

TAKEN UNDER ADVISEMENT.

McClatchy Contempt Case on Hearing Yesterday.

Judge Catlin Holds the Opinion That the Barry Contempt Law is Unconstitutional.

When Judge Catlin's court was called to order yesterday morning the room was well filled with persons who were anxious to see the outcome of the McClatchy contempt case.

When the court was opened Hon. P. Reddy, counsel for McClatchy, interposed a demurrer, claiming that no offense was charged in the complaint, except that "the defendant had scandalized the court," and the allegation was so general that it was likely to produce confusion.

He further claimed that the writ did not charge the defendant with contempt of court. If the charge is that the actions of the defendant were scandalous and defamatory, it was not contempt, but libel.

Judge Catlin said the writ was properly drawn, and it could not specify fully all the points which had been set forth in the affidavit, a copy of which had been handed to A. J. Bruner, defendant's counsel.

Mr. Reddy then interposed a demurrer on the grounds that there was nothing to show that C. K. McClatchy had committed any offense against the laws of California; there were not sufficient acts to constitute an offense; there was nothing to show that any contempt had been shown in the presence of the court; there was nothing to show that defendant had written or published the words charged as having constituted a contempt.

Counsel argued that the affidavit was defective in not stating sufficient facts, they being stated only in a general way and not with particularity enough. It states on information and belief that the defendant wrote and published the words complained of, but under the laws of the State; this is not sufficient to make the charge hold good.

He cited several decisions in support of his position, and said the question hinged on the constitutionality of the law of 1891, relating to contempt. He claimed that the existing courts, except the Justice and Police Courts, were abolished by Section 3, Article XXII, of the Constitution, and that therefore the present courts are created by and bound by the provisions of the Constitution, and that the law included between Sections 1209 and 1222 were expressly continued in force.

He further claimed that the inherent power of the courts under the common law and previous Constitution had been intentionally limited by the people in the new Constitution, and that people could not be punished for an action which had not been previously declared an offense. If Section 1209 is not sufficient to bind the courts, then there is no limitation to their authority, and they can call anything contempt, and a man can be punished for anything the courts chose to designate as contempt.

Judge Catlin asked if the Legislature, being able to take away the power from the court of punishing for contempt in certain cases, it could not take away the power of punishing in all cases, and Mr. Reddy said that it was conceded that the Legislature could not take away from the court the power to protect itself in the exercise of its functions, but the Constitution had limited its power. The Act of 1891 limited the offense of contempt to acts

done in the presence of the court, in order to protect citizens from autocratic action by the latter.

He read at great length from his brief in the Barry case. Judge Catlin said that he had had occasion to examine into the law of 1891, and thought at first that it was unconstitutional and an attempt by the Legislature to limit the authority of the courts. There is a later case in point—in re Shortridge—which does not uphold that law.

There are three equal and co-ordinate branches of the Government, and it is a question whether the Constitution ever intended to allow one of the branches to limit the power of another branch to protect itself. If they could so limit it, they could go further in their limitations. It is very doubtful if under such circumstances it would be possible to punish a newspaper for contempt of court, unless the proprietor should bring the paper into court and flourish it in the face of the court.

He read from the decision in the Shortridge case the words of the court to the effect that it knew of no decisions, no authority denying the inherent right of a court in the absence of any limitation by the power creating it, to protect itself, and saying that the State of Georgia was the only one that has by its Constitution limited it. Mr. Reddy argued that it was dangerous to lodge in the hands of any man or body of men an arbitrary power to punish, and although the power has very rarely been abused, the fact that it had been done so was a reason for limiting it. The only question at issue is, Did the Constitution limit the powers of the courts in this respect? He would like to see the demurrer sustained, and in deciding it that the defendant be given the benefit of any doubt on the subject.

Judge Catlin then spoke as follows: "As I said before, I had fully considered all of the objections which have been raised by this demurrer, although the point that you presented that under the new Constitution the Legislature was authorized to place limitations upon the power of the courts in addition to those already existing, had never been presented before me, but the very point attracted my attention in considering this matter, and I have come to the conclusion that it was not the intention of the Constitution to deprive the courts of those necessary powers as one the three equal branches of Government. That it was necessary, in order that it should maintain itself, and enable it to freely administer justice as between individuals. The great duty of a court is to freely and independently try and decide all matters of controversy involving the rights of property between individuals or involving their rights of personal liberty. And I hold that any obstruction or interference with the freedom on the part of the courts is an unlawful interference. The matter upon which this proceeding arises was a matter of evidence in the case, a matter of evidence material to the controversy, and more or less material in the judgment of the court, and claimed by both parties to be material. Upon the mere statement by the court as to what was or was not the evidence this defendant interferes through his newspaper directly in the matter by charging in language which was coarse, violent, insolent and insulting that the court's comments on a matter of evidence before it were false, and brazenly and unmitigatedly false, etc. You have seen the language. I do not like to repeat it. If that is not an interference with the just rights and powers of the court it would seem to me to be almost impossible to find one that would be. But as this matter comes up on demurrer, and there may be something more in the answer, I do not care to further comment upon it at this time, and I merely wish to say just what is sufficient to overrule the demurrer. I will direct that the demurrer be overruled."

Mr. Reddy then put in an answer of seven typewritten pages, which, he said he thought the court would perhaps like to read before taking it up, and the court adjourned till 1 o'clock for that purpose.

(Continued on Sixth Page.)

HANDBALL GAMES.

Those of Last Evening Were Closely Contested.

There were a number of very pretty finishes at the handball tournament last night, as well as some fine individual plays when the game was not close.

In the seventh game of the series, Bauer and Birdsall won from McClatchy and Anderson in what has been, so far, the game of the tournament. Not a man of the four but who played handball, and many of the passes and returns were applauded to the echo.

Gorman and Newbert beat Yoerk and Payen out in a very pretty game, and they, too, came in for their share of applause.

Many ladies were in attendance, and their interest was made manifest by their remaining until the last point was tallied.

The boys will rest until Tuesday evening of next week, when the tournament will be continued and concluded on the following evening. At present, Koenig and Blanchard are in the first place, with a score of five games to their credit out of six games played.

The games played last evening resulted as follows: Gorman and Newbert beat Miller and Nathan—21 to 16. McClatchy and Anderson beat Oppenheimer and McGraw—21 to 10. Gorman and Newbert beat Bauer and Birdsall—21 to 7. Koenig and Blanchard beat Bauer and Birdsall—21 to 18. Miller and Nathan beat Oppenheimer and McGraw—21 to 6. Gorman and Newbert beat Yoerk and Payen—21 to 16. Bauer and Birdsall beat McClatchy and Anderson—21 to 20. Koenig and Blanchard beat Miller and Nathan—21 to 12.

The standing of the teams is as follows: Yoerk and Payen, won 5, lost 2; Gorman and Newbert, won 4, lost 2; Anderson and McClatchy, won 4, lost 3; Bauer and Birdsall, won 5, lost 3; Koenig and Blanchard, won 5, lost 1; Miller and Nathan, won 1, lost 6; Oppenheimer and McGraw, won 0, lost 7.

(Readers of the "Record-Union" are requested to send to this office personal, weddings, engagements, society notes and home gatherings of every kind. Write on one side of the paper, and give your name and address, not for publication, but as a guarantee of good faith.)

At the residence of the bride's parents, 1613 H street, Miss Carolyn Elizabeth Taylor, daughter of Mr. and Mrs. Ed. F. Taylor, was on Wednesday evening married to Frank M. Avery of Denver, Col. Rev. Mr. De Lew officiating. The bride was attended by Misses May White and Agnes Gaylord, with Miss Jessie Tufts as maid of honor, and William McPherson of San Francisco was the groomsmen. About fifty relatives and friends were present, and the house was handsomely decorated. The happy pair left on the overland train for their future home in Denver.

PERSONAL MENTION.

A. C. Presley came down from Gridley yesterday. Miss Maude Spurgeon has returned from a visit to San Jose. Mrs. Charles K. Lipman is visiting Mrs. A. J. Coffey of Portland, Or. Paul F. Hofmann, a merchant of Newcastle, was in the city yesterday. Mrs. J. P. McManus returned from San Francisco last evening, where she had been visiting friends.

AMUSEMENTS.

At the Clunie Opera-house this evening the variety troupe in a pleasing programme, chief among the numbers of which are the Guatemala miramba players and Kiser, the wonderful equilibrist.

At East Park every Wednesday and Friday night there will be a dance. A new platform has been erected, and the Militant Band has been engaged. Every Sunday afternoon the band will give a concert from 2:30 to 5 o'clock.

American Legion of Honor.

At Foresters' Hall last evening a social party was given by the American Legion of Honor, when the following programme was rendered: Address, Commander Williams; vocal solo, Miss Eva Reeves; cornet solo, George Gifford; vocal solo, Miss Gray; comic solo (baritone), P. T. Borling; vocal solo, Miss Edna Ficks; recitation, Miss Ethel Thompson; comic solo, P. T. Borling. Dancing and refreshments followed.

Tom Clunie a Candidate.

A San Francisco paper states that Thomas J. Clunie has announced his intention to run for Congress again in the Fifth District. He has been induced to run by a number of silver Democrats in Washington, who have organized for protection of the white metal. He has been assured of the support of the San Mateo and Santa Clara delegates.

Hotel Arrivals.

Arrivals at the Golden Eagle Hotel yesterday: Max Moses, John W. Gortz, S. H. Westfall, Miss M. E. Tousey, Miss A. Kar, New York; Frank C. Towns, Chicago; C. W. Easton, Modesto; J. E. Smith, New Brunswick, N. J.; J. B. Quigley, Los Angeles; W. O. Hibish, San Jose; H. Alexander, M. T. Moses, San Francisco.

Simon Cohn's Estate.

Henrietta Cohn, executrix of the estate of Simon Cohn, deceased, has filed in the Superior Court a return of the sale of the partnership interest of the estate in the firm of Simon Cohn & Co. for \$11,942 60. The matter has been set for hearing on the 12th of this month.

Oak Park School Election.

The election of a School Trustee in Capital School District (Oak Park) will take place to-day, and is expected to be quite spirited. There are three candidates—W. H. Collins, Neely Gade and Dr. G. A. White—but only one is to be chosen. The polls will be open from 1 to 7 o'clock.

Sacramento Breed.

Sir Walter, the horse that won the Brooklyn handicap at Gravesend yesterday, defeating such cracks as Clifford and St. Maxim, was bred at Rancho del Paso, in this county. He is by the imported stallion Midlothian, from La Scola.

Just now that tired feeling is overpowering many. All can drive it away or escape it by taking Hood's Sarsaparilla. It vitalizes the blood and gives nerve strength. Hood's is Nature's co-worker.

Dr. T. Wah Hing treats kidney troubles successfully. Office, cor. Fourth and K. Old Postoffice building.

WENT TO THE JURY.

The Callendine Case Has at Last Been Concluded.

After talking for two days, General Hart, counsel for L. L. Callendine, on trial for robbing the street car company's office, concluded his argument yesterday noon.

District Attorney Ryan consumed the afternoon in reviewing the testimony and closed with a strong appeal to the jurors to give their verdict on the evidence brought out during the trial. At half-past 5 o'clock Judge Hinkson delivered his charge and the jury retired.

About 9:30 o'clock they returned to the court and announced that they stood ten to two and could not agree. But Judge Hinkson declined to discharge them and sent them back to the jury-room. They were told that if they should agree on a verdict at any time during the night they might send for him.

At last accounts the jury was still locked up. The general opinion is that ten are for conviction and the other two are holding out for the prisoner.

Newspaper Men.

Every profession has its code of honor. That code is always based upon confidence and trust. I see more reporters and oftener than any ten men in the universe. They breakfast, dine, sup and sleep with me or, practically, that is what it amounts to. They come to me blue-penciled at all hours of the day and night for a revelation which they must take back in some form or be discredited at the office. It is often a matter which is important to me, in justice to the interests which I represent or the people who trust me, not to reveal; but when, as often happens, something can be said which will reach over the important crisis by a suggestion of facts and the situation can only be understood by a full explanation, the reporter hears in confidence the story, and then the line drawn beyond which he must not go, and never has that confidence been misplaced nor the line overstepped.—Chauncey M. Depew.

Great Success.

F. de Wolfe Hennah, the optician, has been located in Sacramento three months; is meeting with great success; intends remaining here permanently, and gives a free examination of the eye at his offices, The Normandie, Tenth and K. References on application. Office hours, 9 to 12, 1 to 5, 5 to 8. Sunday, 9 to 12.

A great event will be the auction of Oak Park lots this evening. Read Alisp & Co.'s ad. in this paper.

ABOUT one in four is the ratio of people who know a sarsaparilla medicine that is sarsaparilla and not iodide of potassium, the others do not know until they see great big bolts on their face and hands. It is then a realizing sense is reached that the remedy contained something other than sarsaparilla. Now, when you take Joy's Vegetable Sarsaparilla you will be sure it is sarsaparilla from the fact that it tastes like sarsaparilla, smells like sarsaparilla and works like sarsaparilla. The bowels, the liver, the kidneys and stomach are put in motion, and good motion, and you soon begin to have good blood, good digestion, good appetite and a fine constitution. Be sure you take no substitute for

JOY'S VEGETABLE SARSAPARILLA.

Special Notices. Vehicles—Baker & Hamilton—Hardware, Carts, Buggies, Carriages, Phaetons, Hair Farm and Header Wagons, Wholesale Hardware. Send for catalogue.

HODSON'S \$1 75 coupons for photos good at any time.

IF YOU WISH any of the following delicacies, you can find them in the finest qualities at the Sacramento Market, 308-10-12 K street: Salsami Sausage, Choice Mackerel, Smoked Halibut, Smoked Salmon, Codfish, Swiss, Limburger, Brick Cream, Roquefort, Adam, German Hand, Sap Sago and Pineapple Cheese. Curtis & Herzog.

MRS. WINSLOW'S SOOTHING SYRUP has been used for over fifty years by millions of mothers for their children while teething with perfect success. It soothes the child, softens the gums, allays pain, cures wind colic, regulates the bowels, and is the best remedy for all the troubles arising from teething or other causes. For sale by druggists in every part of the world. Be sure you get Mrs. Winslow's Soothing Syrup. Twenty-five cents a bottle.

NEW TO-DAY.

HELLO, CENTRAL!

Where can I get the best and cheapest wood in the city? Haven't you heard? No. Then go to Fair Oaks Wood Yard, at Eighteenth and Q streets, and see it, or call them up by telephone (Capital No. 57, Sunset No. 28) and they will deliver to you, cash on delivery, at the following prices full cord measure guaranteed: White Oak Stove Wood.....\$5 50 Live Oak Stove Wood..... 5 85 White Oak 4-foot Wood..... 5 85 Live Oak 4-foot Wood..... 6 25 H. NOTTINGHAM, Manager.

WOOD AND COAL.

ALL KINDS OF WOOD, COAL COKE, Charcoal and Kindling, Grain and Mill Feed. Barley and Oats crushed to order. STRAW CARPET CLEANING AND RENOVATING WORKS. No rips, no tears. CAPT. A. MENDIS, Proprietor, 1513-1515 Front st. Telephone 267.

What is More Attractive

Than a pretty face with a fresh, bright complexion? For it, use Pozzoni's Powder.

THE RISING SUN DINING PARLORS.

1011 Third Street. FIRST-CLASS MEALS, 15 CENTS. EVERY Sunday Chicken Dinner, with Ice Cream, 15c. Open at 11 o'clock. Special at 25c. Tuesday one meal, \$2. T. SABELL, Proprietor.

\$1,600.

STOP AND THINK! A HOUSE OF SEVEN ROOMS, HALF A block from street-car line; \$200 down, balance in installments. GEORGE KROMER, 823 J street.

DO YOU AGREE?

A picture of a factory on the wall looks very well, but brings nothing to the town. A business like ours which employs

50 PEOPLE!

Is a Good Thing, Push It Along BY PATRONIZING US

WE SELL AS CHEAP AS THE CHEAPEST.

SHIRTS TO ORDER

OF ALL KINDS.

MASON'S

Steam Laundry and Shirt Factory,

528 J STREET.

Skyward

Goes our new building at Fifth and K. Brick on brick it ascends, as all who pass may see.

Costward

Have been knocked prices on horse goods while yet at the old stand. We start in the new store with a big new and a small old stock. Only a few weeks longer of \$4 HARNESS.

JOHN T. STOLL,

610 K.

Fine Tailoring

Perfect Fit, Best of Workmanship at Moderate Prices, go to JOE POHEIM THE TAILOR.

PANTS made to order from \$4.00 SUITS made to order from \$15.00

MY \$17.50 and \$35 SUITS ARE THE BEST IN THE STATE.

603 AND 605 K STREET, JOSEPH'S NEW BUILDING SACRAMENTO.

AMUSEMENTS.

CLUNIE OPERA HOUSE. J. H. Todd, Lessee and Manager

Week commencing Tuesday, June 2d, Saturday Matinee and Sunday Night.

The Great Musical Novelty, GUATEMALA MARIMBA PLAYERS,

Supported by a first-class Specialty Company. PRICES—10c, 30c, 50c.

CALEDONIAN PICNIC.

THE TWENTIETH ANNUAL Gathering and Games

OF THE SACRAMENTO CALEDONIAN CLUB

Will be held at East Park, Saturday, June 6, 1896.

A large class of children have been specially instructed in the Scottish dances for the occasion, and there will also be a number from San Francisco.

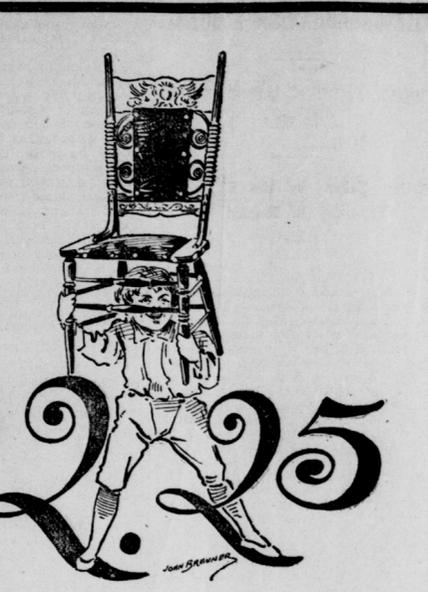
All the NOTED ATHLETES of the coast will be present to compete for the large cash prizes amounting to nearly \$1,000. Special prizes will be awarded to Sacramento Athletic Club, Y. M. C. A. and High School for throwing the hammer, putting the shot and vaulting with the pole.

Admission, 50c. Children under 12, 25c. 3c-10c.

EAST PARK RESORT,

AT THE TERMINUS OF THE G-STREET car line. Cool shade, cold lunch and ice cream stand and lager beer.

ROBERT HELLMAN, Proprietor.



TO-DAY

12th

FRIDAY SPECIAL.

A \$3 50 Solid Oak Chair, upholstered seat and back, for \$2 25.

You know why—not to get rid of an overstock, for we've put in an extra stock especially for this sale.

Reception Friday—all the old and many new faces wanted. Morning callers are doubly welcome.

John Breuner

604-606-608 K ST., SACRAMENTO

DO YOU AGREE?

A picture of a factory on the wall looks very well, but brings nothing to the town. A business like ours which employs

50 PEOPLE!

Is a Good Thing, Push It Along BY PATRONIZING US

WE SELL AS CHEAP AS THE CHEAPEST.

SHIRTS TO ORDER

OF ALL KINDS.

MASON'S

Steam Laundry and Shirt Factory,

528 J STREET.

ECLIPSE BICYCLES!

YOU CAN'T WEAR THEM OUT.

Schaw, Ingram, Batcher & Co.,

211 TO 219 J STREET.

AGENTS.

AUCTIONS.

AUCTION SALE UNDER CHATEL MORTGAGE, OF 15 head of horses, SATURDAY, June 6, 1896, on premises, vacant lot M street, between Seventeenth and Eighteenth.

Sale at 2 p. m. sharp. Fifteen head of horses, all fine roadsters, unbroken; can be seen at above place Friday morning and until time of sale Saturday, 2 p. m. Sale positive. Terms cash.

JEFFERSON BELL & CO., Auctioneers.

AUCTION SALE

OF REAL ESTATE ON THE PREMISES, TUESDAY, June 9th, at 10 o'clock a. m. Bell & Co. will sell with or without the improvements, the east 20x160 feet of lot 7, block H and I, Seventh and Eighth streets, with all the improvements. House contains seven rooms; also, stable in rear. Sale positive. Title perfect. BELL & CO., Auctioneers.

JEFFERSON BELL & CO., Auctioneers.

Advertisement for "APENTA" THE BEST NATURAL APERIENT WATER. Bottled at the UJ HUNYADI Springs, Buda Pest, Hungary. Under the absolute control of the Royal Hungarian Chemical Institute (Ministry of Agriculture), Buda Pest. "We know of no stronger or more favourably-constituted Natural Aperient Water than that yielded by the Uj Hunyadi Springs." L. Liebermann, Royal Councillor, M.D., Professor of Chemistry, and Director of the Royal Hungarian State Chemical Institute (Ministry of Agriculture), Buda Pest. APPROVED BY THE ACADEMIE DE MEDECINE, PARIS. Prices: 10 cents and 25 cents per bottle. OF ALL DRUGGISTS AND MINERAL WATER DEALERS. Full Analysis and additional Testimony and Information supplied by CHS. GRAEF & CO., 32, Beaver Street, New York, Sole Agents of THE APOLLINARIS COMPANY, LIMITED.

Advertisement for CASTORIA for Infants and Children. Castoria is so well adapted to children that I recommend it as superior to any prescription known to me. H. A. Auer, M. D., 111 So. Oxford St., Brooklyn, N. Y. Castoria cures Colds, Constipation, Sour Stomach, Diarrhoea, Eructation, Kills Worms, gives sleep, and promotes digestion. Without injurious medication. "For several years I have recommended 'Castoria,' and shall always continue to do so, as it has invariably produced beneficial results." EDWIN F. PARDEE, M. D., 125th Street and 7th Ave., New York City. THE CENTRAL COMPANY, 77 MURRAY STREET, NEW YORK CITY.