

DAILY RECORD-UNION

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THE RECORD-UNION and WEEKLY UNION are the only papers on the Coast, outside of San Francisco, that receive the full Press Dispatches from all parts of the world.

Weather Forecast. Northern California—Increasing cloudiness and probably showers; stationary temperature; southeasterly winds.

WAS IT AN OUTRAGE ON JUSTICE? A large number of newspapers of the State are outspoken in condemning the jury in the Brady case at Marysville.

The complaint is stated like this—Brady was guilty of murder or nothing. If guilty of murder then he should suffer the death penalty, and in refusing to inflict it the jurors have violated their oaths, because they all testified on examination as to qualification and fitness that they entertained no prejudice against the death penalty.

The Record-Union believes that Brady was guilty of murder in the first degree and that the penalty should have been execution on the gallows. Entertaining this belief, let us examine the assault upon the jury. At the worst the verdict fixing the penalty at imprisonment for life was a mistake of judgment, a possible compromise; an exhibition of misapplied mercy; a weakness. But it was not an outrage upon justice. It does not follow that if Brady was guilty of murder then the penalty should have been of necessity death.

The jury did find the defendant guilty of murder, and of murder in the first degree. But the laws of California do not make death the absolute and inevitable penalty for murder. The Penal Code expressly declares (Section 190) that "every person guilty of murder in the first degree shall suffer death or confinement in the State Prison for life, at the discretion of the jury."

Formerly death alone was the penalty for murder in this State, and under that policy it was found that many criminals escaped punishment because juries would not, in many cases, consent to the infliction of the extreme penalty, though guilt was clear. After a long and spirited debate during a term of years, in and out of the halls of legislation, a new policy was resolved upon, prescribing a second penalty for murder in the first degree, and committing to the discretion of the jury which of the two should be applied. Thus the law was made to declare either punishment adequate, and this new policy was the direct outcome of the public conviction that thereby the administration of justice would be made more certain.

So far, then, as justice is concerned, as viewed by the law, the Brady jury acted within the policy of the law and to its letter and spirit. It did not, therefore, "outrage justice," though it exercised the discretion committed to it with poor judgment.

There are States in the Union in which imprisonment for life is the only penalty for murder in the first degree, and in others the extreme penalty is the only one. In the face of these examples, and her own experience, California has provided two penalties that stand upon an equality in the law. It cannot be said, therefore, that in any case the full penalty has not been visited upon an offender when a verdict of guilty is rendered and a judgment carrying it into effect is executed.

The Brady jury outraged the sentiment entertained by very many people, but assuredly they did not outrage justice in the eyes of the law, and they are not, therefore, deserving the rounds of abuse they are receiving. For error of judgment, for the mistaken sentiment manifest, the jurors are open to severe censure; but to say that "they violated their oaths," that they "ought to be hanged," that Brady "if not executed should be set free," that "if not worthy

of the death penalty then he is innocent," is expression that is not defensible.

MISSION WORK IN CHINA.

Some time ago the Record-Union discussed the question "Do Missions Pay?" The conclusion not reached, but approached, was that those of China have not paid, and as to some others there was doubt expressed. The Review of Reviews has been considering the evidence regarding the beneficial character of the missions in China, and conveys the impression that the burden of testimony is in favor of the missions. Our conclusion was based on statements made by Norman White and several Bishops and missionaries. Of course, on such a subject there will be many opinions and much conflicting evidence.

It is possible that the adverse judgment reached is not fully sustained by the facts now developing, for here we have Hon. J. W. Foster, certainly a talented observer, addressing the Episcopal Council at Minneapolis, and the American Board of Missions at Brooklyn, where he said, at great length, that the mission work in China has been the means of great good.

Mr. Foster reminds us, says the Review, that we must not be surprised at a considerable degree of domestic unrest in China after the shock of the great foreign war, especially in view of the discharge from active service of great bodies of soldiers who have become scattered through several provinces. He predicts that general quiet and order will soon be restored in China, and that thenceforth the missionaries will have much easier access than ever before to the people everywhere. In his opinion it would be a great loss and misfortune to give up the beginnings that have been made, and he exhorts the missionary bodies to lose none of their faith in the possibility of benefiting Oriental peoples through a presentation of the value and significance of the religion of Christ.

Mr. Foster is very recently from the Orient. He is a sincere believer in mission work and in the religion of Christianity, and therefore stands in the attitude of a partisan. He was, while in China, in the employment of that Government in negotiating a peace with Japan. He had opportunities to observe and to form broad judgments. His testimony must therefore be received with respect.

On the other hand, the able critics and practical observers, Messrs. Henry Norman and Arnold White, have charged that the missionaries sent out from our country have been ill chosen; that their methods are ineffective; that the converts to Christianity are few, and that many, if not a majority of the alleged converts, are insincere.

We quoted in the first article on the subject the testimony of missionaries themselves, and of heads of churches in China, to the effect that the antipathy of the Chinese to the missionaries has not only not been overcome, but that hatred of them had spread and intensified among the Chinese. It must be confessed that between these conflicting testimonies it is difficult to come to a satisfactory conclusion as to what is the fact.

We are content, however, until there is more light shed upon the subject, with the conclusion that the cases of the missionaries have not been proved; that in the face of the recent massacres, and the admitted inability of the missionaries to remove the belief from among the people that they subsist upon Chinese babes and children, their mission has not been so successful as the fifty years of effort put forth ought to justify.

NOTE AND COMMENT.

The Ohio Board of Pardons recommends that hereafter total abstinence from intoxicating liquors be made a condition of pardon under the parole system. It is an excellent idea, of course, and one that no one will disapprove. In Ohio it can, under the law, be made a condition of parole, and infringement be made to result in the return of the paroled man to serve out the maximum term for punishment. Under the parole law of California the Board of Parole may make any conditions it chooses as a test of the continuance of the parole. It may, therefore, make total abstinence from the use of intoxicating liquors a condition. The board has power to provide regulations that will tend to reform the man, withdraw him from evil associates and stimulate him to industry and the abandonment of a criminal life. The California Board of Parole has, therefore, made abstinence from liquors one of the conditions of continued favor, and hence it is in advance of the Ohio practice, since it seems that the idea of abstinence from intoxicants as a condition has only just been suggested in that State.

Stockton is much worked up over the condition of its streets, and the press of that city has taken to caricaturing the highways and the street officials. One of the Stockton papers quotes in full from the Record-Union concerning the proper system to be adopted for repair of streets, and adds as a suggestion that repairing should be done under the direction of the City Surveyor. Not so. The City Surveyor of Stockton is not, probably, a road engineer; few surveyors are. A man may be the best of civil engineers and have very little knowledge of road engineering as it is now taught and practiced. In fact, road engineering in this age of specialization has become a specialty and must have special study and practice. But street repairing does not always require an engineer to supervise, provided the street construction was right in the first instance. But any Street Superintendent or street official should have practical knowledge of road science, not merely theoretical, but practical along the lines of approved theories and latest discoveries as to materials and their use, drainage, excavation, handling of road metal, sewer work, piping, tunneling, embankment work and the like. Where a road engineer cannot be had by a city—and it is a matter of economy to have one always—street repairers will do the best work for the people if they will imitate

the original construction in making repairs, provided, as we have said, the original was a sound, well-made and scientifically, and hence economically constructed street.

The Stockton Mail says that brooms in the hands of industrious and careful men are far better street cleaners than street-sweeping machines. No doubt about that. The experience of Sacramento is against the street-sweeping machine, because the kind in use here does more damage to house interiors than would dirt in the streets to the people on the outside.

VOICE OF THE PRESS.

Expressions From Newspapers of Interior California.

Oakland Times: Petitions are being circulated asking Congress to amend the immigration laws to still further restrict immigration. This movement finds support from some of the leaders of the strongest labor unions in this country; aside from this it is receiving the united support of the different patriotic orders. The movement is one that the time has arrived when theorizing should be relegated to the past, and all native and foreign-born citizens unite and insist that our country be protected from immigration by foreign hordes who come here to compete with labor.

BOYS AND GIRLS IN ORCHARDS. Chicago Chronicle-Record: There are some people who insist that boys and girls from 14 to 16 years of age must go into the orchards and work during the fruit season in order to make a living. How much better it is that they can have this opportunity and have their minds occupied in light work than to be roaming the streets and leading a life of idleness. Small orchards, we claim, will be the salvation of a many a young man or woman. The greatest cause of downfall to the boys and girls of this country is idleness, not overwork, and if employment can be provided for them when they are not attending school, why not insist that they will be saved from a degraded life, would otherwise have been better off had they never been born. Save the boys and girls from the "Hongkong" care for their own.

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AN IMPORTANT LETTER.

WOONSOCKET RUBBER COMPANY, F. EPHRAIM, Agent, 115 Battery Street, San Francisco, November, 20, 1895.

MESSRS. WEINSTOCK, LUBIN & CO., Sacramento, Cal.

GENTLEMEN: For the benefit of your customers and the public generally we make this statement voluntarily, that the verbal assurance given to you that every pair rubber boots having WOONSOCKET BRAND impressed thereon are guaranteed to give universal satisfaction; especially the rubber boots used by miners called the Pure Gum Sampson, are superior to Crack, Anti-Crack or Patented Zeal boots. Certainly, careful miners have learned from close observation that Woonsocket's Concentrated Duck Boots, with rubber soles or leather bottom, are the most serviceable on record, and faithfully recommend them to their fellow-men. Although the improvement applied on Woonsocket's rubber boots called the "Vulcan," which means a leather innersole to which outer topsole may be secured after the rubber sole is worn out, is rather expensive, no extra charge is made for the advantage Vulcan Boots offer to Farmers, Fishermen, Hunters and every user of rubber boots. Accept the gentle reminder that every pair Woonsocket Brand Rubber Boots and Shoes for men, women and children are guaranteed to give best service, and appreciating your large order to date, we have the honor to sign, yours truly,

WOONSOCKET RUBBER CO.

played, and the fruit is just as clean and wholesome as Eastern housewives could possibly make it.

THE LAW AND THE LAW-BREAKERS.

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JOHN BREUNER. Oh, Beautiful!! The recipient is so pleased, and the giver is so glad he went to Breuner's, where it is simply impossible to make a mistake in selection—Everything is NEW and so tasty, and the prices correspond with all kinds of pocketbooks. This beautiful desk set for \$35. If you don't wish to invest so much, we'll show you the handsome line of cheaper desks we have from \$7.50 upward. We're sure to surprise you in the desk line. John Breuner, 604-606-608 K St., Sacramento.

L. L. LEWIS & CO. \$3. The above No. 6 Parlor Stove only \$3. Other Stoves at bottom prices. Don't buy until you see us. Our Catalogue sent free. L. L. LEWIS & CO., 502 and 504 J Street, Sacramento.

AMUSEMENTS. DO NOT FAIL TO HEAR THE MACKENZIE LECTURE ON "SCOTTISH TRAITS." THIS EVENING AT THE CONGREGATIONAL CHURCH. METROPOLITAN THEATER. ONE NIGHT, Wednesday, Nov. 27th. J. H. HAVERLY'S Original Mastodon Minstrels. "PINK DOMINOES." PACIFIC COAST JOCKEY CLUB. Grand Opening OF THE New Race Track at Ingleside. Thanksgiving Day. THE LARGEST Stock to select from in the city, from the cheapest to the better grades. PHILLIPS & HAUB, MEN'S FURNISHERS, 516 J STREET. YOUR LAUNDRY WORK MUST BE DONE, AND YOU WANT it done neatly. If so, you need not hesitate about sending it to the American Steam Laundry, Ninth and I Streets. SEND THE WEEKLY UNION TO YOUR friends in the East.

NEW TO-DAY.

GRAND CONCERT TO BE GIVEN AT First Baptist Church, Wednesday evening, Nov. 27th. Refrainments free. Admission 25 cents.

TO THE MASQUERADE. THE STEAMER FRUITVALE will leave her landing at 5 o'clock sharp on the evening of November 27, 1895, to attend the Comic Masquerade Ball at Houston street, Courtland. Fare for round trip \$1.00. The public is cordially invited to attend.

N. G. C. EXCURSION TO WOODLAND. COMPANIES E AND G OF THIS CITY will give an excursion to Woodland on Thursday, November 28, 1895. Train will leave the depot at 7:30 a. m., returning to leave Woodland at 12:30 p. m. Fare, round trip, \$1. Tickets can be had from Captains Schramm and Schramm at the depot at 11 a. m. The public is cordially invited to attend.

THE SUSPENDED STUDENTS. A Stockton Mail: Two students at the California State University have recently been disciplined on account of the part taken by them in the publication of a college paper, in which some members of the faculty were held up to ridicule. The specific offense charged against them was that they had lampooned a certain member of the faculty, an army officer who is the military instructor at the Berkeley institution. Student Robbins was ordered suspended until the end of the term and Student Steacie for one month. To outsiders the offense of these young men appears to be a very trifling affair compared with the punishment meted out to them, and it has been remarked that this episode, and others of like character, indicate a deplorable lack of cordiality, personal regard and kind feeling on the part of students for faculty and faculty for students.

Those who are disposed to condemn the faculty and to regard the conduct of these two young men as something quite natural and merely a pardonable bit of college prankishness need to be reminded that it is of the utmost importance to the students within some bounds. No such thing as discipline can be maintained, nor can courtesy and mutual respect be preserved among the students and professors if the young men are to be allowed to hold the professors up as butts for ridicule.

A little fun is all right, and this world would be a dreary place if the boys were not allowed to laugh and play. But to incline the rest of us that way. But it seems to us that those who have grown old enough to take a university course should have sense enough to mix a little propriety with their desire for amusement.

AHEAD AS USUAL. Placer Herald: We, of Northern California, are at least six weeks earlier than our southern brethren when it comes to the making of oranges and lemons. George D. Kellogg of Newcastle has for a week past been shipping oranges to San Francisco from the groves of an Arroyo Orange Ranch. Fruit is also being shipped from the great Whitney fruit ranch.

CHINESE-PACKED FRUIT NOT WANTED. Escondido Times: The Grocery World of Philadelphia says: "Eastern buyers of California dried fruits are warning to the fact that the fruit cured and handled by the Chinese is not cleanly nor in any way as good as that handled by Americans. This is indicated, and will have a cash value to our home packers."

The Times is pleased to inform our Eastern readers that no Chinese have ever been employed in Escondido in picking, curing or packing fruit of any kind. In this regard the work done is done principally by boys, girls and women. In visiting the places where the racks of this valley are now being packed we found mostly women em-

planned, and the fruit is just as clean and wholesome as Eastern housewives could possibly make it.

Los Angeles Times: The professional workingmen—the salaried agitators, the walking delegates and the "labor leaders"—profess to feel much surprise and express great indignation at the decision of the Supreme Court of the United States confirming the decision of United States Judge Ross of California in H. They may organize until they are officers in Los Angeles, who were sentenced by that fearless Judge to eighteen months' imprisonment in the penitentiary for conspiring in attempting to prevent men from working during the railroad strike of 1894, as a result of which conspiracy the movement of the United States mails was obstructed.

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