

A SUDDEN TERMINATION.

DEFENDANTS SUBMIT THE CASE WITHOUT ARGUMENT.

Judge Holl Argues the Case for Plaintiff Weinstein, but Metson Declines to Reply.

The arguments in the Weinstein-Metson case were begun yesterday morning. Previous to their commencement, however, and at half-past 9 o'clock, Judge Hughes listened to arguments of counsel on a motion to strike out the judgment rolls in the cases of Gilman vs. McClatchy and Royster vs. McClatchy, and reserved his decision. Judge Holl opened the argument for the plaintiff. He said he should borrow his idea, if not the language, from a speech delivered in the United States Senate more than sixty years ago, at a time when the brightest intellects of the nation has ever known were assembled there. When a bark, he said, had been tossed by wind and storm and buffeted by the waves till she had been driven from her course into an unknown waste of waters, the first thing to be done when the sun burst out after the storm was to use her instruments to take her latitude and ascertain where she was. In this case, for many days that had been driven farther and farther away from the true issue and it was now time to go back to it and ascertain what it was.

He read the article in the "Bee" that was claimed to be libelous and formed the basis of the present suit, and set forth in the complaint, and said that he might as well stop there and show the jury that the article was malicious and that the court had decided it to be libelous and intended to damage the character of the plaintiff. It was predicated upon the statements made in an article in the "Examiner." The defendants had made no effort to find out the truth, but had assumed that the statements had been furnished by Mr. Weinstein and had gone and written the libelous article, accusing Mr. Weinstein of one of the most detestable crimes known to the community—that of acting as a shield and protection for bootleggers and blackmailers. He read from the dictionary to show that bootleggers were those who accept bribes in public office, a crime, he said, rightly held in the greatest detestation.

THE DIFFERENCE. There is a difference between slander and libel. Slander is uttered in the presence of witnesses, often in the heat of passion and limited to its audience. But libel is borne on the wings of the wind all over the country; gathered by the scavengers of the press and started anew on its travels over wires from north to south and even cabled under the ocean to foreign lands. Libel will live when all the parties in this case shall have moldered long in the dust and be again resurrected in the records. Whatever is printed finds its way to the remotest part of the earth and for this reason libel and defamation should be stopped and prohibited.

He should not do justice to his client if he did not show to the jury that all that was desired by him was exact justice and that he desired only justice to both him and the defendant. There is but one defense that can be made to these publications and that is that the matter published in them is true. In trying to find out whether or not the charges are true, almost everybody in Sacramento has been tried and every conceivable kind of evidence has been admitted. It makes no difference whether Sheehan is a bootlegger or not or if Leonard is a bootlegger or not. If it be proved that they are, so much the worse for them, but that does not concern Mr. Weinstein. The only question for the jury to try is whether Mr. Weinstein had acted as a shield and protection to bootleggers and blackmailers, knowing them to be such.

HAD NOT SHIELDED THEM. The jury had sat here for nearly two weeks, listening to all the evidence that defendants could bring and he asked the jury if they could put their fingers on one single bootlegger that he pointed to as having been shielded by Mr. Weinstein. The counsel for the defense have stated that they labored far into the hours of the night to bring evidence to prove these charges, and the best evidence that they failed to bring forth the evidence.

The most they could bring forth in proof of their position is that at some time Mr. Weinstein had received a letter from a man signing himself Von Arnold, which he did not answer and that shortly afterwards he received another letter dated San Jose, asking if the first had not been received. That ended the correspondence until defendants brought Von Arnold to this city and had him write to Mr. Weinstein an urgent letter from the Western Hotel, followed by one more urgent, when the first was not answered, and to neither of which was any attention paid.

When Mr. Weinstein received the San Jose letter after consultation with his partner, he answered it as a matter of courtesy, stating that he did not understand the letter and never heard of him or his partner. The second letter from the Western Hotel he answered, saying that he was surprised to know that his name had been mentioned in connection with the paper, as he knew nothing of the scheme.

WAS A MYSTERY. The first letter Mr. Weinstein received was a mystery to him, as it bore at the top the words, "compared by V. S. box." It was a decoy letter—a trap—but it seemed to Mr. Weinstein the emanation of a crazy man, as he had never heard of Von Arnold. As a matter of fact, it was dictated by V. S. McClatchy, who could neither be considered a fool nor a lunatic. Mr. McClatchy, who has testified that the relations between him and Mr. Weinstein were friendly and pleasant, went to San Francisco and there, in company with a man who has been proved to be an utter scoundrel, concocted this scheme.

"FOR WORMS"

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against the man with whom he swears he was on friendly terms. How monstrous! And the plot failed, for all the result that came of it was that Mr. Weinstein refused to surrender the letter to Mr. McClatchy, at whose dictation it was written. They claim that this refusal of Mr. Weinstein's acted as a shield to bootleggers and blackmailers. How could it possibly operate so, when Mr. McClatchy had in his pocket a copy of the letter and was conversant with all the features of the business, having concocted the whole scheme in his head. NO RIGHT TO SHOW IT. The letter itself was a libel and the members of the Board of Trustees could, had they been so disposed, have instituted a suit for libel against the "Bee." More than that, if Mr. Weinstein had surrendered the letter he would have been guilty of libel, for the person who circulates a libel is equally guilty with the person that utters it. What did Mr. Weinstein do? He took the letter, when the Grand Jury assembled, and read it together with the rest of the correspondence to the District Attorney, and the Grand Jury. Was not this proper? The District Attorney is the county's prosecuting officer; was he not the proper one for the letter to be turned over to?

Another point on which the defense lays special stress is that Mr. Leonard called on Mr. Weinstein and asked him to take an interest in the starting of a proposed newspaper, and that the latter refused utterly and gave Leonard no encouragement, telling him that he had no money. Defense has tried to introduce evidence that he said he would consider it, but Mr. Weinstein testifies that when pressed to consider the matter he might have said, "Well, I will consider it, but I want you to understand that I can give you no encouragement." If he did so it was clearly a gentlemanly manner of dismissing the subject.

NOTHING IN IT. In regard to the "Examiner" article, which the McClatchy brothers say excited them to such anger that they wrote the libelous article, it had nothing in it that should make them angry. This is, however, only admissible in mitigation, and is not a justification of the publication. The complaint of Mr. Weinstein's communication in the "Record-Union," claiming that he called them liars. What he did say was that those who disseminate libel are as bad as those who utter it, and he came pretty near proving them liars, for they have been convicted three times in this court of libel. They sent spies to this court and to his confidential clerk to try to find out the secrets of his household and his business. Why did they do this sneaking work instead of going to him in a manly manner and telling him what they wanted to find out? Why did they want to find out the secrets of his household and his business, but not his own? Why did they want to find out the secrets of his household and his business, but not his own? Why did they want to find out the secrets of his household and his business, but not his own?

He called attention to the reporter's testimony that he took no notes of his interviews with the plaintiff, but on his arrival at the office dictated to the stenographer what he remembered of them, and Mr. Weinstein denies their accuracy. He read from Reporter Brown's testimony to the effect that he did not write the interviews, requesting an answer as to actually occurred, as that was not their style, but that he wrote it up so as to make it interesting to the readers of the "Bee." He said that by putting it into the reporter's language and writing it up in an "interesting" manner, the actual statements were very likely to be changed, and that Mr. Weinstein says he did not say what was attributed to him in several respects.

The defendants admit that they published these charges and aver that they are true and are, therefore, justifiable. The question for the jury to decide is, whether they have been able to prove them to be true, which they claimed they could not do. They wish the jury to accept their inferences as facts that have been proved. As to mitigation, it is not to be considered in this case, as the article was written in anger and was not a mitigation, as when they were informed by Moran that they were mistaken, they did not publish a retraction. Nor could they go back twenty-four days to Mr. Weinstein's communication in the "Record-Union," as it is not to be considered in this case, as the article was written in anger and was not a mitigation, as when they were informed by Moran that they were mistaken, they did not publish a retraction. Nor could they go back twenty-four days to Mr. Weinstein's communication in the "Record-Union," as it is not to be considered in this case, as the article was written in anger and was not a mitigation, as when they were informed by Moran that they were mistaken, they did not publish a retraction.

When the court convened after the noon recess, Judge Hughes rendered a decision striking out the judgment rolls in the cases of Gilman vs. McClatchy and Royster vs. McClatchy, and reserved his decision. Judge Holl opened the argument for the plaintiff. He said he should borrow his idea, if not the language, from a speech delivered in the United States Senate more than sixty years ago, at a time when the brightest intellects of the nation has ever known were assembled there. When a bark, he said, had been tossed by wind and storm and buffeted by the waves till she had been driven from her course into an unknown waste of waters, the first thing to be done when the sun burst out after the storm was to use her instruments to take her latitude and ascertain where she was. In this case, for many days that had been driven farther and farther away from the true issue and it was now time to go back to it and ascertain what it was.

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THE OLD SOLDIERS ON DECK.

GRAND ARMY MEN CATCH THE WAR SPIRIT.

The Veterans of Warren Post Ask the Governor to Provide Them With Guns.

The recent dispatches, inflammatory or otherwise, respecting the recent disaster to the battleship Maine in Havana harbor have stirred up the veterans of Warren Post, G. A. R., in this city, and the fever of war is stirring and the fever of patriotism is running high. The veterans of Warren Post, No. 54, say that if there is to be fighting to do they want their share of it, but they realize the fact that if called out on the spur of the moment they might appear a little rusty, and they desire a chance to burnish up the old drill so as to be able to come to a right-shooter-shift with the snap of '61.

Following out that line of thought, at a meeting of the post held last Wednesday night, the following communication and preamble and resolutions were adopted, and yesterday they were delivered at the Governor's office by a committee consisting of Post Commander L. S. Gelter, Adjutant S. J. Jones, Quartermaster George W. Herr and Officer of the Day J. D. Hurd: Whereas, In the destruction of the United States battleship Maine, while anchored in the harbor of Havana, entailing the loss of two hundred and fifty lives, casts a feeling of gloom over our country, approximating that of 1861; and Whereas, Present indications seem to warrant the belief that due caution was not exercised by the Spanish authorities for the protection of said battleship and her brave crew, while anchored in Spanish waters, under Spanish forts, covered by Spanish guns; and Whereas, Present complications in connection with the deplorable disaster of the Maine has so worked up the minds of the American people as to render possible very serious hostilities between our country and Spain, and we hold ourselves ever ready to defend the best interests of our country; and

Whereas, Kindred organizations of the Grand Army of the Republic, as also several patriotic Governments of various States of our nation, have tendered our Chief Executive at Washington their moral, financial and physical support should emergency require it; and Whereas, We are obligated by the principles of our order to exercise a jealous watchfulness over our country and flag, which from 1861 to 1865 was defended upon more than two thousand battlefields by the men who now compose the grandest organization beneath the folds of "old glory," and for the defense of which more than four hundred thousand of our country's noblest sons gave their lives; therefore be it Resolved, That Warren Post, No. 54, Department of California and Nevada, Grand Army of the Republic, petition his excellency, James H. Budd, Governor of the State of California, requesting a loan of fifty muskets, fifty cartridge boxes or belts, fifty canteens and fifty haversacks for a period of ninety days, to be used in our post-room for the purpose of drilling in the manual of arms, and otherwise fitting ourselves for any emergency that may arise; and be it Resolved, That a committee of four, including the Commander of this Post, be appointed to present to our Governor a copy of these resolutions under seal of the post.

SUPERIOR COURT. (Department One—Johnson, presiding.) Friday, Feb. 25th. Order vesting community property of Flora Rodgers, deceased, in surviving husband, B. E. Johnson, requesting a Guardian of F. B. and A. H. Wenle, minors—Letters of guardianship to the mother. Estate of Peter Hoffel, deceased—Decree terminating life estate. Estate of Sol Bunyon, deceased—Petition for order for improvements. C. L. Donaldson vs. Anita Donaldson—Demurrer overruled, twenty days to answer. Jacob Grubisich et al. vs. Angelina Marinovich et al.—Demurrer overruled by consent. All other cases continued.

(Department Two—Johnson, Judge.) Friday, Feb. 25th. Estate and guardianship of S. B. Nichols, a minor—Final account allowed. Estate of Mary E. Mead, deceased—Account settled and distribution ordered. Estate of Emma R. Farr, deceased—Final account allowed. Estate of Margaret N. Carroll, deceased—Final account allowed and administrator discharged. Estate of Anna Anderson, deceased—Final account allowed. Leo Fischer vs. Creditors—Insolvent discharged. Estate of Mary G. N. Fern, deceased—Account settled and distribution ordered. Estate of Frank L. Whitmore, deceased—Decree of due notice to creditors. Estate of Sarah W. Edwards, deceased—Same order. Estate of Mary Webster, deceased—Same order. All other cases continued.

Articles of Incorporation. Articles of incorporation were yesterday filed in the office of the Secretary of State as follows: Fresno-Yukon Dredging Company. Directors—A. V. Lisenby, W. W. Edson, J. H. Kelley, G. W. Wylie, E. F. Barnhart, George L. Warlow, M. C. Way, all of Fresno. Capital stock, \$100,000; amount subscribed, \$6,000. Development Syndicate. Formed to conduct a general real estate business. Principal place of business, San Francisco. Directors—Henry O. R. Pixley, C. A. Harmon, R. D. Jones, Collin B. Harris, Will I. Pixley, Ambrose Harris, Larikspur, and W. H. Eastman, H. Ward and Morris Schwartz, San Francisco. Capital stock, \$5,000,000; amount subscribed, \$8,045. Seaside Oil Company. Principal place of business, Santa Barbara. Directors—J. J. Cook, San Francisco; Joseph Musgrave, Alfred Edwards, Santa Barbara; Joseph W. Delaney and R. A. Fitzgerald, Summerland. Capital stock, \$200,000; all subscribed.

First Presbyterian Church of Dinuba. Directors—S. D. Cochran, Percy E. Fulton, R. Field, W. J. Deckman, W. V. Flourmoy, all of Dinuba. No capital stock. Los Angeles Reduction Company. Formed to build and operate reduction works and smelters. Principal place of business, Los Angeles. Directors—Hite Wickizer, Austin Granville, J. Walter Ghiselin, Jesse B. Hawley, Arthur B. Thomas, all of Los Angeles.

Capital stock, \$30,000; amount subscribed, \$10,000. Three Hundred and Fifty Inch Water Company. Principal place of business, Riverside. Directors—George Dawson, J. H. Loungie, J. H. Smith, H. S. Kozminsky, Herbert Choyinsky, all of San Francisco. Capital stock, \$500,000; amount subscribed, \$5,000. Commercial Trading Company. Principal place of business, Oakland. Directors—E. P. Wenius, E. C. Madson, J. B. Ransome, G. A. Young, W. H. Loomis, all of Oakland. Capital stock, \$6,000; amount subscribed, \$5. Marsh & Kid Company. Formed to conduct the business of manufacturers' agents. Principal place of business, San Francisco. Directors—H. F. Marsh, A. Nellie F. Marsh, Alameda; Arthur Kidd, J. A. Marsh, John T. Kidd, San Francisco. Capital stock, \$20,000; amount subscribed, \$100. Hakes Investment Company. Principal place of business, San Diego. Directors—L. B. Hakes, C. C. Hakes, J. B. Hakes, N. Moser, San Diego; C. D. Hakes, San Francisco. Capital stock, \$10,000; all subscribed.

Real Estate Transfers. The following real estate transactions have been recorded since our last report: Palmer H. Clark to Charlotte A. Clark—East half of lot 3, I and J, Thirteenth and Fourteenth streets. Eliza Pirkey to Isabelle DeLeigh—East half of Pirkey ranch, in sections 7 and 18, township 5 north, range 9 east, 496.26 acres; also, northwest quarter of southeast quarter of section 18, township 5 north, range 9 east; \$450. Isabelle DeLeigh to Eliza Pirkey—West half of Pirkey ranch, in sections 7 and 18, township 5 north, range 9 east, 536.26 acres. Peter Hoffel to George C. Brewer—102 acres in tract 12 of Hartnell grant. Anna Yule to Ernest C. Deuel—South 60 feet lot 1, M and N, Fifteenth and Sixteenth streets. William Bergin to James Wilson—Lot 8, block 57, Oak Park; \$700. Cornelius Toomey to Rebecca Toomey—112.97 acres in Americanos Rancho, near Roulter's Station; also, all other real property owned by said Cornelius Toomey. Sacramento Savings Bank to Margaret Mahoney—Lot 5, Q and R, Eleventh and Twelfth streets.

Weather Reports. The Weather Bureau reports show the highest and lowest temperatures yesterday to have been 58 and 44 degrees, with gentle southerly winds and cloudy weather prevailing. The barometrical readings at 5 a. m. and 5 p. m. yesterday were 30.02 inches and 30.02 inches, respectively. The highest and lowest temperatures one year ago yesterday were 65 and 43 degrees, one year ago to-day 65 and 45 degrees. The average temperature was 51 degrees and the normal 53 degrees, showing yesterday to have been 2 degrees cooler than usual for the 25th day of February. The rainfall during Thursday night was 0.02 of an inch, making 1.12 inches for the season, as against 14.19 inches to an equal date last year.

Loaded With Pinchbeck Jewelry. "Patty" Jackson, who is said to be an ex-convict, will be tried on a charge of vagrancy. When arrested by Officers Maley and Dolan yesterday Jackson had in his pocket a number of brass rings, and the officers say he was working, or trying to work, the cheap jewelry dodge. Swiss Society's Ball. The Swiss Helvetia Verein will give a masquerade ball at Armory Hall this evening, which promises to be a pleasant affair. J. M. Beler and John Senn are announced as Floor Managers. Last Chance for Ducks and Quail. As the season closes Monday for ducks and quail, we have the following canvassback, mallard and sprig ducks, also quail, to-day at the Pacific, J street, near Eighth. You have use for a photo coupon; buy one from Hodson's agents; no misrepresenting. Coupons always good. Gallery, 813 K street, ground floor. Do not miss the great bargains in millinery, ribbons, hosiery, etc., at the closing out and closing up sale of the Red House. E. M. Letch, piano mover, requests orders left at Kohler & Chase, 721 K street, and not at Pommer's. Coronado water, Stockton sarsaparilla and iron, champagne cider, ginger ale, orange cider. J. McMorry, agent. If you want to rent your house, see Curtis, Carmichael & Brand. McMorry sells groceries. Agent for Coronado water and Stockton sarsaparilla and iron. 531 M street. The "Popular Restaurant," at Ninth and J streets, charges popular prices. Electrical lamps at Scott's, 303 J. Try McMorry's Blend Coffee, 35c. DIED. TOOMEY—New Mayhew Station, February 24th, Cornelius Toomey, husband of Rebecca Toomey, father of Robert O. Toomey, a native of New York, aged 55 years, 3 months and 21 days. Friends and acquaintances are respectfully invited to attend the funeral to-day (Saturday), at 12 o'clock, from his late residence, Interment, Market, Hillside Cemetery. THOMAS—In this city, February 23rd, William Thomas, son of Mrs. C. Thomas, and brother of Dr. A. J. Thomas, and Mrs. Pauline Ballard, a native of Sacramento, aged 37 years, 2 months and 16 days. Friends and acquaintances are respectfully invited to attend the funeral to-day (Saturday), at 2 p. m., from St. Paul's Church, Eighth street, between J and K streets, Interment City Cemetery. RAYMOND—In this city, February 25th, Mrs. Mary E. Raymond, a native of Vermont, aged 83 years, 6 months and 19 days. Friends and acquaintances are respectfully invited to attend the funeral services to-morrow (Sunday), at 12:15 o'clock, from her late residence, 2665 I street. Remains will be sent to Suisun Sunday at 2 p. m. for burial.

traveling or visiting, colds, fevers, headaches or other ills may overtake you. Put a package of Emil Frese's Hamburg Tea in your grip and avoid illness. Druggists and Grocers.

GOING! GOING! LAST CALL!!! ARE YOU COMING?

This is the third and last time the "Record-Union" will notify its readers that the "C. C. C." PRESCRIPTION PHARMACY, Tenth and K Streets, is selling all the popular makes of high-grade perfumery—both bulk and fancy bottle goods, at HALF PRICE. On account of the glorious rainy weather, the sale will be continued until including TUESDAY EVENING, MARCH 1st. But don't wait until the last day and night. The opportunity to buy such goods at half "cut rate" prices will not wait.

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RAILROAD TIME TABLE. SOUTHERN PACIFIC COMPANY (PACIFIC SYSTEM) JANUARY 1, 1898. Trains Leave and Arrive at Sacramento:

LEAVE TRAINS RUN DAILY. ARRIVE (From) 12:41 A Ashland and Portland... 8:56 A 11:45 A Atlantic Express for... 8:55 P European Mail for Og... 7:05 A Calistoga and Napa... 4:50 P Calistoga and Napa... 4:50 P Colfax... 7:05 A Knights Landing and... 7:10 P Knights Landing and... 6:30 A Red Bluff... 6:30 A Red Bluff via Knights... 10:45 A Redding via Willows... 7:25 A San Fran via Benicia... 5:55 A San Fran via Benicia... 2:40 P San Fran via Benicia... 5:05 P San Fran via Benicia... 10:30 A Santa Barbara... 10:30 A San Jose... 7:05 A Vallejo and Santa Rosa... 2:30 P Vallejo and Santa Rosa... 10:30 A Stockton and Galt... 5:15 P Stockton and Galt... 11:45 A Truckee and Reno... 3:55 P Truckee and Reno... 8:10 A Colusa and Placerville... 8:15 P Colusa and Placerville...

DELIVERY WAGONS LIGHT AND STRONG \$45 to \$150 each. Come in and see the bargains we are offering just now in WAGONS and BUGGIES that will give you double service, in actual wear. Made from selected stock by Studebaker Bros.

FARMERS, ORCHARDISTS, GARDENERS. For good healthy, growth and abundant yield use FRANK'S FERTILIZERS, the best on earth, being the result of years of experimenting by chemists and growers. WOOD, CURTIS & CO. Have just received two carloads. Information and terms furnished upon application.

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

CIGARS of the DOMINGUEZ brand are distinguished not by flaming bands nor by highly decorated boxes. The money is all in the cigar itself. Thin Sumatra wrapper, long Vuelta filling. HALL, LUHRS & CO., Agents.

VAN ALSTINE'S MILLINERY OPENING Monday, Feb. 28, Tuesday, Mar. 1. 607 J Street.

For the Teeth and Gums. Sanitol is the new liquid antiseptic wash for the teeth and gums. It destroys all injurious matter, imparts a pearly whiteness,