

COURT WARMS ATTORNEYS.

MUST NOT HURL EPITHETS AT ONE ANOTHER.

Reporter Brown's Testimony in the Weinstein-McClatchy Suit Yesterday.

When Judge Hughes' court opened yesterday Mr. Bruner said there had been considerable discussion about an incident that occurred the afternoon just before adjournment that he wished to set right. He read from the "Record-Union" in regard to the words between Mr. Bruner and Mr. Johnson...

WOULD CAUTION COUNSEL.

The court said that an unusual amount of this sort of thing had been done during the trial. It is reprehensible and does no good and in the opinion of the court does not help the case of the one making it. It makes things unpleasant and he hoped that counsel would not compel the court to take action in the matter...

COULD NOT BE FOUND.

In the afternoon Mr. Bruner resumed his testimony. He said that since the adjournment of the court he had made search for his original notes and the carbon copy of his affidavit, but had not found either. A question as to the correctness of the report as published in the "Bee" for objection to counsel for plaintiff on the ground that it had not been shown that either of both of the documents were not in existence...

A FINAL WARNING.

The court said he had given counsel warning and he thought they would be wise to heed it. He said that he would inflict punishment to the full extent of the law, although it would be unpleasant to do so. Both were wrong, but Mr. Bruner was especially so. It was the last time he would warn them. The next time one of the counsel applied an epithet the court would adjourn for five days and adjourn the case until the time elapsed.

BROWN RESUMES.

Returning to the objection to Mr. Weinstein's evidence, Mr. Johnson read from it to show that on the direct examination the matter was brought out, and that he had called attention to it. Mr. Metson said the statement in question was a voluntary one on Mr. Weinstein's part, and not responsive to the request. He should not therefore be cross-examined on it.

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the writing at the head of the letter was not his.

A QUESTION OF NOTES.

Witness answered that he did not. He had a conversation with Mr. Weinstein on March 23d at Seventeenth and J streets, and that he did not, in response to the latter's asking him why he had given his statements, state that he had taken no notes, but had written up his copy and handed it in, and was not responsible for what was done with it afterward. He made notes, not at the time of the interview, but a short time afterward, after he reached the "Bee" office. He dictated them, and they were published in the paper. They were dictated and written on the typewriter, and he corrected and edited them. They were printed in the "Bee" as corrected by him on March 4th.

Mr. Johnson said that the witness acknowledged he had not the original notes, and asked witness if he did not make affidavits in his report of the interviews. Witness answered that he did. Mr. Johnson demanded in that case that the affidavit be produced by witness.

Mr. Bruner said he did not have it. After he had made it, he received either the affidavit or a carbon copy of it. He did not know what had become of it. It was made in affidavit form, but he did not remember that he ever signed it. To the best of his knowledge and belief he never signed it. He did not know that the "Bee" stated that it had required its reporters to make affidavits in their statements in this matter. He had never told anyone so.

Mr. Johnson then asked the court to order the defendants to produce the affidavit, and Mr. Bruner said they had no affidavit, and had only the shorthand notes of the stenographer, taken at witness' dictation.

Mr. Johnson then submitted that the court ought not to allow witness to refresh his memory from anything but his original notes or his affidavit, and it was shown that he had neither.

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Mr. Bruner again asked witness to read the notes, but an objection was made and the court ruled that the statutes allowed notes to be read to refresh the memory of the witness, but not that of the jury.

V. S. McClatchy, recalled, said that he did not examine the inside of the papers given to Mr. Brown, but simply saw the endorsement on the notes to the effect that they were notes of the interview of the 28th with Weinstein.

WHERE DID THEY GO TO?

C. B. Brown resumed his testimony, saying that he did not know what became of the notes given him by V. S. McClatchy, or where they were now. After he read the notes of the first four interviews, and compared them with the proofs he threw them away. He had found during the search this noon a paper marked "Interview of C. B. Brown with H. Weinstein," but it was nothing which he could identify. He would tell about it without comparing it with the "Bee." He also found another paper marked "Interview with Weinstein March 4th," but it was not an interview with Weinstein at all. These were all the papers he found in the stenographer's desk. He remembered McClatchy's handing him notes of the interview of the 28th, telling him that he might be called to testify and had better refresh his memory from it. He replied that it would be of no use to him, as he could refresh his memory from the "Bee." He thought he left the document in Mr. Bruner's office.

In his report of the interviews he had never pretended to report verbatim what Mr. Weinstein had said, but the reports were the substance of Mr. Weinstein's statements. From a reading of the original documents, he could not identify the shorthand notes of any interview held by him with Mr. Weinstein, but was positive that the article in the "Bee" was correct.

Messrs. Bruner and Metson both stated that they had never seen the paper since the day it was brought to the office and did not know where it was.

BROWN'S TESTIMONY.

Continuing his testimony, Mr. Brown said that Mr. Weinstein told him that he had met Von Arnold and Sheehan, who came to his store and that he wrote him the letter; that Von Arnold told him that he was looking at the Clunie property with a view to buying it for a concert hall, as he and his brother had a big one in Chicago. He thought Mr. Weinstein also said Von Arnold wished to know if he did not want to take an interest in it and that he replied that he did not.

Witness refreshed his memory from the report printed in the "Bee," and said that Mr. Weinstein said he was not interested in the matter at all. He also said that Von Arnold told him he thought of starting a newspaper, and asked if he did not wish to go into it.

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It was a full report of the interview. He could not be mistaken.

Mr. Johnson referred to the "Bee" of March 4th, which stated that the article was a digest of the interviews of witness and Mr. Weinstein, and asked if what witness called a "digest" was a full report of the interviews. He was that, and the article contained the substance of the interviews, although not word for word. His time during that week was fully occupied with interviewing the Trustees and various other people, and if he did not have the papers to refresh his memory he would not have a clear recollection of what occurred, as it was a year ago. He took no notes that he remembered, but went to the office and dictated the interviews to the stenographer. When something else intervened he made notes. He did not at present remember the instances which he made notes of his interviews. He could not tell just when he interviewed Leonard or Von Arnold, but Mr. Weinstein was the first one he interviewed. The first thing he knew of Von Arnold's plans or a gambling hall was from the interview with Mr. Weinstein, that the gambling hall was to be connected with the concert hall. The only things he could recall in the interviews were what appeared in the paper, and he could not testify positively to anything but what he remembered. He told Mr. McClatchy after the first interview that he did not think Mr. Weinstein had anything to do with the paper scheme. He dictated all the interviews in the form of an affidavit, but did not sign or swear to any of them. He did not remember saying to Mr. Bruner that Mr. Weinstein said he would have nothing to do with the newspaper. The reason why he told Mr. McClatchy he did not think Mr. Weinstein had anything to do with it was the way he talked.

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TRUSTEES' SALE. PURSUANT TO THE PROVISIONS OF a certain prescription executed by Robert H. Pettit and Mrs. D. D. Pettit, his wife (at that time of the City of Sacramento, County of Sacramento, State of California, but now of the County of Placer, State aforesaid), to Wm. Beckman and J. L. Huntton, of the City of Sacramento, County of Sacramento, State of California, and recorded on February 1, 1898, and recorded on February 1, 1898, the office of the County Recorder of the County of Placer, State of California, Book 58 of Deeds, at page 79, and following, and on application of the holder and owner of the promissory note secured to be paid by said Deed of Trust, and because default has been made in the payment of the principal of the said note, and because said Deed of Trust, the underwriting of which will be a lien in relation to the highest and best bidder for cash, of the County of Placer, State of California, on Monday, the 28th day of February, 1898, between the hours of 10 a. m. and 12 m. (said sale commencing at the said hour 10 a. m. and to be continued until the following described real estate, with the improvements thereon, situated in the County of Placer, State of California, to-wit: The south half of the southwest quarter of Section Three, Township Eleven North, Range Seven East, Mount Diablo Base and Meridian. Together with all water rights appurtenant thereto. WM. BECKMAN, Trustee. (Seal.) J. L. HUNTON, Trustee. (Seal.)

Notice of the Hearing of the Report of the Viewers. IN THE MATTER OF THE PETITION OF P. H. Gardner et al. for a new county road in Road District No. 5, Sacramento County, Cal., and to land non-consenting land-owners to said petition. Notice is hereby given that the report of the viewers heretofore appointed in this matter, having been filed in open session of the Board of Supervisors of Sacramento County, Cal., on the 7th day of February, 1898, and the hearing of the said report having been set for said board for MONDAY, March 7, 1898, at 2 o'clock p. m., at the office of said board in the Hall of Records of said county, on I street, between Sixth and Seventh streets of Sacramento City, Cal., to which are hereby notified them and there to appear and show cause, if any you have, why said report should not be adopted and approved, and said proposed new road finally opened in accordance therewith. The said new road is described as follows: Beginning at a point on the east side of a county road extending along and parallel to the Sacramento River at a point where the said road intersects the said county road, and running thence from said point of beginning along the said county line common to said surveys and on the line between the lands of George A. Knott on the south and to land of George A. Knott and J. S. Harrison on the north S. 23 degrees, 15 minutes E. 7.20 chains, to the road now located on the right or west bank of Georgiana Slough—the same to be forty feet wide. By order of said Board of Supervisors. Attest: (Seal) WM. B. HAMILTON, Trustee. Clerk of said Board.

W. F. GORMLEY, Undertaker and Funeral Director. Mortuary parlors and hall 916 J Street, opposite old City Hall. Telephone: Capital 95, Sunset, blue, 551. E. M. KAVANAGH, Undertaker and Funeral Director. NO. 511 J STREET. EMBALMING A SPECIALTY. Office open day and night. Telephone: Sunset 64, red: Capital, 25.

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