SACRAMENTO DAILY RECORD-UNION.

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DAILY RECORD-UNION

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THE DAILY RECORD-UNION

Is published every day of the week, Sundays excepted. Double-sheet on Saturdays.

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For six months.....3 50
For three months.....2 00

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WANTED—LOST—FOUND.

WANTED—BY AN EASTERN LADY, A FEW cases of nursing; best of references given; residence, 723 L street. fe24-1w*

WANTED—GIRLS FOR MILLINERY APprenticeship. Apply Millinery Department. WEINSTOCK & LUBIN. fe24-3t

WANTED—ENGINEER AND MACHINIST wanted. Address "A. B. C.," this office. fe23-1w*

WANTED—ALL YOUR UPHOLSTERING, Repairing and Varnishing. All work done promptly and at low rates. We buy, sell or exchange New and Second-hand Furniture. CHAS. M. CAMPBELL, 409 K street. Oldest house in town. ja22-1m

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WANTED—100 BOARDERS AT THE RUSS House, J street, between Tenth and Eleventh, Sacramento, Cal., with first-class board at $4 per week. Also, single meals at 25 cents. J. H. DICKS, Proprietor. fe5-1m

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Dated Sacramento, February 8, 1886. fe23-1w*

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FOR SALE—TWO KENTUCKY Jacks. Inquire at Agricultural Park. J. COONARD. fe25-1m*

FOR SALE—BREAKING CART AND HARness at $50; also, one strong Buggy, $50; one Pigeon-hole Table, $40. Particulars by calling at this office. fe23-1m*

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FOR SALE—ONE PLATFORM SPRING EXpress Wagon and one Light Skeleton Driving Wagon, suitable for track or road use; will be sold cheap. Inquire of F. A. JONES, at the Big Tree Store, corner Eighth and J, city. fe13 tf

FOR SALE—A LODGING-HOUSE WITH 20 rooms; well furnished and all occupied; good location. Inquire "A. B.," this office. ja27-tf

FOR SALE—A NICE GENTLE Horse, suitable for a family. For particulars inquire at the New Home Sewing Machine Agency, 806 J street. ja27-tf

FOR SALE—FINE STALLION; SIX years old; sixteen hands high; weight, 1,200 pounds. Inquire at Agricultural Park. S. K. TREFRY. ja12-tf

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CHANGED DAILY FOR C. H. GILMAN—FEBRUARY 26, 1886.

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ANNUAL CLEARANCE SALE!

And the Last Business Day of the Month!

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MANY NEW BARGAINS!

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☞ See PARTIAL PRICE LIST in this evening's "Bee" and to-morrow's "RECORD-UNION." Every Department will be represented.

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fe15-6tMWF

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ap4-4ptfMWF

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POSTOFFICE DEPARTMENT,
WASHINGTON (D. C.), February 19, 1886.
PROPOSALS WILL BE RECEIVED AT THE Contract Office of this Department until 4 P. M. of APRIL 16, 1886, for carrying the mails of the United States upon the routes, and according to the schedule of arrivals and departures specified by the Department, in the State of California, from JULY 1, 1886, to JUNE 30, 1890. Lists of routes, with schedules of arrivals and departures, instructions to bidders, with forms for proposals, and all other necessary information, will be furnished upon application to the Second Assistant Postmaster-General.
WILLIAM F. VILAS,
fe19-1aw6wF Postmaster-General.

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THE TRIAL OF ZELLER,

FOR THE KILLING OF W. H. HARRIS IN OCTOBER.

Testimony of Witnesses for the Prosecution—The Ante-Mortem Statement.

The case of M. Zeller, charged with the killing of William Henry Harris in October last, was resumed at 9 A. M. yesterday, before Judge Van Fleet.

Joseph Hopley was selected as the twelfth juryman, and the panel was sworn in to try the cause. The jury as completed is composed of the following-named well-known citizens: J. T. Chinnick, E. Comstock, George Little, James Hamilton, J. M. Overmier, I. J. Darling, James Jackson, J. E. Parker, John Wohlck, Clarence Nelson, John Batcher, Joseph Hopley.

The following-named persons were called as witnesses in the case, put under the rule of the Court, and excluded from the Courtroom:

For the prosecution—Dr. M. Gardner, M. McCarthy, George Bealer, Ed. Welch, Frank Adams, J. Curtin, James Contrell, Edward Holmes, J. J. Tobin, Robert Enright, Robert Goods, J. D. Kent, O. C. Jackson, Robert Ash, W. E. Hickey, John Cavanaugh, Mrs. Hickey, James Lewis, Thomas McCants, Jr.

For the defense—Richard Reed, Henry Kohne, Anthony Green, D. W. Eilers, P. A. Byrne, Thomas Smith, Peter Tietjens, Thomas McCants, Sr., R. H. Singleton, John Kane, Jerry Woods, Nathaniel Lowe, John Stein, A. S. Woods, J. D. Young, J. M. Hawkins, J. N. Larkin, A. Paquin, M. Sullivan, Matt. Karcher, Wm. Arlington, J. M. Sullivan, Add C. Hinkson, J. J. Walsh, Mat. McManus, Archie Menzes, A. J. Senatz, P. W. Cafferty, C. W. Baker, John Dolan, Robert Dolan, Thomas Dolan, Thos. McDonald, James Fogarty, Thomas Consolation, N. Levy, Ed. Balzy, C. Woods, Minnie Mead, James Perry, B. Shields, Mrs. Richardson, Louisa Hancock, John S. Doran.

Charles T. Jones made the opening statement to the jury, detailing the occurrence about as was published in Wednesday's RECORD-UNION.

THE EVIDENCE.

Dr. M. Gardner, a physician and surgeon, was the first witness called. He attended deceased immediately after the latter was shot, and also assisted at the post mortem examination. He described the wound, and stated that it was necessarily a fatal one. Death was caused by internal hemorrhage.

Michael McCarthy said that on the night of the shooting he was returning from a party, and saw a crowd in front of the Pacific Hotel, going toward Sixth street. He went to the crowd, and saw two men clinched, apparently fighting about a dog. Harris was down, and a man on top of him. He took the man off of Harris, and Singleton led him toward Sixth street. Harris started to chase a little dog. Witness did not see Zeller at that time. When Harris came back chasing the dog witness heard a shot. Quick as he heard the report of the pistol he turned and saw Harris standing in the street with his hands to his breast. Did not see who fired the shot. Witness ran into the saloon on the corner, and afterwards went down to Kohne's saloon. Knew the defendant, but did not see him that night. Did not hear Harris say anything after he was shot.

Cross-examination—Was on Fifth street, near the entrance of the French restaurant, when he first saw the crowd. Went over there; saw Harris and another man clinch, and helped Dick Singleton separate them. Prior to that was in the Jumbo saloon and took some drinks. Was not under the influence of liquor.

George T. Bealer said he was 14 years of age. Was working at that time at the Metropolitan Theater, assisting the property man. After the theater was out went to a party, and happened to come along on K street at the time of the difficulty. Saw some men come out of the Pacific Hotel, and others came out of the saloon on the corner. Went across the street and stood in front of the jewelry store. Saw Henry Harris on the sidewalk in his shirt sleeves. Saw some man with a pistol in his hand. Could not see the man's face. Some men were holding his arm up in the air. Harris stood with his hands at his side when the shot was fired. Harris immediately ran out into the street, and up Fifth to J. Saw no fight. Did not see Zeller that night. After the shooting went directly home.

Cross-examined—My father is a watchman in the employ of the railroad company. Can remember the circumstances just as well now as at the preliminary examination. Nathan Levy was of the party, and stood about eight feet from me when the shot was fired. Heard Harris say "he wanted to fight," just before the shooting. He pulled off his coat and threw it upon the sidewalk. The first person witness told about the occurrence was his father and mother; talked about it with Nathan Levy on his way home that night. He said the first man that came out of the saloon he did not know. He afterwards admitted that he had testified before Judge Henry that it was Harris. Other questions and answers were read to him from his testimony at the preliminary examination, which he said were not propounded to him and were not his answers. His entire testimony was reviewed.

On redirect testimony he said he left immediately for home after the firing of the shot.

AFTERNOON SESSION.

Edward Welch said he saw young Harris with his coat off, wanting to fight some one. He was standing in front of the jewelry store. Went across the street where the crowd was, and stood on the edge of the sidewalk. Saw a little dog biting at Harris' pantaloons. Saw a man with a pistol pointed upwards. Did not know who he was. Witness ran across the street. Cannot remember what was said. Ran across the street because the pistol was pointed toward him. Was in the middle of the street when the shot was fired. He then saw Harris running in the direction of the cigar store, on the northwest corner of Fifth and K streets. Thinks he saw McCarthy and Singleton separating parties who were fighting. Saw Harris kick at the dog; heard him say something, but don't remember what it was. He followed Harris after the latter was shot and got a doctor for him.

Cross-examination—Witness said he was raised in this State and was 20 years of age. Was not engaged in any business; worked about three months last year; has not worked since; had not attended school for about five years. Left the party he was attending that night about midnight; had only two drinks that night; went to the party after he left the Clunie Opera House; did not notice George Bealer or Nathan Levy at the party; did not see any one come out of the Canada Saloon; all the men stood in a crowd, except Harris, who was a little nearer Sixth street; might have been thirty people; was there eight or ten minutes. Heard no one making remarks except Harris, who wanted to fight; he said he could "lick somebody;" was about ten feet from Harris. The dog that he saw he thinks was a bulldog; don't think he would know the dog again if he should see it; don't remember of hearing any one saying anything except Harris; did not notice whether he had a hat on or not, and don't remember the position of his hands; he could see the pistol glisten.

Re-direct—George Bronner is his guardian. His father left him an estate, and he don't have to work unless he wants to.

Re-cross—The estate left him amounts to about $1,300; lived until recently with his stepmother, Mrs. Donnovan, at Third and L streets.

Frank Adams said he heard the noise in front of the Pacific Hotel. He was standing on the northwest corner of Fifth and K streets; saw a man in the crowd in his shirt sleeves throwing his arms up and down; heard a shot, and directly afterwards a man came running by him in his shirt sleeves holding his hand to his breast. Witness asked him what was the matter, and he said he was shot. Witness followed him to J street. The wounded man said he wanted a doctor. Witness found a doctor for him; found out who he was, and took him home in a cab.

Robert Enright said he was a collar maker, and employed in Van Voorhies' manufactory. He was close by at the time of the shooting, but did not see any of it. Saw Harris come out of the saloon, several parties following him. He walked toward Sixth street. Witness told Harris he had better go home. He did not heed him, and a moment later engaged in fighting. Don't know who he was fighting. Saw no pistol that night. Did not see Zeller. Just before the pistol shot saw Harris walking toward Fifth street. Witness had a cane in his hand. Saw no dog there. Heard only one shot. Heard some one say no one was hurt, and then he left for his home at Fifth and U streets. Did not know Mr. Zeller at that time; did not go into the saloon.

Cross-examination—Know Ed. Welsh; did not see him there that night.

Ed. Holmes said he was a painter, and knew the deceased. Was with John Tobin on the night of the shooting. Was standing on the northwest corner of Fifth and K streets. Heard a shot, and a man ran by us in his shirt sleeves. He said he was shot. Did not notice how he held his hands.

J. J. Tobin said he was on the corner of Fifth and K at the time of the shooting; heard the shot, saw the crowd open and a man run out in his shirt sleeves and by where witness was standing with some friends. He was asked what was the matter, and he answered, "I'm shot." There were twenty-five or thirty in the crowd in front of the hotel.

Robert Goode, a special officer, said he knew deceased; was on the corner of Seventh and K when he heard the shot; went down there immediately, and entered the saloon in the Pacific Hotel; defendant came in shortly afterward, and leaned up against the bar; witness was asking the barkeeper who did the shooting. This testimony, on motion of Mr. Johnson, was stricken out.

J. D. Kent, a police officer, said he was on K street, between Second and Third, at the time of the shooting. Soon as he heard of it he went to the Canada Saloon; don't remember of seeing the defendant there.

THE SISTER'S TESTIMONY.

Mrs. Kate Moron said she was sister of the deceased. Was at that time living in my father's house. When Henry was first brought home, he said, "Kitty, I was shot down like a dog, and I'm going to die, and going to my mother and my Savior." He said he knew he was going to die; he knew he could not get well. The doctors visited him twice a day. They told him he was pretty badly shot. The doctors said he might get better, but he shook his head and said he could not. He had no hope from the first that he would recover. He died Wednesday morning, at five minutes past 9. His father, who was in Tucson, was telegraphed for, and was expected home at 9 A. M. Wednesday. My brother's only hope was to live long enough to see his father. My brother said he thought he was shot for kicking a dog that was biting his pants. I said, "Henry, did you do nothing?" "No," he replied, "I was shot for kicking the dog." He did not know the man who shot him. He described the appearance of the man. Said he had some difficulty with others, but not with the individual who shot him. He had a mark on his right arm that he had held up in front of him, which he said was made by the bullet. Mrs. Hickey was in the room when he made this statement. I staid by his bedside all the time. He repeatedly said to me, "Kittie, I was shot down like a dog; you don't know how much I suffer." (The latter portion was stricken out.) He told me he was not armed. He came home without coat, hat or vest.

Cross-examination—He made those statements to me at different times. He said he had been drinking some. He said that they had all been drinking. Don't remember his saying that the man who shot him drank with him. He did not know the man; he described him. He thought the man who shot him was the one who shoved McCants through the door. He said he was in the crowd with the rest of the boys. They were all together and having a good time. On Sunday he said, "All were fighting and I got into it." I think he described the person who shot him as being a big man and as wearing a light suit of clothes. He told me the man came right up to him and fired. He said he was on the edge of the sidewalk; had kicked the dog, and the man came up, put the pistol right against him and fired.

Mrs. W. A. Hickey said she saw deceased shortly after he was shot. He did not think from the first he could get well. He said he thought he was going to die. Heard him make no dying statement that was reduced to writing. Described the mark upon his right arm, which he said was made by the bullet that hit him in the breast.

John Cavanaugh—Knew deceased. Saw him Sunday night, after he was shot. Was with him most of the time after he was shot until he died. He told me he was going to die, and never expressed any hope of getting well. Told me he was shot down like a dog. Had his arms up to defend himself, and showed a mark on his arm produced by the same bullet that entered his breast. Did not say who shot him. Wound on his arm was a sixteenth of an inch in depth.

Cross-examination—Was a friend of the deceased and am a friend of his father. Admitted that he had spoken to Mr. Harris regarding one individual who was drawn as a juryman.

Wm. E. Hickey sworn—Am a Deputy Sheriff of Sacramento county, and a special officer of the railroad company. Was called to the Harris residence early Sunday morning, and found Henry Harris in bed, suffering from a gunshot wound. He said he was pretty badly wounded, and was going to die. Said he was shot for kicking a dog. He said he did not know the man who shot him. He described the man. Said he was kicking a dog that was biting his pants. There had been a row in the saloon, in which McCants was mixed up. He said he had no difficulty with the man; was backing away from him when he was shot. Witness corroborated the statements of other witnesses regarding the wound in the arm.

Cross-examined—Said he was a warm personal friend of the father of deceased, and had assisted him in preparing for the trial.

O. C. Jackson said he knew defendant. After his arrest I charged him with the shooting. He stated there was a difficulty at Fifth and K streets. Harris put his hand back as if to draw a pistol, and he shot him. Witness identified the bullet as being the one extracted from the body of the deceased. Also recognized the pistol with which defendant said the shooting was done. He made no threats nor held out any inducements to obtain the statement from defendant. Was present when Henry Harris made a dying statement, which was reduced to writing.

THE DYING STATEMENT.

Mr. Buckley read the following statement, which was offered in evidence, and which Mr. Jackson said was correct:

I have given up all hopes of living. I know I have got to die. Fifteen or twenty were fighting together at Fifth and K streets. I got into the fight the same as the rest. A little Scotch terrier got hold of my pants. I ran around the gang, and as I was at the edge of the sidewalk a fellow put the pistol to my breast and shot me. It was right up against me. He was a big man, with dark-gray clothes; black mustache. I did not attempt to pull a pistol. I had no pistol. The dog looks like officer Hickey's dog, or the Slaughter boy's dog. Johnny Perry and Tom McCants were there, also Jim Lewis. I was drinking, so was the man who shot me. I did not strike the man who shot me. The dog kept catching hold of my pants, and I kept kicking the dog. I was 21 years old last January. Last night I was shot between 12 and 1 o'clock. Don't bother me any more.—I have got to die, and what does it matter to me.

Witnessed by Mrs. Katie Moron, John H. Harris, W. E. Hickey, O. C. Jackson and Henry L. Buckley.

The Court adjourned at 5 P. M. to 10 A. M. to-day, when Mr. Jackson will take the witness stand for cross-examination.

"Isn't that Mrs.