

THE STAGE AGAIN HELD UP.

And Again the Highwaymen Get No Money.

The Hold-Up Was on the Auburn and Georgetown Road Once More.

Felix Tracy, Agent and Assistant Superintendent of Wells, Fargo & Co., last night received a dispatch stating that the Auburn and Georgetown stage was held up again last evening at about the same hour (5 o'clock) and place as it was stopped on the day before.

As on Thursday, the express box was taken from the stage and broken open, but again the bandits were foiled, for it contained no treasure to speak of.

Two hold-ups in as many days, and in the same spot, is something like a record-breaker, even in the Sierra foothill section.

The probability is that the highwaymen have had reason to believe that there was to be a shipment of money about this time to some point in the mines of El Dorado, and having missed it on Thursday they expected to get it the next day.

Whether or not they will try their luck again to-day remains to be seen.

SUPREME COURT DECISIONS.

SYLLABI. (Crim., No. 165-In Bank-Filed December 17, 1896.)

Ex parte Bohon, on habeas corpus. Violation of city ordinance. Petitioner discharged. McFarland, J., dissents.

An ordinance forbidding the burial of human bodies within a city, or upon any designated portion thereof, cannot be sustained, if permitted upon other lots similarly situated; and the owner of lands cannot be restrained from selling them for the purpose of being used as a place of burial, or any other use which in the future may become deleterious to health, and for that reason be forbidden, but which is not forbidden at the time of the sale. A law full act cannot be made an offense in contemplation of some future necessity.

Order 2550, passed by the Board of Supervisors of the city and county of San Francisco, is declared unreasonable and invalid.

(Sac., No. 15-In Bank-Filed December 17, 1896.)

R. A. Shade, respondent; Sisson Mill and Lumber Company, appellant. Action for labor and services rendered. Reversed, Harrison, J., dissenting.

When one person is employed in the service of another by the month under an express contract for a fixed salary or wage, or under an implied contract for the reasonable value of his services, and the employer delivers to the employe at the end of each successive month a statement of his account showing the time he has worked and the rate of wages or salary allowed, and especially when upon the face of the account is indorsed an express request that the employe will examine it and give immediate notice of any error, the failure to make any objection to the account within a reasonable time must be regarded as a deliberate admission that the rate of compensation stated in the account is the rate expressly agreed upon, or that it is the true value of the services, and that the employment is to be continued upon the same terms until there is some new agreement.

(S. F., No. 347-Department Two-Filed December 17, 1896.)

J. H. McMenomy, respondent; A. L. White, et al., appellants. Contract. Foreclosure. Affirmed.

Where a case is submitted upon an agreed statement of facts no findings are necessary, the only question being as to what is the law applicable to the facts.

The contractor is personally liable for labor done and materials furnished at his instance, and he may be made a party defendant in actions to foreclose the liens, and a personal judgment may be entered against him.

A bond given by a contractor to the owner of a building, the contract price of which exceeds \$1,000, guaranteeing the performance of all the conditions of the contract, and that the house constructed by the contractor shall be delivered to the owner free from all liens that may arise from or be filed against the building on account of material or labor furnished by the contractor, and every lien or about the structure, is valid and binding upon the sureties, notwithstanding the plans and specifications forming a part of the building contract have been filed with the County Recorder.

(S. F., No. 372-Department Two-Filed December 17, 1896.)

Alaska Improvement Company, respondent; Charles Hirsch, et al., appellants. Action upon an injunction bond. Modified.

Whether the continuance of the restraining order is the consideration of the bond, in whole or in part, is a question of law to be determined from the order and the bond, the interpretation of which is within the province of the court. Where the expressed consideration is as follows: "Now, therefore, in consideration of the premises and of the issuing of said restraining order, we, the undersigned," etc., it is apparent that the "issuing" of said restraining order is not the only consideration for the execution of the bond. The word "premises" expresses part of the consideration. The word "premises" means "that which is before, introduction, statements previously made."

Counsel fees for services for defeating the order to show cause cannot be allowed as damages sustained by reason of the previous existence of the restraining order, any more than attorney's fees for services upon the final trial of the cause in preventing a perpetual injunction can be allowed as damages because the denial of a perpetual injunction necessarily dissolves an injunction pendente lite.

(S. F., No. 202-Department Two-Filed December 17, 1896.)

Henry Peters, appellant; C. E. Bowman, respondent. Damages for death. Affirmed.

No damages can be recovered for the death of a child drowned in a pond on private premises, who has gone there without invitation. Such cases do not

come under the list of exceptions to the general rule regarding trespass.

(Crim., No. 178-Department Two-Filed December 17, 1896.)

People, respondent; E. N. Tucker and Frank Tallmadge, appellants. Extortion. Reversed.

There are three pleas to an indictment, any one or more of which a defendant may interpose in bar of the prosecution, viz.: (1) Not guilty; (2) A former judgment of conviction or acquittal of the offense charged; (3) Once in jeopardy. He is entitled to have as many pleas as he interposes passed upon before a judgment can be properly pronounced in the case against him.

Where the record fails to show that the defendant withdrew or waived any one of his pleas, it will not be presumed that he did so.

(Crim., No. 184-Department Two-Filed December 17, 1896.)

People, appellant; Louis A. Muhlner, respondent. Murder. Appeal of order from order granting new trial. Order reversed and court directed to pass judgment on the verdict.

Section 1159 of the Penal Code provides that "a jury may find a defendant guilty of any offense, the commission of which is necessarily included in that with which he is charged." The offense of manslaughter is necessarily included in a charge of murder.

A defendant cannot complain where the determination of his case has been more favorable to him than the evidence warranted.

A verdict contrary to instructions for a less degree of the offense than the evidence proves must be received and carried out. A new trial cannot be ordered.

The verdict of guilty of manslaughter is the equivalent of a verdict of not guilty of the charge of murder, and the defendant cannot be again tried upon that charge.

AGAINST LESSEES.

Suit to Recover Possession of Land Near Elk Grove.

Robert Sudden has commenced suit against Charles A. Perkins, administrator of the estate of Charles C. Perkins, deceased; Charles A. Perkins, administrator of the estate of Mary Perkins, deceased; Julia Perkins, Jim Leo, Chy Lung and others to recover possession of certain lands claimed to be held under a lease, and for \$2,000 damages for refusal to surrender the same.

The land in question is situated near Walnut Grove, and the plaintiff claims they are illegally held by the defendants.

GONE, BUT NOT FORGOTTEN.

How Eli Fourness' Christmas Turkeys Mysteriously Disappeared.

Eli Fourness, who resides in the village of Washington, across the river, has during the past two or three weeks taken great pride in two noble gobblers which he believed were destined to grace the family board on Christmas Day.

But while Eli proposed, some other man disposed, and yesterday morning when he went to feed the feathered beauties the coop was vacant. Eli mourns and says that though gone, the gobblers are not forgotten.

To Cure a Cold in One Day. Take Laxative Bromo Quinine Tablets. All druggists refund the money if it fails to cure. 25c.

Our prices are low, but the quality of goods high. C. C. C.

A 50 CENT

Bottle of CUTICURA RESOLVENT, greatest of humor cures, is often sufficient to complete

a permanent cure of the most torturing and disfiguring of skin, scalp, and blood humors.

SPEDY CURE TREATMENT FOR ALL SKIN AND BLOOD HUMORS. Warm baths with CUTICURA SOAP, gentle applications of CUTICURA OINTMENT, the great skin cure, and mild doses of CUTICURA RESOLVENT, greatest of humor cures.

Sold throughout the world. Price, CUTICURA SOAP, 25c; RESOLVENT, 50c. See CUTICURA AD in this issue. How to Cure Every Humor, mailed free.

NO FREE ADS.

No free "want" ads. are taken in THE RECORD-UNION. Births, deaths and marriages also charged for. NO PREMIUMS GIVEN. NO CATCH-PENNY DEVICES. The paper is worth the money you pay for it, although higher priced than most others. Published Sundays also. To the class who have money to spend, all take it. Rich and poor like it for its cleanly, healthy tone. Classified ads, by the month, want, for sale, to let, personals, etc., 50c per line.

ATTORNEYS-AT-LAW.

ALBERT M. JOHNSON, ATTORNEY-AT-LAW, 201 Broadway, S. W. corner Fifth and K streets, Third floor, rooms 23, 24 and 25. (Take elevator.)

O. G. HOPKINS, -LAWYER- Stoll Building. Collections made.

Eugene Aram. A. L. Hart. HART & ARAM, ATTORNEYS-AT-LAW. Office, Fifth and J streets, rooms 12, 13 and 14, Sutter Building.

WILLIAM A. GETT, JR., -Attorney-at-Law- Sutter Building, southwest corner of Fifth and J. Telephone No. 359.

Charles F. Gardner. D. E. Alexander. Arthur E. Miller. ALEXANDER, MILLER & GARDNER, Attorneys and Counselors-at-Law, 405 1/2 J street - - - Sacramento.

Chauncey H. Dunn. S. Solon Holl. HOLL & DUNN, Lawyers. Offices, 920 Fifth street, Sacramento. Telephone No. 14.

Arthur M. Seymour. Clinton L. White. Jos. W. Hughes. WHITE, HUGHES & SEYMOUR, Attorneys and Counselors-at-Law. Rooms 7, 8, 11 and 12, J street, Sacramento, California.

BOARD AND LODGING.

THE BEST BOARDING PLACE in Sacramento, The Pleasanton, 908 L st.

THE TURCLE, NORTHEAST CORNER of Eighth and K streets, coolest building; finest rooms in city; newly furnished; porcelain bath tubs; second floor reserved for office terms, very low; janitor and light free. FRANK MEYER, Manager.

FOR SALE. City Property.

SPECULATION. \$150 will buy a 40x100 lot on the west side of Fifth street, between V and W. Pay a deposit to secure you the lot and we will take the balance at \$5 a month.

OAK PARK. \$600 will buy a lot and a 4-room house, by the grocery store. Pay a deposit to secure you the place and we will take the balance at \$10 a month, same as rent. Go out and see it, then see us.

INSTALLMENT HOME. \$1,300 will buy a 40x100 lot and a 5-room cottage at No. 617 Fourteenth street. Lot alone worth \$1,000. Street graded. Stone walk. Pay a deposit to secure you the place, and we will take the balance at \$15 a month. Better than rent.

VACANT LOT. \$625-Here is a good building lot on the north side of Q street, between Second and Third. Size 32x57. If you wish we will loan you the money to build a home.

SUBURBAN PROPERTY. \$600 will buy two acres of fruit road planted to fruit. Pay \$100 cash and the balance \$100 a year.

WRIGHT, 402 J.

CHURCH NOTICES.

FOURTEENTH-STREET PRESBYTERIAN CHURCH, between O and P streets-Rev. W. C. Sherman, pastor. Services at 11 a. m. and 7:30 p. m. Sabbath-school at 12:15. Y. P. S. C. E. at 6:30 p. m.

EMMANUEL BAPTIST CHURCH, CORNER TWENTY-THIRD AND N STREETS-Rev. J. Sturtevant. Preaching at 11 a. m. and 7:30 p. m. Young People's meeting at 8:45 p. m. Sunday-school at 12:15.

REORGANIZED CHURCH OF JESUS CHRIST of Latter-Day Saints, corner of Twenty-fourth and K. Services Sunday at 11 a. m. Evening meeting, 7:45 p. m. In Pythian Castle, Ninth and I streets. No collections. Seats free.

ST. PAUL'S EPISCOPAL CHURCH, Eighth street, between I and J-Rev. Charles L. Miel, Rector. The fourth Sunday in Advent. Services at 11 a. m. and 7:30 p. m. Morning school at 9:45 a. m. Morning subject: "Effects of Resurrection." Evening: "The Rights of Property and Labor." Look for Christmas announcements in daily papers at 7:30 p. m.

CALVARY BAPTIST CHURCH, I street, Twelfth and Thirteenth-Rev. Frank M. Mitchell, Pastor. Sunday-school, 9:45 a. m. Preaching, 11 a. m. and 7:30 p. m. "Down From the Shining Sermons." 7:30 p. m.: "Letters from Heaven; VII. Waiting to be Gracious." at 7:30 p. m.

SIXTH - STREET METHODIST Church, East and L-Quarterly meeting Love feast at 9:30. Preaching by Rev. A. T. Needham, D. D., at 10:45, followed by Mr. L. P. Ryan, Pastor. Evening prayer at 7:30 on "Some People Whom the Bible Calls 'Fools.'" at 7:30 p. m.

CHRISTIAN CHURCH, SIXTEENTH and L-Pastor's subject at 11 a. m.: "What Shy is supposed to be." Preaching at 7:30 p. m. by D. H. Bayly of Visalia. Sunday-school at 10 a. m. C. E. 6:30 p. m. Seats free. Strangers welcome.

M. E. CHURCH, SOUTH SEVENTH street, near I and N streets-Rev. Anderson, D. D., pastor. Service at 11 a. m. and 7:30 p. m. Sunday-school, 12:30 p. m. Lesson, 5:30 p. m. Subjects: Morning-"Philosophy and Home Rule;" evening-"The Hidden Gospel." Seats free; all invited.

THE CONGREGATIONAL CHURCH-Dr. Charles Norden will preach at 11 a. m. and 7:30 p. m. Morning subject: "The Tooth of Time." Evening theme: "Jephthah's Sacrifice." The church choir will sing. Cordial welcome to everybody.

WESTMINSTER PRESBYTERIAN Church, corner of Sixth and L streets-Rev. R. M. Stevenson, Pastor, will exchange a Home Bible, evening at Walnut Grove. Services at 11 a. m. and 7:30 p. m.

FIRST BAPTIST CHURCH, NINTH street, between E and F streets-Rev. D. D. Pastor. At 11 a. m. Mr. and Mrs. Jacques, Managers of Chapel Car Emmanuel, who have been so successful in chapel car work, will speak. "The Founding of a Home in the Relation to the Church." Mr. and Mrs. Jacques, the sweet singers, will sing at this service. Our seats are reserved. A cordial invitation to all. Strangers are especially welcomed.

MEETING NOTICES.

SACRAMENTO COUNCIL R. and S. M., No. 1. - Officers-elect and all members are requested to attend the Masonic Hall THIS SATURDAY, December 19th, at 7:30 p. m. for installation of new officers. A. W. ALLEN, Secretary. L. M. LOUIS C. SCHINDLER, T. L. M.

SACRAMENTO CHAPTER, NO. 3. R. A. M.-Called meeting for installation of officers will be held at Masonic Hall THIS SATURDAY, December 19th, at 7:30 p. m. R. A. Masons are cordially invited.

A. J. VERMILYA, H. P.

WANTED.

AGENTS-GOOD CANVASERS CAN make \$200 per month soliciting for Wood's Photo Cabinet, which is presented to lodges, exclusive territory. T. E. Wood Co., Kalamazoo, Mich.

LIVE AGENTS WANTED TO HANDLE goods that sell at sight; large profits. Call or address 1024 J street.

WANT TO TRADE OAKLAND PROPERTY for Sacramento City or suburban property. Address "W.", 1831 N street.

WANTED-\$6,000 ON GOOD REAL ESTATE. Apply at Uncle Ike personally.

MEN AND WOMEN OUT OF EMPLOYMENT and willing to work can learn of a permanent situation at good wages, by writing a lodges, exclusive territory. T. E. Wood Co., Kalamazoo, Mich.

PLAZA EMPLOYMENT OFFICE, Ninth and L-Situations procured and all kinds of help furnished. Address: W. A. L. Prop. Cap. Tel. 360, Sunset, block 564.

WANTED-100 MEN TO EAT OUR 10-cent meals. Min. Restaurant, corner Second and K streets.

LOST-FOUND.

\$20 REWARD-ORANGE AND WHITE \$100 reward for setter lost. Finder return to 1312 Second street.

FINANCIAL.

MONEY TO LOAN-H. J. GOETHE, 1011 Fourth street.

MONEY TO LOAN ON REAL ESTATE SECURITY-CHARLES COOLEY, 1013 Fourth street.

MUSIC AND ART.

BUENA VISTA ART STUDIO, 925 Second street, near J; all on china at 25c to 50c an hour; class now forming.

GEO. C. HOLBROOK & A. LOTHAM, Printers, bookbinders and repairers. Work done by yearly contract if desired. Office and workrooms, 1021 Eighth street.

PRINTING.

D. JOHNSTON CO., 413 J STREET. ORDERS FROM THE COUNTRY PROMPTLY FILLED. THE WEEKLY UNION - THE BEST weekly on the coast.

TO-DAY'S Holiday \* Specials Christmas Novelties.

Make this store the base of your Holiday Supplies and see how satisfactorily you will be served.

500 Boxes Novelty Silk and Lisle Garters, made of extra good quality silk and Lisle elastic, very tastefully arranged in boxes and expressly ordered for the holiday trade; 1 pair in a box. Prices are 10c, 25c, 35c, 45c and 65c a box.

Ladies' Novelty Silk and Lisle Side Hose Supporters, with Lindsay patent button fasteners, made of the very best quality of elastic; they come in light shades. Prices are 20c, 25c, 40c, 50c and 65c a pair.

Ladies' 4-Button Derby Kid Gloves, excellent gloves for shopping and street wear. Colors-English red, Martineque, tan, brown and grays. Regular price, \$1.25.

TO-DAY, 67c A PAIR. Ladies' 4-Button Derby Kid Gloves, plique stitching, the very best quality, large pearl buttons, self and black embroidered backs; colors-English reds, browns, tans and grays. Regular price, \$1.50.

TO-DAY, 98c A PAIR. 1 Lot Ladies' Purse that formerly sold from 60c to \$1.

TO-DAY, 8c EACH. 50 Dozen Ladies' Embroidered Handkerchiefs, very sheer, patterns entirely new this season. Good value at 35c.

TO-DAY, 25c EACH.

B. WILSON & CO. Corner Sixth and J Streets.

SPIRITUALISM.

MRS. I. DARRALL, CLAIRVOYANT and trance medium, 8 to 12, 1 to 6, 1411 P.

DO THE DEAD RETURN? IF YOU doubt come and be convinced by Leander, the slate writer; information given on all subjects; satisfaction given or no charge; sittings \$1. 415 1/2 K street. Room 3. d18-4\*

ADDIE SWAIN, MEDIUM, 925 TENTH street, near J. Office 8. Hours 1 to 8 p. m.

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ISMAR, THE GYPSY-THIS REMARKABLE woman, whose career has been one of success, is gifted by nature with a power that approaches the miraculous. Ismar is truthful in her predictions, reliable in her advice. No matter what your troubles may be, consult her and she will guide you right. Office hours-9 to 12 a. m. and 2 to 8 and 7 to 9 p. m. Room 2 and 4, 411 K street.

MRS. JOHNSON, FORTUNE-TELLER and clairvoyant, 618 H street. Fee 50c.

PERSONALS.

J. W. BIRD'S NEW GROUND FLOOR Photograph Gallery, 1023 1/2 Fourth street.

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DR. S. M. HASLEA, Office and residence, 613 J street.

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DR. C. M. SLAYBACK, Office and residence at THE MODEL, Corner Eighth and H streets. Cap. tel. 475.

DR. B. F. PENDERY-OFFICE AND residence, 702 K st. Sunset Tel., Red, 81.

DR. SIMMONS, SR.-HOURS, 9 to 10 a. m., 2 to 3 p. m. and 7 to 8 p. m. DR. SIMMONS, JR.-HOURS, 11 to 12 a. m., 4 to 5, and 7:30 p. m. Telephone, house, 128; office, 691 red.

DR. FAY, 627 1/2 J ST.-10 TO 12 A. M., 2 TO 4, 7 TO 8 P. M. Res., 1729 G. Tel. 309.

DR. F. M. REITH, OFFICE WITH Dr. W. M. Ross, southwest corner Sixth and J streets, Sacramento. Office hours: 9 to 11 a. m., 12 to 2 and 7 to 8 p. m.

DR. L. S. JADAROLA, 200 1/2 K-OFFICE hours: 9 to 12 a. m., 2 to 4 and 7 to 8 p. m. New Telephone No. 10.

DR. CARTWRIGHT, OFFICE AND RESIDENCE, 913 K street, between Ninth and Tenth. Office hours: 9 to 11 a. m., 2 to 4 and 7 to 8 p. m.

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DR. W. A. ROOT, DENTIST-CAPITAL Telephone, 297; Sunset Telephone, No. 901, red. 814 K street.

DR. W. O. GIRARDEY, -DENTIST- Office and residence, 922 Fifth street.

DR. A. H. HAWLEY, -DENTIST- 1009 Seventh street. Hours, 9 to 12, 1 to 5.

DR. W. J. TAYLOR, -DENTIST- 715 J Sunset 'phone, red 873. Hours, 9 to 5.

DR. R. L. WAIT'S OFFICE AND RES., 705 J st., over Christianson & Co.'s market. Painless extraction of teeth by use of a new anesthetic. Examination and consultation free. Hours from 8:30 a. m. to 5 p. m., and 7 to 8 p. m.

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DR. C. H. STEPHENSON, DR. H. H. STEPHENSON, Dentists, 806 1/2 K st., opposite Clunie Opera-house.

DR. A. J. THOMAS, -DENTIST- Successor to H. H. Pierson, 611 1/2 J st. Hours, 9 to 5.

DR. CLIFFORD TODD, -DENTIST- Joseph Building. Hours, 9 to 5.

SELECT SCHOOL.

HOWE'S ACADEMY - GRAMMAR grade, high school, normal and business branches, elocution, French and German are taught. Ninth and I streets.

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BOOKBINDING IN ALL ITS branches, with good work and promptness. E. W. BIRGREN, 315 J street, Sacramento.

GENERAL NOTICES.

\$1 25 AN ACRE-CHOICE FRUIT AND agricultural land upon \$5 payments; water right. Address Van Buren, Iav. Co., Denver, Colo. It

POUNDKEEPER'S SALE-I WILL SELL at public auction, in front of Courthouse, Seventh and I streets, MONDAY, December 21st, at 11 a. m.: 1 Buckskin Horse; 1 Sorrel Mare, star in forehead; 1 Bay Mare; 1 Bay Stud, stripe in face, also saddle and collar marks. W. D. COOKSLEY, Poundkeeper. d18-31\*

MY STORE WILL REMAIN OPEN UNTIL 9 o'clock every evening until Christmas. School of Art Needle Work. MISS L. SCHUBERT. d17-7\*

5-lb CAN PURE LARD, 30c; BEST 2 1/2 coffee; baking soda, 5c lb packet; sugar cured hams, 10 1/2c lb. BEESLEY & SON, 513 J. d18-1w\*

PINE, 43 80 PER CORD; COAL AND ALL kinds of wood. Ninth and I. d16-7\*

JAPANESE INFORMATION OFFICE-All information to the Japanese. 1209 Third street, Sacramento. P. O. box 570.

THE CHEAPEST PLACE TO HAVE your clothing nicely cleaned and pressed is The Franco-American Dye Works, Eighth street. Tel. 74. M. DES-HAYES.

SPECIAL BARGAINS, 60c BOX BELL-top Apples, 10c; 10c Buns, 10c Meat, 75c, worth \$1. BEESLEY & SON, 513 J.

MRS. E. M. CARLY, OFFICE HOURS, Monday, 9 to 4. Will give emetics and medicine. Third street, W. C. T. U. Building. For my medicine go to J. A. Green, Seventh and K streets.

OAK STOVE WOOD, \$5 50 PER CORD; cottonwood, four feet, \$4; in stove length, \$3 50; half cord, \$2; measurement guaranteed. Leave orders at 723 Seventh. W. H. BASLER.

VIENNA CAFE-OYSTER AND LUNCH Parlors, 707 J st. Wm. Boedefeld, Prop.

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NOVELS AND BOOKS BOUGHT, SOLD, exchanged at reduced prices. 725 K st.

BEGONIAS, PRIMROSES AND FERNS for Christmas at H street Nursery, 2805 H street.

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LEE HAYS, THE UP-TOWN PLUMBER, will remove to 1216 J street.

&lt;