

THE MAN OF DESTINY.

Theodore Durrant is Given Another Indefinite Lease of Life.

Apparent Bungling by the Prosecution.

Undue Haste Displayed in Judge Bahrs' Court.

A Writ of Probable Cause Issued by the Supreme Court, Staying His Execution.

Napoleon's glory as "the man of destiny" bids fair to be eclipsed by that of Theodore Durrant.

The young man will not be hanged to-day in San Quentin, and it is safe to predict that he will not be hanged in six months, and it is doubtful even if the hangman takes charge of him inside of another year.

This is what Lawyer Eugene Deuprey has accomplished—the man who has stood by Durrant ever since the day he was charged with the murder of Blanche Lamont, whose body was found in the belfry of the Emmanuel Church in San Francisco in April, 1895.

The Supreme Court yesterday granted a writ of probable cause, staying the execution until further order. In its opinion the court says the order made by Judge Bahrs in sentencing Durrant "is an order made after final judgment. From such an order an appeal to this court lies. (Penal Code, Section 1237.)"

The question is, how long will it take to settle such an appeal?

Attorney Deuprey arrived in Sacramento yesterday morning, and was at once driven to the Capitol building, and with his associate in the case, General A. L. Hart, set to work preparing a petition to the Supreme Court for a writ of probable cause in stay of execution in the case of Durrant, recently sentenced by Judge Bahrs to be hanged this morning.

Deuprey was armed with an affidavit from Mrs. Durrant, in which she set forth that the prisoner's case was pending before the United States Supreme Court on appeal from the order of the District Court in this State, and that there was nothing on record to show that the appeal had been disposed of. The affidavit also embraced a complete transcript of the proceeding before Judge Bahrs of San Francisco on the 10th inst., and also set forth that the court was officially cognizant of any action by the United States Supreme Court.

The petitioner argued that no court has the power to resent an alleged criminal unless it has official information that the court on appeal had been decided, and that a telegraphic communication, unofficial, cannot stand.

It was argued that Judge Bahrs had been too hasty in resentencing Durrant, and that under the statute governing the case he had no legal right to do so until after the expiration of sixty days from the time of the decision of the United States Supreme Court.

The papers, with the authorities cited, were presented to the Supreme Court in bank, and were considered by the court after the expiration of the case being excluded.

Deputy Attorney-Generals Jackson and Foster represented the State, and presented reasons to show why the writ of probable cause should not issue. Mr. Jackson set forth in his answer to the petition that a general and specific knowledge of the action of the United States Supreme Court is sufficient ground on which to order a suspended sentence to go into effect, and in support of the argument, cited the case in re Shibuya Jugo, 140 U. S. 8, p. 294.

The court spent several hours in considering the matter, and even then was not a unit in its decision. Judge Garoutte dissented, on the ground that the case above referred to was a precedent for carrying out the sentence imposed by Judge Bahrs.

THE WRIT. Following is the writ of probable cause issued by the court:

"The People of the State of California vs. W. H. T. Durrant. We, the undersigned Justices of the Supreme Court of the State of California, do hereby certify that in our opinion there is probable cause for the appeal of the above-named defendant from an order made by the Superior Court of the City and County of San Francisco in the above-entitled cause whereby the Warden of the State's prison at San Quentin is ordered to execute the death sentence upon said defendant on Friday, the 12th day of November, 1897.

"And it is ordered that said Warden of said prison stay all proceedings under said order until the further order of the Supreme Court.

"W. H. BEATTY, C. J., HENSHAW, J., VAN FLEET, J., HARRISON, J.

"From the authority of in re Shibuya Jugo, 140 U. S. 294, I dissent from the order granting the certificate of probable cause. GAROUTTE, J."

THE COURT'S OPINION. Before adjourning for the afternoon the court filed the following opinion, giving the reasons on which the writ of probable cause was issued. The court says:

This is an application for a certificate of probable cause to stay the execution of the death sentence upon Theodore Durrant, who was sentenced to be hanged on Friday, the 12th day of November, 1897.

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THE GREAT NEED OF REST.

HOW NOEL H. JACKS HANDLED THE SUBJECT.

There is Rest and Peace for All Who Trust in the Divine Son of God.

Noel H. Jacks, in his address to men at the Young Men's Christian Association last night, took as his text what he called "An Old Prescription" found in one of the oldest books extant today, the Bible. This text was from Matt. xi, 28: "Come unto Me all ye that labor and are heavy laden, and I will give you rest."

"There are few passages in the four gospels more important than this. There are few that contain more precious truth. For 1,800 years these words have been the source of comfort and blessing to myriads of souls. In the first place, it reveals to us the heart of the Lord. God is not a tyrant nor a hard taskmaster, who delights only in suffering and misery. He did not create man and give him tasks to perform and burdens to carry, and then leave him to make the best of the situation."

"Much of the science of the day would have us believe that God is divided from the world; that His hand is not in the affairs of man; that 'whether sparrows fall or heroes perish, whether atoms or star systems crash, whether bubbles burst or worlds are wrapt in conflagration, God has no thought or care.' He is removed, impassable, isolated; or, as another has said, the personification of an infinite 'I do not care.'"

"How different the Scripture view of God. Open its pages anywhere and we find such words as 'The Lord is my Shepherd,' or 'He leadeth me'; or, 'In the time of trouble He shall hide me in His pavilion'; or, 'The Lord will give grace and glory.' No one thing will be withheld from them that walk uprightly.' But why multiply quotations? Any man familiar with the Bible knows that from lid to lid it reveals God as Creator, provider, protector, friend, Savior. Which view do you choose to accept? As for me, I never think of God. Call me narrow, bigoted, uncultured—I can endure all that, but I cannot endure the loss of such precious faith."

"The saddest man I ever met was one who out of deep sorrow exclaimed, 'Nobody cares for me, and I never know if God has forsaken me!' How dark must be the life of such a one, described by Paul as 'in the world without God and without hope.' He is 'like a sailor lost and driven on a shoreless sea.'"

"It is true men do forsake one another. Is there a man who never thinks of what it is to be deserted by friends in an hour of trial? There are few such if so, for human experience is on the other side. But the Bible teaches that God never forsakes those who put their trust in Him."

"Now I know the majority of men do not turn to God or the Bible for instruction in these things, and the result is a tired, weary world. The great characteristic of this age is unrest. We see it on every hand. Hence the great need of the world is just that which the text offers—Rest. Yes, rest, rest, for those laboring in the toils of formal religion in their vain endeavors at self-justification; laboring to get gain, honor, ease; laboring with Satan, lust, drink, infidelity. Then, too, there is one universal sorrow from which none can escape, no matter how free from care their lives have been. The rich, the poor, the great, the humble, all will some time sorrow over the death of loved ones."

"There is no flock however watched and tended. But one dead lamb is there; There is no fireside however defended, 'But has one vacant chair.' 'Mark, then, in the face of all this sorrow, unrest and trouble the gracious offer of the text, 'I will give.' Not tell, or show, but give you rest. We may well ask the question, 'Who is this that offers rest?' Certainly it is a holy, audacious thing to do unless he who offers it is able to fulfill his promise."

"Here Mr. Jacks proceeded to show by convincing proofs that the one who offered this boon to the world was none else than what He claimed to be, the Divine Son of God. He then took up the kind of rest Jesus gives to those who come to Him, dwelling especially on the rest of forgiveness, of defense, from the desire to sin and the rest of knowledge. These points were amply illustrated with pointed stories that made them easy to remember."

Mr. Jacks will speak again to-night and to-morrow night, and his last address will be given Sunday afternoon, to men only, at the Clunie Opera-house, when his subject will be "Secret Sins of Men."

ANOTHER OLD CASE. Arguments in the City's Suit Against T. J. Clunie. The oldest case of the city against T. J. Clunie, a suit in ejectment involving what the city claims to be a part of Q street, was argued yesterday before the Supreme Court, Judge McKone representing the city and Elwood Bruner appearing for Clunie.

The history of the case is quite familiar to the people of Sacramento, having been before the courts for years. Clunie built a warehouse on the river front, which projects beyond the line of Q street. It is in what is known as Brannan's addition, and Clunie claims that there never was any dedication to the city of streets in that locality.

Judge Catlin gave judgment for Clunie, and the city appealed. He claims that the Ruth map, filed in 1851 by Brannan, Bruce, Graham and Wetzler, shows that the streets in Brannan's addition were dedicated to the city's use.

EASTERN STAR ELECTION. Officers of Elk Grove Chapter for the Ensuing Year. At a regular meeting of Elk Grove Chapter, No. 193, O. E. S., held on Tuesday, the 9th inst., the following-named officers were elected and appointed: Mrs. M. E. Campbell, W. Matron; W. T. Stephenson, W. P.; Mrs. Lillian Stephenson, Associate Matron; L. Bower, Secretary; S. C. Stewart, Treasurer; Miss H. J. Smith, Conductress; Miss A. M. Smith, Associate Conductress; Mrs. S. G. Bradford, Adah; Mrs. M. A. Davis, Ruth; Mrs. E. J. Stewart, Esther; Mrs. Jennie Andrews, Martha; Mrs. A. E. Freeman, Warden; Henry Alltucker, Sentinel; Organist, Miss Emma Alltucker.

Weather Reports. The Weather Bureau reports show the highest and lowest temperatures yesterday to have been 65 and 46 degrees, with gentle southerly and north-

erly winds, and partly cloudy weather prevailing.

The barometrical readings at 5 a. m. and 5 p. m. yesterday were 30.16 and 30.11 inches, respectively.

The highest and lowest temperatures one year ago yesterday were 63 and 39 degrees and one year ago to-day 65 and 56 degrees.

It will be seen by comparison with last November at this date that the weather was much cooler than at the present time.

SACRAMENTO MINERS. Articles of Incorporation of the Midas Mining Company. Articles of Incorporation of the Midas Gold Mining Company were yesterday filed with the County Clerk. The company is organized to conduct a general mining business in this State, its place of business is Sacramento.

The capital stock is \$800,000, all of which has been subscribed as follows: J. H. Roberts 5,230 shares, \$523,000; J. W. Roper 1,375 shares, \$137,500; L. A. McIntosh 1,375 shares, \$137,500; Howard K. Johnson 10 shares, \$1,000; Wilbur F. George 10 shares, \$1,000.

The directors are J. H. Roberts, Howard K. Johnson and Wilbur F. George of Sacramento, and L. A. McIntosh and J. W. Roper of Chico.

Preston School Inquiry. Governor Budd states that he will call meeting of the Trustees of the Preston School of Industry, to be held in this city on Tuesday next. The recent scandals affecting the institution will be considered, and it is likely an investigation will be ordered.

Eichrodt Insolvent Matter. Judge Hughes has made an order setting for hearing to-day the application of Max Eichrodt, an insolvent debtor, for discharge.

SPECIAL VALUES NOW SELLING At the J-Street Bargain House (Old Red House). Men's 25c silk neck scarfs, 5c; ladies' 25c suede finished gloves, 15c; men's heavy cotton overshirts, 24c; men's English ribbed, fleeced lined undershirts, 30c; ladies' superior quality black or drab corset, sizes 18 to 26, 49c; children's 40c black cashmere wool hose, 25c; children's 25c wool hose, small and medium sizes, 15c.

The Phoenix Shaving Parlor. Joseph S. Sarrett has taken possession of the "Phoenix" Shaving Parlor, the most luxuriously appointed shaving parlors north of San Francisco and has surrounded himself with a trained corps of assistants, every one of whom is an artist in his line. The little accessories, such as toilet articles, are of the purest and best, and will be a feature of the business under the new management. Mr. Sarrett announces to the old patrons of the "Phoenix" that he has nothing whatever to do with outstanding accounts of the business under former managements.

Prepare for Storms. Buggy tops, \$12; storm aprons, \$1.50; side curtains, \$1.50. A. Meister & Sons, 910-914 Ninth street, Sacramento.

Great Ribbon Sale At the old Red House, No. 40 and 60, black and new shades of bonnet ribbons, 15c yard; narrower widths at equally as low prices.

Miller Bros., 1116 J street, sell oil heaters at cost. They also have a fine line of air tight heaters.

Crisps! Crisps! Crisps! Sacramento Crisp Company's new factory; opening Saturday night, 424 1/2 K street.

Old Homestead mince meat, 5c package; None Such New England mince meat, 3 for 25c; Early Rose potatoes, 50c sack; granulated sugar, 85 3/4 sack; good butter, 40c roll. Beesley & Son, 516 and 518 J.

Try McMorris' 50c uncolored Japan tea, 2 lb. tea, 60c; 5 lb. P. F. Japan tea, 40c; 5 lb. M. street.

Have your teeth extracted by Dr. Smith's electrical process; 20 years' successful use. Fifth and K streets.

Dr. Weldon, 806 J street, extracts teeth without pain; local anesthetic.

Call and see our domestic heater. Tom Scott, agent, 303 J street.

Save money by buying your tea and coffee of J. McMorris, 531 M.

Visu Stable, Ninth and I, for a rig. See Miss Schubert's want ad.

Try McMorris' Blend Coffee, 35c.

OUR INCREASING SALES OF La Internacional THE GREAT MEXICAN CIGAR. SMOKE THEM AND BE IN THE SWIM. HALL, LUHRS & CO., Agents.

It is a pleasure to use a good smooth Writing Pencil. We recommend H. S. Crocker's No. 217, Eagle Draughting No. 314, Koh-I-Noor in all grades.

Koh-I-Noor Copying Pencils Cannot be Surpassed. H. S. CROCKER COMPANY, SACRAMENTO.

Visit DR. JORDAN'S Great Museum of Anatomy. DR. JORDAN'S PRIVATE DISEASES. Consultation free and strictly private. Treatment prompt, reliable or by letter. \$5 PER WEEK. DR. JORDAN'S PRIVATE DISEASES. Consultation free and strictly private. Treatment prompt, reliable or by letter. \$5 PER WEEK.



Miss Bloomer—"By the way, you were chewing that Piper Heidsieck Plug, as you call it; you seemed to enjoy riding up that horrible hill!" Mr. Wheeler—"That's just the secret of it. I enjoyed the Piper Heidsieck so much that I never thought of the hill."

PIPER HEIDSIECK PLUG TOBACCO (Champagne Flavor) is the best chewing tobacco in the world, and the new five-cent size is large enough so that every one can afford to enjoy this delicious luxury. A trial will convince.

SECURE AN OFFICE ASSISTANT, A NEW ROLL-TOP DESK. NEW LINE JUST RECEIVED FROM \$12 UP CASH OR CREDIT. CHAS. M. CAMPBELL, 411-413 K Street. CARPETS AND FURNITURE.

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

CREAMERY Agency Knights Landing and Woodland Creameries, California. California, Oregon and Nevada Products. Strictly modern. Highest quality maintained always.

VERY FLATTERING. Imported Belgium Double-Barrel Shotgun, with solid walnut stock and laminated steel barrels, pistol grip style. Will last for years. Worth \$12.50, don't you think? Well expect you to see it.

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CALL AT 619 J STREET. OUR PRICES WILL SURPRISE YOU.

LOOK AT THESE PRICES: California Violets, 15c per bunch; Blue Grass Seed, 10c per pound; All kinds of Vegetables and Flower Seeds at lowest prices. Also all kinds of Flowering Bulbs. C. C. NAVLET & BRO., Florists and Seedsmen, 611 J Street, Telephone 3—Sunset, black, 761; Capital, 606.

LONDON WOOLLEN MILLS. J.H. HEITMAN, FINE TAILORING. Evening Dress must be faultless. You are doing yourself an injury if you allow a tailor to make your full dress suit who isn't thoroughly up in every detail. We have exceptional advantages for studying the styles and we give you the benefit of all that's new at prices asked by tailors who are a year behind time.

A SPECIAL TWEED AT 1099 TROUSERS AT \$3.50 FIRST CLASS CUTTER AND FITTER 600 J ST. COR. SIXTH.

RAILROAD TIME TABLE. SOUTHERN PACIFIC COMPANY (PACIFIC SYSTEM) NOVEMBER 1, 1897. Trains Leave and are Due to Arrive at Sacramento:

Table with columns: LEAVE TRAINS RUN DAILY, ARRIVE (FROM). Lists various train routes and times.

SAN FRANCISCO, ST. LOUIS AND CHICAGO. TWICE A WEEK. From San Francisco, Mondays and Thursdays, 5:30 p.m. From Los Angeles, Tuesdays and Fridays, 10:30 a.m.

THE SUPERB SERVICE, that for the past three seasons has made this train the most popular in America, will be continued. No extra cost.

THE SUPERB SERVICE, that for the past three seasons has made this train the most popular in America, will be continued. No extra cost.

ECKHARDT'S, 609-611 K Street. F. C. KNAUER'S Pacific Brewery BEER IS THE BEST. TRY IT EVERY KEG has the latest improved patent valve.

MATER MISERICORDIAE, Sisters' New Hospital, Twenty-third St., Q and B, Sacramento. BEST COMPLETE AND NOW OPEN TO PATIENTS. High, healthy location; pleasant airy rooms and wards. All modern appliances. Terms moderate. For full particulars apply to "Sisters of Mercy," or to the Medical Superintendent.

HARDWARE MADE HARD. Whether you buy a screw or a lock here the material in the article is the best and the manner of making the most perfect.

SCHAW, INGRAM, BATCHER & CO., 211-219 J St., Sacramento. LIQUORS, WINE, BEER, ETC. CALL ON JIM & HARRY, 1009 THIRD STREET. CAPITAL ALE VAULTS, 302 J Street, Sacramento.

GO TO NAGELLE & SVENSSON'S AND try their remodeled Bourbon Nutwood Whiskey. Also, constantly on hand A.O. on draught, choice Wines, Liquors and Cigars. The reputation of the house is recommendation for their goods.

THE BOHEMIAN, 1021 Fourth and Lager, choicest Liquors, Wines, Cigars, and a fine cold lunch always ready G. W. SARGENT, Proprietor. GAMBRINUS' 620 K STREET, MILLER & HERRIG, Hall Props. Finest Wines, Liquors and Cigars. Also all kinds of Flowering Bulbs. C. C. NAVLET & BRO., Florists and Seedsmen, 611 J Street, Telephone 3—Sunset, black, 761; Capital, 606.

OTTS' LIVER PILLS. Best pills on earth for torpidity of the liver, sick headache, biliousness, constipation, gravel, etc. Never gripe or sicken, nor leave one constipated. Price, 50c. FRANCIS S. OTT, Manufacturing Druggist, 80 K Street, South Side Second and K Streets, Sacramento, Cal.