

DAILY RECORD-UNION

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Weather Forecast.

Northern California—Partly cloudy and somewhat threatening weather Tuesday, but generally without rain; brisk westerly winds along the coast.

"JUDGE-MADE LAWS."

A favorite avocation of not a small number of our contemporaries just now it is to talk alarmingly and sagely of the "encroachments of the courts upon the rights of the people," and especially to preach of "Judge-made law." Thus, in the case of the interpretation of the Purity of Election Act, so far as it relates to bribery at primaries; in the construction of the Act relative to vagrancy; in the interpretation of the powers of the Judge in reviewing the verdict of the jury; in the matter of the granting of new trials, and in the other matters concerning which there has been popular outcry against the courts, so far as it is voiced by newspapers, there is bitter and unjust criticism of the courts, coupled with the allegation that in interpreting laws they make law.

It would be offensive to charge our contemporaries indulging in these criticisms with ignorance, and we have no intention of doing so in an offensive spirit. But it is simple truth that in all or very nearly all the cases of indulgence in assault upon our courts because they do not interpret statutes as newspapers read them, the basis of the criticism lies in ignorance or forgetfulness of the principles which govern, and forever must govern in interpretation. These are as old as time, approved by the ages, and have had the concurrence of thinking humanity since jurisprudence was an element on man's economy.

The rules of interpretation, it is very true, may be misapplied and at times they have been ignorantly and in some cases by corrupt Judges, but in ninety cases out of a hundred they are not misapplied and substantial justice is done. It may be, often is, that a statute framed with greatest care and intended to express the plain wish and mandate of the people, is found when subjected to the rules of interpretation to be inadequate to achieve the ends intended.

The courts, as must be obvious to any thinking intelligence, can ascertain the intention of the legislator only from the language employed. It must be assumed, since any other rule would be dangerous, indeed ridiculous, that the legislator uses the language chosen in its well-known and accepted legal meaning, also that he uses it with full knowledge of its bearing upon and relation to all other existing laws, and its capacity under the Constitution. It will be readily understood, as we have said, by the impartial mind that the courts cannot consider any evidence of intention on the part of the law maker outside of his expression in the law. If, therefore, a law fails of popular desire, under the criticism of the courts it is because the latter do as is their bounden duty, and stand for the liberties of the people against the enforcement of any law that is not in harmony with the Constitution and framed in a manner to enable the intention of the law maker to be ascertained according to the usual and accepted rules of interpretation.

Take the most recent case, the interpretation of the Purity of Election Act as it relates to bribery and primaries. It is perfectly clear that the court below and the Appellate Court in that case construed the law as it reads, and that there is no other construction to be placed upon it without doing violence to the everlasting and everliving principle underlying legal interpretation.

The simple fact is that we have very little Judge-made law. In this country, even were the Judges so disposed, they could not make and enforce laws to any material injury to human rights, because of the multiplicity of remedies our laws afford, and the numerous tribunals through which cases may be carried to final judgment. Moreover, it is not in evidence that our courts have manifested any considerable extent any such disposition as is charged, though it is conceded that there have been corrupt men upon the bench. The Judges come direct from the people. They are responsible to them alone; they hold office for but short terms; and they sit in the presence of a bar exceedingly large in membership, and out of which there comes such advocacy on all sides of every question presented, that there is never failure of championship for every view entertained in the public mind concerning the laws made by the Legislature.

The courts are not above criticism, as they are not free from error and evildoing, since they are human institutions; but we submit that in the usual construction of statutes and in the application of the doctrines of the common law, so far as not abrogated by the American system, there is wanting reason for the iterated charge that our tribunals are seeking for some inscrutable purpose to override the laws of the people and substitute those of their own making. There is nothing whatever to warrant the serious but oft-repeated charge that these judicial bodies, chosen and commissioned by direct action of the people, are combined to rob the people of their liberties.

On the contrary, whoever, with clear conscience and unbiased judgment, considers the judicial system as we have it, must arrive at the conclusion that, as a whole, it is the chief bulwark of the liberties of Americans and the shield of their rights in person and in property, and that these are interposed in their behalf as a rule, according to well-settled principles, and according to rules of interpretation and procedure that are the outgrowth of all human

experience, and have the sanction of reason in its highest known form.

The story comes that a party of Portuguese were quietly, decently, celebrating a religious festival peculiar to them in Oakland on Sunday. There floated in their midst a Portuguese flag. It was there by virtue of their right, and by right of law since there is no statute prohibiting it, and since it is a custom long in vogue for those of foreign birth on their old country festival occasions to fly the flag of their fatherland. A parcel of youths belonging to the "Boys' Brigade," which we take it is an organization of peace, since it is related to the Christian churches and is mustered beneath the wing of evangelical organization, burst into the Portuguese assembly, interrupted the priest at the altar, and demanded with threats that the flag of Portugal be pulled down. In fear and trembling, not knowing what authority these fresh Christian representatives had behind them, the Portuguese complied and the heroes (?) of the hour retired after running the stars and stripes to the masthead. The boys ought to have been trounced soundly and sent to jail. They had no right, of any conceivable character, to interrupt the meeting of the Portuguese. Their braggadocio patriotism was insulting to honest Americanism. They were violators of the law and should be punished as such. They have shamed decent Americans and made an apology to the Portuguese worshippers now in order. In private assembly, on private occasion, there is no reason whatever why anyone should not float the flag of the country of his birth. He does not thereby insult the land of his adoption, nor show disrespect to the place of his domicile. We have our own ideas about foreign flags in line on national occasions and days, and the "Record-Union" has never been backward in expressing them. We would have no flag on such occasions kiss the breeze but "Old Glory." But in this case there was no offense except such as these self-constituted protectors of national honor, commissioned by some church to wear stripes and brass buttons, gave. They have been taught bad lessons, and need a sound one now to make up for lost time and wasted opportunity. It is a profound regret that will be experienced by all decent people that the clothing of these precocious youths cannot be turned down by order of law, and the freshness lammed out of the boys with bundles of sharp switches. It is precisely the treatment needed to make them better Americans.

Whatever sympathy Americans have in the Cretan difficulty ought to go out to the rebels who are attempting to expel the usurper Turk, who has no more right in Crete than he would have to dominate in America.

NOTE AND COMMENT.

The Southern Pacific Company has made a material reduction on rates for transporting green fruits between certain points, which reductions it is conceded will be of much benefit to growers. Now we suggest to the San Francisco "Examiner" that here is evidence of malice prepense on the part of the "Octopus" to crunch somebody's bones. It should immediately set some of its detective bureau at work to get at the underlying motive of this performance, and then call down curses upon the company for the reduction.

Trustee Davis rushes into print to explain that he refuses to vote to submit a proposition to the people as to proposed improvements tending to better the public health, save human life, reduce human suffering and invite to the city desired population, because forsooth he, Trustee Davis, thinks it best to first get out of debt. That would be an argument to advance at the polls, but it is not worth a button in defense of refusal to permit the people to judge for themselves whether they wish to wait and die. So, too, as to the High School—assuredly Mr. Trustee Davis is not wiser than all the people, and a board equally as representative of the people as that on which he serves which has asked for the submission of the question, and upon that board are men who have the public welfare quite as much at heart as Mr. Davis. By the way, this chatter about the city being out of debt in two years' time is worth exploitation. Dimes to dollars that it is mere talk and that a score of actuaries cannot figure the city free from its bonded indebtedness in five years. We shall be delighted to be found in error in this.

Dr. Weldon, 806 J street, does high-grade work at moderate prices. *



A man's life may be saved in many ways. A man may commit suicide in a great many ways. Shooting himself through the head is quicker, but it is no more certain than neglecting his health. If a woman saw her husband with a pistol in his hand, she would take prompt and vigorous measures to save him; but the same woman might see her husband on the down-grade to disease and death without seeing the seriousness of it. One-sixth of all the people who die, die of consumption. Consumption doesn't come all at once. It is insidious. The seeds of it are seemingly insignificant. Most people do not know how it starts. Thousands of people are on the road to consumption and don't know it. Whenever there is loss of flesh—palleness—wasting away—look out. Consumption easily finds a foothold in a weakened body. Low vitality, impure or poor blood, imperfect digestion, nervousness, sleeplessness—all these lead to consumption.

Taken in time, Dr. Pierce's Golden Medical Discovery will prevent the development of the disease. Taken according to directions, it will positively and perfectly cure ninety-eight per cent. of all cases of consumption, whether incipient or fully developed. Consumption is a disease of the blood. The "Golden Medical Discovery" is a cure for all blood diseases, no matter in what part or how they manifest themselves.

If you want to know all about it, and what it has done for other people, send twenty-one (21) one-cent stamps to cover the cost of mailing only for a FREE copy of Dr. Pierce's great 108-page work "Common Sense Medical Adviser." Every family should have a copy of this book for ready reference. World's Dispensary Medical Association, Buffalo, N. Y.

ANOTHER ROAD ASKED FOR.

Fair Oaks People Want One Over to Antelope

Or Perhaps Vice Versa—But It Would Cost the County About \$1,000.

The report of the viewers in the matter of the petition of J. F. Gladney and others for a new road in the vicinity of Antelope was read. The proposed road runs through the lands of Cross, Graham, the McBrides and others. The estimated cost of preparing the road for travel would be \$130, and the viewers recommend that Cross be allowed \$50 damages, and the McBride estate \$150.

Mr. Cross addressed the board, saying that \$100 would be little enough for the expense that would be entailed on him. In removing his fence lines new material would have to be used largely. He admitted that the road is a public necessity, though for his own part he did not need it.

After some discussion the matter was taken under advisement until the next session. The matter of the petition of Mrs. J. H. Coyle and others for a road leading from Antelope to Fair Oaks Colony, along the lands of J. Heintz, Mrs. Thos. Kelly and others, the report of the viewers was read. They recommended the opening of the road, the work on which is estimated at \$344. The amount of damages recommended for land owners is \$625 34, making a total of \$969 34.

Mr. Coyle addressed the board in behalf of the petition. A similar road, he said, was petitioned for ten years ago, and has been a necessity all this time. It is more of a necessity now that the Fair Oaks Colony is being settled up. He spoke of the cutting up of lands by the road, removal of fences, etc., and thought a fair allowance should be made for the land required for the road.

Supervisor Jenkins could not see what the board had to do with building or removing fences. To pay for the land required is enough.

Supervisor Curtis—What is the length of the road? Chairman Morrison—Less than three miles. Supervisor Curtis remarked that at the rate of damages asked it would make a pretty expensive road.

Mr. Coyle responded that in that locality more than a thousand dollars in road taxes had been raised this year than in any previous year. That neighborhood is settling up rapidly and people should have the necessary road facilities.

Supervisor Jenkins thought it more necessary to keep old roads in a condition for travel than to open new ones, and there is not money enough to do both.

Chairman Morrison figured out that in one instance upward of \$300 was demanded for a little over two acres, including damages.

The matter was finally taken under advisement, to be called up at some time after the opening of the next fiscal year, there now being no funds with which to meet the expense of opening the road.

J. N. Stephenson, Horticultural Commissioner, submitted his report for the month of May. He had found some orchards infested with brown apricot scale, also a few with pear aphid. Owners have been notified to take measures to eradicate the pests.

A resolution was offered by Supervisor Curtis directing the Clerk to advertise for bids for County Hospital supplies. The board then took a recess till 10 o'clock this morning.

BLUE MONDAY.

How Offenders Were Disposed of in the Police Court.

Justice of the Peace Henry occupied the bench in the Police Court yesterday, owing to the absence of Justice Davis, and disposed of a long calendar in one-two-three order.

He succeeded in enriching the city to the extent of \$35 by imposing fines on non-paying spirits who had looked so long upon the flowing bowl as to become hypnotized. Then he switched off with startling rapidity and disposed of persons who had been unfortunate enough to disturb the peace of their neighbors.

Jacob Rubenstein, who was charged with having "mixed things" with H. F. Fox at Sixth and K streets Sunday evening, entered a plea of guilty to the charge, and will receive sentence tomorrow. Fox was discharged, as the evidence tended to show that Rubenstein was the aggressor.

James Stewart, who had been arrested upon complaint of Charles Davis and charged with having thrown Mrs. Davis upon the pavement while pursuing a companion, was discharged, it being shown that the collision was accidental.

The case against John Gray, who is alleged to have made an indecent proposition to Daisy Hood, a thirteen-year-old girl, while she was walking on the street, was continued until this morning, in order to give his attorney a chance to chase down the law governing the case.

The case of John Landis, charged with having violated the pharmacy law, was continued until this morning in order to allow his attorney time to interpose a demurrer.

The case of F. W. Sanze, alleged to have violated the ordinance relative to doing plumbing work without a license, was, by consent, continued until Wednesday morning.

WRIT OF MANDATE

To Determine if the County Shall Pay for a Register.

The question as to whether or not the county shall provide clerical assistance to the County Clerk in preparing the new Great Register of voters is to be determined in Judge Catlin's court on Thursday next.

James W. Green was employed by Clerk Hamilton to register voters, having put in one day's work he presented his claim to the Supervisors yesterday for \$3 33 for his services.

The claim was refused payment by the board, whereupon Green, by his attorney, Albert M. Johnson, sued out a writ of mandate in Judge Catlin's

court to compel the board to audit and allow his claim. The writ is made returnable before Judge Catlin at 10 o'clock a. m. on Thursday and show cause why the said claim should not be allowed.

OFFICIAL FEES.

Large Increase in the Recorder's Office Over 1895.

The fees collected by County Clerk Hamilton during the month of May amounted to \$579 20; also \$62 for the law library fund, from fines \$250, making a total of \$831 20.

Thirty marriage licenses were issued during the month. County Recorder Cohn received in fees during the month of May \$430 70. Up to the same date last year the number of instruments recorded was 1,128, and this year to date 1,507, an increase of 374.

Our Prices.

Compare them. Sugar-cured hams, 9c per pound. Sugar-cured bacon, 7c per pound. Sugar-cured shoulders, 5c per pound. Picnic hams, 6c per pound. No limit to the supply. All these goods are guaranteed to be sound, sweet and choice at the Pacific only, J. near Eighth.

Queen Suburb.

A new name for Oak Park, and certainly a very appropriate one. You can't get your pick on beautiful lots unless you see us. Prices ranging from \$80 upwards, and only small payment down. Wiseman, 411 J street, or W. H. Collins, Oak Park.

Picnic plates, 5c per doz.; paper napkins, 15c per 100; picnic baskets, 5c, 7c and 10c; four-hole camp stove, \$5 50; wash boilers, heavy tin, 75c; washboards, 15c each; very nice tumblers, 30c per doz. A. C. S., Eighth and K. *

Welch Bros., at Ninth and J, have enlarged their store for ice-cream soda purposes. Try their fruit flavors. *

SHIRTS

—AT—

FACTORY PRICES!

Eagleson & Co.,

THE GREAT manufacturers and dealers of SHIRTS and Men's FURNISHING GOODS, have just opened with a LARGE STOCK at FACTORY PRICES.

EAGLESON & CO.,

J and Seventh Sts.

55°

Not Cold Enough.

Some people say 55° is cold enough to serve beer. IT IS NOT COLD ENOUGH FOR

NEW BREW.

Thoroughly aged, thoroughly fermented, it will stand the test and retain its sparkling brilliancy at a temperature low enough to make it palatable as a beverage.

People demand COLD BEER. NEW BREW can be kept cold without being killed. Try it and judge for yourself.

Buffalo Brewing Co., Sacramento, Cal.

TSSsu

Professional Men, Dignified Men, Tasteful Men, Particular Men, CAN FIND THEIR TASTES FULLY SATISFIED IN DEIMEL LINEN-MESH UNDERWEAR. Ubbelohde & Co. OPP. PLAZA AGENT.

A Good Thing. Do right by it and buy it, and write with it— WATERMAN'S Ideal Fountain Pen. The best writing instrument made. Your money back if you do not find it so. H. S. CROCKER COMPANY. Pacific Coast Agents, Sacramento.

L. L. LEWIS & CO. SACRAMENTO, CAL. We Sell Them! Will do with half the ice of other REFRIGERATORS. Made all of hard wood and dovetailed together. Warranted to be packed with charcoal and bone. Five to ten cents worth of ice will keep them delightfully cool per day. We warrant every Refrigerator to be as represented or money refunded. We have ICE BOXES from \$4 98 upwards.

GIVEN AWAY —WITH AN— OUR TASTE HAM, JULY 1, 1896, TRIBUNE BICYCLE Ladies' or Gentlemen's 1896 Model. See that every "OUR TASTE" ham you buy has a numbered tag attached. Keep the tag, it may bring you a \$100 bicycle. Hall, Luhrs & Co., Wholesale Grocers.

NOTICE TO VOTERS REGISTRATION! THE BOARD OF SUPERVISORS OF Sacramento County, State of California, having made an order on May 7, 1896, canceling the Great Register of said county, and directing a new and Complete Registration

Of all the voters of said county in accordance with the provisions of Section 1004 of the Political Code of the State of California, it will be necessary for all electors, in order to vote at the next general election, to be held on Tuesday, November 3, 1896, to make application in person to be registered.

Something New, EUREKA COMPOUND It beats all the Eastern Compound. It is fresh and sweet and, the most important part, it is a home production. Ask your grocer for it. MOHR & YOERK PACKING COMPANY, 1024 and 1026 J Street.

NEW FIRM. BERT MARTIN AND WILL. H. Young are now ready to receive the patronage of all their friends who wish to be served with first-class meats of all kinds. Place of business northwest corner Twelfth and O streets. Give the boys a trial.

SUMMER AND HEALTH RESORTS

SUMMIT HOTEL, SANTA CRUZ mountains. Grand mountain scenery; delightful drives; trout fishing; fruit in abundance; cream; croquet; tennis; dancing, etc. Rates \$5 to \$10. C. K. MCALD, Wrights, Santa Clara County, Cal.

CAPITOLA IS CHARMINGLY SITUATED on the shore of the Bay of Monterey, four miles east of Santa Cruz, on the line of the broad gauge railroad. Thousands visit this resort yearly to enjoy the Surf Bathing, Salmon and Trout Fishing. The hotel is situated at the very water's edge. Surf bathing and hot salt water baths. Furnished and partly furnished cottages and provisions for AMUSEMENT AND RECREATION. Are all besting a first-class seaside resort. Free Camping Ground. Address F. REANIER, Superintendent, Capitola.

BARTLETT SPRINGS Have the merited reputation of being one of the wonders of the world, and seekers of pleasure and lovers of sight-seeing, as well as those in search of health, will be well paid by visiting them.

No mosquitoes. Large Swimming tank. Many improvements since last season. A Positive Cure for Malaria, Rheumatism, Liver, Kidney and Stomach Troubles. Train leaves Sacramento at 10:30 a. m. Arrive Springs 7 p. m. NEW SERVICE. QUICK TIME. Address Bartlett Springs Co., 22 Fourth street, San Francisco, or H. R. WARNER, Bartlett Springs, Lake County, for beautiful new 32-page souvenir. Free.

KLAMATH HOT SPRINGS, SISKIYOU COUNTY, CAL. ONE OF THE MOST PICTURESQUE spots on the Pacific Coast. Hot mud, sulphur and vapor baths; large swimming tank; fine trout fishing in Shovel Creek; analysis of the water shows great curative properties; table supplied with berries, vegetables and dairy products produced on the place. The springs are located on the most desirable route to Crater Lake, in Oregon. Address ELDON BIOS, Beswick, Siskiyou County, Cal.

CAPT. RUSTALLER'S Extra Gilt Edge ALSO FINE OLD PORTER, Delivered to Saloons Ice Cold. Capacity, 75,000 to 100,000 Barrels Per Year. BEST BEER IN THE WORLD TRY IT. SEND THE WEEKLY UNION TO YOUR friends in the East.