A FINE OF FIVE HUNDRED.

Judge Catlin's Decision in the McClatchy Contempt Case.

Ten Days in Which To Take the Matter to the Supreme Court.

The contempt case of C. K. McClatchy, editor of the "Bee," was concluded in Judge Catlin's court yesterday and resulted in the defendant being adjudged guilty of contempt and fined in the sum of $500, with the alternative of imprisonment in the County Jail at the rate of one day for each $2 of the fine. Ten days was allowed in which to take the matter before the Supreme Court on a writ of review.

The courtroom was crowded yesterday morning when the case was first called, and again in the afternoon when the court announced its judgment.

When court opened Judge Catlin said he was not at that time ready to file his decision. He had worked on it to a late hour the night before, and it was then in the hands of the typewriter. He would therefore put the case over until afternoon.

Mr. Reddy, attorney for the defense, asked Judge Catlin if he had any objection to stating at that time whether he would find the defendant guilty or not guilty.

The Court—I have no objection. My judgment is that the defendant is guilty. The only matter that I have not determined entirely on, and which I will determine between this and then, will be as to the extent of the punishment. There is some little difference of opinion, or some little doubt in my mind and some slight difference of opinion between myself and one of my associates, in regard to the punishment.. I shall try to get on the safe side of that question in my judgment.

Mr. Reddy asked if it was customary in such cases to allow bail. The defense wished to know, so they might prepare for taking the matter to the higher court either by certiorari or habeas corpus.

Judge Catlin replied that he had never had a similar case before him, and he could not say what the custom had been. He wished to be advised by counsel. His impression was that such a case was not bailable, still he might be mistaken. He would like to have Mr. Reddy present authorities on that point.

The matter was discussed for some minutes between Attorney Reddy, the court and S. S. Holl, and finally Mr. Reddy said:

"Of course, in a case where there is such an important question—it is a question, I think. It is worthy of consideration at least, of presenting it to the Supreme Court whether the court has power in this case. In other words, the jurisdiction of the court; that is always a very grave question. It would be too bad, I take it, and your honor will see that it would be too bad to make a man undergo the penalty before that question is determined, or until he can get before the Supreme Court. For instance, probably it would take two or three days to get it before the Supreme Court, probably four or five days, and it in the meantime he should have to suffer five days' imprisonment, which I understand is the limit of the law—I know that your honor would not require anything of that kind. It would be almost like hanging a man and finding out after he was in his grave that he was innocent."

The Court—You could not take the case by habeas corpus to the Supreme Court unless the man was imprisoned.

Mr. Reddy—We can take certiorari without imprisonment, and we would, of course, prefer to take the case in a way that would avoid the suffering of the penalty before the great question in the case is determined.

Mr. Holl—The question won't arise until we know what the decision of the court is in the matter. If there is no imprisonment, there is no necessity——

Mr. Reddy—If we won't get imprisonment we are very much obliged, but we expect it. Of course, we have no right to anticipate, but still we cannot help our thoughts.

Judge Catlin said the matter could be discussed in the afternoon, and announced that the proceeding would then be continued till 1:30 o'clock.

When the court reconvened in the afternoon Judge Catlin promptly called up the case again and said:

JUDGE CATLIN'S REMARKS.

"I think I have already stated that the answer of the defendant in this case does not present anything in the way of diminishing or extenuating the charges. It merely reiterates and justifies them. It states reasons in justification which this court cannot admit as sufficient to palliate, in any degree, the gross and offensive publications complained of. It is itself contemptuous, insolent and insulting, and shows a deliberate intent to insult the court in its immediate presence by characterizing it as having in the case of Talmadge vs. Talmadge uttered from the bench shameless, brazen and unmitigated falsehoods in regard to testimony in that case. As such it is an aggravation of the offense in the first instance.

"The remarks of the court referred to show upon their face that they were not directed at Mr. McClatchy, nor did they refer to him or any other editor of the paper, but referred (as anyone will see who will read the remarks of Mr. Devine and the court's response thereto) to a report made by some one who was not present when the testimony was taken, and who, if he did not fabricate the material part of the report himself, must have obtained it from some one who did fabricate it.

"These publicatins distinctly charge the Judge with uttering specified falsehoods from the bench in regard to evidence pertinent to issues in the course of a trial then pending, and in language coarse, violent, insolent and insulting, such as the writer of them would not dare to address personally to any high-minded person on the street or elsewhere. They are repeated with an evident malicious intent in three consecutive issues of the paper, and are directed at the Judge personally, and at one of the attrneys for the plaintiff in the action on trial. They are direct and unlawful interferences with the proceedings of the court in said action.

"The court has the power to protect itself, and parties litigant with their attorneys before it, against all such interferences and insults. If it had not, it would be too contemptible to be the subject of contempt. If it had not this power it would be powerless to freely administer justice. The rights of the private citizen in the enjoyment of his property and liberty depend—not upon the executive nor upon the legislative branches of the Government, but upon the judiciary. There is no duty among the many imposed upon me by the Constitution and laws more imperative than that of upholding the authority and character of this court by all the means in its constitutional powers, to the end that its efficiency and power to protect private property and individual liberty shall not be restrained or impaired.

"As a court of the highest original jurisdiction under the Constitution, and as one of the three equal co-ordinate powers of the Government, it is entitled to the confidence and respect of every good citizen; and he who denies this, and willfully seeks to impair the just influence of the court in the exercise of its functions, no matter from what cause the intent may spring, is an enemy to the State and to society."

THE DECISION.

The Judge then read the following decision:

In the matter of the contempt of C. K. McClatchy: Upon the investigation of the charges made herein in the affidavit of Charles T. Jones filed herein on the 2d day of June, 1896, and the answer of said C. K. McClatchy filed herein on the 4th day of June, 1896, and the evidence heard, the court finds and adjudges as follows:

First—On the 27th of May, 1896, there was pending and being tried in the Superior Court of Sacramento County before A. P. Catlin, one of the Judges of said court, an action entitled Talmadge vs. Talmadge et al. Upon said trial, C. V. Talmadge, one of the defendants, testified as a witness in his own behalf. In the afternoon of the following day, the 28th of May, there was published in a newspaper published in the city of Sacramento, daily (Sundays excepted), known as the "Evening Bee," a pretended report of the said testimony of C. V. Talmadge, a part of which report was in the words following, to wit:

"The most dramatic scene was when Talmadge attacked Charles T. Jones, attorney for Mrs. Talmadge. He declared that at one time Jones had 'gouged' him out of $10,000 and at another time he had paid him and I. J. Simmons $1,700 for nothing. The story of this alleged later transaction was brought out on cross-examination. Talmadge said that he had at one time visited a crib on lower L street, and the woman in the crib afterward claimed to have obtained some letters from him which she intended using to make trouble for him. He told his troubles to Attorney Jones, who agreed to help him out. A few days later Jones told him that he had engaged a detective named Simmons to get the letters back, and Talmadge would have to pay Simmons $540. He consented to this, and later Jones told him that the woman would settle for $600. He paid this amount and afterward Jones showed him the letters, and he saw that they were forgeries. He explained this to Jones, but the latter said that made no difference, as the woman could have used them in court. Jones then demanded and received a fee of $600."

Second—That on the following morning, the 29th of May, at the opening of the said court, and while said action was on trial, J. B. Devine, one of the attorneys for the plaintiff in said action, addressed the court, and after reading from said newspaper the report above set forth, spoke of it to the court in the following words, to wit:

"After consultation with my associate, Charles T. Jones, to whom this article refers, we have thought proper to draw it to the attention of the court, in view of the fact that the statement contained in this paper is a base fabrication, and is wholly unwarranted by any testimony that was produced upon the stand here yesterday, or at any time since the trial of this case. It contains such a gross, unwarranted, cruel and indecent aspersion upon Mr. Jones that I think it proper to draw the attention of the court to set Mr. Jones right before the public, that the court may state that no such testimony was given, and there was no testimony introduced in this case that would warrant any such article.

"Mr. Jones stands at the bar, well known to your honor and everybody in this county, and the whole bar throughout the State. Concerning his standing as to professional integrity, I think he is the peer of any member of the bar in this State. The article to which I allude is so cruel, so indecent, so unwarranted and such a gross imputation of a professional wrong to Mr. Jones, I think it is no more than right that the court should say from the bench it believes it to be false and unwarranted.

"I don't know from where or from what source the reporter who penned this article obtained his information. At the time Mr. Talmadge was testifying concerning some other matters, the reporter who wrote this article for publication in the 'Bee' (Mr. Brown, I believe, is his name), was not in the court. I saw him come into court after Mr. Talmadge had relinquished that part of the testimony and gone to some other portion. I do not know from what source he obtained the alleged facts upon which he based this particular article. If he obtained them from somebody else, the person from whom he obtained them evidently gave him a perverted and unjust account of the facts, maliciously. If he drew it from his own imagination, he has a most vivid and perverted one."

In response to the aforesaid remarks by Mr. Devine, the court spoke as follows and made the following order, to wit:

The Court—I saw that article late last evening in the "Bee." I believe it was as late as 11 o'clock. I have no hesitation in saying that the statement to which counsel has just referred is a grossly false statement—a gross fabrication. There was not the slightest ground in the testimony of Mr. Talmadge upon which such a statement could be based, and it is a reflection upon Mr. Talmadge, as much, perhaps, as it is on Mr. Jones. Mr. Talmadge never made the statement that, as the article states, he had visited a crib on L street, etc., etc. I do not know that, as at present advised, the court has any power to prevent such conduct on the part of newspaper reporters, or to punish them for such gross outrages. I feel quite certain if I had the power to do it, I would exercise it most freely. To prevent any further occurrences of this kind, as far as in my power to do, I shall make an order that from this time to the conclusion of the trial, all parties except the officers of the court, the parties, their attorneys and the witnesses shall be excluded from the court room. That authority I have. That is to some extent to prevent the perpetration of such outrages as this clearly is. I thought of making this order, and reflected upon it last evening, and this morning concluded we could perhaps get along to the end of the trial without any further order in this regard, but, in view of the fact that counsel has brought it to the attention of the court, in this public way, I deem it necessary and proper at least to make this order. and proper at least to make the order. in this way:

"At the commencement of this trial it not appearing to be necessary that the trial should proceed with closed doors, the court made no order to that effect, but it now appearing that grossly false and unfair reports of the testimony have been made in two newspapers, and to prevent as far as possible a continuance of such reports, it is ordered that from this time until the testimony is closed on both sides all persons execpt the officers of the court, the parties, their witnesses and counsel, be excluded from the courtroom. The court makes this order for the further reason that it is apparent that the presence of a large number of spectators has the effect upon some of the witnesses to seriously embarrass them in freely giving their testimony."

Third—In the afternoon of the same day, the 29th of May, while the said court was engaged in the trial of said action, the said "Evening Bee" published in its editorial columns the following words, to wit:

"The 'Bee' will not keep in its employ a reporter who garbles or who misstates. But when a newsgatherer does his duty and tells the truth it will not stand silently by while an aggregation of attorneys try to make him out a liar, and while a prejudiced and vindictive Czar upon the bench aids and abets them in such a purpose. The 'Bee' reasserts that, in all material details, the statement of Talmadge as given in the 'Bee' of yesterday was the statement he made upon the stand at Wednesday afternoon's session. The 'Bee' will go further than that. It will declare that both the attorney before the bar and the Judge on the bench knew that the statement made in the 'Bee' was an essentially correct epitome of the testimony given by Mr. Talmadge at the very moment when they unhesitatingly, shamelessly and brazenly declare it to be a 'gross fabrication.' There is no paper anywhere that has a higher regard for fair and impartial courts than has the 'Bee'; but there is no paper anywhere that has a supremer contempt than has the 'Bee' for a Judge who will approve the unmitigated falsehood of an attorney, as Judge Catlin to-day approved the brazen misstatement of Judge J. B. Devine.

"Attorney Charles T. Jones said he wanted a vindication, and yet Judge Devine at the bar and Judge Amos P. Catlin on the bench combine to close the doors to the open exposition of such a vindication, and in so doing give out statements which are as palpably false as the article they denounce was essentially correct as a report of court occurrences."

And a newsboy was in the Courthouse in the main hall leading to the courtroom engaged in selling said newspaper containing the aforesaid editorial article the same afternoon while the said action was on trial.

Fourth—At about 1 o'clock p. m. of the same day, the 29th of May, the defendant, Charles K. McClatchy, applied to the official reporter of said court at his office for a transcript of that part of the testimony of said C. V. Talmadge which related to the subject matter of the aforesaid remarks of J. B. Devine and the said Judge; and the said reporter without delay, and as soon as the work could be performed, at the hour of 1:30 p. m., furnished the said newspaper with a true transcription of the testimony so asked for, which time was about two and one-half hours before the time when the said paper was issued from the press.

Fifth—That the said defendant, Charles K. McClatchy, was at the dates and times aforesaid, and is, the editor and one of the proprietors of said newspaper, and wrote and published the aforesaid editorial article of the 29th day of May.

Sixth—That the said Charles K. McClatchy also on the 30th of May, and while the said trial was still pending, wrote and published in the said newspaper an article referring to said testimony of said C. V. Talmadge, and the aforesaid remarks of J. B. Devine and the said Judge, the following words, to wit:

"The 'Bee' promises that when it publishes the balance no intelligent man can find an excuse for the outrageously false statements made in open court by J. B. Devine and Hon. A. P. Catlin." And on the 1st day of June, 1896, the said Charles K. McClatchy, while the said action was on trial in said court, published an article in said newspaper referring to the proceedings on said trial, in which he reiterated the aforesaid accusations against the said court, and in which article the following words were used:

"The 'Bee' therefore declared and to-day declares that both the attorney before the bar and the Judge on the bench knew that the statement made in the 'Bee' was an essentially correct epitome of the testimony given by Mr. Talmadge at the very moment when they unhesitatingly, shamelessly and brazenly declared it to be a gross fabrication."

Seventh—That on the 2d day of June, 1896, an affidavit made by Charles T. Jones was filed herein with the Clerk, charging the said C. K. McClatchy with the aforesaid contempt, and thereupon a warrant was issued for the arrest of said C. K. McClatchy, who, after being admitted to bail pursuant to the order of said Judge indorsed upon said warrant, appeared in court before said Judge on the 4th day

(Continued on Seventh Page.)

PHILIP'S FOLLY.

Oppenheim May be Forced to Return From Canada.

There is a possibility f Philip Oppenheim being brought back from Toronto, Canada, and compelled to explain what he has done with the $50,000 in Government bonds belonging to his father's estate.

Albert M. Johnson, one of the attorneys for the other heirs, states that Oppenheim may be indicted for perjury, which is an extraditable offense. He recently made oath that the bonds were in a certain safe-deposit institution in San Francisco, when in fact they were not.

Knights and Ladies.

Equity Lodge, No. 1,219, Knights and Ladies of Honor, has elected the following officers for the ensuing term: Past Protector, Charles E. Hill; Protector, Martin Knapp; Vice-Protector, Miss Bertha Buchanan; Secretary, A. E. Grigsby; Financial Secretary, Miss Emma M. Casper; Treasurer, T. D. Littlefield; Guardian, Mrs. W. D. Kilbron; Chaplain, Mrs. L. Bay; Guide, L. A. Kidder; Sentinel, Mrs. Belle Mead.

Left Homeless in St. Louis.

A letter has been received by A. L. Campe from his aged mother in St. Louis, giving an account of the late deadly cyclone there.

Mrs. Campe, her son William and his wife had a comfortable home in St. Louis, which was swept away in that terrible storm. The family had barely time to get out before the building went into splinters.

Under Advisement.

In Judge Johnson's court yesterday the motion to set aside the decree of distribution in the estate of Lavina Jones, deceased, on the ground that the publication of notice had been made in a Sunday paper, was argued by A. E. Miller and submitted.

Smoked Glasses

Are nine cases out of ten the most injurious things that can be worn whether the sidewalks glare or no. An injection of morphine or a dose of opium make things appear well for the time-being, but if continued will in the end ruin the constitution. So these glasses to the eye. When once started it is almost impossible to get along without them, the eye having become so weak and tender. Call on F. de Wolfe Hennah, he will give you a free examination of your eyes and tell you whether they are in any way defective and thereby save you unnecessary expenditure. Remember there is no charge for examination at The Normandie, Tenth and K. References on application. Office hours, 9 to 12, 1 to 5, 5 to 8. Sundays, 9 to 12. *

The Summer Garden

In the rear of the Eagle Confectionary, 826 K street, William Gropp, proprietor, will be opened to-day. Neale's Orchestra will furnish music during the evening. Ice cream, vanilla, strawberry, chocolate, and blanc mange, with cake, twenty-five cents a plate; small plates, fifteen cents. Ice cream soda, ten cents; coffee and cake, ten cents; chocolate, fifteen cents. Other summer drinks on hand. *

Ladies' Duck Suits,

Extra full skirt, with large sleeves, $1 85 and $2 05. Challies in handsome summer designs for five cents a yard; ladies plain buff and cream shirt waists, a $1 50 kind on sale to-day for 49c, with extra large sleeves. Lawn waists, with handsome figures, from 50c to 95c—good value for double at the Red House. *

Speaking of Pianos!

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

Fresh, Ripe Figs.

First of the season, fresh, ripe figs; fresh, ripe apricots, at the Pacific, J, near Eighth. *

Imported Cheese.

Limburger, Swiss and hand cheese, mayonnaise herrings, Swedish anchovies. Sacramento Delicacy, 628 J. *

Races.

A full description of each race at the Ingleside track is given at Kripp & Co.'s, 1106 Seventh street, Capital Hotel building. The result is known almost as soon as at the track. *

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

Gasoline and oil stoves; hose, 4 cents. Hirsch & Son, 1013 J. *

Horsemen! Attention!! Call for Humphrey's veterinary stable chart—free. Humphrey's Veterinary Specifics at "cut rates." C. C. C. Pharmacy, Granger building, cor Tenth and K. *

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

Babies' and children's photos from Cutbirth's give satisfaction. Thirteenth and K. *

There are times when you get a fit, and there are times when you get a misfit, but John R. Week guarantees a perfect-fitting suit of clothes at moderate prices. 527½ K street. *

Complete line Humphrey's Homeopathic Family Remedies at "cut rates." Drug Department, C. C. C., corner Tenth and K streets. *

Club saloon opening Saturday night; music, lunch. All invited, 728 K. *

Try one of those Cleveland high-grade bicycles which the Golden Eagle Cyclery, Seventh and K, have in rental. *

Baldwin's photos the best, 504 J. *

Alex. Holmes, Photo Studio, 1308 10th. *

DIED.

SILLER—In this city, June 4th, Catharina Siller, mother of Mrs. P. Groessler, Mrs. Emma Innes, J. L. and L. G. Siller, a native of Germany, aged 66 years, 4 months and 7 days.

Friends and acquaintances are respectfully invited to attend the funeral Sunday, at 2 p. m., from her late residence, No. 1711 Thirteenth street.

JOHNSON—In this city, June 5th, Maria, wife of Swan Johnson, a native of Switzerland, aged 24 years.

Funeral notice hereafter.

KILGORE—In this city, June 5th, Eva M., eldest daughter of Ellis and the late Emma J. Kilgore (sister of Ralph E. and Irma Kilgore), a native of Sacramento, aged 17 years, 2 months and 14 days.

Friends and acquaintances are respectfully invited to attend the funeral Sunday afternoon, June 7th, at 2 o'clock, from her father's residence, No. 1412 Tenth street.

When Baby was sick, we gave her Castoria.
When she was a Child, she cried for Castoria.
When she became Miss, she clung to Castoria.
When she had Children, she gave them Castoria.

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You have always wanted one. You have felt many times that if you had a picture of some familiar nook in your home of some group of friends, or of this or that bit of scenery, that as the years roll by such pictures would bring back, as nothing else would, "memories of happy days long ago." But the price—that has been a stumbling block. But it shall be no longer!

Saturday, 9:30 A. M.,

We are going to offer at special sale prices some of our best and finest Kodaks and Cameras at prices that will put them within the reach of the many. This is the beginning of the vacation season and just the time to buy in order to get the fullest enjoyment from amateur photography.

LOT 1—Premier Hand Cameras, single lens. Takes pictures 4x5 inches and uses dry plates in place of films. A popular instrument and so simple that a child can work it. Regular Price, $15. Sale Price, $9 75.

LOT 2—Folding Premier Camera, single lens. Takes 4x5 pictures on dry plates. Double-plate holder. A very compact and deservedly popular style. Regular Price, $18. Sale Price, $10 75.

LOT 3—Universal Tripod Camera. Takes pictures 5x7 inches. A beautifully finished camera and very compact. Regular Price, $33. Sale Price, $19 75.

LOT 4—Kodak, "B Ordinary," taking pictures 3¼x4 inches. Loaded ready for 24 exposures. Price, $7 75. The same, size 4x5, $10 75. Regular Price, $10. Sale Price, $7 75.

LOT 5—Kodak, "C Daylight." Takes pictures size 4x5 inches, and may be reloaded in the daylight. Loaded for 24 exposures. Regular Price, $25. Sale Price, $17 75.

LOT 6—Regular Kodaks. The $32 50 kind for $24 75. The $40 kind reduced to $28 75. Regular Price, $32 50. Sale Price, $24 75.

LOT 7—Folding Kodak, high-class lens, with Bausch & Lomb shutter (slightly out of order, but easily repaired). Takes picture 4x5. Regular Price, $55. Sale Price, $29 75.

Best Body Brussels Carpets, Sewed and Laid, $1 10.

Exquisite new 1896 patterns, with or without borders, in Lowell or Bigelow Body Brussels Carpet. Price, $1 10 yard, sewed and laid. These are the two best makes in America, and if you paid us $10 a yard we could not serve you with better carpets or choicer patterns in Body Brussels.

Good Tapestry Brussels Carpets. Several makes to choose from. Sewed and laid, 45c yard.

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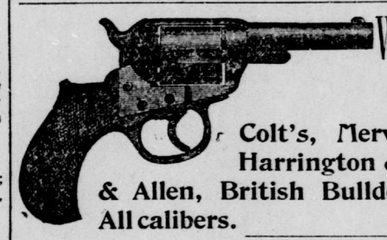

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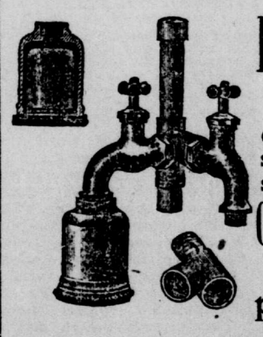

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