

DAILY RECORD-UNION ISSUED BY THE SACRAMENTO PUBLISHING COMPANY Office: Third Street, between J and K. THE DAILY RECORD-UNION. A SEVEN-DAY ISSUE. For one year, \$3.00 For six months, \$1.80 For three months, \$1.00

Weather Forecast. Northern California: Fair Wednesday; cooler in northeast portion; fresh north wind.

OUR NEW YEAR.

The "Record-Union" this morning enters upon its ninety-seventh volume and the eighteenth thousand and twenty-sixth number of its life. It begins the newspaper year with its vigor unabated, its purpose unaltered; its ambitions unchanged—namely, to be as it has been in the past, a clean, strong, independent, newsy paper and a forum of fair debate and frank and fearless expression—in short, a thorough-going newspaper, free from sensationalism, independent in character and action, solicitous for the upbuilding of the commonwealth, the rights and happiness of all the people, the conservation of community prosperity, and the achievement of the ends of truth and high purpose along all lines engaging its activities.

THE DAY.

We have none too many strictly National holidays; they might be added to with benefit to the youth of the land. Reference is had of course, to those anniversaries recognized by law, which wholly and distinctly relate to the revolution from which was born the character of our liberties, consecrated by the blood of patriots and crystallized into law in the Constitution. We have practically but two such holidays, and today is one of them.

Aside from these two, however, there are two others which have legal recognition but are not in the full sense occasions which relate to the history of the nation from its foundation to the present era. There are still two others which might with profit to the whole people be indicated for special and official observance; the day on which the Constitution was adopted, and the day on which the American flag was legalized as the banner of freedom.

Both these events, however, along with commemoration of great battles, birthdays of noted patriots, and the observance of the anniversaries of great events in our history are given ceremonial recognition in various sections of the country. Thus the anniversary of the battle of Bunker Hill is religiously observed in New England; the surrender of Ft. Mifflin is recalled ceremonially in New York by a patriotic people; the battle of New Orleans has its day of remembrance; the date of the signing of the emancipation proclamation is an hour that is recalled with profound observance annually; and so through a longer list than first thought suggests. So that with celebrations by the ten or twelve great patriotic societies each year, the special anniversary observances of noted patriotic events in certain sections of the land, and the interposition in the list of Memorial and Thanksgiving days, the American people after all are not without many a reminder of patriotic duty, and many an occasion for special manifestations of pride in their nationality.

But the two great National days; those around which all the others cluster; the days which stand forward most prominently as National Holidays are those which honor the name of Washington and commemorate the birth of a free nation. There is no need to recount the familiar story of Washington's life devotion to the cause of liberty. There is no necessity for suggesting to the American people reasons for keeping green in memory the story of his courage, wisdom, statesmanship and native nobility. The American citizen moves upon an exceedingly low level indeed, who does not in this hour experience renewed pride in recalling the virtues, heroism and self-sacrifice of George Washington, for the cause of self-government, the privileges and beneficence of which we to-day enjoy.

It is gratifying to know that there is no decadence whatever in the wholesome practice of making the day one of special patriotic service in the common schools of the land. That simple observance is one of the most potent influences in cultivating among the children of the day regard for nobility of character, heroic devotion to the cause of freedom and the love of country.

Nor does there appear to be any lack of observance of the anniversary on the part of associations, confraternities, literary and patriotic organizations, and the great number of liberty-loving and appreciative bodies which are watchful against trespass upon human rights, and are regardless of the glorious traditions of the nation. That the day is by State and Federal laws one upon which official business is to be suspended, and departments closed in honor of the First President of the United States, the foremost

General and patriot of his time, speaks of the strong hold the memory of Washington has upon the American people. It is unlikely that this will ever relax its grasp. On the contrary, it is probable as the figure of Washington recedes in the lengthening avenue of time, his character will be more admired, and the reverence for his patriotic virtues will augment.

Washington's birthday this year has a new significance, by the way, because of the fact that this is a centennial year, dating from the death of the illustrious patriot, since he died in 1799. Let the flag of freedom float to-day from every housetop, or be festooned above every door in honor of "The Father of His Country," that men and women as they pass beneath its folds, may be reminded anew of the overshadowing protection it affords them as citizens of the greatest of republics.

General Miles' examination before the Court of Inquiry so far as it has been proceeded with—as it is understood that he will be recalled—has not shaken his early statements concerning the meat food furnished the troops in the tropics. The General has, however, expressed regret at one form of accusing expression he voiced, that which so roused General Egan. He has modified that so that its harshness is removed. The General, it would seem, has been much misreported in the sensational press. He cites one instance in which an interview with him having been positively refused to a reporter, his paper nevertheless contained a long account of what the General should have said, according to the reporter's conception of what would be readable. Which instance is cited as very showing that the yellow press cares very little for truth. Indeed it is generally rather proud of its ability for mendacity.

WHAT MAY HAPPEN.

As we pointed out yesterday the failure to elect a United States Senator at this session of the Legislature will have the effect of projecting into the next legislative campaign a factor that will be a misfit and that will so complicate affairs as to threaten the life of the Republican party in this State.

But the next legislative election concurs with the next Presidential election, namely in 1900. The result will be to throw into that election a disturbing factor which will threaten the position of California in the Republican column. All Republicans will agree that it is of highest importance that the Presidential campaign shall be freed of all issues not directly related to National concerns and policies. The projection therefore of an issue which will relate only to the unhappy contention within party lines in this State will give the Democracy, or whatever form the opposition to the National Republican party may take, opportunity that will surely be availed of.

The result is not difficult to forecast. The Republican party, dismembered by factional contests, and disturbed by personal ambitions on a level lower than the National concern, will give us defeat instead of victory. It may be that this one circumstance will have the effect of changing the whole face of the National policy, and possibly of seating in the Presidential chair the opponent of the broad, progressive and patriotic policy for which the Republican party now stands the champion.

The statement of Rear Admiral Schley as published in these columns yesterday reads like the straightforward story of an honest, fair play man, one who will do exact justice if he can, and asks as much from other men. One cannot read the statement and not feel that the Admiral has been grievously injured by criticism on the part of his superior officer that was uncalled for and based upon error. Admiral Schley stood loftily in American estimation before. He has lifted himself still more by his calm, manly and above-board statement of what we feel certain is the truth.

THE PHILIPPINE POLICY.

President McKinley indicates by the expression of his recent speeches that so far as his influence goes the national policy will favor retention of the Philippines. We must first establish our supremacy there and then, he says, it will be time enough to consider what will be best for the new people whom we have liberated from Spanish domination and cruelty. There is no thought or shadow of imperialism in the President's plan. He looks upon the whole matter in the light in which a guardian would consider the interests of his ward whose concern he would promote to the best possible ends attainable.

He indicates his belief that we can and will do far better for the Filipinos than they can do for themselves. This is unquestionably true and it will be the policy of the nation. Whatever right the Filipinos may have had for present consideration they forfeited when they took up arms against us. We must now assert our authority to the utmost and thereafter we can teach them that we have had nothing but their interests at heart.

We found them in rebellion against the authority to which we have succeeded. We could not under the protocol proceed further under the Spanish rule, but under the current conditions these bills are simply bold attempts to raid the Treasury, and the passage of any one of them would be a treacherous and disgraceful act on the part of the people's agents.

NEWSPAPER REWARD.

Woodland Democrat: "Nobody ever called lawyers, as a class, of excessive modesty in the matter of fixing compensation for services. It is the men who charge hundreds and many times thousands of dollars for probating an estate who are now trying to devise some method of cutting down the newspaper charges of from \$5 to \$15 for official publications in such cases. Newspapers that receive less pay for official patronage in a whole year than the most ordinary lawyer frequently receives in one case are charged with being exorbitant in fixing their prices. In various ways efforts are being made to cut in two the

VOICE OF THE PRESS.

EXTRACTS FROM EDITORIAL EXPRESSIONS.

State and Coast Opinions on Subjects of Living News Interest.

Topics in Tulare "Register": What a goldsend to Democracy would be the breaking out of a pestilence among our troops now stationed in the Philippines. Nothing but a National disaster can give the Democracy a glimmer of hope of success in 1900. Topics does not mean to intimate that Democrats would welcome the scourge of our troops before Manila, but if it should happen they would not be slow in making the most of it politically, and yet there is but one thing to be done and that is to take the chances, restore order, establish authority and erect a government of some sort, although it cost heavily in life and treasure.

UNCLE SAMUEL IN A NEW ROLE. Lureka Californian: As the days pass it becomes less and less apparent that America will retain the Philippines. To say nothing of the hostility developed among Republicans that our proposed colonial system has evoked the opposition of the minority in Congress is the main danger to our success. President McKinley is not pledged to imperialism. He is by no means sure that it is what the American people most desire. Last year the country seemed more wedded to the idea. Reflections and investigations are causing them to doubt the wisdom of departing so radical from the precepts of our forefathers.

Besides, things are beginning to take shape for next year. There is at hand a great political campaign, and Republican leaders would regret to see that ratification of the Treaty of Paris had, in the eyes of the masses, come to the party of imperialism. It is even affirmed that in the event of Republican persistence in its friendliness to expansion some of the most respected members of the dominant party will ally themselves next year with the Democrats—provided only the Democrats will make appeal to imperialism and expansion the issue.

AGAINST THE PRESS.

Woodland Democrat: The Stockton "Independent" is criticizing legislation intended to hamper, cripple and possibly legislate out of existence the Department of Public Works, says: "This is the one State institution of commission that has served the people faithfully, performed its whole duty and has a record that is beyond criticism. In fact, the success of its operations has silenced opposition completely."

PROVIDE FOR MACHINES.

San Jose Mercury: It is unfortunate and inexplicable that almost no kind of a measure that is essentially of merit can be introduced in the Legislature without being attacked by an extravagant if not altogether needless appropriation. There are the ballot bills, for example, which provide for making a test of ballot machines with the view of the ultimate adoption of some one for use in all the State elections. The bills appear to be all right, with the single exception of the amount of appropriations, but the latter are all wrong. Why should the State pay for a practical test of a machine whose inventor or owner desires to sell it, and who, if he succeeds in so doing, will make many thousands of dollars by the transaction? Business is not done that way in ordinary business life.

WAR ON NEWSPAPERS.

Woodland Democrat: The lawyers in the Legislature and in some of the State Departments are making merry war upon the newspapers. They begin with a bill which if it ever should become a law, practically puts the country's newspapers into the hands of every mountebank and scoundrel in the country. No honest country editor objects to being held responsible for whatever he may write, but he does object to being subjected to unnecessary expense and inconvenience by men who have no just cause of complaint, but who, without incurring any liability, will be authorized to use the State courts to gratify personal spleen or malice. The man who has a just complaint of libel will not find any fault with the law that requires him to furnish a bond, as an evidence of good faith, before beginning a damage or libel suit.

NO MORE NORMAL SCHOOLS.

San Jose Mercury: The authors of the bills establishing three more Normal Schools in this State know, as well as every intelligent man and woman in California know, that there is not the slightest demand or use for another Normal School, but that, on the contrary, there is at least one too many now. As shown by this paper a few days ago, the schools we have are turning out teachers at the rate of from 400 to 500 a year, and there are in the State fully 1,700 teachers who are without employment. What nonsense, then, to pretend that these four schools do not suffice, and that others should be built!

In the face of the patent fact that there is a multitude of teachers, the majority, if not all, of whom are well qualified in every respect, for whom there is no employment, representatives of three separate counties have the assurance to ask the taxpayers to put up \$500,000 for constructing three additional schools, and, should these measures succeed, it would not take long for the half-million to stretch into the millions, every dollar of which would be worse than uselessly expended; for the effect would be to increase by some hundreds annually the large army of teachers who see no prospect of ever being enabled to follow the schools' originals in the selfishness of individual communities, who wish to have the credit and profit which attaches to a town that possesses a State institution. The motive would not be discernible if there existed a need for other schools, but under the current conditions these bills are simply bold attempts to raid the Treasury, and the passage of any one of them would be a treacherous and disgraceful act on the part of the people's agents.

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FURTHER PRESS EXPRESSIONS

Still Appealing to Republican Members to Act.

Following are further expressions from the Interior Republican press: (From the Oakland Tribune.) Every time any member of the Legislature changes his vote he is jumped upon by one element or the other of the press, and yet all are professing to be in earnest in the desire to elect a United States Senator this session. This should be convincing enough argument to the members that the only feasible way of disposing of the present complications is in caucus. There the changes will have to gradually center on the strongest man, and there should certainly be no objections to the individual getting the prize who proves when the test comes that he is the most available candidate. The fact should never be lost sight of that all the candidates are Republicans and that most of the attacks upon them by party organs are simply to gratify personal spleen and envy.

OBVIOUS POLICY.

(From the Berkeley Gazette.) "It is obvious that the policy of the 'Call' has been to deter, and if possible defeat the election of a United States Senator from the Republican ranks. This, the 'World-Gazette' has long since concluded has been the Italian

SUPREME COURT DECISIONS.

SYLLABI.

(S. F., No. 937—Department One—Filed February 13, 1899.) John E. Nash, appellant; Ernestine Kreling, respondent. Damages for alleged unlawful dismissal.

In reviewing the charge to a jury, it must be held in mind that its different parts are to be considered in their mutual bearings and as explanatory of each other, and that the jury is presumed to be capable of understanding the proper connection of the several parts and their application to the facts. If, thus construed, the charge fairly and correctly states the law necessary for the guidance of the jury, the judgment founded on their verdict should not be reversed because some portion of the charge does not in its detached form contain all necessary qualifications which are made sufficiently prominent elsewhere. So, though an instruction may be carelessly drawn and go to the verge of error, so long as upon the whole charge the jury is not misled to the prejudice of the appellant, the instruction will stand.

(S. F., No. 1073—Department One—Filed February 13, 1899.) John E. Nash, appellant; Ernestine Kreling, respondent. Breach of contract. Affirmed.

A stipulation to reduce a valid written contract to some other form does not affect its validity, and the stipulation may not be used by either of the parties for the purpose of evading the performance of any of the provisions of the contract.

(S. F., No. 745—Department One—Filed February 13, 1899.) Frank Franz and Leo Fuchs, co-partners, respondents; Frank Bieler, appellant. Breach of contract. Affirmed.

The defendant's obligation was to pay plaintiffs the sum of \$2,000 in case he should resume the designated business within the defined territory before the expiration of ten years. Upon an action for breach of covenant, the non-payment of the money may be alleged. A complaint not containing such allegation is insufficient and the defect cannot be cured by the answer, as there is no allegation to be aided or cured.

(Crim., No. 461—In Bank—Filed February 13, 1899.) People, respondent; Geo. C. Owens, appellant. Murder. Affirmed.

A challenge of a juror must specify the particular ground of challenge. Exemption from jury duty is not a cause of challenge, but the privilege of the person exempted.

The law does not require the name of a juror to be separately placed upon the assessment roll, but requires that he should be assessed on the last assessment roll on "property belonging to him." The interest of each member of a partnership extends to every portion of its property; consequently, a member of a firm assessed is qualified to sit as a juror.

The appellate court is only allowed to review an order denying a challenge to a juror upon the ground of actual bias when the evidence upon the examination of the juror is so opposed to the decision of the trial court that the question becomes one of law.

The court may for cause permit a juror to be challenged after such juror is sworn and before the jury is completed.

The doctrine of irresistible impulse is not recognized in this State. A plea of irresistible impulse is not of itself a legal defense to any charge of felony.

Where preferred evidence is imperfect by the lack of preliminary proof which may or may not be supplied by the party offering the evidence, the objector must specifically point out the defect by his objection, and if he fails to do so, it is waived and the general objection of "immaterial, inadmissible, irrelevant and incompetent," made when the evidence is offered to the jury, are not sufficient to warrant an investigation on appeal of the insufficiency of such preliminary proof.

Humanity Rebuked.

Passengers in a Chicago West Madison-street car saw a touching tribute paid to beauty one day last week. All the seats were filled, two being occupied by an Italian and his monkey. Just as the car was starting, a young lady entered the car, and after glancing along the rows of stolid passengers she grasped a strap, apparently reconciled to the prospect of standing up for the rest of the trip. The picture of health, cheeks rosy from the cold and eyes sparkling with good spirits and contentment, she was a center for all the glances in the car. The men admired and the women inspected her critically, but all remained seated.

As her eyes roamed over the car they rested on the monkey, which was standing in the aisle in order to more easily see through the window. The sight appeared to amuse her and just as her lips parted in a smile the monkey turned his head and eyes met. For an instant he paused, then, with all the gravity of a professional horologist, he honked the mistake of looking at his swang there, glancing alternately on the seat he had just vacated. She accepted it with a smile, amid the laughter of the other passengers, and the monkey, leaping swiftly from a fat man's lap to an lady's shoulder, grasped the strap and looked at his tail through it swang there, glancing alternately on the seat he had just vacated. She accepted it with a smile, amid the laughter of the other passengers, and the monkey, leaping swiftly from a fat man's lap to an lady's shoulder, grasped the strap and looked at his tail through it swang there, glancing alternately on the seat he had just vacated. 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