

CHIEF JUSTICE BEATTY.

His Views on the Philbrook Contempt Case.

He Completely Knocks Out the Claim of Sympathy and Shows Why He Should be Punished.

Chief Justice Beatty has filed a concurring opinion in the Philbrook contempt case. While he concurs in the judgment of three years' imprisonment, he puts it on grounds somewhat different from those stated by the Associate Justices, and in doing so he completely knocks the underpinning from beneath the men and women of radical socialistic tendencies who sought to arouse public sentiment against the court, because, as he put it, "Philbrook was denied opportunity to expose the underhandedness" of the attorney who has since become a member of the Supreme Bench. The Chief Justice said:

"My views of this case differ in some particulars from those of my associates. It was not because of Mr. Philbrook's assault upon a member of this court—gross and unjustifiable as I deemed it to be—that I joined in the order citing him to show cause. So far as that part of the offense is concerned I should have waited until the final determination of the appeal in Rankin vs. Newman before deciding what, if any, action it was necessary or proper to take. "But, as is clearly shown in the opinion of the court, Mr. Philbrook did not confine himself to an assault upon Justice Harrison in his character of attorney for Levinson's executor and as adviser and participant in the settlement of the executor with the surviving partners. He went further. He distinctly threatened the other members of the court with public infamy and disgrace if they did not decide the case of Rankin vs. Newman in his favor. "Chief Justice Beatty concedes the claim that if a Justice of the court had been a party or an attorney or witness, or in any way connected with a case on appeal, such a member of the court, said the Chief Justice, had absolutely nothing to do with the case. The vice of Philbrook's action was said to lie in the fact that he had criticized Justice Harrison, apparently for no reason except that Harrison was a member of the court. Philbrook's language amounted to a threat of menace against the entire court, which could not be tolerated. The Chief Justice considered that if such language was to pass unrebuked no rights would be secure. The opinion comments further on the fact that Philbrook made no retraction, but on the hearing reiterated his charges. The Chief Justice said: "It is difficult to credit Mr. Philbrook with such simplicity of understanding, but it may be true that he has become so blinded by his animosity against Justice Harrison and so dominated by the belief that the secret transaction of September 6, 1890, as he terms it, was a gross and wicked fraud, that he has lost the capacity of regarding any other aspect of the case. Indeed, his conduct during the hearing of the citation would seem to indicate that this is so, for after devoting the greater part of two days to a vindication and renewal of his assault upon Justice Harrison, he interrupted the course of his argument for a few moments to inform the court that during the recess a brother attorney in whom he had confidence had informed him that to some minds the language of his brief might convey the idea of a threat. He professed, however, not to see it, after his attention had been so directed to the matter, but offered, if the court differed with him, to cancel the offensive passages

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In the briefs on file, and in those which he had distributed among his friends. "In my opinion the retraction was wholly insufficient. Mr. Philbrook had not only been informed by a brother attorney of the offensive construction which might be put upon the brief, he had even been notified at the opening of the proceedings by the argument of Mr. Hayne that such was the construction placed upon it by the legal profession. "Commenting on the fact that Philbrook made no retraction on the written record the Chief Justice said: "That he has never done so or offered to do so leaves his offense entirely unmitigated in my eyes and imposed upon the court the necessity of inflicting the due penalty. As to the character of the penalty I concur in the view of the court that it should be suspension of his privileges as an attorney." The opinion concludes: "It appears from Mr. Philbrook's own showing that at the time of the settlement neither he nor his clients, the mother and sister of Levinson, were claiming or had even suggested that the articles of partnership were invalid. On the contrary, they were then and afterward asserting their validity and claiming under them. Nor did they then claim or suggest that the majority made in pursuance of said articles was false or incorrect in any particular except in the omission of the item of 'good will,' the whole controversy being merely in the question of the value of the good will. The articles were then and there conceded to be valid and binding, with reference to the single question whether or not it embraced or excluded the 'good will.' "As to this matter, the difference between them was open, express and well understood, and there is not the slightest reason to suppose that Justice Harrison's opinion was less honest or less sound than that of Mr. Philbrook. Mr. Philbrook, indeed, is not entirely consistent with himself in this matter, for, unless I have misapprehended his position, he is now claiming that the Newman's, by the exercise of undue influence, induced their dying and partially demented partner to execute an agreement which sacrificed his interest in the good will, and, if this is so, it is scarcely consistent to claim that Justice Harrison misconstrued it, or that he can be blamed for the advice given to the executor at a time when neither Mr. Philbrook nor any one else had suggested fraud or undue influence in the procurement of the agreement. I concur in the judgment."

FIVE YEARS AT FOLSOM. Rains Will Not Hide Under Any More Beds for Awhile. W. R. Rains, the youth who entered the railroad station at Brighton on the 3d inst., pleaded guilty to burglary in Department Two of the Superior Court Saturday. When about to be sentenced he said he was not drunk when he entered the station. He intended to go to Stockton, he said, and while waiting for the train he went inside, and seeing the closet open and some blankets inside he went in and partly covered himself to keep warm. He didn't want to put the county to any expense and was ready to "take his medicine." Judge Johnson said Rains was either crazy or animated by bad motives. He sentenced him to five years' imprisonment in the State Prison at Folsom.

MORE DEFIANCE. Kelly's Followers Again Show Their Defiance to Local Laws. "Colonel" E. C. David and H. Miller, two members of the so-called Industrial Army, were arrested at the corner of Fourth and K streets last evening by Officer Fisher and charged with violating the city ordinance regarding the blockade of public streets. At the time of their arrest the men were stating to the assembled crowd that they fully expected to be arrested. When searched at the police station "Colonel" David drew a copy of the Bible from his pocket and in a loud-for-public-sympathy tone of voice, said: "Take all my possessions! Yes, take also my liberty, but spare to me my Bible!" Miller is already resting under a similar charge, and his case is to come up for trial to-morrow. "Yield Not to Misfortune." I was afflicted with catarrh last autumn. During the month of October I could neither taste nor smell and could hear but little. Ely's Cream Balm cured it.—Marcus George Shantz, Railway, N. Y. I suffered from catarrh of the worst kind ever since a boy, and I never hoped for cure, but Ely's Cream Balm seems to do even that. Many acquaintances have used it with excellent results.—Oscar Ostrom, 45 Warren avenue, Chicago, Ill. Cream Balm is agreeable.

ODD FELLOWS' RELIEF COMMITTEE. During the Last Term. The semi-annual meeting of the Odd Fellows' General Relief Committee was held yesterday. The new committee was organized by electing the following officers: President, J. L. Robinette; Vice-President, E. S. Warner; Secretary, F. H. Duden; Treasurer, B. Wilson. They then adjourned to the banquet-room, where three hours were spent in social intercourse. Speeches were made by Robert Burns of San Francisco, George B. Dean, Joseph Johnson, H. B. Nielsen, James Ferguson and C. M. Harrison, who presented President Robinette with a gold watch and chain, appropriately engraved. Messrs. Milliken, Bellhouse, Barrett and Gerrish assisted in making the occasion a pleasant one by the rendition of several songs. The report of B. Wilson, the retiring Treasurer, showed that the receipts during the last term were \$2,378 and the disbursements \$1,438, leaving on hand a balance of \$1,119 65. F. H. Duden, the Secretary, in his report, stated that forty members of the order had received care and attention at the hands of the committee during their illness. Loans had been made to ten members of the order and twelve others had repaid old ones. William Tracy of Parker Lodge, No. 124, and J. H. Krause of Oriental Lodge, No. 45, had died during the last term, while under the committee's care. This former was buried in the Odd Fellows' Cemetery plot and the latter's remains were forwarded to Marysville.

The entertainment and ball given on the 19th of December last for the benefit of the "friendship fund" netted \$505 50. The receipts were \$535 75, and the expenses \$119 25.

CASTORIA for Infants and Children. "Castoria is so well adapted to children that I recommend it as superior to any prescription known to me." H. A. Archer, M. D., 111 So. Oxford St., Brooklyn, N. Y. "Castoria cures Colic, Constipation, Sour Stomach, Diarrhoea, Eructation, Kills Worms, gives sleep, and promotes digestion, Without injurious medication. "For several years I have recommended your 'Castoria,' and shall always continue to do so as it has invariably produced beneficial results." Edwin F. Palmer, M. D., 123rd Street and 7th Ave., New York City. THE CASTORIA COMPANY, 77 MURRAY STREET, NEW YORK CITY.

MISCELLANEOUS. AUCTION AT 318 J STREET. OVER \$50,000 STOCK. Crockery, Glassware, Lamps, Ornaments, Hotel and Bar Goods, Will begin Monday, January 7th, at 10 o'clock, AND CONTINUE UNTIL EVERYTHING IS SOLD. NO RESERVE. FIXTURES FOR SALE.

WALL PAPER. We invite attention to our new stock of WALL PAPER, which is now coming to hand, and which embraces the choicest designs and colorings from the factories of Warren, Fuller & Co., Nevins & Haviland, Fr. Beck & Co. and the Robt. Graves Company, besides others of lesser note. We have a new stock and are prepared to show all the Newest Designs of Lincrusta Walton, for which we are wholesale and retail agents.

W. P. FULLER & CO. 1016 TO 1022 SECOND STREET. "WELL BRED, SOON WED." GIRLS WHO USE SAPOLIO ARE QUICKLY MARRIED. Try it in Your Next House Cleaning.

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JAMES G. DAVIS, 411 and 413 K STREET. THE BEST PLACE TO BUY FURNITURE, CARPETS AND WALL PAPER. SEND FOR PRICE LIST. SACRAMENTO LUMBER COMPANY. Dealers in Lumber, Doors, Windows and Blinds. MAIN OFFICE—Second street. L and M. YARD—Front and R streets. Sacramento.

LIQUORS, WINE, BEER, ETC. EBNER BROS. COMPANY, 116-118 K Street, Front and Second, Sacramento. IMPORTERS AND WHOLESALE DEALERS in Wines and Liquors. Telephone 394. M. CRONAN, 230 K St., and 1108-1110 Third St., Sacramento, Cal., IMPORTER AND WHOLESALE DEALER in Fine Whiskies, Brandy and Champagne.

CAPITAL ALE VAULTS, 302 J Street, Sacramento. CO TO NAGELE & SVENSSON'S AND TRY their refrigerated Superior Milwaukee Whisky. Also, constantly on hand, Ale on draught, choice Wines, Liquors and Cigars. The reputation of the house is recommendation for their goods. HARRY KOENIGER, JAMES McGRATH. ONLY THE CHOICEST VIANDS DISPOSED BY JIM & HARRY, 1009 Third Street, between J and K, Sacramento, Cal. Wm. J. Lempe's Extra Pale Lager Beer, Capt. Hainstater's Gilt Edge Steam Beer, White Label Goods.

We are now Manufacturing our own CANDIES AND GUARANTEE THEIR PURITY. WELCH BROS., 607 J STREET. Taffey's A Specialty.

Stop and Consider BEFORE YOU BUY ANY AND ALL kinds of Eastern Hardware to take the place of hard. Use PURE CALIFORNIA LUMBER; it is always fresh and sweet. By so doing you will benefit the loggers on the Pacific Coast. MOHR & YOERK PACKING COMPANY, W. F. FRAZER Wholesale and Retail Dealer in Redwood, Oregon and Mountain LUMBER Doors, Windows and Blinds. OFFICE AND YARD, FIFTH AND L STS. SACRAMENTO COUNTY BONDS.

NOTICE IS HEREBY GIVEN THAT I, EDWIN K. ALSIP, Treasurer of the County of Sacramento, State of California, will receive bids at my office from December 20, 1894, at 12 M. to JANUARY 14, 1895, at 12 N., for the sale of ninety-five (95) Sacramento County bonds of the denomination of one thousand (\$1,000) dollars each, said bonds to run for twenty (20) years from the first day of January, 1895, and to bear interest at the rate of four and one-half (4 1/2) per cent. per annum. Interest payable semi-annually at the County Treasurer's office in the City of Sacramento. No bids will be received for less than par value and accrued interest. The Board of Supervisors reserves the right to reject any and all bids. By order of the Board of Supervisors, made December 13, 1894. E. LYON, 420-44 Treasurer of Sacramento County. COAL AND WOOD. DEPOT, 516 AND 518 L STREET. ALL KINDS OF WOOD, COAL, COKE, Charcoal and Fire Brick always on hand and for sale at the lowest cash prices. Orders solicited. JAMES McCRAW, Proprietor.

REAL ESTATE, ETC. Real Investments In Sacramento Real Estate. \$1,700—Lot 20x160 on H street, between Sixth and Seventh streets, good house renting for \$22 per month. Small shop that will bring in \$5 more. This is good income property and is for sale cheap on account of the owner going to Europe. We have 2 lots, 40x80 each, for \$850 each, on Twenty-first and L streets. These are nice high lots and in splendid location. We have a few lots left in the Henry block, K and L, Nineteenth and Twentieth streets. Lots in subdivisions to suit. This block is nearly all sold and it will only be a short time when the lots cannot be had. \$7,000—Fine block with good two-story house, barn, one and one-half acres in pears, trees, windmill, water piped to house; all in good order. \$2,000 down, balance in five years. \$1,700—A nice home, lot 40x160, barn for 6 horses; good house of five rooms. MONEY TO LOAN. General Real Estate Business Transacted. REAL ESTATE AND INSURANCE. EDWIN K. ALSIP & CO., 1015 Fourth Street, Sacramento. ODDS AND ENDS SALE. THE FEW UNSOLD LOTS REMAINING in Oak Park will be sold for the next 90 days at a discount of 5 per cent. on lots sold on the installment plan and 10 per cent. for cash. This is a very sweeping and liberal reduction. Now is the chance to get a lot cheap and one that is increasing in value. Street car service is being constantly improved. Call for map and prices. This offer is genuine, as can be seen by our original prices. Edwin K. Alsip & Co., REAL ESTATE AND INSURANCE, 1015 FOURTH STREET. W. P. COLEMAN, Real Estate Salesman, 325 J Street. \$1,050—Lot 10x150 on J street, bet. Eighth and Ninth, filled to official grade. \$500—Lot 10x150 on F. bet. Twenty-fourth and Twenty-fifth streets. This is a nice lot. \$350—10x80, S. E. corner Twenty-fourth and F streets. \$500—10x100, N. W. corner alley Twenty-sixth, bet. Land J streets. \$800—10x80, S. E. cor. Nineteenth and P. bet. 8th and 10th streets, east of Oak Park. Good fruit land. This is only a short distance from town. Well worth looking at. MONEY TO LOAN. P. BOHL, E. A. CROUCH, GEO. KROMER, REAL ESTATE AND INSURANCE, 716 K Street. Agent for Home of New York, Phoenix of Hartford, Niagara of New York and Hamburg of Bremen, all SOLID FIRE INSURANCE COMPANIES.

THE NONPAREIL.

TO-DAY WE WILL START THE SECOND WEEK OF OUR

JANUARY CLEARANCE SALE.

With new attractions in all departments. Make it a point to visit our store during this week.

Dress Goods. In this Department heavy reductions have been made in order to reduce our large stock. Goods that have usually sold for 25c are reduced to 15c a Yard. The qualities that have been 50c are reduced to 25c. All our 75c goods are reduced to 50c. A large variety that have always brought \$1 a yard are reduced to 60c a Yard. \$1 25 goods are reduced to 75c a Yard. Prices prevail all through the stock that will make a saving to you of from 25 to 50 per cent.

Pattern Suits. Every one must be sold before stocktaking, February 1st. Suits that have formerly sold for \$7 50 reduced to \$5. Suits that have formerly sold for \$10 reduced to \$6 50. Suits that have formerly sold for \$12 50 reduced to \$8. Suits that have formerly sold for \$15 reduced to \$9. Suits that have formerly sold for \$20 reduced to \$12 50. Suits that have formerly sold for \$25 reduced to \$15.

Broadcloths. Our standard qualities all reduced as follows: 52-inch fine finished Broadcloths, in twenty different shades, reduced to 85c a Yard. 52-inch imported French Broadcloth, in over fifty shades, our \$1 50 quality, reduced to \$1 25 a Yard.

Covert Cloth. An excellent line 50 inches wide, in a splendid range of colors, reduced to 60c a Yard. Another line at 75c that has been considered excellent value at \$1 a yard. All our Two-toned Covert Cloths, in fancy mixtures, 52 inches wide, reduced to \$1 and \$1 25 a Yard.

Ladies' Union Suits, 60c Each. Twenty dozen Ladies' Combination Suits, in ecru and white, reduced from 90c.

Ladies' Woolen Skirts, 75c Each. All-wool Jersey-ribbed Skirts, in a variety of fancy colors, reduced from \$1.

Children's Woolen Hose, 15c a Pair. Twenty-five dozen Black Cashmere Stockings for children; sizes 5 1/2 to 9 inches; reduced from 25c a pair.

Children's Scarlet Wool Vests, 25c and 40c Each. An odd lot of All-wool Scarlet Vests and Drawers, in all sizes, reduced from 50c and 75c.

Trimmings. Several lines placed on the counters at prices as follows: Ribbon Trimmings, reduced from \$1 to 25c a Yard. Astrakhan Band Trimmings, reduced from \$1 to 25c a Yard. Colored Beaded Gimp and Headings, reduced from 75c and \$1 to 25c a Yard. Colored Silk Headings, reduced from 35c to 15c a Yard.

German Yarn, 15c a Skein. One hundred pounds, in good, desirable colors for knitting purposes, reduced from 25c.

Zephyrs, 2c an Ounce. Fifty pounds Single, Double and Split Zephyrs, in twenty different colors, all perfect, reduced from 5c.

Fancy Goods. Fancy Lace Scarfs reduced to 50c Each. Embroidered Pillow Shams reduced to 98c and \$1 33 a Pair. Irish Point Scarfs reduced to 48c. Stamped Tray Cloths reduced to 25c, 38c and 48c. Fancy Openwork Doilies reduced to 15c. Stamped Doilies reduced to 5c, 7c and 10c. Fancy Openwork Scrims reduced to 15c a Yard.

Notion Counter. Shell Hair Pins, 5c Each. Needle Books, 25c Each. Stockinet Shields, 9c a Pair. Fancy Silk Elastic, 15c a Yard. School Book Straps, 5c Each. Hair Brushes, 25c, 35c and 50c Each. Boys' and Girls' Brace Supporters, 15c Each. Hair Pins and Toilet Pins reduced to 3c a Box. Fancy Cotton Elastic reduced to 2c a Yard. Stocking Darners reduced to 5c Each. Darning Wool reduced to 1c a Card. Fancy Shell Ornaments, 5c, 15c and 20c Each. Fancy Shell Back Combs, 18c and 35c Each.

Great Reductions in Household Linens and Sheetings.

Bleached Pequot Sheeting. 42-inch Sheeting, 11c a Yard. 45-inch Sheeting, 12 1/2c a Yard. 50-inch Sheeting, 13 1/2c a Yard. 6-4 Sheeting, 18c a Yard. 7-4 Sheeting, 16 1/2c a Yard. 8-4 Sheeting, 19c a Yard. 9-4 Sheeting, 21c a Yard. 10-4 Sheeting, 23 1/2c a Yard.

California All-wool Blankets. At \$3 98 a Pair. Every pair made from Pure White California Wool. They are the large 11-4 size. You could not have bought the same Blanket ten days ago for less than \$6.