THE DAILY RECORD-UNION.

MONDAY ..... MAY 8, 1882

ADVERTISEMENT MENTION.

Metropolitan Theater—Comley-Barton Wednesday.

Bristol's Pills, for many diseases.

[illegible] Attention — To morrow morning at 7 o'clock.

Ancient Order of Foresters meet this evening.

Christian Sunday School Picnic—East Park tomorrow.

Card of thanks from E. M. Bjornschou.

Coming—Comley-Barton Opera Company.

May Queen Celebration.

O. E. S.—Regular meeting to-night.

Next Friday it occurs.

Caledonian Games—East Park, June 24.

Preaching to-night at the Christian Church.

Business Advertisements.

Mechanics' Store—Straw hats—184 varieties.

Red House—Crowded house—goods slaughtered.

S. J. Nathan & Co., the leading clothiers.

LOCAL INTELLIGENCE.

TURNERS' FESTIVAL.—The twenty-eighth May festival of the Sacramento Turn Verein Association was held at East Park yesterday. There was a good attendance, and doubtless the grounds would have been crowded but for the prevailing northerly gale. The management was up to the standard heretofore attained by the Association, and was in prompt and efficient hands. The music by the new Hussar band was one of the most attractive and noticeable features of the occasion. The band appeared seventeen strong, and in its new and very striking uniform. Prof. Lohse, the Turners' teacher of gymnastics, aided the committees on amusements and athletic exercises, and had the general control of the juvenile turning classes. All of the pupils appeared in their neat and attractive uniforms. The games and exercises were many, and with the dancing, constituted the programme of the day. The prizes were won as follows: Evening scholars, first class—First prize, Frank Krebs; second, Oscar Reiffarth; third, Albert Kleinsorge. Second class—First, John Bruner; second, Adolph Kreuzberger. Third class—First, Henry Hansche; second, John Ott. Running by girls—First prize, Alla Kasch. Hopping—First, Minnie Weisch. Rope climbing—First, Emma Neubauer. High jumping—First, Alice Krebs. "Wipps"—First, Anna Rothstaller; second, Emma Neubauer. Day scholars, first class—First prize, Henry Kleinsorge; second, Frank Englehardt. Second class—First prize, Frank Ebner; second, John Sullivan. Running—First prize, Otto Heilbron; second, Frank Rothstaller. Fourth class—First prize, August Yoerk; second, Otto Ewers. Running—First prize, Isidore Morris. Hopping—First prize, C. Weber.

MERCHANDISE REPORT.—The following freight passed Ogden for Sacramento on the 3d: For Hale Bros & Co., 1 bale and 1 case cotton goods, 1 bale quilts, 3 boxes hosiery, 1 box dry goods, 1 case and 2 boxes shirts, 1 box domestics; Huntington, Hopkins & Co., 2 cases pick handles, 6 crates forges, 11 boxes lawn mowers, 6 boxes and 1 tub hardware, 1 barrel glue pots, 2 bundles mower handles, 1 box firearms, 1 box tongs, 6 cases and 1 box butts, 50 boxes axe handles, 1 box axle chips, 2 boxes castings; Baker & Hamilton, 1 box paper; W. F. Petersen, 10 pails, 2 barrels and 2 boxes candy; Captain Foster, 5 cases dry goods, 1 bale enameled cloth; Weinstock & Lubin, 1 box envelopes, 1 case shirts, 1 bale hammocks, 8 cases boots and shoes, 1 case artificial flowers, 1 case clothing, 1 box underwear; Locke and Lavenson, 1 chest personal effects; Billingsley & Co., 2 broom presses, 6 boxes cards, 36 cases ax handles; Newbury and Lacey, 5 bundles shovels, 8 bags bungs; C. H. Krebs & Co., 1 box brushes; W. A. & C. S. Houghton, 1 box stationery; L. Elkus & Co., 1 box spool cotton; C. P. R. R., 1 box emery wheels, 50 barrels valve oil; W. D. Comstock, 17 boxes chairs, 1 box dry goods; E. C. Parsons & Co., 1 box window-shade cloth; Adams, McNeill & Co., 10 bags coffee, 1 box hardware, 8 pails tobacco; Lindley & Co., 30 boxes maple sugar, 5 cases lye; Hall, Lubrs & Co., 25 cases bitters; Mebius & Co., 22 boxes baking powder; N. S. Arnold & Co., 6 barrels and 1 cask silver-plated ware; Scott & Muir, 1 box gas fixtures; Mrs. Henry Miller, 1 barrel stationery, 1 box dry goods; E. Lyon & Co., 1 box dry goods.

LAND LEAGUE.—The Land League of this city met last evening, and passed the following resolutions: "Whereas, we have learned with great regret and unfeigned condemnation of the assassination of Lord Cavendish, the Secretary, and Mr. Burke, the Under Secretary of Ireland, in Phœnix Park, Ireland, on the 6th inst.; and whereas, it may be the opinion of some unthinking minds that the assassination was brought about through the instrumentality of the Land League or of its members; therefore be it resolved, That we, the Executive Committee of the Dillon Branch of the Land League, do most positively and in unmeasured terms condemn the bloody deed, and denounce the men who were guilty of the murder, and put the seal of indignation on the act that would draw the Land League into disrepute after what it has done for the suffering people of Ireland. Resolved, That we are of the opinion that no true member of the Land League was guilty of such an outrage, and if so he deserves the detestation of all true lovers of freedom. Resolved, That these resolutions be published in the press of this city."

SACRAMENTO INTEREST COUPONS.—Thomas Freehill has applied to the Supreme Court for a writ of mandate to compel William E. Chamberlain, Treasurer of the city of Sacramento, to pay $126 on interest coupons, payment of which, it is alleged, was refused by the Treasurer, on the ground, as stated by him, that there was no money in the sinking and interest fund wherewith to pay them, and they were registered to be paid in the order of registration whenever there should be sufficient in the interest and sinking fund for their payment. Petitioner further declares that on the 4th inst. there was in the interest and sinking fund of Sacramento, set apart for the payment of interest, the sum of $37,433 90, much more than sufficient to pay these coupons, and all having priority preference to them by reason of date of registry.

REAL ESTATE AT AUCTION.—The east 37½ feet by 160 feet of lot 8, in block bounded by I and J, Twelfth and Thirteenth streets, with improvements, consisting of a cottage and stables, will be sold by Bell & Co., to-day at 2 P. M., on the premises. At 11 A. M., Thursday next, they will sell on the premises the north 30 by 80 feet of lot 8, bounded by I and J, Fifth and Sixth streets, on which is a two-story brick house, the lower part for a store, and the upper part for a residence—finely finished rooms supplied with all conveniences.

METROPOLITAN THEATER.—The great Comley-Barton Opera Company, direct from their successful engagement at the California Theater, San Francisco, will appear at the Metropolitan Theater three evenings this week, commencing on Wednesday evening, with seventy-five voices, forty pretty young ladies and an orchestra of sixteen pieces. The programme for the week is as follows: Wednesday, "Olivette;" Thursday, "Patience;" Friday, "Madam Favart;" Saturday matinee, "Manola."

CITY FINANCES.—Receipts for week ending Saturday, May 6th, are as follows: S. R. Caldwell, Cemetery dues, $21; R. D. Scriver, water rates, $1,472; N. A. Kidder, harbor dues, $10; E. H. McKee, county apportionment of road money for District No. 1, $2,423 39; W. A. Henry, Police Court fines, $41; George A. Putnam, city licenses, $175 20; George A. Putnam, dog licenses, $16 80; Geo. A. Putnam, city taxes, $58,841; total, $63,000 39.

COMMERCIAL.—Arrived since last report: Steamer San Joaquin No. 3, from the upper Sacramento, with barge load of grain; steamer Varuna, from upper Sacramento, with barge of grain; San Joaquin No. 2, from San Francisco, with merchandise and barge for upper Sacramento. Departed: Steamer Neponset, for the upper Sacramento, with general merchandise; steamer C. M. Small passed en route to Marysville with general merchandise.

GOOD TEMPLAR OFFICERS.—The I. O. G. T. Lodge at Buckeye Valley, this county, has elected the following officers: W. C. T., Calvin Bates; P. W. C. T., P. G. Gesford; W. V. T., Miss Annie Hamilton; L. D., J. Shurfey; W. S., Helen Simmons; W. F. S., Charles Boller; W. M., Andrew Shurfey; W. T., Arthur Talbot; W. I. G., John Simmons; W. O. G., Thos. Middleton.

RESIDENCE TO BE SOLD.—To-day at 11 A. M. Bell & Co. will sell at auction, on the premises, the handsome residence No. 1522 M street, on lot three, M and N, Fifteenth and Sixteenth streets. The premises overlook the Capitol grounds. The house has twelve rooms, beautiful grounds and other improvements.

NATIVE SONS.—Sacramento Parlor, No. 3, Native Sons of the Golden West, have elected the following delegates to the Grand Parlor, which meets in Sacramento in June: C. N. Post, Fred. B. Houston, F. D. Ryan, J. F. Stafford and R. T. Devlin.

REWARD FOR A MURDERER.—Governor Perkins has offered a reward of $500 for the arrest and conviction of the murderer or murderers of James Spencer, who was murdered in the town of Colfax, Placer county, on the 18th day of April, 1882.

FIFTEEN DOZEN of ladies fine Curacao kid button shoes, with worked button-holes. Sold everywhere for $3; now marked $2 50 at the R. I. House. These goods are from celebrated factories E. & T.; sewed and guaranteed. *

IMMENSE LINES of new goods at Anderson & Hamm's. See them for bargains. *

ALPACA BROCADED DRESS GOODS but 10 cents a yard at Anderson & Hamm's. *

SEE Red House new column advertisement. Lisle thread gloves, 5 cents. *

THE SCAFFOLD'S SHADOW.

"JOE" HURTADO FOUND GUILTY OF MURDER IN THE FIRST DEGREE.

The Closing Scenes of the Trial—Charge of the Court—The Jury Out all Night—The Verdict.

On Saturday at the Hurtado murder trial the counsel and jury were in their places promptly at 9 o'clock. Even at that early hour the Court room was crowded with anxious spectators, who seem to evince an unusual interest in the progress of the trial. The defendant looked exceedingly pale, and was evidently under great anxiety. At the adjournment of the Court on Friday night defendant was greatly prostrated, and a physician was summoned to prescribe for him.

Olympia Campos—Am 19 years of age; lived formerly at Marysville; lived here about five months; have lived since I came here at Mrs. Barron's; help her for my support; knew Estuardo at Marysville; know Hurtado; saw Hurtado a few days before his wife came back from Santa Clara. He acted very strangely from what I saw before. He would scratch his head and cry; he would sit down with his head down, then stand up, then cried. He did not seem to like that his wife was coming home. He had a dispatch from his wife. He said it was from his wife.

Question, by Jones—What do you know of any acts of this character that deceased had committed while you knew him at Marysville?

Objection by prosecution sustained, and evidence stricken out.

Cross-examination—Have lived in Marysville ever since. Now live with Mrs. Barron and help her for my living. Worked in woolen mill when I lost my arm. Do not do anything but help in the house. Do not assist in collection of rents. Do not carry bundles for Mrs. Barron.

Witness Leonora Buteris was too ill to be present in Court. The jury, clerk, reporter and attorneys on both sides were by consent permitted to go to the residence of the witness, where she could be sworn in presence of the jury, and her deposition taken by the reporter and then read to the jury.

Leonora Buteris—I live on Second street, between N and O. Am 20 years of age in July. Lived here ten years. Knew Estuardo three years. Known Hurtado ten years. Knew Susie Hurtado since she was married. Lived on N and Fifth streets with my mother, Francis Lobos. We lived next to Hurtado. Had a conversation with Hurtado about his wife and Estuardo. It was about two or three months after she went away—it was before Christmas—about a month before Christmas. He came down to our house in the morning about half-past 8 or 9 o'clock. He said he had some work for me at the Western Hotel. He wanted me to tell him about his wife and Estuardo. He told me about his trouble and asked me to tell him. I at first denied any knowledge of the matter. He then said his wife gave me away, and I said then I will give her away. I told Joe that Estuardo and Susie gave me four letters each. I did not tell Joe what Estuardo gave me the letters for him. I told him that I delivered the letters. I heard one of the letters read. I told Joe what was in the letter; that in the letter it said if she did not do as he wanted he would commit suicide. I told him that they came five or six times a day to my house; that they were very familiar with each other. They came there all the time. They stayed there in the front room and talked, but would not say anything in my presence. I told Joe that Estuardo wanted to rent a room (bed) where he could meet Susie. She used to act pretty free; so did he; that is, kissing. Sometimes I would not pay attention, as I had my work to do. Susie never said anything, but Estuardo wanted me to go out of the room. I went out once, but after that I would not go out, and when I staid in the room they always went out soon. The first time he asked me to go out I did, but after that I would not go out. I told Joe about all this. Sometimes I had company, and when I had Estuardo would go away, sometimes earlier and sometimes later alone. I told Joe when he commenced to tell me about his wife. I told him that Estuardo acted pretty freely with her, and she did so with him. Sometimes he would come first, and sometimes she would come first. We were walking up Second street at this time, and when we got to the end of the bridge near the depot we stopped. Joe sat down and cried. I told him that Estuardo said he would pay me one and a half month's rent for the room. Joe felt bad and cried; his face looked pretty bad. I told him they came there five or six times most every day, and sometimes she could not come when Joe Hurtado was at home. I never had any other talk with Joe about this. Afterwards Joe told me Susie had gone to Mexico. I have been sick since Wednesday morning.

Cross-examination—My mother was keeping the house at the time when Estuardo came to the house. She is alive now—my mother is. I thought there was something wrong at the time between Estuardo and Susie. My mother was living in the house. My business is a dressmaker. I live with Minnie Ricardo in this house. Am not married; do not live with any man. Never had any conversation with Hurtado about money matters coming from Estuardo; never had any conversation with Mr. Anderson upon these matters.

Susie Hurtado recalled, and asked whether she had any of the letters written by Estuardo.

Objection as incompetent sustained. Defense excepts.

Mrs. Hurtado at request of the jury was directed by the Court to write both in Spanish and in English: "This is a sample of my handwriting. Sacramento, May 6, 1882. Susie Hurtado." This was directed to be indorsed upon the translation of the letters already introduced in evidence. She still evinced the cool presence and lack of any emotion. This was the case in a most remarkable degree, considering the circumstances of this case and her peculiar relation thereto.

Joe Hurtado (counsel for defendant did not desire to place defendant on the stand, but it was his own wish)—I am 29 years of age. Estuardo and myself were always friends up to the time I found he was not a friend. I was engaged in all kinds of business. Last fall I was outside agent for the Davlaville and Sacramento boat line; also once a river pilot, and hotel runner. My residence at that time was on Fourth and P streets. I was away from home most of the time. I was very friendly with Estuardo. Had a conversation with him about my family matters. I had a conversation with Estuardo about my wife in the latter part of November, about Thanksgiving. I felt good, and had money in my pocket. He asked me to drink; I also asked him to drink. We kept this up until 12 or 1 o'clock, when he got up and said he had something to say to me, if I would not get mad. I said no. He then said he liked my sister-in-law, and wanted to marry her. I told him she did not like a bone in his body, and would not marry him. He also, about 4 o'clock, asked me another question, which was, "Is it so that you have a pistol at home to blow my brains out?" that he heard that I had said so. He said Miss Rosa told Facundo's wife, and she told him. I was at once suspicious, and he had never given me cause for any such action. After that I went to the State House Saloon, and asked a man by the name of O'Brien certain questions. About 1 o'clock I met Paul, and took a drink, and as I crossed J and Fourth streets I met Estuardo, and he asked me where I was going. I said home. He wanted me to go over to Castro's, and I had a turkey. He wanted me to give him the turkey, and let him take it home for me. We afterwards went to the train together. He once came back to the hotel and had another drink. I then went home and my wife said, "Hello, stranger." She asked me where I had been. I said a little business you will hear of presently. I told my sister-in-law what Estuardo had said about marrying her. She told me to tell him to go and marry one of his own kind. I then told my wife that he thought something of her, and that it cost me $60 to find out something. Her acts at that time caused me to suspicion her. I told her I knew all, and she had better make a clean confession. I said all I want is for you to pack up my trunk and let me go and "God help you." She then asked me about letters, and admitted receiving eight or ten. She said the last letter was about half an hour before that time. In that letter he said that he was all night with me, and that I did not smell anything; That he wanted my wife to go up to Tenyck building; that her letters were in a stand drawer. I asked her what all the letters contained. She said that was all there was of the matter. I told her not to tell me a part unless she furnished all. She said she would tell all if I would forgive her and Estuardo. She said come and go to bed and then she would tell me all. She then told me all about the matter after I was undressed and in bed. We talked nearly all night. She told me that she had intercourse with Estuardo. I tried to talk to her and could not. I would look at her, and would then turn away and cry. She told me all. I could not talk, and could hardly realize what this all meant, and could not believe it was true. I then got up and went up to A. W. Morrison's room, and the statement made by Morrison is true in substance as to what was said and done at that time. I also went to see Leonora Buteris, and told her that I had a place for her. I did this to get a chance to talk to her, and after we got out, I told her what I wanted, and that was to tell me all she knew about my wife. [The statement made here was in substance the same as that made by Leonora Buteris in her deposition heretofore published.] It was with difficulty that I could talk to Leonora, as my eyes continually filled up with water. I asked her why she did not tell me all this was going on, as I had been a friend to her and her mother. I told her to tell Estuardo that I knew all about the matter. She said she would. I then went back to Morrison, and told him what I had found out. I then went home, and my sister-in-law up to this time did not know anything about the matter. I then told her that I had lost them all forever. I then told her that Susie had been false to me, and then my sister-in-law slapped her in the face. By this time I was crying, Susie was crying, and my sister-in-law was crying. I then went to Estuardo's room, and found the room empty. I looked for all the letters or papers in his room, and carried away everything that had writing on it. None of these letters were what I was looking for. I then pocked them up and sent them to Estuardo, in care of the Mint Saloon, by Fred Eisenminger. I then went home about my time I went home I filled up and cried. My wife then gave me two letters, addressed to Estuardo, telling him I knew all. She wanted to know who would take them. I said I would. I then went up town and found Estuardo, and told him all, and gave him the letters. I met him at the corner of Second and K, at drug store. I said, "Hello; G—d—you, I have found you out." I took him aside—I took him down to the levee and told him I would not hurt him. Well, he finally said to me: "Joe, I am a brute, a beast. I am the beef, and you are the knife. You can do with me as you please; but for God's sake forgive me for the sake of my children." I told him that he did not think of that when he ruined me and wanted to run away with my wife and leave his children on the city. I told him from that time never to meet my wife, nor speak to either me or her. He said the letters were in the bureau drawer, and that if I had looked for them I could have found them. After that when he met me he always tried to make friends with me, and threw himself often in my way; but I did not wish to have anything to do with him. I had at that time sent my family away. I lived at the Western Hotel while my wife was gone. When I found she was coming back I engaged a room from Mrs. Kennedy on K street; this was three or four days before she came. When she came up we moved over there to Mrs. Kennedy's. I don't know the day of the week. About the Bank Exchange difficulty I have to say: I had just been out to a wine and fish party. I met Estuardo, and also saw my wife, and tried to detect something, but am satisfied that there was nothing wrong with her. I met Estuardo at the Bank Exchange, and he said, "Hello, Joe; I hear your wife is home." I told him, "D—n you, have not I told you to let my wife alone and not speak of her?" I then went to the Western Hotel, got my pistol, came back and found Estuardo reading the paper. I hit him and told him that he knew what that was for. He said, "Don't kill me." I said no, but I would beat him. I was then arrested for battery, got bail and was released. Minnie Ricardo told me on the Sunday night after, that I had better look out for myself, as Estuardo had threatened me. I said all right. On Monday morning I went to the station house, and was standing at the corner of Front and I streets, when Amado Cordosa came up and told me to look out, as Estuardo was going to kill me. I then went to the Police Court, and not seeing Mr. Anderson, City Attorney—he being absent—concluded not to plead guilty until I saw him. The case was continued until Thursday following. At this Estuardo wanted to put a higher charge against me. I borrowed a half a dollar and asked the boys to drink. My intention was to talk to him and get him to get the case dismissed; but as soon as I got out and saw him it was my first intention not to hurt him, and that when I saw him everything came up before me like a dream, and I could not help shooting him; nothing could stop me; had no control of myself. I was informed that there might be danger, so I took my pistol with me.

Cross examination—I met Elias Steinman in San Jose at the Auzerias House. I was at Mountain View only once. I introduced Steinman to two young ladies at San Jose. I don't have to go through Mountain View to go to San Jose. I telegraphed my wife to come to San Jose. My wife came on Sunday to San Jose. I know J. H. Miller, city editor of the RECORD-UNION. Remember his having a talk with me. I did not send for him until after a conversation with Chief Karcher. I know John McFetrish; made a statement to him. I remember when the case was called in the Police Court, and that I asked for a continuance on account of the absence of Charles Jones. I knew all that was going on all this time. [Reference was made to the statement of Hurtado to Mr. Miller, heretofore published. Reference was also made to the statement of McFetrish, also published.] Defendant admitted making the statements, but did not recollect what was said. I did a good amount of talking.

Witness was asked whether he had a difficulty with John Green.

Objection by defendant's counsel sustained.

Question—Did you take Estuardo to Mrs. Kennedy's and tell her that he was a proper person to let have a room, and ask her if she let him have a room?

Answer—I hope God Almighty may never let me get one inch from the prison or from the gallows, and strike me dead, if that is true.

I know Katie Kehoe, Kate Thompson, Nellie Hackett, Topsy and Frone Fisher. I don't know that they are prostitutes. Their general reputation is that of prostitutes. I never took any of these women to the Mississippi Restaurant for meals after my wife went away, or at all. [The Court sustained the objection to any further testimony concerning this branch of the case.] I cannot say whether I carried that pistol all the time after I beat Estuardo at the Bank Exchange. I was mixed up considerably, and don't remember all that I did.

REBUTTAL FOR PROSECUTION.

Matt. Karcher recalled—Hurtado, while in my custody, was, when I first took him in the office, quite excited; after that he was cool and collected. Hurtado requested the reporters to come in. An quite sure of that, as I went in and asked Hurtado if he wanted to see the reporters. I did not advise him to have any conversation with the reporters. It was perhaps an hour after the arrest before I had any communication with Hurtado. I don't think I asked him what cause he had for killing Estuardo at that time.

J. H. Miller (Mr. Miller's statement was in regard to the published statement in the RECORD-UNION made by Hurtado to him)—Hurtado was cool and collected, and his manner was straightforward and his statement deliberately made. He acted naturally. His statement to me was voluntary. I asked him a few questions about his age and family. He knew my business, and that the statement would be published in the RECORD-UNION.

Cross-examination—I told him that the statement was for publication. I was in impressed with the truth of the statement from his manner.

J. McFetrish, of the *Daily Bee*, made a similar statement.

R. W. Dunlevy—Am a policeman; in charge of the City Prison at the time of killing of Estuardo. Hurtado was somewhat excited, the same as he had been on some other occasions when fighting.

Cross-examination—He did not for several days seem to realize the enormity of his crime.

Mrs. Kennedy was called, and not answering, an attachment was issued for her. Upon the officer returning, it appeared that the witness was too ill to come into Court.

Court ruled that the case would have to be closed without the witness' testimony.

The case was here closed.

Defendant's counsel asked that the case go over until Monday, as he was unable to argue the case on either instructions at this time.

District Attorney H. L. Buckley made the opening argument, reviewing the testimony and the law of the case. C. T. Jones followed, and spoke for two hours and a half. Grove L. Johnson made the closing argument, and the jury were instructed by the Court.

The charge of the Court was the same usually given in cases of this kind, except that portion relating to seduction and adultery. That portion of the charge is given in full, as follows:

"Neither the seduction of the defendant's wife by the deceased, nor an adulterous intercourse between her and the deceased, will constitute an excuse or justification for his killing. The law provides the means and prescribes the mode of punishment of all who transgress, but never permits an aggrieved party to take the law into his own hands and avenge his real or supposed wrongs. The Courts are open and free to all, and will when appealed to redress all wrongs; and it is the right and the duty of all persons suffering wrong at the hands of others to appeal to the tribunals of justice for their own redress or the punishment of wrongdoers. If a man is suddenly informed of a probable act of adultery between his wife and another man, or discovers the adulterers in the act or in a situation to cause a reasonable man to believe they had committed adultery, and in the haste and excitement of hot anger or indignation slays the destroyer of his home, the law, in its tenderness for the weakness and passions of men, will mitigate his offense and punish him for manslaughter only; but if he has time for reflection, and, after deliberating upon his wrong, determines to take revenge, and in pursuance of a deliberate and premeditated intent kills the seducer, he is guilty of murder in the first degree, and the adultery is no excuse or justification, any more than it would be any other real or supposed wrong constituting the basis of feelings of hatred and revenge. Whether or not there was reasonable time for reflection, is a question of fact for the jury to determine from the evidence and circumstances of each particular case. The law requires all men to subdue their passions and to overcome and suppress all impulses to avenge real or supposed wrongs, and allows such time for the blood to cool as would enable a reasonable and ordinary man to reflect and consider and take a sober second thought; and if a man after due time for reflection has elapsed broods over his wrong and deliberately determines to slay the wrongdoer, and does so, he is guilty of murder, no matter how grievous the wrong or outrage perpetrated upon him. Malice is an essential element to constitute a homicide murder, and a killing without malice is not murder. The words 'malice' and 'maliciously,' import to vex, annoy or injure another person, or an intent to do a wrongful act. If the desire to vex, annoy or injure another person, or the intent to do an act which is wrongful, exists, it makes no difference whether such desire or intent is prompted by a sense of injury suffered or not, if the accused has had sufficient time for reflection to enable the reason of an ordinary person to resume its sway. Men must not yield to impulses of revenge or other evil passions, and if they do, the legal penalty falls upon them. It is immaterial in this case whether the adultery was actually committed by deceased and defendant's wife or not. Evidence of information given to defendant that improper conduct or relations had occurred between defendant's wife and deceased is to be considered only as affecting the question of defendant's mental condition."

The jury retired a few minutes before 12 o'clock.

About 1 o'clock A. M. the jury returned asking to be instructed whether, if the jury found a verdict of guilty of murder in the first degree, they were to fix the penalty. They were instructed by the Court that the penalty of murder in the first degree was death, but that the jury had the discretion, if they so desired, to modify the penalty to imprisonment for life. If they found the defendant guilty of murder in the first degree, and did not modify the penalty, he would be executed.

The jury continued their deliberations and discussed the matter all night. At 5:30 A. M. yesterday they agreed upon a verdict of murder in the first degree without mitigation. Hurtado will be brought into Court this morning and the time set for passing sentence.

A representative of the RECORD UNION called to see Hurtado yesterday in his cell. He stated that he was very much surprised at the verdict of the jury. He thinks that he was justified in committing the murder.

COUNTY TREASURER'S REPORT.

The following is the report of the County Treasurer, D. E. Callahan, for the month of April, 1882:

Balance on hand April 1st $86,371 52

RECEIPTS.

State Fund	$13,288 45	
Sinking and Interest Fund	769 50	
School Fund	1,147 56	
Hospital Fund	2,832 12	
Bonds of 1872 Fund	1,368 54	
General Fund	7,170 15	
Road Fund	1,238 68	
Interest C. P. R. R. Fund	396 40	
Hospital Sink'g and Int. Fund	176 40	
Court House and Jail Fund	898 36	
		28,726 16
Total		$115,097 68

EXPENDITURES.

Swamp and Overflowed Land Fund	$342 00	
General Fund	18,483 06	
Hospital Fund	2,980 19	
School Fund	4,108 15	
Road Fund	2,520 40	
		28,433 80
Balance		$86,663 68

APPORTIONED AS FOLLOWS:

State Fund	$20,924 24
Sinking and Interest Fund	2,276 63
School Fund	17,287 43
Hospital Fund	8,459 60
Bonds of 1872 Fund	9,668 21
General Fund	7,912 07
Road Fund	4,833 81
Interest C. P. Railroad Fund	3,156 40
Police Fund	501 24
Hospital Sinking and Interest Fund	3,644 19
Swamp and Overflowed Land Fund	6,251 02
Court-house and Jail Fund	2,107 84
Total	$86,663 68

CITY AUDITOR'S REPORT.

E. H. McKee, City Auditor, makes the following report for the week ending Saturday, May 6, 1882:

Balance on hand last report	$98,664 56
Receipts for the week	69,000 39
Total	$191,064 95

DISBURSEMENTS.

Sinking and Interest Fund	$360 00	
General Fund	1,726 52	
Water Works Fund	762 31	
Fire Department Fund	2,270 94	
Levee Fund	1,334 79	
Cemetery Fund	40 00	
Street Fund	1,410 85	
Police Fund	1,394 38	
Bond Redemption Fund	4,717 50	
Library Fund	332 26	
Sewer Fund	28 37	
Dog Fund	19 20	
		14,390 22
Total amount in Treasury		$146,695 73

APPORTIONMENT.

Sinking and Interest Fund	$83,379 58
General Fund	12,163 36
Water Works Fund	6,344 44
Fire Department Fund	8,068 15
School Fund	26,241 31
Levee Fund	8,036 27
Cemetery Fund	3,720 68
Street Fund	10,957 71
Police Fund	6,397 50
Bond Redemption Fund	13 84
Exhumation Fund	423 00
Fire Department Bond and Interest Fund	155 13
Fowle Bond Redemption Fund	3,730 31
Library Fund	2,565 56
Sewer Fund	3,076 89
Dog Fund	16 89
K, L, Ninth and Tenth street Fund	13 20
Total	$146,695 73

BREVITIES.

The wind blew quite strong from the north yesterday.

The Band of Hope had a pleasant picnic at East Park Saturday.

The Christian Sunday school picnic will be held to-morrow at East Park.

Sheriff Boggs, of Placer county, took an insane woman to Stockton Saturday.

The Hussars had their annual excursion and picnic at Woodland to-morrow.

There is about two and a half feet of snow in the neighborhood of Emigrant Gap.

The case of Raten, the slayer of Lansing, will come up in the Superior Court to-morrow.

Why don't the Street Commissioner see to the repairing of Fourth street, between J and K?

It is thought that the additional train to San Francisco from this city will be put on by the 10th instant.

It is altogether likely that there will be a daily mail between this city and the town of Franklin after July 1st.

Fifty immigrant passengers, including forty-two males, will arrive on the overland train from the East this afternoon.

The Red Men are all getting ready for their picnic next Friday. Their picnic will undoubtedly be one of the largest of the season.

The case of Joe Goddard, the Secretary of the Licensed Dealers' Protective Association, for a violation of the Sunday law, comes up in the Police Court to-morrow.

The sixth annual gathering and games of the Sacramento Caledonia Club will be held at East Park on Saturday, June 24. There will be a grand open air ball in the evening.

The Sacramento river last evening stood at the 20-foot 11-inch mark. The American for the past few days has been quite high, owing to the rapid melting of the snow in the mountains.

F. R. Dray pulled a raddish last week from his garden on G street that had grown into a perfect square knot. Had the vegetable been a string, and had some one carefully knotted it, the work could not have been better performed.

A new word for "bark" has been developed by a Fourth Ward Chinese servant. Complaining to his employer Sunday morning, he said: "No sleep much last night." "Why?" "Your doggee he talk all night to your horse."

Superintendents Pratt and Wright have been traveling over the routes comprising the Sacramento Division for the purpose of the latter becoming acquainted with the territory and the agents. Mr. Wright will take charge of the Superintendency to-day.

The May queen celebration, postponed from the Congregational and Presbyterian Sunday schools' picnic, will take place at East Park to-morrow. Street cars will leave Sixth and K streets and Twentieth and H streets at 1 o'clock sharp. Members of the schools going at that time go free.

The picnic of the Sarsfield military company, which takes place next Sunday, May 14th, promises to equal any of the season. They go to Natoma Grove. A dispatch has been received from John McComb, Warden of the Folsom Prison, stating that visitors will be received and shown through the prison during the afternoon.

Articles of incorporation have been filed with the Secretary of State of the San Francisco Tribune Publishing Company. It is formed for the purpose of carrying on a general newspaper business and publishing a daily and weekly in the city of San Francisco. Directors—Dr. A. Bruck, H. Lowenberg, C. S. Wagner, John Sprecht and Geo. F. Dillman. Capital stock, $10,000, divided into 1,000 shares.

ELK GROVE SCHOOL.—The recent entertainment given by the Elk Grove school pupils, under the direction of Miss J. W. Govan, the retiring teacher, drew out a very large audience, and was in every respect a success. The programme comprised an opening chorus by the school; an opening address by L. Costello; "A Bouquet," a sketch by ten children; dialogue between Florence Coffman, Frances Stewart, George Walker and Agnes Smith; song by the school; recitation, Willie Duffy; vocal duo, Mrs. S. Kennedy and Frederick French; reading, by Elmer Drew; tableau from the "Vicar of Wakefield," by Hattie and George Costello and Mamie Kelly; dialogue, Willie Parker, Bennie Parker, Fred Howard and others; song by the school; recitation, J. Sherwood; dialogue, first and second grades; tableau, "The Flower Queen," a very attractive feature; recitation, C. H. Eliot; dialogue, Viola Coffman and Josie Duffy; solo, Mrs. S. Kennedy; recitations, by Arthur Gage and Frank Loil; vocal solo, Mrs. S. Kennedy. The school room was tastefully draped with flowers, and the entertainment received warm commendation at the hands of the audience.

RUNAWAY ACCIDENT.—Last Saturday about 6 P. M. as Washington Fern, his wife and granddaughter were riding on Tenth street the horse became frightened, started on a run and at the corner of N street one of the wheels struck a post. The occupants were thrown violently to the ground. It was thought at first that Mr. Fern was dead. His wife had her shoulder broken, and the granddaughter was severely bruised. The broken shoulder of Mrs. Fern was attended to by a physician. Both Mr. Fern and his granddaughter remained unconscious for quite a while, but at last accounts they were all right with the exceptions of a few bruises.

SPIRITUAL EXPOSE.—The spiritual expose at the theater last evening by Mrs. A. B. Hill and Wm. Mansfield drew only a small audience. Rope-tying, slate-writing, dark cabinet, table tipping and other tricks were given, and explanations of them also, but there was nothing new in any of these, and Mansfield has so poor and bungling a way of presenting his tricks that, with but one or two exceptions, they were wearisome. The lady acted as his assistant, and furnished piano music and some songs. The whole was a spiritless performance in two senses.

SATURDAY was a busy day at Red House; yet there are a few more of those boys' striped summer coats at 35 cents, in sizes from 26 to 34.

NEW LINES in light-weight suits, at Red House, for men and boys; late styles and low prices.

GENTS' linen and mohair coats, 50 cents; dusters, $1 25 to $5, at Anderson & Hamm's. *

LADIES' linen and mohair dusters, splendid value, $1, at Anderson & Hamm's.

PACIFIC SLOPE.

Fatal Drunken Quarrel Between Brothers—Advices from British Columbia—Discouraging Crop Outlook—Arrival from China and Japan—California Bible Society—Prison Reform—Etc.

[LAST NIGHT'S DISPATCHES TO THE RECORD-UNION.]

Stabbing Affray Between Brothers—One Killed and the Other Wounded.

SAN FRANCISCO, May 7th.—Two brothers—John R. and James G. Troy, both young men—became involved in a quarrel this morning about 1 o'clock, culminating in a mutual stabbing affray, which resulted fatally to the last named person. These brothers have been employed for several years as pressmen in the printing-house of Bancroft & Co. Both while under the influence of liquor started to go home this morning, and on the way began quarreling on Polk street, between Bush and Sutter. A policeman who happened to pass along heard the young men disputing, but paid no particular attention to the matter. A few minutes later James Troy staggered past him and fell on the sidewalk. He lived only a few minutes. An examination of the body disclosed a stab between the sixth and seventh rib, which had produced the fatal result. John Troy a moment later came up and saw his brother dying. He had also received two very ugly cuts on the back of the neck. He was much intoxicated, and could give no particulars of the fatal row or the cause that led to the quarrel. Each man was armed with an ordinary pocket knife, with which the cutting was done. Deceased was aged 25 years, and leaves a wife and child. John is the only support of an aged mother, who resides at No. 225 Polk street. He is now in custody on a charge of murder.

Arrival from the Orient.

SAN FRANCISCO, May 7th.—The steamer Arabic arrived to-day from China and Japan, bringing Hongkong dates to April 13th, and Yokohama advices to April 22d.

California Prison Reform Commission.

SAN FRANCISCO, May 7th.—After the reading, before the State Prison Reform Convention, of a paper on "Qualification and Professional Training of Officers for Prisons and Reformatories," it was ordered published, and the Association, known as the California Prison Reform Commission, was authorized to appoint three Commissioners to carry out the views expressed in it and other papers approved by the body, and with instructions "to examine the penal and reformatory systems of the State, and to prepare such amendments to the existing laws and such new laws as shall, in their judgment, appear necessary to make the system more effectual for the suppression of crime." The committees will shortly be appointed, their selection having been unavoidably delayed. To one will be assigned the work relating to State Prisons; to another, that of county jails, and to the third that of municipal prisons and reformatories.

California Bible Society—The Sand Lot.

SAN FRANCISCO, May 7th.—The annual commemorative exercises of the California Bible Society were held this afternoon at the Central M. E. Church. The report of the Secretary was read, showing the financial condition of the Society, the number of Bibles furnished, etc. The exercises of the day concluded with addresses by Rev. Dr. Mackenzie and Rev. F. F. Jewell.

The meeting at the sand lot was largely attended this afternoon. Denis Kearney and Professor Keyser addressed the meeting.

Assault with Intent to Commit Murder.

SAN FRANCISCO, May 7th.—Eugene Daroux was arrested to-day,