

SUPERIOR VS. CITY COURT.

Points on Which They Continue to Disagree.

Sharp Criticisms Between the City Attorney and Superior Judge Hinkson.

Ed Allen was found guilty of vagrancy in the Police Court yesterday and was sentenced to forty days in the County Jail.

The City Attorney tried to prove that he was not a California Indian, but, although there was not the slightest indication that he had a drop of Indian blood in his veins, Officer Fisher would not swear to his lineage farther back than his knowledge of Allen's parents, but he could not vouch for their parentage.

City Attorney Brown said he could not find witnesses who could testify on this point. He did not feel bound to comply with the decision of the Superior Court that demanded impossibilities of him. He had consulted on this point with W. A. Anderson, A. L. Hart, E. C. Hart, H. W. Johnson and other criminal lawyers of recognized ability, and found they all disagreed with Judge Hinkson. He recognized the honesty of purpose of the Judge, but he disagreed entirely from his ruling.

It had seemed to him lately that several cases had been reversed in Department Three on points that had not been raised by the attorneys of defendants or judgment asked upon them. Justice Davis said he did not like to disregard the decision of the Superior Court, but the result of it would be the discharge of everyone who was brought before him on the charge of vagrancy if it developed upon the City Attorney to prove that prisoners are not California Indians.

He had taken great pains to examine into the subject, as it is a matter of considerable moment. He had never known an attorney to raise the point in his court in defense of a client, but they go up to the Superior Court and raise the point there on appeal. A prominent lawyer had told him that he felt ashamed to raise the point when he did so, as he had no faith in it, but it was the only way to save his client.

City Attorney Brown, in the course of his remarks, referred to the Judge of the Third Department of the Superior Court very sarcastically, and twice said the Judge had no standing of any prominence as a lawyer before he went on the bench.

JUDGE HINKSON'S VIEWS. A "Record-Union" representative called on Judge Hinkson last evening, and asked him concerning the ruling complained of, and what he thought of the remarks of City Attorney Brown concerning him.

He replied that the verbal assault did not trouble him at all. As to the law of the case, that the Superior Court was right, there was not the shadow of a doubt.

"What do you say to the statement that it cannot be proven that one is not a California Indian?"

Judge Hinkson replied that it was inexcusable stupidity, and he was unable to believe that it emanates from lawyers rather than from nonentities. He could understand it as coming from those who contend that when an ordinance makes it a misdemeanor for a person to sell liquor without a license, in order to convict him it is only necessary to prove that he sold the liquor, and that it is not necessary to prove that he did so without a license. It comes probably from those who do not know that it is necessary, when prosecuting a person under a city ordinance, to prove that the crime was committed in the city. Such is the legal caliber with which the Superior Court has to deal in these instances.

"I have been compelled," he added, "to reverse the judgment of the Police Court time and again: First, because the officials of that tribunal do not seem to know that where the statute provides that California Indians shall not be convicted of vagrancy, it is necessary to prove that the defendant is not such an Indian; second, because these officials appear not to know that it is necessary to prove that a person sold liquor without a license before he can be convicted of violating an ordinance making it a misdemeanor for doing such business without a license. And, third, because the same officials think the venue of the case is proven by showing that a crime was committed on K street or L street, instead of showing that it was committed in the city of Sacramento, in this State.

Judge Hinkson said he had no feeling in the matter other than that which ought to be entertained by any Judge who finds plain provisions of the law stumbled over and avoided and brutally treated by officials who have the law before them, and are presumed

COFFIN NAILS.

"Just One More," She Cried, as She Breathed Her Last.

Beautiful Minnie McCorkle—She Follows Her Brother Into Eternity, Via Cigarette Route.

La Porte, Ind.—Special—Two lives have been tied to the stake of the Cigarette Habit and slowly burned up. In the case of Mrs. McCorkle, near Buffalo, Ind., less than a year ago, a brother robust and manly, just entering upon a prosperous career, placed a pipe stick between his lips and started to smoke his life away. It set his nerves on fire, and gradually undermined his reason, until within a short time ago, he died, a raving maniac.

His sister smoked cigarettes before he died. To-day it comes over the wire that even the terrible object lesson found at the deathbed of her maniac brother, she could not break the cigarette habit. She smoked on until five boxes a day failed to keep her quiet, and as she lay dying, piteously she cried: "Just one more Cigarette!" Strong and beautiful as she once was, cigarettes enslaved her, reduced her to a mere skeleton, and destroyed her reason.

Tobacco users don't you think it time to call a halt? Can't you hear the warning death rattle ringing in your ears? Better take time to investigate the merits of No-To-Bac, which is absolutely guaranteed to relieve you of the tobacco habit in every form, make your nerves strong, give you a good appetite, and gradually enjoyment and good things of life, that belong to a well, vigorous, strong, happy man.

No-To-Bac will do all this and more. Why not try it? You run no physical or financial risk. It costs only a few cents. You can get samples free, with booklet. If you simply address The Sterling Remedy Co., New York or Chicago, or you can buy three boxes from your druggist under an absolute guarantee to cure.

Beware of fraudulent substitutes and imitations! There is only one guaranteed cure—NO-TO-BAC. It's the only one tried. See that you get it, and take no other.

to know what is necessary to be done in prosecuting offenders. He did not wish to see the guilty go free or the law evaded. On the contrary, he wanted the laws enforced, as every good citizen does, but the plain duty of an appellate court cannot be shirked, no matter how many criminals are set free. He expressed himself strongly concerning the statement that witnesses cannot be found to testify to the moral conviction and the obvious fact that a white man is not an Indian. Such hair-splitting he declared to be trifling with the oath and the law, and he could scarcely find words sufficiently strong to express his disgust for such excuses as he understood were offered for the inability to establish a very simple fact.

THAT ORDINANCE.

It Proposes to License Canvassers, Not Photographers.

Following is the full text of the ordinance introduced at the session of the City Trustees on Monday evening:

Regulating the business of canvassing or soliciting for the sale or enlarging of photographs, daguerotypes, crayons, water-colors, oil-colors, or other pictures, made by the photographic process, and the sale of tickets, coupons, etc., for which such pictures or other pictures, made by the photographic process, or who shall engage in the business of selling tickets, coupons, or other device, intended to be exchanged for photographs, daguerotypes, crayons, water-colors, oil-colors, or other pictures, made by the photographic process, or the enlarging thereof, or who shall engage in the business of canvassing or soliciting for the sale of picture frames of any description, containing photographs, daguerotypes, crayons, water-colors, oil-colors, or other pictures, made by the photographic process, or picture frames designed for such pictures which have been given away, or who shall engage in the business of selling tickets, coupons, or other device, in return for which such frames may be had, shall

take a license per quarter, payable in advance, as follows: Those doing business which shall amount to less than \$3,000 per year, \$75 per quarter. Those doing business which shall amount to more than \$3,000, and less than \$5,000 per year, \$100 per quarter. Those doing business which shall amount to more than \$5,000, and less than \$10,000 per year, \$125 per quarter.

Section 2. Every person who shall violate the provisions of this ordinance shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than \$100, nor more than \$500, or be imprisoned in the County Jail for not less than twenty (20) days, nor more than fifty (50) days, or by both such fine and imprisonment.

Section 3. This ordinance shall take effect and be in force from and after its passage.

Weather Report.

The Weather Bureau reports show the highest and lowest temperatures yesterday to have been 63 and 47 degrees, with fresh northwesterly winds and clear weather prevailing.

The barometrical readings at 5 a. m. and 5 p. m. yesterday were 30.25 and 30.22 inches, respectively.

The highest and lowest temperatures one year ago yesterday were 94 and 62 degrees, and one year ago to-day 92 and 59 degrees.

Yesterday was the driest day for some time, and if these northerly winds continue there will soon be all the warm sunshiny weather, that is needed for fruit. Yesterday there was a new moon, and as some go on the lunations of that luminary it might be well to notice it.

A light frost was reported yesterday morning from Eureka, Humboldt County. The Weather Bureau temperatures at that point fell to 38 degrees, and as the thermometer near the ground read several (4 to 6) degrees lower than those of the Weather Bureau offices, which are always high above the ground, there must have been quite a frost in that vicinity.

Action to Foreclose.

Rebecca Thibby, by her attorney, Hiram W. Johnson, has commenced action against Clara Debad, executrix of the estate and will of Frank Debad, deceased, to foreclose a mortgage on Swamp Land Survey, No. 338, consisting of 201 acres.

The mortgage was given to secure the payment of a note for \$5,000, executed April 5, 1895, with interest, amounting in all to \$5,527 50.

Continued Cases.

The case of Thomas Williams, charged with vagrancy, was continued yesterday in the Police Court till Friday.

The case of H. H. Johnson, charged with embezzlement, was continued till to-day.

J. L. Anderson, the well-known fruit shipper, will operate this year with the Producers' Fruit Company, acting as their agent at San Jose, on the Sacramento River, and at other points.

George Egan and Will H. Hanlon, well-known Sacramentoans, have purchased the Reception Saloon, Seventh and K streets. The full returns of the races at San Francisco are chronicled there daily.

Call and see Wilson's new Tally-Ho four-in-hand coach; finest in the city for picnic and pleasure rides.

Best garden hose, 10 cents a foot; hose repaired. Tom Scott, 303 J.

Baldwin's photos the best, 504 J.

When farmers, carpenters and builders learn the prices made on all kinds of hardware at the "C. C. C." Grangers' building, corner Tenth and K, that line will become as popular as the grocery and drug departments.

The "C. C. C." pharmacy case "hangs fire." Another prescription druggist has been added to the force and business is booming.

Call at Fair Oaks wood-yard, Eighth and Q streets; see sample of wood delivered any part of the city; \$3 85 per cord for four-foot white oak; \$5 50 per cord for stove wood.

Your scalp is scaly and looks bad; causes your hair to fall. Smith's Dandruff Pomade will cure you. Guaranteed by Washburne & Co., Eighth and J.

White tar camphor keeps moths out of clothing. Cheap and agreeable. J. A. Green's Seventh and K streets.

No necessity of you having your shirts made to order when you can find perfect fit at Wm. M. Peirce's, 422 J street.

Alex. Holmes, Photo Studio, 1308 10th.

MRS. LEE CHARGES FRAUD,

And Causes the Arrest of Ex-Mayor E. J. Gregory.

She Says He Knew His Firm Was Insolvent When He Took Her Money.

Eugene J. Gregory, senior member of the Gregory Brothers' Company, which firm went through insolvency about a year ago, was yesterday arrested on complaint of Mrs. Bruce B. Lee on three separate counts of obtaining money by false pretenses. He gave bail in Justice Henry's court in \$1,000 in each case.

When the company failed and its creditors filed their claims in court, it was found that Mrs. Lee had one of \$9,000 for money lent the firm. Some complications arose in the adjudication of the company's affairs, and they have not yet been settled.

Mrs. Lee recently returned to the city after an absence of more than a year, and it was thought that possibly some arrangement had been made for settling with the creditors of his firm. He states that he had offered to make monthly payments to Mrs. Lee until such time as he might be able to settle with her in full, but that she would not accept the offer.

The ground on which Mrs. Lee bases her charges of fraud is that Mr. Gregory claimed when she lent him the money that his firm was solvent and responsible, but that on the contrary it was insolvent, and that he knew that fact when he borrowed the money.

In January, 1896, Mrs. Lee lent the firm \$6,000; in May, 1894, she advanced \$2,000 more, and in August, 1894, another \$1,000.

Mrs. Lee was about the Courthouse considerably yesterday, and persons who knew of the pending litigation between her and the Gregorys, over her \$9,000 claim, were beginning to wonder what new turn the affair had taken, when Mr. Gregory appeared in company with Deputy Sheriff Hinters, who had in the meantime served the warrants on him.

To a "Record-Union" reporter Mr. Gregory said he was rather glad the issue had come, as it would officially determine the character of the transaction between his firm and Mrs. Lee, which he claimed was purely a business affair.

Many Inquiries.

Have been made by my patients this week as to what is astigmatism. For the benefit of the public in general I wish to state here that astigmatism is the result of an imperfect formation of the refractive media of the eye, is common to both far-sight and near-sight. It causes great strain to the eye and produces sick headache, nervousness, cross-eyes, weak eyes, dizziness, sore eyes, blinking, watery lids, frothing, inflamed lids, pain in back of head, granulated lids. The only remedy for this eye strain is glasses properly fitted to the eyes. If you have any of these troubles F. de Wolfe Hennah will give you examination and consultation free of cost at his office, the Normandie, Tenth and K.

Free! Free!! Free!!!

F. de Wolfe Hennah is permanently located at the Normandie, Tenth and K. He gives a free examination of the eye.

Speaking of Pianos!

Here's a choice. We have the Jacob Doll, Kranich & Bach, Behr Bros., Stein, Conover, Mathushek and the unrivaled Steck, all on sale at our new warehouses, 716 J street. Neale, Eilers Co. (Cooper Music Co.).

Speckled Trout.

Speckled trout from Lake Independence at the Pacific, J. near Eighth.

Tamales served day and night at Welch Brothers; also ice cream, with cakes. Give us a trial.

Buy a Cleveland or Sterling. Both have reputations of years' standing. Gillis & Winans, Golden Eagle Cycles, Seventh and K streets.

Dr. F. D. Tyrrell has moved his offices from 429 J to the new Joseph building, Sixth and K.

Ice-cream and cakes, 10 cents a dish. Otto, opposite Plaza.

Dr. T. Wah Hing has removed to northwest corner Fourth and K streets.

Crowned. Thrice-crowned. Monarch of all Beers. Buffalo Brewing Co.'s New Brew.

Not necessary. It's not necessary to tell you the materials are right. New Brew proves it.

In strength, in flavor, in aroma, monarch of all beers. Buffalo Brewing Company.

BORN.

OAKLEY—Near Latrobe, El Dorado County, Cal., May 9th, to the wife of E. M. Oakley, a son.

DIED.

PERRY—In this city, May 10th, James Perry, a native of Ireland, aged 78 years.

Friends and acquaintances are respectfully invited to attend the funeral to-day (Wednesday) at 1 p. m., from George H. Clark's funeral parlors, 1019 Fourth street; thence to the Cathedral, where funeral services will be held at 1:30 p. m.

HOSKING—In this city, May 10th, John Griffith Hosking, beloved son of John and Anna J. Hosking (brother of William, Mamie and Stabel Hosking), aged 17 years, 8 months and 25 days.

Friends and acquaintances are respectfully invited to attend the funeral Thursday, at 2:30 p. m., from the Ninth-street Baptist Church, Ninth street, between L and M.

DE CASTRO—In this city, May 12th, Paz G. De Castro, beloved wife of Manuel Castro (mother of Mrs. Corda Gonet, Rudolph and Marshall Castro; grandmother of Gussie and Algonzo Gonet), a native of La Paz, Lower California, aged 54 years.

Funeral notice hereafter.

HEALS RUNNING SORES

CURES THE SERPENT'S STING

CONTAGIOUS BLOOD POISON

In all its stages completely eradicated by S.S.S. Obstacles yield to its healing powers. It removes the poison and builds up the system.

Wholesale and Retail Dealer in Furniture, Carpets, Upholstery Goods, ETC.

Women Versus Men.

It is said a woman is cooler and more self-possessed in cases of fire or shipwreck than a man but would not have half a man's patience in wearing ill-fitting clothes. If men were more particular in this respect it would help our clothing business.

There is a first-class tailor on the premises whose business it is to make the garments we sell fit perfectly. He looks after the \$4 65 suits quite as carefully as he does after the \$20 ones, and often insists on changes after the purchaser has said: "Never mind. It is good enough as it is."

We have a reputation at stake and are anxious that our clothing should be not only right in PRICE, but also in QUALITY, but also right in FIT.

Furniture For 4 Rooms, \$81 30.

PARLOR—Well upholstered Brocade Parlor Suit, mahogany finish; five pieces, silk plush trimming.

BEDROOM—Maple Bedroom Suit, including bed, bureau, washstand, two chairs, rocker, table, pillows and upholstered mattress complete.

DINING-ROOM—Oak extension table, sideboard, six chairs.

KITCHEN—Patent table, two chairs and one kitchen seat.

We have all the best makes of Woven Wire and Steel Spring Mattresses, ranging in price from \$2 50 to \$12 50 each.

For solid comfort and service we have special value Wire Mattresses at \$3 75 each.

Wool Filled, Brazilian Hair Moss, Silk Floss and Best Curled Hair Mattresses, from \$3 50 to \$25 each.

A leader is a Wool-filled Mattress for double beds, nice quality tick. Price, \$2 48 each.

Washable Chambray Underskirts, neat stripes, 50c.

Black Sateen Skirts, with fluted flounce and baby ribbon trimming. Price, \$1.

Grass Cloth Skirts, tan color, with deep flounce. Price, \$1 25. Some with serpentine braid and lace. \$1 50, \$2 25 and \$2 50.

Black Colored Gloria Silk Skirts, \$2 87.



About Making Dresses.

To make a dress fit over a pair of corsets that do not fit, is setting the gown fashioner a task that will bring little satisfaction.

Our Long-waisted Soyal Worcester Corsets were not made by guess work, but with due respect to the anatomy of women. Get the right size, and when you have your dress fitted there will be little trouble about wrinkles.

Royal Worcesters, 50c, \$1 \$1 25, \$1 50, \$2, \$2 50, \$3, \$3 50, \$5 and \$6.

Ventilated Summer Corsets, 50c and \$1.



Underskirts.

Black Sateen Skirts, with fluted flounce and baby ribbon trimming. Price, \$1.

Grass Cloth Skirts, tan color, with deep flounce. Price, \$1 25. Some with serpentine braid and lace. \$1 50, \$2 25 and \$2 50.

Black Colored Gloria Silk Skirts, \$2 87.

Weinstock, Lubin & Co., 400-412 K St.

LOOK AT OUR

California Model.

It is the best and easiest-riding medium grade wheel on the market. We carry a full stock of parts for the COLUMBIA, HART-



FORD, HUNTER and IMPERIAL WHEELS. All kinds of

Bicycle Repairing, Wheels Rented

ECKHARDT'S GUN STORE, 609 and 611 K Street.

IMPORTANT DISCOVERY

How to have more than double the capacity of other Filters and at the same time furnish PURE WATER, sparkling and clear as crystal. By using

Champion Germ-Proof Water Filter.

Call and Examine the Filter. PRICE, \$3 AND UPWARDS.

Holbrook, Merrill & Stetson.

B. SHINKLE, Agent.

DOOR SCREENS, WINDOW SCREENS.

Stock sizes to fit all regular openings. Odd sizes made to order at short notice.

W. P. FULLER & CO.

"WELL BRED, SOON WED." GIRLS WHO USE SAPOLIO ARE QUICKLY MARRIED. Try it in Your Next House Cleaning.

CREAMERY HEADQUARTERS. Agency Knights Landing and Woodland Creameries, California; Douglas Co. and Reno Creameries, Nevada. Strictly Modern. Highest Quality Maintained Always.

WOOD, CURTIS & CO., WHOLESALE DEALERS IN California, Oregon and Nevada Products. Butter, Eggs, Potatoes, Beans, Vegetables, Fruits, etc. Agents Santa Paula Seedless Lemons.

OFFICE, SECOND AND M. RICHARDS & KNOX, LUMBER.

Wholesale and Retail Dealer in Furniture, Carpets, Upholstery Goods, ETC.

JAMES G. DAVIS, Furniture, Carpets, Upholstery Goods, ETC.

Warehouses, 403 to 407 Oak Avenue.

WEDNESDAY, 9:30 A. M.

SPECIAL SALE

White Cups and Saucers, Wash Bowls and Pitchers, Seamless Rubber Garden Hose, Moth Bags, Baby Buggy Lap Robes, Hardwood Corner Cabinets.

LOT 1—White Handled Cups and Saucers, made by Smith & Ford of England. Special price, 85c Dozen.

LOT 2—Full-size White Wash Bowl and Pitcher, made by Smith & Ford of England. Special sale price, 85c per Set.

LOT 3—White Uncovered Chambers of English manufacture. Special sale price, 25c Each.

LOT 4—Fair Quality Seamless Rubber Garden Hose, three-quarter inch size. Special price, 6c Foot.

LOT 5—Tartan Moth Bags of double strength, in large and extra mammoth sizes. Just the thing for preserving winter wearing apparel. Special sale price, 16c and 38c.

LOT 6—Hardwood Corner Cabinets in oak finish; have hinged doors. Special sale price, 98c Each.

LOT 7—We received a very choice lot of Eiderdown Baby Carriage Lap Robes, neatly trimmed with ribbons and embroidery work. In some unaccountable way these robes became slightly damaged. The colors are baby blue, light tan and pink. Special prices are 54c and 74c.

LOT 8—Royal Ironstone China Side Dishes, suitable for hotel, restaurant and boarding-house uses. Square oblong shape; size 6 1/2 inches. Price, 3c Each.

Also, special value in Double Thick Saucers, coffee size; suitable for hotels. Price, 15c Doz.

Open Evenings Until 8.

School Opening.

We have ready for school opening a fresh line of supplies: Tablets, Pencils, Composition and Note Books, Straps, Boys' Erasers, and all the necessary articles required by scholars.

Every purchaser of school supplies will be given a Pencil Sharpener.

W. F. PURNELL, Bookseller and Stationer, 609 J STREET.

Remember our new Magazine department.

JAPANOID.

This is a black typewriter carbon paper, very thin and strong, perfectly opaque, not full of streaks, of great durability and will not smut in the least.

If you want a neat, clean copy, do not be satisfied till you have tried GERBER'S BLACK JAPANOID.

We can recommend it. H. S. CROCKER CO., 208-210 J STREET. Booksellers, Stationers, Printers.

PICNIC

The season is now here and we are in the field with a full line of PICNIC GOODS, including BASKETS, open splint, each, \$1 and 10c. BASKETS, satchel, covered splint, each, 10, 15, 25 and 35c. PLATES, pulp, per dozen, 5c. PLATES, wood, per dozen, 5c.

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