THE DAILY RECORD-UNION.

FRIDAY.....DECEMBER 10, 1880.

THREE ORIGINAL STORIES.

During the coming year, and commencing December 1st, the WEEKLY UNION *will publish three Prize Stories of California. The first, publication of which will commence in the first week of December, will be entitled, "The Ventures and Adventures of Charlie Gould." This is an intensely interesting story of the Stock-Gambling perie of California, and was written by Edward F. Cahill, of Los Angeles. The price of the* WEEKLY UNION *will be $2 50 per annum.*

NEWS OF THE MORNING.

In New York yesterday Government bonds were quoted at 113¼ for 4s of 1907; 101½ for 5s of 1881; 111¾ for 4½s; sterling, $4 79½@4 82½; silver bars, 112½.

Silver in London yesterday, 51 14-16d; consols, 99; 5 per cent. United States bonds, 104½; 4s 117½; 4½s, 115½.

In San Francisco half dollars are quoted at ½ discount to par; Mexican dollars, 91c.

At Liverpool yesterday wheat was quoted at 9s 10d @10s 2d for good to choice California.

Mining stocks were unusually active in San Francisco yesterday morning, but at irregular prices. Alta continues to lead, followed by Benton, Justice and Hale & Norcross.

Goschen has left Constantinople for London.

The Bank of England rate of discount has been raised from 2½ to 3 per cent.

The two overdue steamers—Victoria and Volger—have arrived at New York.

The British Admiralty has abolished flogging in the navy.

Bullion in the Bank of England decreased nearly $6,000,000 the past week.

Eighteen houses and the postoffice have been burned at Arendel, Norway.

Fire at Springfield, Mass.; also at St. Louis and Custer City, D. T.

Several vessels were torn from their moorings in Frazer river, B. C., by a sudden flood, and were more or less damaged.

The President, Secretary Ramsey and General Sherman were present at a dinner in Philadelphia last night, given by the Farmers' Club.

During the past fortnight six incendiary fires have been discovered and extinguished at Deadwood, D. T.

Mrs. Gleason killed her babe at Marquette, Wis., and then cut her own throat.

In Los Angeles county 2,800,000 gallons of wine and brandy were manufactured last season.

A Chinaman was drowned accidentally near Los Angeles yesterday.

The National Council of the Union League of America held its annual session in Philadelphia yesterday.

Keene's celebrated horse, Blue Gown, died on the steamship which was bringing him from Europe.

The Treasury Department yesterday purchased 400,000 ounces of fine silver for the San Francisco and New Orleans Mints.

A train struck a carriage at Stamford, Conn., yesterday, killing a young lady and seriously injuring two other persons.

For the first time since the war the Southern States will participate in the inaugural festivities at Washington.

A fire destroyed several buildings at Silver Cliff, Col., Wednesday night.

A violent explosion occurred yesterday at Newton Creek, L. I., which did great damage to property, but injuring no one.

It is proposed to illuminate Hoosac tunnel by the electric light.

The United States Senate yesterday adjourned until Monday.

An animated discussion took place yesterday in the House of Representatives over the Electoral resolution.

THE COTA CASE.

They have quite an interesting international difficulty at San Francisco just now. Application was recently made by the Mexican Government for the extradition of a Mexican named Cota, charged with rebellion against the Government, marauding, and such Mexican escapades. Governor Perkins acceded to the application, the necessary papers were made out, and Cota, being arrested, was handed over to the Mexican Consul at San Francisco, and by that official transferred to the Commander of the Mexican gunboat Democrata, then lying in the harbor. At this point Cota sued out a writ of *habeas corpus*, but when the Court issued its process for the production of the body of the petitioner, the Mexican Consul and Commander refused to acknowledge the jurisdiction of the Court, pleading that the gunboat was technically within Mexican jurisdiction, and, in fact, a part of the Mexican Republic. Thereupon the Court directed the Sheriff to arrest the Commander of the gunboat and to bring Cota on shore. This the Sheriff attempted to do, but as the Commander trained a gun upon his boat, and allowed no one to accompany him on board, and as when he sought to arrest the Commander the latter retired into his cabin and placed himself under the protection of a marine with a loaded musket and fixed bayonet, the Sheriff was compelled to return empty-handed, and to report that the Mexican authorities had once more been guilty of contempt of Court. Subsequently, however, the Mexican Consul brought Cota on shore, and delivered him into the hands of the police, to be locked up until he could be produced in Court. Thus the immediate purpose of the Court is served, but without determining the question of jurisdiction. Of course in a case of this kind it is necessary to consider how the rules which we propose to insist upon would operate upon our own interests were the relations of the governments reversed. Cota certainly came lawfully into the hands of the Mexican authorities, so far as they were concerned. Whether the State authorities were justified in surrendering him is quite another question, though it may prove a very important one. It is evident that the Mexican officials have no desire to embroil themselves with the United States, or they would not, however informally, have responded to the process of the Court. Our own authorities, however, ought to see to it that Mexico is not embarrassed or blamed because of possible mistakes on the part of the State.

THE ELECTORAL COUNT.

The debate on the method of counting the electoral vote is evidently being conducted, at least on the Democratic side, upon a purely partisan basis. The Democrats, having control of the House, insist that the count should be so managed as to give the House the disposition of the result in the event of a conflict. The Republican arguments directed against this position have been very much the more weighty and logical, and they have in fact shown the Democratic attitude to be without constitutional support. The misfortune of the situation, however, is that the language of the Constitution is not determinative of the method to be followed. It is in fact singularly loose and vague; so much so that room is afforded for the most opposite theories, and warrant is given for just such partisan discussions as are now proceeding. Robeson's amendment to the concurrent resolution seems to be fair and safe, and it cannot be objected to on any constitutional ground. It is, however, not probable that the Democrats will agree to it, though there is certainly no visible advantage possible to them from any other arrangement. Their contentious attitude would almost justify a suspicion that they meditated some trickery, but had this been the case they could not have kept it secret so long.

The railroad era makes a building boom at Scio, Or., and several new buildings are going up and more talked of. They think they will in a few years equal Albany.

RAILROADS AND PATERNAL GOVERNMENT.

The recent utterances of Judge Jere Black on the relations of railroads to government have been so generally indorsed by the newspapers as to make it evident that very little reflection has accompanied this expression of approval. An analysis of the theory advanced by the Judge will demonstrate the entire fallacy of his positions, and it is well that this analysis should be made, if only to show how easy it is for the press and people to drift into the acceptance of most pernicious doctrines, when they are not carefully examined at the outset. Judge Black asserts that "it is a cardinal error, and the parent of much false argument, to suppose "that railways are the property of those "who build and operate them." In this sweeping allegation he of course includes all the railways in the country. He proceeds: "A railway laid out and built by "the authority of the State for the purposes of commerce is as much a public "highway as a turnpike road, canal, or "navigable river, and a public highway "cannot be private property." The corporations "who have got into the habit "of calling themselves the owners, have "no proprietary right, title, or claim to "the roads. They are the agents of the "State for the performance of a public "duty;" and Judge Black explains what this is by informing us that "it is "the duty of the State to promote intercourse and trade by making highways "of the best sort throughout her territory." Now two facts are clear from this. The first is that no such relation has ever been recognized in civilized States, since if it had been recognized it would have become the plain duty of the State to build railways itself, and to operate them itself through appointed or elected officers. The second fact is that Judge Black's theory of government cannot be confined to railroads, but must, if it is worth anything at all, be equally applicable to every other department of industry and production. If it is the "duty of the State" to regard railways as public agencies, it must be equally its duty to regard all other corporations in that light. If it is its duty to "promote intercourse and trade" in one way, it must be equally its duty to do so in all ways. It must then undertake not only to build railroads, but ships and steamers. It must engage in manufactures, it must carry on the business of insurance and banking and general commerce. It must keep hotels, and warehouses, it must manufacture clothing and boots and shoes and furniture. It must distribute money, and find employment for everybody. In short, if Judge Black's principle is sound the State ought to go into the business of paternal government on the largest scale, and take full charge of all the interests of the country from Alpha to Omega. If railroads are public agents there can be no reason why manufacturing corporations of all kinds, gas and telegraph companies, and every imaginable species of corporate undertaking, should not be placed in the same category. It is impossible to draw the line anywhere. The logic of the principle demands its universal application, and if it be applied solely to railroads at the beginning it is inevitable that it must be gradually extended until it reaches all human activities. And if, as Judge Black asserts, it is the duty of the State to undertake all such enterprises, it must be best that it should undertake them directly instead of indirectly. The State, therefore, ought to do everything for the people in its own name, and private enterprises ought to be abolished.

This is the logical implication of Judge Black's argument. It is an assertion in the boldest form of the wisdom of paternal government. Now paternal government, as every schoolboy knows, cannot coexist with the freedom of the individual. When the State is everything, the citizen is nothing. When the State is everything, and is at the same time nominally a democracy, the result is the most grinding and insupportable of all tyrannies, namely, mob despotism. Judge Black is politically a Bourbon Democrat, and the school to which he belongs has opposed itself to what it regards as the centralizing tendencies of the age. Ostensibly it demands decentralization as a guarantee for further protection and freedom to the individual. But here we find a Bourbon advocating centralization in its wildest and most measureless form, and announcing his crude ideas as gravely as though they were the embodiment of ripe thought and ample experience. If he alone had thus expressed his superficiality it might have been of little consequence, but when we find a large number of journals quoting his ideas with swift approval, and declaring that his views are sound and opportune, it is time to demonstrate that they are neither the one nor the other. The truth is that the best government is that which meddles least with human activities; which confines its interference to absolutely necessary measures; which leaves to individual enterprise all that can be achieved by individual enterprise; which fosters independence and self-help in its citizens, and teaches them to look to their own efforts for success in life. Paternal government has always been the dream of those who disbelieve in the capacity of the masses for self-government, or who have sought to cure the evils arising from natural inequalities of intellectual and physical powers by bringing the whole of society down to a dead level of helplessness, dependence and submission. No healthy mind leans to paternalism. It is a confession of want of confidence in the people, and its absurdity is shown in the fact that it ascribes to aggregated humanity virtues and capacities which it fails to find in the units of society. We should have expected the press to detect the sophistry of Judge Black's arguments, and not to have accepted them as profound utterances. No country could prosper or advance if it was governed upon such principles as he enunciates, and no Anglo-Saxon community would submit to the kind of paternalism which he professes to think so desirable.

THE INVASION OF INDIAN TERRITORY.

A dispatch from Arkansas City, Kansas, states that 2,000 men have invaded Indian Territory, after coolly notifying the President of their purpose, and asking him to forbid General Pope to interfere with them. Secretary Schurz in his recent report observes on this subject: "Attempts by "evil-disposed persons to invade the Indian Territory and to take possession of "certain unoccupied lands there have so "far been successfully frustrated by the "prompt action of the Government, but "they have been as persistently repeated. "It is reported that another attempt is in "preparation now. The military forces of "the United States in the Territory are "instructed to arrest the intruders, and "to take proper measures to bring them "to justice, as they have done heretofore. "But it is evident that the penalty imposed upon repeated intrusion into the Indian Territory, which penalty consists in "a mere fine, and is difficult of enforcement, is not sufficient to "deter lawless characters from such undertakings. I concur with the Commissioners in recommending that a law be "passed adding the penalty of imprisonment to that of a fine. If this is done invaders will know that such attempts are "not without serious risk to them." There can be no doubt that the law requires to be made more stringent, for it is clear that it has so far failed to deter invaders in any appreciable degree, and in fact their persistence shows that they expect to tire out the Government, and to be finally left secure in their stolen possessions. The inadequacy of a statute which attempts to meet such invasions by the imposition of a fine is apparent, and its futility is enhanced by the difficulty of enforcing even this trifling punishment. Mr. Schurz may be right in recommending imprisonment, but it would be hard to imprison two thousand men, which is said to be the number of the present expedition. Something, however, must be done to put a stop to these incursions into the Indian Territory, or it will become impossible for the Government to carry out any intelligent policy in regard to the Indians. The latter of course will not believe that the President is powerless to check these marauders, and they are very apt to reach the conclusion that the raids are only in the usual line of Government duplicity and bad faith. Perhaps if the lawless freebooters who go upon these expeditions were to receive a sound thrashing at the hands of the United States troops, it would do more to cool their ardor in the pursuit of land-stealing than any apprehension of fine or imprisonment.

BUCKNER'S FUNDING BILL.

Buckner's funding bill is a preposterous affair. He proposes to pay off the fives and sixes which mature next year by issuing six hundred millions of treasury notes, bearing four per cent. interest. He also proposes, on the Greenback plan, to appropriate all the money in the Treasury but one hundred thousand dollars for the same purpose. By these brilliant measures he thinks to inflate the currency and abolish specie payments at one and the same time, and thus to bring the whole of the currency by a single masterly stroke into a worse condition than it ever reached at the height of the rebellion. Mr. Buckner is certainly a shining financial light, and vindicates the wisdom of the selection which made him Chairman of the House Banking Committee.

A SCRAP OF HISTORY.

How the Erie Canal Marked a New Era in the Development of our Country.

[San Francisco Bulletin.]

Editors *Bulletin:* Considering the large number of people from the United States who visit Europe, it is seldom we hear anything from them that savors of American pride, dignity or patriotism, that we feel delighted in reading Governor Stanford's speech on the last Fourth of July celebration, delivered in the heart of the French Republic. There are few men in America who are better qualified to explain the advantages of internal and maritime improvement and its benefits to a sound republican form of government and to civilization. The world justly applauds Ferdinand de Lesseps for building the Suez Canal, and also his ambition to build a Panama Canal. These are great achievements; yet there is no great mental thought or conception in the two Isthmus canals. They do not open any new countries. They do not advance civilization. They only shorten distance between the Occident and the Orient.

These two things are not new. Sisostris more than two thousand years ago made a canal across the Isthmus of Suez, and John Quincy Adams in his early manhood was sent by our Government to Columbia to negotiate a canal across the Isthmus of Panama.

THE ERIE CANAL AND LELAND STANFORD'S FATHER.

The great achievement of the world in canal building was the construction of the Erie canal in New York State. That canal did not shorten distance, but it lengthened the distance of civilization. Its terminus at Buffalo was only its beginning. From that point west to the base of the Rocky mountains, it was mostly an unexplored wilderness, and inhabited by savages. Taking into consideration the sparse population, the limited condition of finance, and the general surroundings of that day, it was the greatest achievement the civilized world ever produced. De Witt Clinton is the reputed father of that grand design, and very justly, too. Yet Mr. Clinton would have failed had it not been for Leland Stanford's father, and a few men like him. Mr. Clinton had a hard struggle to carry his measure. The opposition was great and powerful, as all the landed interest in Eastern New York opposed it on the same ground the British aristocracy opposed taking off the corn laws. The country adjacent to the Hudson river thought if a canal opened the great West it would reduce the price of corn. Under this powerful opposition even Clinton faltered and lost his courage.

There was one man who comprehended the magnitude of the great work, and that man was Mr. Clinton's adviser. He saw Mr. Clinton one day wavering and discouraged. He laid the weight of his ponderous hand on Mr. Clinton's shoulder and said, "The achievement can and must be done." That man was Leland Stanford's father. From that day Mr. Clinton never faltered, and the great work was done. All through that great toil Mr. Stanford and a few unassuming men like him stood by Mr. Clinton till the work was accomplished. To use a common figure, Mr. Stanford was Mr. Clinton's backbone. It was a proud day for religion, science, civilization and humanity when refined civilization and crude barbarism met on the frontier waters of Niagara, and amidst the roaring of the waters the great Indian Chief Red Jacket and DeWitt Clinton embraced. That day a new continent was born. The magic wonder paralyzed the civilized world. Even the Queen of Heaven raised her veil and cast a benign smile on the crude earth. The earth saw it, and her wild bosom swelled out the laughing verbena, the emblem of civilization. The great West to-day attests this moral achievement, for nowhere, from the western borders of York State to the base of the Rocky Mountains, is the traveler scarcely beyond the civilizing sound of the cheerful church-going bell.

The writer was contemporary with these men, and he knows Leland Stanford's father assisted De Witt Clinton to dip up the translucent waters from the bosom of the blue-eyed Erie and cast them on the liquid face of the turbid Hudson.

To-day we see in the son the legitimate inheritance of a vigorous and determined father. We see Leland Stanford belting the continent round with the metallic bands of steel that will enable California to reach the Atlantic ocean at Galveston by making the same number of miles that it now takes to reach Omaha. We are bound to admit that there is genius in the man that can scarify the rugged face of the Sierra Nevadas and rip open her rocky bosom so the locomotive can waft the traveler over its perilous steeps while he slumbers tranquilly in his berth.

Leland Stanford is great through his father. His father was a creator and lived in the days when great men lived. Then the writer was a boy. Their mental light shed its rays on my feeble soul, and I hope future generations will be favored by the same blessing. J. Dows.

Says the Sutter *Banner:* We understand that the leveeing throughout our levee districts is now completed and ready for the annual test, consequently there are many laborers thrown out of employment.

COAST DISPATCHES.

SPECIAL TO THE RECORD-UNION.

THE SCHRODER MURDER TRIAL.

Arguments of Counsel for the Defense and Prosecution.

PASSENGERS COMING WEST BY RAIL.

The Cota Habeas Corpus Case—Surrender of the Prisoner.

DAMAGING FRESHETS IN BRITISH COLUMBIA.

Report on the Production of Wine and Brandy in Los Angeles County.

CALIFORNIA.

The Schroder Trial—Arguments of Counsel Commenced.

OAKLAND, December 9th.—The Court-room of Department No. 2 of the Superior Court of Alameda, where the Schroder trial is progressing, was densely packed this morning. The attendance was the largest of the week, the spectators being attracted, no doubt, with a desire to hear the speeches of the lawyers in the case. Rev. Dr. Stebbins was present, and sat alongside of Schroder.

OPENING ARGUMENT FOR THE DEFENSE.

W. W. Foote, of counsel for the defense, made the first speech to the jury, in accordance with an agreement made with counsel for the prosecution. He reiterated the opening statement that the defendant was justified in killing Dr. Lefevre, and that he was not mentally responsible for the act. He then reviewed the conduct of the prosecution, taking the ground that there was no necessity for the prosecution to prove anything but the killing of Dr. Lefevre, but they had gone further, at the instigation of some one unknown, to utterly break down the defendant's character for this and all time. He said they had "literally raked hell with a fine tooth-comb" to prove that the defendant is a gambler and a rake. They have not proved him a gambler, and they have not shown that he visited houses of ill-fame. When this disgraceful charge was made the fortitude of the defendant was shaken. He broke up under all else. Mr. Foote then asserted that the policemen swore to a state of facts that did not exist when they testified that Schroder came from a house of ill-fame in a drunken and maudlin condition, and he also expressed some doubt as to the integrity of the swearing. He said that the average police officer was a peculiar kind of an animal, and so is the detective. Every act of Schroder's from the time of his marriage until the present time has been subjected to the closest investigation. There is nothing against him except that he played cards with his friends. The efforts made by the prosecution to blacken and vilify this defendant must have sprung from a conviction that no jury of his countrymen would convict him of any crime, and therefore the design was to ruin him. Mr. Foote reviewed the testimony of Sarah Gallagher, saying Father King was brought into a shattered and tottering prosecution. They did not bring Father Maguire here to prove that Sarah had never seen him, but to prove that she had made a different statement to him than that which she swore she made. The course of conduct toward Sarah Gallagher was not respectable or decent. That girl was asked if she was in the Magdalen Asylum, and she indignantly replied "No," and the prosecution did not follow the question with other testimony. Counsel then contended that if the defendant believed that Lefevre had seduced his wife he ought not to be convicted for killing him, even if he was perfectly sane. "I will say here," he continued, "that Dr. Lefevre used his professional opportunities to seduce Mrs. Schroder, and he deserved the death which he met, and the unwritten law of the country justifies the act. No American jury has ever stultified itself by bringing in a verdict of guilty in a case of this kind. If you, gentlemen of the jury, acquit this man, no appeal can be taken. The law of human nature and the law of God planted in the bosom justifies the act. Dr. Lefevre occupied to Mrs. Schroder a professional relation, and when he took advantage of his position to commit adultery with her, whether with her consent or not, he forfeited his life. Gentlemen, there is too much of that sort of thing going on. Lefevre learned from Sarah, who came to his office, that Schroder was away from home, and he goes under the guise of pulling a tooth for Sarah to Schroder's house. When Schroder came home he fled out of the back door. The books are full of cases showing where intelligent men have redressed their wrongs by killing the seducer, and invariably the jury have returned a verdict of 'not guilty.' I say every man of spirit will do the same thing. It is just and necessary for juries to protect the honor and peace of families as to protect life. Lefevre dead in his grave is better off than this defendant. [Shroder broke down with grief at this point and sobbed bitterly.] There is too much of this maudlin sentimentality which talks so much of the value of human life and so little of the sacredness and happiness of domestic peace and honor. I believe in American juries, and I believe you are going to acquit this man. I believe that the hour of this defendant's deliverance is at hand."

Mr. Foote closed here. At 12 M. the Court took a recess until 12:30 P. M.

Afternoon Session.

The Court convened again at 12:40 P. M.

Zach Montgomery addressed the jury for the prosecution in the presence of a vast audience. He said in substance on the main points:

The law was intended for the protection of the community. To pay legislators to make laws, to pay judges, juries and sheriffs to execute them, the people are heavily burdened with taxes. What does it all mean? Is it not to allow every citizen to pursue peacefully his occupation? Does it not mean that it will protect his life from the assassin's bullet and knife; that it will protect his reputation and his property? The law must protect the citizen or he must protect himself. When murders are committed, when larceny, perjury, arson and forgery are committed, the law must punish the guilty, or the aggrieved man will take his pistol and avenge the wrong. When a clear case of crime is brought before juries they must protect the community or it will relapse into mobocracy. Counsel has told you about outside influences. I know nothing of them. But one thing I do know: A house is clad in mourning, a young wife has been left a widow, and four children have been left fatherless. Their grief was not paraded before you. No bloody clothing has been held up before you. I ask why was Mrs. Schroder not put upon the stand?

Mr. McAllister—If your Honor please, counsel for the prosecution is arguing on a question as to the impropriety of which you have already ruled upon. The defense cannot be prejudiced in this case before the jury by reason of not calling Mrs. Schroder.

The Court—Certainly no presumption can work against the prosecution by reason of Mrs. Schroder's not testifying.

Mr. Montgomery—Do I understand that the Court rules against such argument?

The Court—My ruling was that such instructions were prejudicial. The question arises whether the argument on such failure of Mrs. Schroder to testify is permissible.

Mr. Montgomery—We are willing to take the chances on such a proposition.

Mr. McAllister—We don't propose to let you take such chances.

Mr. Montgomery—Very well, then; I will conform to the rulings of the Court, with the protest that it is a revolution in every principle of law and justice and common sense.

The Court—Mr. Montgomery, I claim to act in as good faith as counsel at the bar, and am willing to leave the matter to the judgment of any competent person. Your remarks, however, deserve the severest condemnation.

Mr. Montgomery—I shall endeavor to conform with the rulings. Did your Honor rule that I am not to comment upon the reason which induced the defense not to bring Mrs. Schroder here?

The Court—My ruling is that the testimony of Dr. Stebbins as to what she said was as high testimony as any that could be brought here.

Mr. Montgomery—That is not what I allude to. Counsel for the defense have been permitted to argue to the jury without interruption that seduction has been committed.

The Court—I have ruled once, twice, thrice that as an absolute fact the question of seduction has not the slightest consequence in the case.

Mr. Montgomery—Your Honor permitted the defense to produce the unsworn testimony of Mrs. Schroder.

Mr. McAllister—We have no objection, when you say you do not believe what Mrs. Schroder said was true.

Mr. Montgomery—I cannot discuss any question hinging on the first without commenting upon the value of her unsworn testimony out of Court.

Mr. McAllister—He has a right to say that her testimony is untrue.

Mr. Montgomery—I have also the right to say why I believe it to be untrue. I will discuss the question on a hypothesis of the embarrassment into which I am placed.

The Court—Mr. Montgomery, it occurs to me that that remark was not intended for the jury, but as a comment on the ruling of the Court. I say that if Mrs. Schroder was placed on the stand and testified that adultery was committed, it might exert an influence on defendant's mind.

Mr. Montgomery—If Mrs. Schroder had been on the stand we could have brought out many things that have not been laid bare. Objectionable testimony was introduced.

The Court—Did you ask the Court to stop its introduction?

Mr. Montgomery—No, because I thought that the rulings would be in perfect accordance with your rulings throughout the case.

The Court—I am not responsible for the shortcomings or idiosyncracies of your memory.

Mr. Montgomery (turning to the jury)—I will now try to keep in accordance, gentlemen of the jury, with the rulings of the Court.

The Court—Mr. Montgomery, I don't propose to allow you to misrepresent the Court to the jury. If you cannot proceed as a gentleman, I will order you to take your seat.

Mr. Montgomery—As to what may have been told Dr. Stebbins, I don't regard him as of absolute veracity as Mr. Foote does. The jury has not been permitted to know what Mrs. Schroder's testimony was, by the defense and the ruling of the Court.

The Court—You could better talk to the jury.

Mr. Montgomery—I'll do it, if your Honor will only stick to your rulings. I think this is a foul murder, and foul means are even played to cover it up. Schroder and wife have had a conversation in the bed-chamber, and the jury has never been permitted to know what it was. The commencement of their trouble was their bill of $83. It is in evidence that it was a debt of two years' standing. Schroder was in straightened circumstances, and was a fast man. Mrs. Schroder never charged Dr. Lefevre with seduction—merely with improper conduct—and Schroder, in telling Dr. Stebbins of it, says that the doctor had attempted to seduce his wife. Why did she say so? Because there was a quarrel about a dentist bill. In proof of this, when Dr. Stebbins came over to Oakland the first thing spoken of was that dentist bill. Dr. Stebbins has shown a wonderful lack of memory, as evinced by the most flagrant discrepancies in his testimony. I propose to crack him as he deserves to be, and as the community has a right to have him cracked. It is a well-known fact that Mrs. Schroder had a child six months and twenty days after her marriage. No brave man ever beat his wife as Schroder did. When Schroder and his wife consulted as to the alleged seduction, it was for the purpose of levying blackmail for that $83. Did Dr. Stebbins, when he arrived at the doctor's office, ask for the man who seduced his daughter? No; but "Have you a bill against my son-in-law?" You have seen intelligent ladies and gentlemen, patrons of Dr. Lefevre, and from that I ask you, Do you even think that such an accusation can stand? When the son-in-law, with Dr. Stebbins, asked for a receipted bill, they did nothing more than a highwayman would have done. It was intended that this business should end with the tender of a receipt in full. This case has all the marks of a dastardly and cold-blooded murder. As to the plea of insanity, an insane person cannot be divorced or persuaded from his peculiar idea. Schroder was persuaded to give up his pistol. He worked at the bank not like an insane man, nor does a man use ordinary discretion in the ordinary affairs of life. But where is proof of the defendant not acting like a rational being? During the noon recess of the bank he purchases a pistol, and thereafter returns to the bank. As to the irresistible impulse with which it is claimed the defendant was actuated, it is strange that Sarah Gallagher—on the hypothesis that the impulse was irresistible—that she, an ignorant servant girl, was the one person to control him. This is an important case. I ask nothing for friendship, but I do ask, in all justice and humanity, that you do not turn out a murderer upon the community and thus allow a man to go unpunished who killed one of the best citizens in the community. If there were no children to protect, no widow to prepare for, then might leniency be in order. If Schroder, because his wife says that she was seduced, takes it upon himself to constitute a Judge and jury, let him abide the consequences.

THE CLOSING ARGUMENT FOR THE DEFENSE.

Mr. McAllister then began the closing argument for the defense. He said: Gentlemen of the jury, I shall attempt to address you without the malignity which characterized the remarks of the gentleman who has just spoken. In his malignity he has not spared witness, defendant nor the Judge himself. He has forgotten the honorable profession of which he is a member, and has in his malignity forgotten the gentlemanliness which should ever mark its members. That is my view of his argument. I rejoice to have a jury of husbands and of fathers. Imagine, on May 11th, the defendant surrounded by his wife, children and everything that enhances and supplies a happy home, near the woman whom he loved, whom he had promised to hold to in sickness or in health, till death did them part. Imagine learning that that woman was debauched, and had broken allegiance to her marital vows. Aye, worse than death, disgrace and dishonor fell thick and fast. While justice is asked for the prosecution, and the more because there are left a widow and children, our sympathy does not change the fault which attaches to his deeds as an untrue husband and a false father. The gentleman lashes himself into a rage and says that my friend spoke disparagingly of the Roman Catholic Church. We never said anything of the kind. He spoke of the defendant nursing his anger for six months. Was it not something more than mere anger which attracted the attention of all his friends and acquaintances? The tension on his brain grew so strong that when he saw the miscreant who had defiled his home that it knew no bounds, and culminated in this tragedy. My associate, in saying no jury would convict, said truly, as exemplified by the verdict in the Sickles and other cases.

Mr. Montgomery—Yes, but allow me to go farther and state that in those cases there was seduction proven and none in this.

Mr. McAllister (resuming)—When deceased was asked whether he had seduced Mrs. Schroder he said nothing, which was equivalent to an admission in writing. The very act of Sarah Gallagher, in going to Dr. Lefevre at night some thirty times, and during each of which he exhibited considerable attention, and selected her as a confident in this business, is a proof that her services were needed. She could inform and post him as to what was going on. As to her hoping that she was not the cause of the trouble, there was nothing more than sympathy for his trouble. As to Sarah's memorizing her testimony, how would she go through the cross-examination with such flying colors? As to the confession of Sarah Gallagher, it does not follow that because the priest failed to see her that she was not there, for the reason that the confessionals are dark. Despite the order of the Court, counsel continued to argue that Mrs. Schroder was not called for fear that something would be disclosed. The reason of her non-appearance is that the lady has suffered enough already without dragging her into Court to undergo the cross-examination of one of the counsel on the other side, and the defendant chosing rather to abide by your verdict than submit his wife to the indignities which I am sure she would have received.

Mr. McAllister continued at considerable length, and on the conclusion of his argument the Court adjourned until to-morrow morning at 9 o'clock, when the argument for the defense will be concluded by Mr. McAllister, to be followed by District Attorney Gibson for the prosecution, when the case will be given to the jury.

The Cota Habeas Corpus Case—The Prisoner in Court.

SAN FRANCISCO, December 9th.—The Mexican Consul, Joaquin Garcia Conde, brought the prisoner, Cota, at a few minutes before 12 o'clock last night, into the city prison, accompanied by police officer Rank, and delivered him into custody. The prison-keeper was shown the requisition from the Governor of Lower California. He asked the officer to detain Cota and send him with an officer to the Court this morning. Cota was locked up, and the Consul left.

The prisoner, whose case may become an international one, was delivered to the Sheriff at a quarter of 8 o'clock this morning, and lodged in the County Jail. At 10 o'clock Sheriff Desmond, who had notified Judge Latimer that the prisoner was in custody, produced Cota in Department 3 of the Superior Court. The Court-room began rapidly to fill with Mexican residents of the city, the prisoner's friends and others, drawn there by a desire to get a glimpse of the famous alleged bandit and revolutionist, Cota, who was accompanied by his brother Enrique, and by Messrs. Peachy and Galan, his counsel. L. H. Sharp represented the respondents, and was advised by the Mexican Consul. Judge Latimer, feeling the importance of the question, remained in consultation with Judges Hoffman and Sawyer until a quarter of 12, when he opened Court. The Sheriff announced the presence of the petitioner Cota in Court, but stated that the writ had not been formally returned for lack of time to make out the necessary papers. He also notified the Court of his failure to secure the person of the commander of the Democrata, who is wanted for disobedience of the mandate of the Court.

Mr. Peachy, counsel for Cota, formally demanded to know why and on what charges the petitioner had been deprived of his liberty, and imprisoned in the galleys of a foreign vessel of war. And also said that the orders of the Court had been disobeyed and the authorities of this city trifled with.

Mr. Sharp, for the respondents, said that he was not prepared to respond in the matter just at present. He asked for an extension of time, when Mr. Bergin could be in Court to answer the petition.

The Court then ordered the hearing of the petition continued to 2 o'clock, and remanded Cota into the custody of the Sheriff, who was instructed to make a legal return of the writ at 2 o'clock.

When the Court opened in the afternoon, the Sheriff presented his return, certifying in it that the writ was served on the Captain of the Democrata, relating also the circumstances attending it, and that he was compelled to leave the vessel with the object of his mission to the ship unaccomplished. Certain amendments were made in the return to conform more strictly with the facts.

Counsel for the Mexican Consul held that the processes of the Superior Court could not extend to the Mexican war vessel, as she was substantially Mexican territory, but the Court held that "sanctuary" could not be applied to such a case. After some argument in relation to delay, the case went over until 11 o'clock to-morrow morning.

The Bonanza Suit.

SAN FRANCISCO, December 9th.—The trial in one of the cases of John H. Burke vs. J. C. Flood et al. was commenced this afternoon in the Superior Court before Judge J. F. Sullivan. The plaintiff, J. C. Flood and a number of other witnesses were in attendance. Nathaniel Bennett opened the case by reading the complaint and answer, when, on application the Court allowed A. L. Sayre, with 250 shares, and S. P. Dewey, with 5,000 shares, to be joined as plaintiffs. A. W. Havens, Secretary of Consolidated Virginia, was put on the stand, and testified by the books of the company as to the action of the Board of Directors. The case will be resumed on Monday next.

Production of Wine and Brandy—Chinaman Drowned.

LOS ANGELES, December 9th.—The *Herald* to-morrow will contain in full L. J. Rose's report to the Viticultural Commission. It shows that 5,713 acres are in vineyards in Los Angeles county, divided among 300 owners. They yielded 57,130,000 pounds of grapes, which were manufactured into 2,000,000 gallons of white and red wines, 500,000 gallons of sweet wine, and 300,000 gallons of brandy, of a market value of $1,000,000.

A Chinaman was found drowned in the zanja this morning. A verdict was rendered by the Coroner's jury of accidental death.

Visitors at Monterey.

MONTEREY, December 9th.—The following are among those registered at the Hotel Del Monte to-day: F. W. Billing, Miss Billing, Salt Lake; A. C. Washington, Dr. L. C. Barron and wife, New York city; John A. Blake and wife, Ireland; F. Lowry, B. R. Crocker, Sacramento; W. H. Brausched, D. H. Vail, Walter H. Levy and wife, San Francisco; Emma Allison, New York *Daily Graphic.*

Passengers Passing Mojave.

MOJAVE, December 9th.—The following overland passengers, by Southern Pacific Railroad, passed Mojave to-day, to arrive in San Francisco to-morrow: M. S. Feinberg, M. Castle, San Francisco; L. A. Blankeslee and wife, Humboldt, Nev.; Mrs. W. N. Monroe, Los Angeles; V. S. Pretra, San Buenaventura; Mrs. R. B. Scofield, Oakland; L. J. Rose, Los Angeles; Wm. B. Covey, Rio Grande; Wm. C. Conley, Rio Miembres; J. C. Laduc, San Francisco; T. W. Hudson, Healdsburg; Jas. W. Nelson, W. H. Frost, Los Angeles.

NEVADA.

Passengers Passing Carlin.

CARLIN, December 9th.—The following passengers passed Carlin to-day, to arrive in Sacramento to-morrow: J. D. North, Mrs. R. S. Alexander, San Francisco; Mrs. A. Butler and daughter, Vermont; M. Locke and wife, A. Cohn, M. Bailey, San Francisco; S. W. Wilder and daughter, Honolulu; Miss Meyer, New York; Mrs. M. W. Somers and niece, T. W. Hutchins, Boston; A. Schilling, wife and child, San Francisco; Mrs. G. W. Brytton, Ohio; A. B. Henry, Oregon; A. Shobit, Leadville, Col.; R. S. Moore, J. M. White, Elkner; Mrs. R. Smith, St. Louis, Mo; Fred Peters, E. Mier and daughter, San Francisco; no emigrants today.

OREGON.

Weather—Coroner's Inquest—Wheat Market.

PORTLAND, December 9th.—The weather here is warm and showery. The snow has all disappeared. The Willamette river is rising rapidly. The latest reports from up the Columbia are of a favorable character. The weather is much warmer at various points, and the indications of a break-up in the river are encouraging. Should the present temperature continue, it is hoped the upper Columbia will be open to navigation in the course of a week.

An inquest was held to-day on the body of Henry Webber, who dropped dead yesterday in the County Jail. A verdict was rendered of death from heart disease.

The entire absence of tonnage completely stagnates the wheat market. Wheat may be said to be weak at $1 45, this rate being maintained by certain buyers only till the orders now at hand expire.

BRITISH COLUMBIA.

A Sudden Thaw and High Water.

VICTORIA, December 9th.—On Monday the ice cakes were piled upon Fraser river near Chilliwack to a hight of 20 feet, blocking navigation and stretching clear across the stream from bank to bank. The cold until that day had been intense for nearly a week. On Sunday night the south wind breathed softly and sweetly upon the land, and a great thaw set in. The snow on the mountain sides melted, and almost immediately every rivulet became a mountain torrent and small creeks rushing rivers. Before daylight on Monday the floodgates of heaven were opened, and the Fraser and its tributary streams were booming. The rain continued for 40 hours. The district roads were flooded and bridges and corduroys damaged or destroyed. The streets of New Westminster became swift water-courses, and to add to the general discomfort many of the water-pipes burst and did considerable damage to the dwellings. Among the rivers affected by the freshet was the Coquillam and tributary, that enters Frazer river a few miles above Westi, a town on the Coquillam. The Government dredger and the stern-wheel steamers Reliance, Royal City and Wm. Irving went into winter quarters a couple of weeks ago, and the rapid rise on Tuesday caused the dredger to part from her moorings and sweep down upon one of the stern-wheel boats, tearing her from her fastenings. The dredger and the stern-wheeler then bore down upon the remaining boats, broke their cable, and the fleet swept into the main river amidst the ice floes. The tide was running in at the time, and the boats were proceeding up stream at a rate of four miles per hour when last seen. The steamers Gem and Princess Louise, with a crew of men, proceeded to the rescue from New Westminster. On Tuesday night it was reported that the wheels of all the steamers had been damaged somewhat, but as the ice was rapidly disappearing at the latest accounts no serious injury to the hulls was feared.

SAN FRANCISCO ITEMS.

[From San Francisco exchanges of December 9th.]

The Belgic will be due from China and Japan next Sunday.

The United States steamer Alaska went up to Mare Island to-day.

Duties at the Custom-house yesterday were $93,740 02, making a total of $114,294 02 for the month.

The United States steamer Ticon