so again?

Like a Don Quixote Barry had set out, with his Spanish Panza detective, to wage war on the innocent. He had no mission—because the latter had no mission to sue the defendants for \$50,000 damages for libel. Upon such testimony as his no court nor jury would be justified in convicting the defendants. He had no mission to sue the defendants for \$50,000 damages for libel. Upon such testimony as his no court nor jury would be justified in convicting the defendants.

Mr. Johnson next referred to the location of the rooms and hallway in the Gilman house, as seen by the court and others, showing that the partition and doorway which Barry testified were not there, had existed ever since the house was built. Barry's testimony concerning the location of the rooms and hallway in the Gilman house, as seen by the court and others, showing that the partition and doorway which Barry testified were not there, had existed ever since the house was built.

Barry's testimony concerning the location of the rooms and hallway in the Gilman house, as seen by the court and others, showing that the partition and doorway which Barry testified were not there, had existed ever since the house was built. Barry's testimony concerning the location of the rooms and hallway in the Gilman house, as seen by the court and others, showing that the partition and doorway which Barry testified were not there, had existed ever since the house was built.

Barry's testimony concerning the location of the rooms and hallway in the Gilman house, as seen by the court and others, showing that the partition and doorway which Barry testified were not there, had existed ever since the house was built. Barry's testimony concerning the location of the rooms and hallway in the Gilman house, as seen by the court and others, showing that the partition and doorway which Barry testified were not there, had existed ever since the house was built.

STOCKTAKING IS OVER.

OUR TWENTIETH

STOCKTAKING IS OVER.

Semi-Annual Clearance Sale NOW COMMENCES.

See Unusual Announcement in Next Issue of this Paper. E. S. ELKUS, 922 and 924 J Street.

STOCKTAKING IS OVER.

STOCKTAKING IS OVER.

JUST THINK OF IT! Unprecedented Offer of the Record-Union and Weekly Union. THREE MAGNIFICENT PAPERS FOR \$1.75 A YEAR.

Banking Houses. NATIONAL BANK OF D. O. MILLS & CO. Sacramento, Cal.—Founded 1850.

Business Cards. WATERHOUSE & LESTER. DEALERS IN IRON, STEEL, CUMBERLAND COAL, WAGON LUMBER AND CARRIAGE HARDWARE.

Capital and Surplus, \$600,000. CALIFORNIA STATE BANK, SACRAMENTO, CAL.

SAFE DEPOSIT VAULTS. OFFICERS: FREDERICK COX, President; JOSEPH STEPHENS, Vice-President; W. E. GERBER, Cashier.

SACRAMENTO BANK. THE OLDEST SAVINGS BANK IN THE CITY, CORNER FIFTH AND J STREETS.

PEOPLES SAVINGS BANK. Sacramento, Cal. Guaranteed capital, \$410,000. Paid up capital and surplus, \$301,000.

FARMERS AND MECHANICS' SAVINGS BANK. Southwest corner Fourth and J Streets, Sacramento, Cal.

CROCKER-WOOLWORTH NATIONAL BANK. Crocker Building, Market and Post Streets, San Francisco.

Railroad Time Table. SOUTHERN PACIFIC COMPANY (PACIFIC SYSTEM) JANUARY 1, 1894.

BEWARE OF THE GRIP. Dr. Edson fears another epidemic, and sounds the alarm.

BENSON'S POROUS PLASTER. Indorsed by over 5,000 Physicians and Chemists. Be sure to get the genuine Benson's, may be had from all druggists.

BELL CONSERVATORY COMPANY. Floral, Plant and Seed Depot, 417 J Street, bet. Fourth and Fifth.

Kentucky Blue Grass Seed, Timothy Hopkins Sweet Peas, FLOWER AND GARDEN SEEDS.

REDUCED RATES TO CHICAGO. RY JUDSON & CO. SELECT EXCURSION, DELICIOUS SCENIC ROUTE.

DISSOLUTION OF COPARTNERSHIP. THE COPARTNERSHIP HERETOFORE existing between DAVIS & MCKEE has been dissolved by mutual consent.

NOTICE OF COPARTNERSHIP. Notice is hereby given that the undersigned has this day formed a partnership, under the name of RICHARD H. FAY, Gen. Traffic Manager, T. H. GOODMAN, Gen. Passenger Agent.

PRINTING. D. JOHNSTON & CO. 410 J STREET.

BUY A LAND BOND. California Savings Investment Company. GEN. CHAS. CADWALADER AND GEO. CHAMPBLIN, Trustees, Red Bluff, California.

"After a careful trial of others, I prefer Cleveland's Baking Powder."

Margaret Hanland

Feb'y 5, 1894.