

CASE OF JUDGE RICKS.

Impeachment Proceedings Brought Against the Jurist.

SOON THE DECISION OF THE HOUSE JUDICIARY COMMITTEE.

The Ways and Means Committee Decides to Report to the House the Wilson Bill to Remove the Differential Duty on Sugar Imported From Countries Having an Export Bounty.

WASHINGTON, Jan. 15.—Congress was given a decided surprise to-day by the House Committee on Judiciary, which decided by a vote of 7 to 6 to report the resolution for the impeachment of Judge Augustus J. Ricks of Cleveland for malfeasance in office. Not for many years has a United States Judge been called before the bar of the Senate to defend his right to wear the ermine of office against criminal charges, and only three or four times in the history of the Government has an impeachment trial of a member of the Federal judiciary been conducted.

Several members had looked into the charges preferred by the Central Labor Union of Cleveland, the accuser of Judge Ricks, while sitting on the bench he paid to himself fees which he claimed he had previously earned as clerk of the court, and to which it was now ascertained that he was not entitled. The number of years which have elapsed since the transaction, and the contention of the Judge's friends that the proceedings were inspired by a ruling prejudicial to the interests of labor which he made recently, tended to lessen the interest which would originally have been taken in the case.

The friends of Judge Ricks declare that there are no political motives in the impeachment, and that the members who were absent from the stony committee meeting to-day to join them Friday in voting to substitute a minority report from the one which Mr. Bailey will prepare, and which will be a strong arraignment of the Judge, if couched in the tenor of his speech to-day. It is also pointed out that the possibility of such a stroke, but the short time remaining to Congress inspired the belief that this will go over to the next Congress. In that event the impeachment probably will not be undertaken, as the decision to-day was practically on party lines, the Republicans supporting Ricks. The function is that of a grand jury in such a case. It decides whether the cause is shown to justify a trial, and appoints managers who act as prosecutors. The Senators sit in the capacity of judge or jurors, with the Judges of the Supreme Court sitting.

The Senate has nothing to say whether an impeachment is to be conducted, but if it does not see fit to finish this trial before the 4th of March, the proceedings taken will be void. The votes on impeachment proceedings were: For, 5; against, 6. The vote was nearly in party lines, but one Republican voting for impeachment and one Democrat against it. Bailey will present a majority report to the committee and Broderick the minority report. The supporters of Judge Ricks entertain hopes that the decision will be reversed. Three members were absent to-day, and at Friday's meeting there will be an attempt made to adopt the minority report. The resolution will be reported to the House Friday as privileged business, taking precedence over everything else. If the House adopts it the managers of the present House will be appointed to notify the Senate of the action and to institute proceedings.

Those who voted were: For impeachment—Culberson of Texas, Stockdale of Mississippi, Boatner of Louisiana, Lane of Illinois, Bailey of Texas, Deamond of Missouri (Democrats), and Updegraff of Iowa (Republican). Against impeachment—Ray of Pennsylvania, Powers of Vermont, Broderick of Kansas, W. A. Stone of Pennsylvania, Childs of Illinois (Republicans), and Goodnight (Democrat).

Harrison (Dem.) of Louisiana, who was present, refrained from voting. The absentees were Layton of Ohio and Wolvorton of Pennsylvania (Republicans), and Terry of Arkansas (Democrat).

It is thought that both Layton and Wolvorton are opposed to impeachment, and although Terry is thought to favor it, Friday's meeting may change the result.

The discussion lasted three hours, after the members of the sub-committee had submitted their views, and was rather informal. Bailey spoke several times very warmly, and Boatner was very ardent in his advocacy of impeachment, while Broderick was the most actively opposed to the movement. The Republicans accused the Democrats of holding prejudice against Federal Judges, and of losing no opportunity to strike at them.

DOINGS IN CONGRESS.

WASHINGTON, Jan. 15.—A touching reference was made in Chaplain Millburn's opening prayer in the Senate to-day to the bereavement of Senator Hansbrough of North Dakota in the loss of his wife.

Voorhes, from the Finance Committee, favorably reported a bill for coinage at the branch mint at Denver.

Manderson secured the passage of resolutions calling on the Secretary of the Treasury for information on the tariff. One resolution calls for the removal of spirits and high wines taken out of bond during the sixty days before August 28th last, when the new tariff law took effect, names of parties or concerns who look goods from bond, and all other detailed information concerning the same. The other resolution calls on the Secretary for full information as to the amount of sugar imported during the sixty days prior to August 28th, the names of importers, amounts of imports, the country whence it came, etc.

Debate was then resumed on the income tax item in the deficiency appropriation bill, and Call of Florida addressed the Senate in favor of the appropriation.

Mr. Quay submitted a statement in the stock books of the Lehigh Valley Railroad Company, showing that the income tax would fall only on stockholders having small amounts of stock. It gave the total number of stockholders as 4,000, while more than 70 per cent. of this number had interests below \$4,000. Quay said the showing of this company was undoubtedly the same as that of other corporations.

authorized platform of the Populist party; that it was "made up out of the Senator's head" and that it omitted the Sub-Treasury system and Government ownership of railroads.

Mr. Allen, however, insisted that he had not claimed the paper submitted was the Populist platform. Mr. George commented sharply on the action of a Senator in giving the authority of his name to a platform purporting to embody Populist doctrine and yet carefully and designedly omitting Government ownership of railroads and other doctrines adopted by the Populist National Convention.

There was a spirited exchange between the Senators, as Mr. George insisted on holding up the Senator to such a point that he had undertaken to issue his own Populist platform, and as Allen charged George with "hedging and dodging," the galleries and the few Senators present listened with evident amusement. For thirty-five years, he said, a considerable element on the Democratic side of the Senate were essentially protectionists as the Senators on the other side. It was merely a difference of degree in their protection. This common feeling was the reason the Senate had witnessed yesterday the remarkable spectacle of Democrats and Republicans "falling on each other's necks and indulging in a love feast."

Allen yielded for the submission of a message from the President concerning the arrest of two Japanese students by the United States under the protection of the United States.

Resuming, Allen urged that the two old parties had served their periods of usefulness, and that the Populist party, representing the masses of the people of the future, it had cast a million votes in 1893 and 2,000,000 in 1894, showing the phenomenal growth of 100 per cent. It had no "vagaries," as Senators had asserted, unless it was the Sub-Treasury scheme, and this was not believed in by the great majority of Populists. Allen read the Populist platform adopted at Omaha, and in commenting on it stated that the Populists believed that the United States Senators by the people.

"That doctrine," interrupted George (Dem.) of Mississippi, "was embodied in a resolution by a Democratic House of Representatives before the Populists were thought of. It will be found that whatever is good in the Populist platform was taken from Democratic principles."

Cockrell gave notice that he would insist on a final disposition of the deficiency bill to-morrow.

The Senate then held a brief executive session, and at 4:45 P. M. adjourned.

IN THE HOUSE.

WASHINGTON, Jan. 15.—The day in the House was devoted in the morning to the Indian appropriation bill, but no progress was made. General Sherman presented a reply to a memorial sent to the Judiciary Committee by Mr. Ritchie of Akron, Ohio, containing supplementary charges against Judge Ricks, and involving ex-Senator H. B. Payne and Judges Stevenson and Burko. He asked for an investigation of the charges.

Chairman Sayers of the Appropriation Committee reported the sundry civil appropriation bill to the House. The Grosvener (Rep.) of Ohio then presented a reply to the recent memorial to the Judiciary Committee by Ritchie of Akron, Ohio, making charges against Judge Ricks. Grosvener stated Ritchie's charges incidentally involved ex-Senator H. B. Payne and Judges Stevenson and Burko, and the reply which was presented through him gave a statement of pertinent facts in connection with the Ritchie charges. On behalf of these gentlemen, Grosvener asked for a full investigation and complete report concerning and prosecuting or exonerating them.

On motion of White (Dem.) of Indiana a bill was passed for the relief of Dennis McIntyre, (Dem.) of Kentucky called up the bill authorizing Lieutenant Colonel Ferwood and Surgeon George H. Pourouse to accept certain testimonials from the Argentine Republic, and it was passed also, authorizing Congress to award a medal from the United States Navy to accept a medal from the Government of Chile.

The House then went into Committee of the Whole for the consideration of the Indian appropriation bill, which carried \$949,820, \$229,000 less than the estimate, and a reduction of \$238,738 compared with the appropriation for the current year.

Holman, Chairman of the Indian Committee, who was in charge of the bill, explained the changes made. The changes included an increase in the appropriation for Indian schools of \$125,500, a total amount \$1,125,500. Of this amount but 50 per cent. was to be used for contract schools, in pursuance of the policy recently inaugurated looking to the ultimate substitution of Government for contract schools.

The subject was further discussed by Little (Dem.) of Arkansas, Bowers (Rep.) of California, Pickler (Rep.) of South Dakota, and Brossius (Rep.) of Pennsylvania, but no progress was made with the bill, and at 4:30 the House adjourned.

DUTY ON SUGAR.

Action Taken by the House Ways and Means Committee.

WASHINGTON, Jan. 15.—The House Ways and Means Committee to-day decided to report to the House the Wilson bill to remove the tenth-of-a-cent a pound differential on sugar imported from countries having an export bounty, which has elicited protests from Germany, Austria and other nations, and the repeal of which was recommended by the President.

Chairman Wilson took the lead in advocating the bill, urging the arguments which have been advanced by Secretary Sherman, that the differential violates the most favored nation clause in the treaties with Germany, Austria and certain other nations.

"The differential," said Wilson, "puts money into the pockets of the sugar trust at the expense of our cattle interests." He gave it as his opinion and that of the Administration that there could be no shadow of doubt that the exportation of American meat from Germany on alleged sanitary grounds was inspired by the sugar duty, and said the retaliatory measures against this duty had already done great injury to American cattle interests, and that still more sweeping acts of retaliation were threatened by Austria and other countries.

The Republicans opposed the bill. Reed had some sarcastic remarks to make about the insufficiency of the revenue provided by the new tariff, and said it will be folly to make changes which might decrease the Government's income.

Other Republicans members pointed out what they called a lack of Americanism in the policy of the State Department. They argued that the differential did not violate treaties and that a tariff which would be established by permitting foreign Governments to force legislation by threats.

No formal vote was taken, and the names were not recorded.

POSTOFFICE CHANGE.

A Sister of Mrs. Abraham Lincoln Removed From Office.

WASHINGTON, Jan. 15.—Franklin W. Joplin was appointed Postmaster to-day at Elizabethtown, Ky., vice Mrs. Benjamin Helm. The circumstances surrounding the case make it one of unusual interest. General Ben Hardin Helm, the husband of Mrs. Helm, was one of the most gallant soldiers in the Confederate army. It was the command of his son, the orphan's brigade, and was killed at the battle of Chickamauga.

Mrs. Helm, the Postmistress who was removed to-day, was a younger sister of Mrs. Abraham Lincoln, and was the wife of Colonel Robert Lincoln, who was her nephew, and when he was appointed Secretary of War by President Garfield he secured his appointment as Postmistress of Elizabethtown. That position he held through three administrations—Arthur's, Cleveland's and Harrison's. Although an effort was made to have Mrs. Helm removed during Mr. Cleveland's administration, it was not urged, and was unsuccessful.

The appointment of Franklin W. Joplin to-day was made on the recommendation of Representative Montgomery.

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GOVERNOR BUDD REMOVES GUNST.

Where was the Light When Moses Went Out?

Stuart Menzies Succeeds Him—Attorney-General Fitzgerald's Opinion in the Matter.

Governor Budd caused something of a sensation in political circles yesterday by declaring vacant the position of Police Commissioner for San Francisco to which Governor Markham appointed Moses A. Gunst just before he vacated the gubernatorial office.

This order by Governor Budd was promptly followed by another naming Stuart A. Menzies of San Francisco to succeed Gunst.

Before taking either of these steps the Governor applied to the new Attorney-General, W. F. Fitzgerald, for his opinion as to the power of the Executive to make such change, and in response to the application the Attorney-General prepared and submitted the following:

SACRAMENTO, January 15, 1895. Hon. James H. Budd, Governor of the State of California: Sir, I am replying to your inquiry of this day, as to "what is the power of the Governor with reference to the removal of an appointee to the Board of Police Commissioners of the city and county of San Francisco, and to fill by appointment the vacancy caused by such removal." I would respectfully state that the Board of Police Commissioners of said city and county was created by the Act approved April 1, 1878. This Act, among other things, provides that the District Judges therein named are empowered and required to choose the members of the Board of Police Commissioners, householders of good repute, without respect to their politics, who, together with the Chief of Police, shall constitute the Board of Police Commissioners of said city and county.

All vacancies shall be filled by the aforesaid Judges making the appointments. There is no term of office prescribed for these officers by this Act, nor by any other law of this State.

The appointing power provided for by this Act was abolished by the Constitution, and no express provision having been made, either by the Constitution or by statute, providing for the exercise of such power by any other officer, the question then to be determined is: Where does this power vest?

Section 10, Article XX. of the Constitution provides that "when the term of any officer or Commissioner is not provided for in this Constitution, the term of such officer or Commissioner may be fixed by law, and if no such officer or Commissioner shall hold his position as such officer or Commissioner during the pleasure of the authority making the appointment; but in no case shall such term exceed four years."

This section of the Constitution was construed by the Supreme Court of this State in the recent case of Higgins vs. Cole (100 Cal. 299-304), in which it was said that the term of office was not fixed by law, it must be held that appellant's term continued only during the pleasure of the appointing power, and that he was rightfully removed.

Upon this subject Section 578 of the Political Code further provides: "Every office of which the duration is not fixed by law shall be held at the pleasure of the appointing power."

From this section it will be seen that the Legislature, in omitting to prescribe the term of office of such Commissioner, has left it to the pleasure of the appointing power.

In order then to determine whom the power of appointment vests in this instance, the original authority to make such appointments having been abolished, as stated, we must look first to Section 4 of Article XX. of the Constitution, which provides that "All officers or commissioners whose term of office is not provided for by the Constitution or statutes, must be appointed by the Governor."

In view of these provisions of the Constitution and the statutes, I am of opinion that you, as Governor, have the power to remove an appointee on the Board of Police Commissioners of the City and County of San Francisco, and to fill the appointment the vacancy caused by such removal. Respectfully yours,

W. F. FITZGERALD, Attorney-General.

FOR REGISTRAR OF VOTERS.

A Strong Petition to the Governor in Favor of J. J. Flynn.

Matt F. Tarpey, James V. Coleman and Max Popper of San Francisco arrived in the city last night, and put up at the Western Hotel, where they called on Governor Budd. They were accompanied by L. F. Merle. These gentlemen presented to the Governor the following petition:

SAN FRANCISCO, January 14, 1895. To the Hon. James H. Budd, Governor: We, the undersigned, taxpayers and citizens of the City and County of San Francisco, do hereby respectfully request the appointment of James J. Flynn as Registrar of Voters for this city and county in recommissioning him to this position, we would state that his records as County Clerk of San Francisco, as member of the Legislature, and in other public trusts, have been of such merit the approval of our entire mercantile community.

(Signed) Neustadter Bros., Steiner, Strauss & Hyman, Murphy, Grant & Co., Sachs Bros. & Co., C. H. Meyer & Bro., Lowenberg & Co., Greenbaum, Well & Mesel, Eunyon & Goodyear, Rubba & Co., D. N. & E. Walter & Co., W. Cohen, Hirsch & Co., Porter, Slesinger & Co., Levi, Sharp & Co., Schwitzer & Co., L. Dinkelspiel & Sons, Esberg, Bachman & Co., McCarthy Bros., Woonsocket Rubber Co. (F. Ephraim, agent), Dallenand & Co., Wilmering & Co., Roth, Blum & Co., E. A. Jargo & Co., Sol. Vagenheim & Co., Jones Schoenfeld, Wilard Bros., Grove P. Ayers, H. Levi & Co., Mai, Sadler & Co. (by Herman J. Sadler, President), John D. Spreckels, P. Beamish, Thomas P. Burns (Cashier United States Treasury), C. Aitschut, James A. Thompson.

SOCIAL AND PERSONAL.

Mrs. Senator T. L. Ford is visiting the city.

Captain J. W. Mitchell of Latrobe is in the city, en route to San Francisco.

Alonzo L. de Clairmont, son of Colonel Ralph de Clairmont, the author, is in the city.

W. L. Rideout, editor of the Lake County Avalanche, has been visiting the city.

Ex-State Treasurer J. R. McDonald

left yesterday for his home in Grayson. He leaves many warm friends in Sacramento who will be glad to welcome him and his family at any time.

Miss Georgianna Klebs was the recipient of a surprise party Saturday evening, at her home, 1720 K street. The evening was enjoyably spent in games, dancing, vocal and instrumental music, ending at a late hour with a fine collation. The following young people were present: Messrs Henry Farrell, Thomas Sheehan, Willie Lynch, Ralph Haley, Eddie Sprague, Archie Kimball, Charlie Lynch, Bert Morrill, Harry Sheehan, Howard Sheehan, Lester Klebs, Joe Schaner, Jim Snow, Grove Sullivan, Misses Bessie Winston, Clara Morrill, Georgia Klebs, Rosie Robbins, Maggie McDonald, Gertrude Littlefield, Georgia Gluseng, Alice Hoffman, Ethel Hoffman, Nellie Hoffman, Alice May, Mary O'Connor, Addie Klebs, Ada Turner.

THE CASE OF DEBS.

Application for a Writ of Habeas Corpus Before the Supreme Court.

WASHINGTON, Jan. 14.—C. S. Darrow, attorney for E. V. Debs, George Howard, Sylvester Keilher, Louis W. Rogers, James Hogan, W. E. Burns, R. W. Goodwin and M. J. Elliott, all of whom are confined in the McHenry County (Illinois) Jail under a commitment by United States Judge Woods of the Seventh Circuit Court, appeared before the United States Supreme Court to-day in their behalf. He presented an application for a writ of error and superseades, and also filed a motion for a writ of habeas corpus.

The object was, he says, to have the prisoner, Edward Debs, released, and he had supposed that all the questions involved could be presented at the same time.

The Chief Justice stated that the important question was whether the writ of error should be allowed, and on that account it should be first presented to the court.

Assistant Attorney-General Whitney appeared for the United States, and it was arranged that the petition for a writ of error should be argued on Wednesday of this week. Mr. Darrow said he was prepared to go ahead with the argument at any time.

The petition for a writ of error is as follows: First—That the injunction for violation of which the petitioners were sentenced was ordered in a case of which the court had no jurisdiction.

Second—That the court erred in deciding that the bill on which the injunction was granted was not maintained in the name of the United States under the district law, and particularly under section 4 of that Act; that so far as it purports to grant the jurisdiction to the Circuit Courts of the United States to restrain or enjoin violations of its provisions it is repugnant to the Constitution of the United States, in that it might thus be invoked to permit prosecution without trial by jury.

Third—That being in effect a proceeding to punish a criminal contempt not committed in the presence of the court, the court erred in not discharging the defendants upon their answers.

Fourth—That the court erred in not quashing the information, instead of indictment.

Fifth—That the court erred in trying them without a jury.

Sixth—That the court erred in holding that the bill of the United States made or stated any case cognizable in a court of law, of which the court could take jurisdiction, cognate with the order and order such an injunction or make any other therein against the defendants.

JAPANESE SPIES.

Correspondence in the Matter Sent to the Senate.

WASHINGTON, Jan. 15.—The President to-day sent to the Senate the correspondence in the case of the two Japanese spies, together with a letter from the Secretary of State, in which it is stated that American Consuls had no authority to protect Japanese in China except as far as using their good offices when the occasion demanded. It was clearly stated to Minister Denby by Minister of Foreign Affairs Mutsu that during the progress of the war Chinese subjects in Japan were to be in direct jurisdiction with the Japanese courts and the military authorities, and the treaty provisions to the contrary were necessarily abrogated by the war situation. This, of course, carried with it the status of the Japanese subjects in China. The letter further states there is scarcely any doubt that the supposed students were spies.

Schuyler Coffax.

LA PORTE (Ind.), Jan. 14.—The grave of Vice-President Schuyler Coffax in the City Cemetery at South Bend is unmarked save by a humble slab bearing his initials. Yesterday was the tenth anniversary of the death of Indiana's illustrious son. It is now proposed to pay further tribute to his memory by the erection of a statue or monument to mark his last resting place.

A Woman's Wit Saved the Ship.

Captain Williams, commanding the schooner Isania Hart, now in port from Trinidad, laden with apples, tells of a novel but unpleasant experience had on his voyage north to this port, which caused them to be without lights for three nights, the result of an accident to the barrel containing the kerosene oil. At sundown, when the steward went to fill the lamps, he found the bung out and the barrel empty, the contents having run down into the hold.

This was on the night of November 24th, and in a sea alive with passing craft, the Hart was in imminent danger of being run down at any moment, but the vessel was navigated in safety, and when daylight came Captain Williams thought he would have no trouble in signaling a passing vessel and getting a fresh supply. To his astonishment, when daylight came the vessels had all disappeared. There was not the sign of a sail, and night fell once more. The next morning Captain Williams conceived the idea of making oil from the pork drippings, or what is known on shipboard as slush, which is used for oiling the masts. And this was done.—Philadelphia Press.

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75c a Yard.

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