

DAILY RECORD-UNION

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Weather Forecast. Northern California—Fair weather, nearly stationary temperature, westerly wind. Height of the river, 15 feet 6 inches.

INFECTED MILK AGAIN. Stockton is evidently a depot for diseased cows. A year ago the asylum herd was found to be diseased, and a number of animals had to be killed, and now they boil the milk used from the remainder of the herd.

There was at the time a good deal of opposition on the part of the asylum authorities to the killing of the animals, and so some were spared that unquestionably should have been destroyed. At the time the RECORD-UNION called attention to the demonstrations of science concerning disease in horned cattle, and quoted eminent authorities in support of the belief the fully 15 per cent. of cows in the valleys are suffering from tuberculosis, and that the application of tuberculin developed signs of consumption, and the post-mortem proved the symptoms to have been correct.

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Mrs. Young of Palm Beach, Florida, came out in bloomer bicycle costume. Mr. McDonald did not like it and said so. He was indiscreet enough to say what he thought, that no modest woman would wear a bloomer costume. Therein he is wrong as well as rash. There is no reason why a modest woman may not wear a bloomer outfit. Modesty does not depend wholly upon costume; it depends upon how it is worn, and when and where as well. But Mrs. Young was hot-headed and probably inspired with some of the new woman ideas, and she accordingly armed herself with a pistol and thrusting it beneath the nose of Mr. McDonald compelled him to apologize and to sign a retraction. Mr. McDonald was right in writing. A pistol in the hands of a woman, even when she is not mad, is infinitely worse than a pistol under most other circumstances, and McDonald's life was worth more than Mrs. Young's bloomers, or anger or rage. But Mrs. Young was wrong, because she proved by her act that she is not a modest woman. Modesty does not need pistol protection, nor notoriety, under such circumstances. If her character could not withstand the criticism of Mr. McDonald on her bloomers, then a pistol could give it no support. Let the really modest woman remember that modest is as modest does.

With a sympathetic and useful voice the Nevada Transcript tells how the Debris Commission has been compelled to bring suit against certain hydraulic mines to stop their violation of the law commanding them not to wash mining slush into the tributaries of the navigable streams. The Transcript tells these mine-owners or operators that they must obey the law, and that they are naughty when they do not do so. There is wanting in the rebuke that severity which the enormity of the offense called for. Cannot the hydraulic organs see that when their agencies defy the law and surreptitiously mine with the monitor that they do the hydraulic mining cause infinite injury? Really, the hydraulic organs ought to blaze with righteous indignation at all those who bring the "cause" into disrepute by attempting to cheat the law. But, in truth, they do not blaze. The mildness of their rebuke clearly enough indicates where their sympathies reside.

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CONCERNING BALLOTS AND VOTES.

Important Decision by the Supreme Court.

Election Day in Arcadia Precinct. Siskiyou County—Ugly Points Decided.

An interesting opinion was handed down by the Supreme Court yesterday, containing some valuable information concerning the conduct of elections that will no doubt be frequently referred to in future contests between candidates. The opinion is in the case of George A. Tebbe against Clarence S. Smith, candidates for the office of Superintendent of Schools of Siskiyou County. Smith was declared elected by a plurality of one vote. Tebbe made the contest. The result of the judicial count was to increase Tebbe's total vote by three, thereby giving him the office by a plurality of two. Smith thereupon appealed to the Supreme Court, and by the decision of the Justices threw out the votes of two whole precincts in which Tebbe had a majority, thereby giving the office to Smith.

The first point urged by the appellant was that the court erred in overruling its objection to receiving the ballots in evidence. The evidence showed that when they were received by the County Clerk the ballots were broken and that they were then put in gunny sacks and sealed. They were watched in the day time and locked up in the Clerk's office at night.

The Supreme Court found that notwithstanding these circumstances all reasonable precautions to preserve the integrity of the ballots had been taken. The Justices declared that where a mode of preservation is enjoined by the statute, proof must be made of a substantial compliance with the requirements of the statute. But such requirements are construed as directory merely, the object looked to being the preservation inviolate of the ballots. It is sufficient compliance with the provisions of the statute is shown by the burden of proof shifts to the contestant of establishing the fact that the ballots were not sealed with care, or that they had been exposed under such circumstances that a violation of them might have taken place. Such proof was not made.

Objection was made to nine ballots in which the cross was marked, not in the square at the right of the candidate's name, but in the margin, space to the right, between the name and the political designation. The Supreme Court held that this was a compliance with the law, which is merely directory and not mandatory. The votes cast in Lake Precinct were those which the court declared should not have been counted. Justice Henshaw, who delivered the opinion, said that in his account of the election from this precinct was like "a breeze from Arcadia." He quoted from the testimony to show in what manner the ballots were counted in Lake conducted the election. They opened the polls at 10 o'clock, instead of at sunrise, and the election officers admitted the ballot into the polling place, taking the ballot-box with them. Judge Henshaw declared that the law fixing the hour for the opening and closing of the polls is directory, and that the ballot-box to be kept at the polling-place, was mandatory, and failure to follow mandatory provisions for the holding of the election vitiated it. He said that he was quite willing to believe that the misconduct of the officers was the result of ignorance, and that no injury was intended, but that the law would admit no interpretation of the law "would admit no interpretation to the safe conduct of elections, which are already harassed by dangers enough."

The court also decided that the ballots of Cecilville precinct should not have been counted. Upon all the ballots appeared in the blank space under the office of Justice of the Peace, J. B. Brown, Republican. The evidence disclosed that this writing had been done by the same person; and further, that but one person in the precinct had been assisted in the marking of his ballot under the provisions of the code. The presumption must be that the officers put legal ballots into the hands of the voters, and that the writing was afterwards put upon them. From the evidence it appeared that the ballot of the voter lawfully assisted should not have been counted. It was therefore held that the other ballots should not have been counted. The judgment was therefore reversed.

Justices Temple, Ansell and Harrison concurred with Justice Henshaw. Justice McFarland wrote an opinion concurring in the judgment of reversal and in the opinion of Justice Henshaw, except as to the writing in the precinct. He said that there was a distinguishing mark on a ballot when it was voted the ballot should not be counted, but if the mark was in the margin, it was not. The law properly voted then at the trial of a contest it should be counted. "If at the trial of an election contest," he asked, "a ballot is found in the hands of a voter, and no evidence as to the time of the marking, must the court presume that it was marked before it was voted?" He said that the law would admit no interpretation of the law "would admit no interpretation to the safe conduct of elections, which are already harassed by dangers enough."

FOR ORANGEVALE. Proposed Terminus of the Y-Street Electric Railway. Articles of Incorporation of the Sacramento, Fair Oaks and Orangevale Railway Company have been filed in the County Clerk's office. The purposes for which the corporation is formed are to construct, own, maintain and operate a railway from a point in or adjoining this city to the lands of the Orangevale Colonization Company, a distance of about twenty miles, together with all necessary branches, sidetracks and terminal facilities. The railway is to be standard gauge, constructed of iron rails, and to be used for the transportation of freight and passengers, the motive power to be steam, electricity, compressed air, gas or any other means of locomotion that may be practicable for such purposes.

The principal place of business of the corporation is in this city, and the directors for the first year are as follows: L. P. Hatfield, President; George M. Mott, Secretary; T. B. Hall, Treasurer, and Frederick Cox and William Schaw, Directors. The capital stock is \$500,000, divided into 5,000 shares of the par value of \$100 each. The amount actually subscribed is \$200,000, as follows: L. P. Hatfield, \$35,000; T. B. Hall, \$100; Frederick Cox, \$100; William Schaw, \$100; George M. Mott, \$100.

COMES BACK HERE TO RESIDE. E. K. Alsip Finds Sacramento More Desirable Than San Francisco. E. K. Alsip, who for many years resided in this city but some time ago went to San Francisco to live, has returned to his old home, and will reside here. Heretofore most of his time has been spent in his offices in San Francisco and San Jose, but now it will be devoted to his business here. He states that the superior advantages of Sacramento as a progressive place and the development shown by the city have induced this change in his business.

Picnic at Oak Park. The W. C. T. U. of Oak Park will give a picnic next Wednesday afternoon at the Pavilion for the purpose of raising funds with which to build a new hall at Oak Park. At the picnic there will be served during the afternoon there will be a discussion on the late subject of the "New Woman," by several entertaining speakers. An admission fee of 10 cents will be charged.

Will Board with the Sheriff. Thomas O'Neil was sentenced in the Police Court yesterday to thirty days in jail for disturbing the peace. Daniel Starr, an ex-convict, who after his discharge went back to Folsom to plant opium for his pals in the prison, was sent to jail for three months for vagrancy.

Requisitions Issued. Governor Budd has issued two requisitions on the Governor of New York for the arrest of George W. Williams, charged with grand larceny and burglary, respectively committed in San Francisco, to J. Whittaker, agent.

Beward Offered. Governor Budd has offered a reward of \$500 for the arrest and conviction of J. E. Douglas, who murdered W. E. Neal at Heppner, San Bernardino County, on June 24th.

SUPERIOR COURT.

Department One—Cattin, Judge. Department One—Cattin, Judge. Hugh Casey vs. A. G. Gamble et al.—Demurrer overruled; ten days to answer. W. R. Strong Company vs. Their Creditors—Sale of real estate approved. E. F. Amundsen vs. W. T. King—Demurrer submitted on briefs to be filed. H. C. Meserole vs. His Creditors—F. C. Hyde elected assignee; bond, \$1,000. H. W. Wainwright vs. Mary A. Hensley et al.—Demurrer overruled; ten days to answer. A. D. Miller vs. County of Sacramento—Motion for new trial submitted without argument.

Department Two—Johnson, Judge. Estate of Richard Hickman, deceased—Executor allowed \$20 and attorney for executor allowed \$25; order allowing supplemental account. Estate of David Osborn, deceased—Will admitted to probate. D. H. Osborn and Henry Elliott appointed executors without bonds. Appraisers—Thomas Dean, George Green and Silas Caloway. Estate of Archibald Logan, deceased—Daisy Logan, appointed administratrix; bond, \$1,000. Estate of H. M. Bernard, deceased—H. G. Soule, attorney for executor, allowed \$75; final account allowed and decree of distribution granted.

Estate and guardianship of Anna Neely, an incompetent—Guardian ordered to file a new bond in lieu of original bond of \$1,000. Estate of Margaret A. Hensley, deceased—Will admitted to probate. M. A. Howard appointed executor without bonds. Estate of Anna Taylor, deceased—Albert M. Johnson entered as attorney of record on behalf of proponent of will; demurrer heard and submitted; probate of will continued two weeks. Estate of David Harris, deceased—Will admitted to probate. Letters testamentary issued to Lizzie Harris, David Levy and Solomon Leora. Appraisers—M. H. Hopp, George Arcepp, for Sacramento and Colusa Counties, and B. U. Steinman, Albert Eklus, Elliott appointed executors without bonds. D. E. Alexander appointed to represent absent heirs. Notice to creditors in Record-Union.

Estate of Julia A. Eastbrook, deceased—Will admitted to probate. Letters testamentary granted to E. H. McKee, bond, \$4,000. Appraisers—J. S. Eastbrook, E. H. Miller and D. E. Alexander. Notice to creditors in Record-Union. Estate and guardianship of J. E. Hays, a minor—Judge allowed account of guardian; guardian allowed \$60; attorney for guardian allowed \$25. Estate and guardianship of Mary Saure et al., minors—Account filed and citation dismissed. Estate and guardianship of George Treichel, a minor—Order appointing W. H. Treichel guardian; bond, \$1,000.

Installation of Officers. The following officers of Columbia Circle, No. 150, C. O. F., have been installed by A. O. Gregory, P. W. G. H., and Mrs. A. Monaghan for the ensuing term: J. P. C. C. Mrs. Emma Lane; C. C. Mrs. A. E. Hammond; S. C. Mrs. Victoria Garrison; M. C. Mrs. Mary Plunkett; T. Mrs. Lena Stegeman; Recording Secretary, Mrs. Annie Sprague; R. G. S. C. Mrs. Annie Elliott; L. G. S. C. Mrs. M. Jones; J. G. Mrs. L. Shaw; O. G. Mrs. Mary Hughes.

Three of a Kind. In the Police Court yesterday George Fisher pleaded guilty of vagrancy and will receive his sentence to-day. Tom Riley did likewise and will receive his sentence at the same time. The similar charge against John Connors was continued till to-day.



A well selected text is half of the sermon. Given a good text and a preacher who is in earnest, and the result is sure to be good. The text of this article is a plain simple statement that proves itself in the reader's own mind without argument. The text is "Good health is better than great riches."

Without health nothing really matters very much. A hacking cough takes all the beauty out of a landscape or a sunset. Erysipelas or eczema will spoil the enjoyment of sprightly conversation, of a beautiful concert, of a wonderful painting. The biggest bank account in the world won't pay a man for his health, but a very small amount of money will make him healthy and keep him healthy. Most all bodily troubles start in the digestive or respiratory organs. It is here the improper living first makes an opening for disease. The development differs as constitutions and temperaments differ. The causes are almost identical. To get at the root of the matter is simple enough if you start right.

Pier Pierce's Golden Medical Discovery is a medicine for the whole body. It works through the digestive organs on all the other. It cures the first thing it comes to and after that, the next. It puts health in place of disease in the stomach, and from the vantage ground thus gained, it reaches every fiber of the body and drives out the cause of indigestion, liver troubles, kidney complaint, biliousness, skin and scalp diseases, salt-rheum, tetter, eczema, and all the troubles caused by impure blood.

TELEGRAM: BELL & CO., Sacramento: Close out stock and fixtures at auction, without reserve, of the Joseph Thielen Crockery Company, 518 J street, at once. C. E. SCHLOSS & CO. STORE WILL REMAIN CLOSED SIX DAYS to permit of clearing stock and to put some into lots. Sale begins THURSDAY, JULY 13th, at 10 o'clock A. M., and will continue