THE DAILY RECORD-UNION.

SATURDAY.....JANUARY 17, 1880.

Signal Corps Report—January 16, 1880.

TIME.	BAR	THR	HUM	WIND	RA'N	WEATH
4:02 A. M....	30.18	40	91	E. 4	....	Clear
7 A. M.....	30.19	37	95	E. 1	....	Clear
8:02 A. M.....	30.21	38	95	Calm	....	Clear
2 P. M.....	30.14	55	68	S. E. 4	....	Clear
8:02 P. M.....	30.11	49	85	S. E. 4	....	Clear

Max. ther., 56 degrees. Min. ther., 36 degrees.

Weather Probabilities.

WASHINGTON, January 16th—Midnight.—Indications for Pacific coast regions: For Central and Southern Pacific coast regions, partly cloudy or clear weather; for North Pacific coast regions generally cloudy weather and light rain.

ADVERTISEMENT MENTION.

Metropolitan Theater.
A. O. U. W.—Committee on Reception.
Wanted—American girl.
A. O. U. W. to-night.
Lost—Safe keys.
Singing class at 7:30.
Notice—To all walkers.

Auction Sale.

By Sherburn & Smith.

Business Advertisements.

Hotel for sale.
Newspaper for sale.
Fulton Market.
Taken up—Bay horse.
Vegetine.
Jones & Given.
Adams, McNeill & Co.

LOCAL INTELLIGENCE.

CAPITOL NOTES.—The outside notes floating about the Capitol yesterday were not numerous....A lively little wrestling match for the position of State Gardener attracted some attention....The Enabling Act for the State Board of Equalization was introduced in the House....The Railroad Commission is still in a chaotic condition. Mr. Beerstecher says there is no personal inharmony in the Board whatever, and that all the differences are those of judgment as to the best policy to be pursued. The opponents of Mr. Stoneman's bill object to it as not comprehensive enough. A bill will be introduced to day in both Senate and Assembly which, it is thought, will go the extent required. It will provide for the organization of the Commission by fixing the salaries, providing for a clerk and fixing his salary, declaring who shall serve the process of the Commission, and generally giving it the means of proceeding with its work. Some popular error exists as to the functions of the Commission and the necessary legislation to set it into operation. The facts are that the Constitution expressly limits legislative interference with the Commission. It provides that the Legislature may confer "such further powers" on the Commission as shall be necessary to enable it to perform the duties enjoined on it. The Commission is a branch of the Government, possessing independent legislative, executive and judicial powers, and standing on an equality with the other departments of State Government.

METROPOLITAN THEATER.—The company at the theater, playing in the face of counter attractions and with a "repeated bill," had a lessened house last evening, but a fair one. The performance was even a shade better than on the first night and was entirely acceptable and satisfactory. The troupe labors, of course, under the disadvantage of playing upon a stage, the dressings and surroundings of which are sadly tattered and worn, but in Owens' broad humor and admirable action even this is forgotten and the spectator gives himself up entirely to the pleasure the art of the actor inspires. This afternoon a matinee with "Everybody's Friend" on the bill. This evening the comedy of "The Victims" and the Owens' specialty, "Solon Shingle."

G. A. R. BALL.—Sumner Post, No. 3, G. A. R., gave its first annual ball last evening, using Turner Hall for that purpose. There was present a large and very excellent company, which was social to a degree not often met with at balls. The management was good, the music pleasing, the company just large enough, and the whole affair a success. The Reception Committee consisted of J. D. Kent, H. H. Linnell, H. A. Burnett, George Warner, L. Tozer, J. F. Sheehan. The Floor Managers were O. P. Dodge, Floor Director; John Lynam, Fred. Dustman, F. J. Kerney, J. Larkin. The ladies of St. Paul's Guild occupied the gallery, and kept well supplied refreshment tables for the benefit of guests.

MERCHANDISE REPORT.—The following freight for Sacramento passed Ogden January 14th: D. W. Earl, 10 steel shoes and 10 dies; Frank Bros., 32 mowers; Huntington, Hopkins & Co., 4 boxes coffee mills, 2 casks lamp chimneys, 1 box hooks, 2 crates copper, 7 boxes hardware, 1 box files; Waterhouse & Lester, 10 racks iron seats; M. C. Hawley & Co., 2 bundles steel plows; R. Stone & Co., 1 case leather; G. Schroth, 24 crates wood plates; H. Fisher, 1 case confectioneries; Adams, McNeill & Co., 10 tierces hams.

NOTARIES PUBLIC.—Governor Perkins yesterday appointed the following Notaries Public: Charles F. Irwin, to reside at Placerville; John T. Bradbury, to reside at Alleghany, Sierra county; J. T. Mooney, to reside at Sierra City, Sierra county; D. E. Hamblin, to reside at Yuba City; John Brownlee, to reside at Vallejo, vice W. H. Street, whose term had expired.

AUCTION SALES.—This evening, at 7:30, M. J. Simmons & Co. will sell, at store of Mrs. B. Levy, on J street, between Fifth and Sixth, a lot of ladies' hats, flowers, feathers, ribbons, laces, etc....Also, at Sherburn & Smith's salesroom, 323 K street, to-day, a lot of furniture, carpets, curtains, cornices, stoves, crockery, glassware and notions will be sold.

THE OPIUM-SMOKERS.—Early yesterday morning an opium den on I street, between Fourth and Fifth, was raided by officer Woods and Deputy Constable May. Thomas Hughes (colored), Gus Sellings, and two girls, Minnie Thompson and Clara Hughes, were arrested, and also Ah Fen, the proprietor, and were fined in the Police Court.

FIRED OUT.—Yesterday two men had an altercation in a room at the corner of Third and N streets. A pistol was called into requisition and the man who was at the dangerous end of it saved himself by a leap through a window, leaving his hat behind as a compensation for the bullet that was sent whistling up the street.

THE O-STREET ROAD.—Yesterday teams were at work hauling rails along O street to Third and K. The rails are to be relaid at once and cars put back upon the route. This is the result of a threatened criminal prosecution upon the part of the Board of City Trustees.

FREIGHT MOVEMENTS.—There were forwarded to the East yesterday 2 cars of wool, 1 of shells, 1 of hops and 2 of coffee. Of local freight arriving there were 19 cars of wood, 2 of merchandise, 8 of wheat, 2 of flour and 2 of lumber.

PHILHARMONIC SOCIETY.—Next Wednesday evening the Philharmonic Society will give its first subscription concert. The place at which it will be given, and a more extensive notice, will be published prior to that date.

INCORPORATIONS.—There were filed yesterday in the office of the Secretary of State articles of incorporation of the Oakland Insurance Company; of Shiloh Church at Denverton, Solano county.

TIME LOCK.—A time lock has been placed upon the safe in the County Treasurer's office. It is on trial for thirty days, and will be purchased if its workings are satisfactory.

ARRESTS.—The only arrests made yesterday were Jennie Bailey, for threats, by officer Dolan, and M. Lucas, for being drunk, by local officer Hickey.

EN ROUTE.—Deputy Sheriff Van Mathis, of Butte county, yesterday passed here en route for Stockton with Fred L. Kern, an insane man.

CHICKEN-THIEVES.—Yesterday morning local officer Eldred arrested two chicken-thieves.

ROBBED.—Last night Levi Page, of Yolo county, had a silver watch and gold chain stolen from his pocket somewhere on the street.

CHIEF OF POLICE.—W. J. Barry, formerly of Washington, Yolo county, has been re-elected Chief of Police of Astoria, Or.

TRADE-MARK.—Morris Eisner, of Gilroy, yesterday filed his trade-mark to the "Little Ben" brand of cigars.

BOND FILED.—Albert Leonard yesterday filed his bond as Notary Public in the sum of $5,000.

THAT CHINAMAN.

Rev. O. C. Wheeler States His View of the Chinese Question in California.

The Assembly chamber was filled last evening to hear the lecture of Rev. O. C. Wheeler on the Chinese question. Every seat on the floor was occupied, and numbers stood the whole evening. The gallery and lobby were crowded to their full capacity. The audience manifested the deepest interest, and frequently and warmly applauded the speaker. Governor Perkins called the meeting to order, and Gerard Briggs was chosen Secretary. Governor Perkins, in introducing Mr. Wheeler, eulogized him highly and said that the vast assemblage before him spoke in language not to be mistaken of the deep interest taken by the people in the Chinese question. He believed that the people, like himself, had resolved that under no other name or garb shall slavery again be permitted to desecrate the face of this fair Republic. The Governor's remarks were loudly applauded. Mr. Wheeler being introduced, spoke for an hour and twenty minutes. Herewith is given a synopsis of the more salient points of his lecture:

In California the public mind has crystallized about the idea of getting rid of the Chinese. This falls short of the vital issue, which involves the question how to prevent the coming of the Chinese in the future. He had studied the Chinese character with fidelity on this coast thirty years, and knew whereof he spoke. He had early been interested in the question, and had been the Chinaman's friend, and he remained still the friend of the Chinaman, the friend of the Turk, the Mussulman, the Teuton and all others, but above all others he was the friend of America, and those who come here to become Americans. Of what he had to say of the Chinese here he did not wish applied in full to the Chinese in China. Over 150,000 Chinese are here, and with their coming and going will soon blight American labor, and very soon

FILL EVERY STATE

In the Union. The number now here is a bagatelle to what it may be. The question is national or nothing. Nations must obey the law of self-protection, or they will and ought to perish. The citizen's relation to his household binds him to protect his family, and bids him to allow no one under his roof who will contaminate the members of the household. The nation is but a great family; the duty of the Government is to the people as that of the head of a household to its members. The question concerning the proposed new members of the family is not, Is he wealthy or skillful, but is he fit to be one of us. Is the Chinese character, as here developed, calculated to purify our systems, strengthen our morality, elevate our nation or develop our people in any degree? The Chinaman has keen intellect; has clear, far-seeing sagacity and financial ability, and in forecasting the result of events, is the peer of the best in the land. In illustration, he told of a Chinese manufacturer who labels his cigars "The Chinese Must Go," in order to commend them to the Kearneyites.

THE CHINAMAN

Is frugal, saving and patient, and uncomplaining, under the persecutions of the hoodlum. But the Chinaman is untruthful, entirely disregards the binding obligations of an oath, except taken by cutting off a chicken's head. Deception with him is a fine art; he is a thief, the most consummate of thieves known to civilization. Chinese honesty is the kind canonized by Confucius. "Honesty is the best policy," and no maxim is better calculated to deceive. The Chinese are treacherous; no amount of benefactions, or for any length of time; no kindness for years; a fostering care for a decade, will not guarantee fidelity on the part of the Chinaman—as witness the case of the boy fostered for thirteen years in a family in Oakland, who, for a sum of money, brained his benefactors in their beds and escaped, spite all efforts at capture, and now, perhaps, has professed Christianity and, disguised by growth, is serving in some family to repeat his crimes. The Chinese are beastly in habit, and he referred to the Chinatown as proof.

THEY ARE LAWLESS,

They are heartless; affection is not a virtue with them, they are utterly heartless to all but self, and will undermine the labor of the widow workingwoman, and see her and her little ones starve, with, on his part, nothing but an exultant grin by way of expression. Received here with unequaled favor, he underbids his benefactors and sees them faint and fall, unmoved. The Chinaman is an oppressor, a slave owner and slave dealer. Governor Perkins was too late in his statement, for we have had slavery here for twenty-five years. The Chinaman buys and sells, as he would dogs, the women of his household—sometimes even the mother of his own children. Of this he cited examples. Brutality was never more brutal, slavery no more wrong, inhumanity never more inhuman, than with the Chinese. "They look upon us as barbarians and laugh and talk among themselves at us as fools for allowing them to come here and let them dig and carry off our gold, and I think they are right. They go further and say we dare not make an effort to prevent them." They maintain their secret tribunals evasive of our laws and subversive of constitutional rights. They are rebellious and obey law only as a force.

THE QUESTION.

The question for the nation is, are such characteristics desirable in American civilization? 'Tis said they afford us cheap labor; which is untrue; but even if it were true, their presence has a tendency to degrade labor and pollute morals. Cheap labor means poor homes and a sinking of the laboring classes toward barbarism. No nation on earth can afford to employ what we call cheap labor. Reduce wages below a rate enabling the laborer to keep his family fairly and give his children a decent education and fit them for citizens, and you degrade the laborer. Sink and impoverish the homes of the people, and you sap the life-blood of the nation. In the independent homes of the people free institutions are nursed and guarded. The Chinese have no homes here; they work for a wage inadequate for a home above the burrow of the ground-squirrel and the rattlesnake. They herd and pack together until they pollute the atmosphere of the hearts of our cities. As you cheapen labor down to the grade of the Chinese rate you force the laborer to

THE LIFE LEVEL

Of the Chinaman. Can the nation afford that? What a people among which to plant and cultivate the germs of free institutions! Can any material prosperity compensate for such a possibility as our laboring classes being forced to live on the Chinese plane, measured by the Chinese wage? After a quarter of a century of trial they have failed to assimilate in any particular with our system. They have no claim to come here, and dwell as they do, at all to be compared to the claim of other foreigners who come among us and become of us. The history of the Chinese in the Philippine Islands he cited. They flocked there in vast numbers, and sought to drive out the inhabitants under the plea that they wanted to earn a living. After long endurance they were warned to go by the Government, but refusing, 25,000 of them were slaughtered in a single massacre. In a second massacre a few years later 33,000 were killed. Still later they sought to seize the government of the Spaniards there, when they were slain almost to the last man. The Spanish commission of inquiry reported that the Chinese undermined and ruined labor, utterly failed to assimilate with the people, were unchangeably heathenish, hoarded and carried away their earnings, and gave place to fresh hungry hordes. This was written 207 years ago. Three times again were they slaughtered and four times they swarmed back, and at last they captured the islands, undermined all opposition, and now virtually hold the Government at their mercy. The speaker cited the history of the Chinese in other lands, and read from the works of European statesmen and travelers, and drew the conclusion that Chinese immigration has hardly begun, and is capable of, and will, unless history is a deceptive guide, swarm over to America, and at last be found here in such hordes as to

DEFY US

Upon our own soil. It is said if America cannot stand up against Chinese immigration she ought to go to the wall. Such a sentiment concerning, and in judgment of American civilization, he utterly abhorred. He quoted the number of Chinese in China, the wages received there and here, and claimed that China can better afford to ship millions of Chinese here than to maintain them in pauperism at home. History shows they never give over an effort to colonize a country. They persisted three hundred years in the effort to colonize the Philippine Islands, and despite laws, decrees, massacres and hangings by the thousand unsee royal decree, at last have succeeded in seizing the country. He sketched the immigration of Irish, Germans, Danes, Swedes and others, and showed how they become of us, pointed out the difference between these and the Chinese, and applied the result as an answer to the Eastern question and sneer, "Can't you compete with these miserable Chinamen?" He said

A NEW CHURCH

Had arisen here, and it had 154,000 members, and only 800 at the last election voted against this Church of self-protection. He recited that a Chinese express company is bidding away the business of the old companies; the Chinese banks run the bid for transferring gold from California to the East, and now a Chinese steamship company is organized that will run off all opposition by people of our own race. He declared that we must Christianize the Chinese or be heathenized by them. On the best possible evidence he was prepared to show that for every single Chinaman Christianized in California they had ruined and polluted fifty of our own people. He sketched the dangerous example of Chinese nurses for children—of their presence here. The place to Christianize the Chinese is in China, and not in the homes of America. As he believed in the existence of God, his Maker, he believed that the Chinese, unless soon checked, will sweep over the land, subvert our institutions, degrade our laborers, command our industries, rule the land, and set up here the shrines of all things foul and unclean. No nation has ever yet successfully resisted any real

SCHEME OF CHINESE COLONIZATION.

It remains to be seen if there is any solution for America. There is but one effective remedy—one which will solve the problem now; that remedy is to stop the immigration, and to modify our treaties to that end, so that no more American ports shall be open to them than Chinese ports to us; that no greater number of Chinese shall come here than of American citizens who go there, and so that no more Chinese shall do business in American cities than there are Americans in business in Chinese cities. This plan he declared feasible, reasonable and just, and that it would receive the indorsement of all civilized nations. He besought all the people to rest not until our Government and our people at the East are awakened to the dangers threatening us.

At the conclusion of the address, on motion of Assemblyman Tyler, resolutions indorsing the lecture and asking for its publication in pamphlet form, and its distribution in Congress, were passed by a unanimous vote.

CITY RAILWAY SUIT.

Complaint of Stockholders—Judgment Demanded.

Yesterday L. S. Taylor and Grove L. Johnson, attorneys on behalf of Geo. O. Bates, M. M. Odell and the stockholders of the City Railway Company, plaintiffs, filed a complaint against the Sacramento City Railway Company, the Capital Savings Bank, W. L. Pritchard, J. H. Miller, George Cowles, C. Zimmerman, A. J. Painter, T. J. Clunie, E. K. Alsip, Peter McGraw, J. H. Downer, John Doe and Richard Roe, defendants.

COMPLAINTS AND CHARGES.

The following is a synopsis of the charges and complaints made: The Sacramento City Railway Company was incorporated in 1870, with a capital stock of $250,000, divided into shares of the value of $100 each, some of which became the property of plaintiffs. In 1877 the company owned 14.65 acres of land near East Park, and a block of land between F, G, Twenty-eighth and Twenty-ninth streets, and tracts 3, 4 and 5 of Watson's addition; also, lot 3 in the square bounded by K, L, Tenth and Eleventh streets. It also owned the street railways throughout the city, 20 cars, 60 head of horses and other property. In 1876 W. L. Pritchard became the owner of a controlling interest in the company, and has ever since defrauded the defendants and the company. In pursuance of a system of fraud he

PRETENDED TO TRANSFER CERTAIN SHARES OF STOCK

To J. H. Miller, C. Zimmerman, George Cowles, A. J. Painter, Peter McGraw, E. K. Alsip, and Levi Wilson, now deceased, in order that they might be eligible to the position of Directors, and then caused them and himself to be elected when neither of them held any stock. They failed to exercise their powers as Directors and allowed Mr. Pritchard to use their names. Messrs. Pritchard & Miller have together colluded and cheated the company. They caused to be conveyed to T. J. Clunie by the company certain pieces of the real estate above described, for the sum of $11,800. The transfer was unauthorized by the defendants and was fraudulently executed. The

MONEY WAS NEVER ACCOUNTED FOR

To the defendants, and was converted to the use of the said Pritchard, with the assistance of the said Miller and Clunie. W. L. Pritchard, in November, 1877, caused to be transferred to himself lot 3, in the block between Tenth, Eleventh, K and L streets, for $7,000, and, being at that time a Director, had no right to do so, nor was any order made from the Directors for the transfer, neither was the sum paid to the company. He also sold, delivered and charged to the company about 50 horses at $400 each, when their value was only $100 each, thus making $15,000, in which transaction he was assisted by J. H. Miller. They also sold and charged to the company grain and feed at

AN EXTRAVAGANT PRICE.

Between June 1, 1876, and December 1, 1879, the company did business to the amount of at least $30,000, but Miller and Pritchard have refused to render any accounts or make any dividends. In January, 1878, they executed to J. H. Downer a mortgage signed: "The Sacramento City Railway Company, by Edwin K. Alsip, President, and J. H. Miller, Secretary," by which it was intended to convey all the street railway in the city, also the personal property, knowing that Downer was irresponsible. This was done to enable Pritchard, by a foreclosure of transfer of the pretended mortgage to get the absolute

OWNERSHIP OF THE PROPERTY.

He did then procure the Capital Bank's assistance, and Downer assigned the mortgage to the bank. The bank then falsely pretended to own the mortgage and began a pretended suit against the company for a foreclosure. All of the negotiations were made without the knowledge or direction of the Directors. A sham defense was begun, but judgment was allowed without an objection from the defense, and the mortgage was foreclosed. No notice of the judgment was given to stockholders, nor was any meeting of Directors called, or effort made to relieve the company from the judgment.

A BOGUS SALE.

In pursuance of the decree the property was sold December 1, 1879, by the Commissioner, Charles N. Post, a clerk in the office of Haymond & Allen, the attorneys hired by Pritchard to make the sham defense, for a merely nominal sum, and a bill of sale was given to J. L. Orcutt, through the Capital Savings Bank, who now pretends to be the owner of the property. The sale, however, was not genuine, as Orcutt never intended and did not pay any price, and all receipts of the transaction are false. It was the method adopted by Pritchard to get possession of the property, and he and Miller have continued to manage and use the property, devoting the proceeds to the benefit of Pritchard. They have made no reports to the Directors, who have not attempted to exercise any control over the business.

HEAVY ASSESSMENTS

Were levied upon the stock, so as to cause stockholders to sell their shares, and such assessments were not legally made. The proceeds were not used for the benefit of the company, nor did he pay assessments on his own stock. The plaintiffs in the case requested the Directors to begin suit for the recovery of the said sums of money, but met with a refusal. Messrs. Clunie, Pritchard and Orcutt were also requested to reconvey the property, but refused to do so. Messrs. Pritchard and Miller are injuring the property by tearing up the roads and making the company liable for damages.

JUDGMENT DEMANDED.

The plaintiffs demand that an account be had of all receipts, disbursements and transfers, that have been made; that the defendants, Clunie, Pritchard and Orcutt, be compelled to reconvey the property; that the present Directors be removed and J. H. Miller, the Secretary, discharged; that the mortgage and all proceedings in connection with it be declared void. They also demand that the defendants be restrained from managing or interfering with the property; that a receiver be appointed to conduct the business, pending a decision in the case; that the said Pritchard and Miller be ordered to pay the receiver any money due the company, and that defendants also be ordered to pay the costs of the suit.

INSTALLATION.—The following officers of Red Jacket Tribe, No. 28, Imp. O. R. M., were raised up last evening by D. D. G. Sachem Chas. E. Spencer, assisted by P. Sachems Payne, Phillips and Sullivan: Sachem, James McCaw; Senior Sagamore, C. Russell; Junior Sagamore, George J. Scully; First Sannap, Fred. Sauze; Second Sannap, James M. Malone; First Warrior, Frank Anthony; Second Warrior, J. W. Willem; Third Warrior, Geo. Black; Fourth Warrior, G. Nazerina; First Brave, M. O'Brine; Second Brave, W. I. Wallace; Third Brave, Fred. Shepherd; Fourth Brave, P. Bannon; Guard of Wigwam, W. M. Smith; Guard of Forest, H. Morris. After the ceremonies of raising up were through, the Tribe and visiting brothers repaired to Fisher's refreshment parlors, where a fine collation was spread, and the party did not break up till a late hour.

POLICE COURT.—In the Police Court yesday, George Washington (colored), who had beaten a woman, was fined $27 50 for one offense and $102 50 for the second; Michael Powers, for being drunk, was fined $7 50; Ah Fen, for keeping an opium den, was fined $52 50; Charles Yates, Gus Sellings, Minnie Thompson and Clara Hughes, for visiting an opium den and smoking, were fined $12 50 each; H. Mayberry, charged with discharging firearms, was discharged.

BOARD OF HEALTH.—The members of the State Board of Health will hold a meeting this evening.

THE HALLEN MURDER.

FOURTH DAY OF THE PRELIMINARY EXAMINATION.

A Large Number of Witnesses Examined—Conflicting Testimony—Taking of Evidence Closed.

The examination in the case of The People vs. Beveridge and Dematti was resumed yesterday morning. There was a large attendance during the day and much interest was manifested in the case as it approaches its close. No testimony whatever has been offered or given in the case tending in any manner to implicate Dematti, and the reason for his being included as a defendant seems as much a mystery to the spectators generally as the question of who committed the murder. The guilt or innocence of defendant Beveridge was very freely discussed by numerous groups about the Court-room and vicinity, and it is evident that if the Justice should have any difficulty as to his proper action in the premises he can readily receive timely aid from legions by simply intimating his willingness to receive advice in the matter. The first witness yesterday was Frank Foster, of Sacramento, who was called to sustain the character of defendant Beveridge.

A. J. VERMILYA

Was the next witness, and in his testimony said: I held the inquest, as Coroner, of the murdered man Hallen. There were some remarks at the time of the inquest about burying the body there by the cabin, but Mr. Beveridge said no, he would see the body taken into town; that he desired to have a post mortem held and get the bullet; that he thought the pistol could be found that it was shot from, and he also wanted to give this man a decent funeral. Beveridge brought the body to town and was present at the post mortem examination. The remark was made by some one at the inquest advising to burn the clothes. It was made by parties outside the cabin, but could not say who. I took down the evidence at the inquest; Mr. Beveridge was the only witness. I read it over to him and to the jury, and Mr. Beveridge said it was correct. The remainder of his testimony was a repetition of what has already been given by other witnesses.

John Gerber, C. Lages, William Burtels, Martin Kesler, A. Grafmiller and T. Cook, were next called and examined to sustain the character of defendant.

Not all of these showed the necessary acquaintance with the general reputation of defendant in the neighborhood where he lives, to come under the rule for competency to testify character, and one of the witnesses amused the audience by saying that "Venever yer ton't hear a man cussed over among hees neighbors, you may think he's coot."

JOSEPPE DEMATTI,

One of the defendants, next took the stand. He is an Italian, and his testimony was in part given through an interpreter, but a portion of the time he could make himself understood. He testified that he had worked for Mr. Monsch for about nine months; knew about the man buying 500 sheep of Mr. Beveridge; all that the man took had Beveridge's brand on them, and no other brand. I know Charley Hallen; never had any trouble with him, and very seldom saw him.

At this point the attorney for defense turned abruptly to his witness and said, "What did you kill him for?" To which Dematti replied, without waiting for his interpreter, and with unassumed astonishment, "Who?"

Question—Charlie. Answer—I didn't know as I keeled heim.

Q.—Didn't you have anything to do with killing him? A.—Who, me?

Q.—Yes. A. (with much positiveness and surprise)—I no keel heim at all.

Q.—Do you know who did kill him? A.—I don't know at all.

Q.—Did you have anything to do about it? A.—No, sir. I don't know anything about it. I no keel heim. I no do anything about it.

At the close of this answer the witness, apparently entirely disgusted with the insinuation, as best he could understand its meaning through a half-hidden language to him, turned himself quickly to one side in his chair, as much as to say, "The idea of such a thing!" His manner of answers would have assured the most skeptical of his truthfulness and innocence of any knowledge or complicity in the crime. In reference to affairs on the day the murder was discovered, witness said: I was in Monsch's stable early Saturday morning, and Beveridge, who had just returned from looking after Charlie, told me to put the two horses in the spring wagon as quick as I could, and he helped me. Mr. Monsch came soon after and took the team, and went for a Justice, and Mr. Beveridge and I went to Hallen's cabin. When we got there I went in and Mr. Beveridge close together. We looked at Charlie, and I saw the

HOLE IN HIS HEAD

Here (pointing to the back of his head). We didn't move anything in the cabin. After five or six minutes I went and tended to the sheep all day, and Mr. Beveridge remained watching about the cabin. Just at evening we went down home, and Mr. Monsch and I afterwards returned and stayed all night at the cabin. In the morning we went home again, and Mr. Beveridge came to the cabin and stayed till the Coroner came. I never told Thomas Steel or any one else that it was good enough for Hallen that he got killed, nor that I thought it was a tramp who killed him. On Friday evening, when Mr. Beveridge had been gone all the afternoon for his sheep, he came home when we were eating supper, and said he didn't know the reason why Charley left the sheep alone, and that he never did so before. Said he broke open the cabin door to let the dogs out, and didn't think Charley was inside, for the door was locked on the outside. He said he went to his bed and felt of his blankets, but Charley was not there.

ROBERT FINCHER

Was again called to the stand and said that when he was at Monsch's on Friday morning he saw some horses in the field over the lagoon and thought they were mine, but when I got upon the hill I saw they were not, and turned and went direct to Makee's. [The reason for this testimony was that the direction Fincher took from Monsch's was towards Hallen's cabin, which was some three miles away in that direction. Makee's house was in same direction as Fincher's from Monsch's].

MRS. MARTIN MONSCH

Was recalled, and said that Mr. Fincher came to their house on Friday morning, a little before 9, and, remaining but a few moments, left in the direction of Hallen's cabin. I supposed he was going to get the sheep and separate them, as I knew there were sheep in the pasture that belonged to him. I saw he did not take the sheep, but went over the fence, and I did not think any more about it. Should think it was near a quarter of a mile to the top of the hill where I last saw him, and where he went from there I do not know. In going to Makee's the nearest way, he would go to nearly where I last saw him, and then turn to the left down the other side of the lagoon.

Chinese Sam King was the next witness: Work for Mr. Monsch as a gardener; know Kelsey Hobday. When he was discharged by Mr. Monsch he very angry, and came into room and stood by stove, and said he make a fire and burn up things before he go away; he heap mad cause he be discharged.

DAVID BEVERIDGE,

Defendant, was then informed that he could make such statement to the Court in his own behalf as he desired, and upon taking the stand detailed at length the circumstances of his finding the body and subsequent connection with the matter. The following are the principal points in his statement. He said: Thursday I was assisting Mr. Monsch dip sheep all day, and Friday also until about 11 o'clock; when we got through Mr. Monsch said there was plenty of dip left, and it would be a good time for me to dip mine, and I told him I would go and see if they needed dipping; I left home about twenty minutes or half-past 11 o'clock; I walked over to the ranch but did not see my sheep, and looked around for them some and then went to the cabin and saw it was fastened with a padlock; I then went around to the window and looked in and saw the dogs, but could not see on the bunk, as there was a curtain nailed down over the foot, between it and the window; I did not think anything strange about

FIND THE DOGS FASTENED

In there because he often left them in the cabin. I then went out upon the ranch and looked for the sheep. When I got out I saw some sheep clear over on Tavener's range, and when I got there I found they were mine. I whistled, and they all gathered around me, but I could see nothing of the herder. I did not drive them home fast, but let them feed along; when I got to the cabin it was after night. It was almost full moon at the time, and the moon was up before the sun went down. I looked over to the cabin when I got back to the corral, and I saw the window was dark. I wondered why Charley had not got home to cook his supper. I then went to the door and saw it was still locked with the padlock, I went to where the key was kept, but it was not there. It was dark, and I looked nowhere else for the key. I knew where there was a pick laying, which I used to keep there for digging post-holes, and I took it and

PRYED OPEN THE STAPLE

And opened the door and the dogs immediately run out. I went and put my hand where the matches were generally kept, but did not find any. I felt around by the lamp and there was none there. I then turned around and felt the bed, perhaps about a foot away from the foot of the bunk, and I felt the blanket. I had thought when I saw he was not with the sheep, perhaps he had left me, but now I was satisfied that he had not, and I feared he was laying around the creek somewhere with the fever and ague. I then went home, and when I got to Monsch's I was asked by some one there, "What was the matter?" and said, "I don't know what's the matter; I have had a long walk; I found the sheep finally, but did not find Charley," and expressed my opinion that he must be sick upon the ranch. Mr. Monsch said he believed he would saddle up yet that night and go and look for him. I said that

COULDN'T DO ANY GOOD,

As he could not see him unless he should happen first upon him. I got up early the next morning and took a cup of coffee, and started out for the cabin. The night before I had tied the door of the cabin shut with a piece of string, and when I came back in the morning I found the door was still tied the same as I had left it in the evening. I went and pushed the door open, and saw the man lying in bed, and I said, "Charley," and he did not answer. I then went up and touched him on the hip or side. He was pretty well covered with the blanket, but was not clear covered down on his back. I saw he was dead, and I did not stop to see what was the matter, but went right out, and didn't shut the door, but went to the corral and shut the gate to keep the sheep in. I had opened it when I came up, and only a few had gone out. I then went home as fast as I could, to let them know

HE WAS DEAD.

When I got home I said, "Joe, hitch up my two horses into the spring wagon." I helped him to hitch them up. Just as we got them hitched in I saw Mr. Monsch coming pretty fast on his horse. I said when he came up, "Have you seen Charley?" I said, "He is dead!" and I think he said, "Yes, I know that myself." I then said, "We will have to go and get the Coroner," and I said, "Had he better go, or I," and I added, "You better go, and Joe and I will go to the cabin and stay there." Joe and I then went back to the cabin, and Joe lifted the quilt off him, and this was the first time I had seen how he was killed. I could then see the place on his head where he was killed. We then went to the corral, and I got Joe to take care of the sheep and I went back to the cabin; but as it was raining, and I didn't want to make a fire in

WHERE THE DEAD BODY

Was, I went up and stayed in the shed. I stayed there that day and then went home, and Mr. Monsch and Joe went there and stayed all night, and the next morning I went to the cabin and met Joe and Mr. Monsch on the way, and I stayed there until the Coroner came. When the Coroner arrived he swore the jury; took my statement down and read it over to the jury, and they signed it. Then some one proposed to bury the body there by the cabin, and Mr. Monsch said he didn't want it buried there, and I think the Coroner suggested that it might be buried at the Slough House. I said no, I would like to see this body taken into Sacramento, and the ball which is in his head taken out; it may lead to finding out the pistol that the ball came from. I then went to the Coroner and told him that I owed him a little money; that I didn't settle up in full. About twelve days before I had paid him $100, and he said he didn't want it, and that if I wanted it

I MIGHT KEEP IT.

I said I didn't want it; that it belonged to him. I am pretty confident that he had four $20 pieces besides these five twenties, as I gave him four twenties before he went up to the mountains, and he had no occasion to change any, as I furnished everything he wanted, and he did not drink. When I paid him the $80 before going to the mountains I told him he had better bury it, as it would be safer for him than it would be to keep it with him. He must have had $180 in twenty-dollar pieces, and some small money besides, when he was murdered. I supposed, when I saw he was killed, that he had been killed for his money. I don't know how he was killed, or anything more in relation to the murder. I brought him into the city and had him given a decent burial. I think he had enough to warrant his burial. He had a saddle and a mule that was left. Mr. Beveridge also stated fully in reference to his sale of sheep to the butcher, etc., but which has been fully given in the testimony of other witnesses.

The defense here closed its testimony, and Dr. G. W. Jenks, J. H. Ashwalt and George N. Gray were called in rebuttal. At the conclusion of their evidence the testimony closed, and the Court adjourned until to-day at 10 o'clock, when arguments of counsel will be heard, and the result of the examination will probably be announced.

AN IMPORTANT TOPIC.—J. J. Owen, the veteran editor of the San Jose *Mercury*, will lecture to-morrow (Sunday) evening at 8 o'clock, at the Metropolitan Theater, to men only. There will be no charge for admission. The subject of Mr. Owen's lecture is "The Evils of Over Population." The lecturer should receive the attention of an audience limited only by the capacity of the house to hold it. He is a cultured man, an experienced journalist, a close observer, a lover of his race, a student of the subject he now has in hand, an earnest, far-seeing and conscientious advocate of the highest forms of civilization and of measures for placing the human race upon the loftiest plane of physical and moral excellence. Mr. Owens is spoken of as handling his subject with rare skill and tact. Certainly it is a topic fraught with great interest; one so profound and deep as to engage the greatest efforts of the most advanced minds and the most earnest scientists, and yet of that peculiar, positive and practical interest which awakens the commonest intelligence to some comprehension of its vital importance to our race. Mr. Owen invites "the men who think" to attend and hear him. On this subject there are few worthy the name of men who have not thought, and the invitation is to be taken as one complimentary in its tone and earnest in its character.

PERSONAL.—J. J. Owen, of the San Jose *Mercury*, arrived yesterday from Carson, to which place he went on a lecturing tour. J. W. Mackey and Johnny Skae, of Virginia City, went through to San Francisco yesterday. C. L. Jones, of Sacramento, was among the passengers passing Carlin yesterday, to arrive to-day. Wilhemj, the violinist, arrived from the East yesterday.

BROUGHT HERE FOR INTERMENT.—Yesterday the remains of John B. Nannon were brought here from Yuba City to be interred. This funeral was attended from Odd Fellows' Hall, under the auspices of Schiller Lodge, No. 105, I. O. O. F. Deceased was aged 58 years, and was a native of Germany.

BRIEF REFERENCE.

Two cars of immigrants will arrive to-day.

Five lodgers slept at the station-house last night.

The river at midnight had fallen to 15 feet 3 inches.

A pleasant social was given at the Sixth-street M. E. Church last evening.

The insane Chinese boy arrested a day or two since will be taken to the Stockton Asylum to-day.

Officers Burke and Brissell found two Chinamen attempting to leave the city yesterday with a Chinese woman, who was masked and disguised. They were not allowed to go.

BALTIMORE SELECT OYSTERS.—We expect to receive this morning, by the overland express, a large invoice of fresh, select oysters, direct from Baltimore. D. DeBernardi & Co., Nos. 308 and 310 K street. *

EXTRA HEAVY black, brown and gray fur trimmings, at L. Bien's, southwest corner Eighth and J streets. *

FROM STOCK TAKING.—Remnants of different lines of goods, to close regardless of cost. Knit shirts and drawers, at 25 cents; buck and kid gloves, at 25 cents. Immense bargains at every counter. Every yard of dress goods marked down at the Red House.*

GOLD FISH.—A fine lot of gold fish to be had at D. DeBernardi & Co., Nos. 308 and 310 K street. *

FULTON MARKET.—"Live and Let Live." Received to-day a choice lot of quails, ducks, Eastern oysters, clams, etc. *

DR. LYON'S TOOTH TABLETS sweeten and purify the breath. *

J. E. CUTTER'S OLD BOURBON.—This celebrated Whisky is for sale by all first-class druggists and grocers. Trade mark—Star within a Shield. *

THERE have been more cures of seminal weakness, nervous debility and paralysis made by the wonderful English remedy, Sir Astley Cooper's Vital Restorative, than by all other remedies combined. Why will you suffer? Send to A. E. Mintie, M. D., No. 11 Kearny street, San Francisco, for the Restorative, and be cured. Price, $3 per bottle; four times the quantity, $10. Try a bottle.

Jay Gould's success in managing railroads is explained by the fact that his father used to keep a switch for his especial benefit.

GALVANIZED AND MALLEABLE WIRE.

We believe the KELLY BARBED WIRE to be the best and cheapest, because it is ALL STEEL—both the Wire and the Barbs—weighs one-eighth less to the rod than any other made. We are now prepared to furnish this in quantities as desired.

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