Daily Globe.

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MURPHY'S ASH KILL.

A Very Remarkable Murder Trial Now In Progress at St. James.

GIRLS INSULTED BY YOUNG MAN.

He is Invited to Look Down a Shot-Gun Barrel.

BUT HE DECLINES THE HONOR.

The Result is All the Same, However. and He Goes Over the River Flying.

WAS IT ACCIDENT OR DESIGN?

A Problem Which a Jury of Twelve Men are Wrestling With.

[Special Telegram to the Globe.]

ST. JAMES, Watonwan county, Dec. 30.—The trial of William W. Murphy, of Madelia, for the murder of Samuel Ash, is causing considerable excitement here. It is the general topic of conversation here on the streets, in the saloons, the family circle, and even in the church. So that the readers of the GLOBE may fully understand the whole circumstances of the case, beside the evidence already given here and published in these columns, it will be necessary to give a full history of the awful tragedy.

It would appear that on the 15th of August last, a young man was walking down the railroad track toward Madelia; when within three-quarters of a mile of the village he met three girls and a little boy. To the oldest girl he made improper proposals, and she refused his solicitations. He offered her money and she still refused, when he ran after her and she ran away into the bushes. They afterwards walked together down the railroad toward Madelia. These facts were testified to by the girl herself, at the preliminary examination, August 21st, as follows:

Cora Cresswell sworn, says: I am 13 years old; I live in Madelia; I was down on the railroad track; It was a week or two ago; I saw a man; when I first saw him he was coming down by the railroad bridge; he came near us. He then asked who lived in the houses and the name of the town and river. I told him. He wanted to know if we came all alone to the pasture to salt colts. I said yes. He then began nasty talk. He wanted to have intercourse with me; he said it twice; then he offered me half a dollar. He then commenced to climb over the fence. I then ran down to the bushes; he ran after us; he did not run more than a rod. We then began to halloo and he went back. When he got opposite us he said come out; that he would not hurt us. We went along with him up near Mr. Murphy's. I then told him to go on ahead and we would not be afraid. We stopped at Mr. Murphy's. When he got most to town I came home. I saw him in town when Mr. Glispin went up there. He did not use violence in having us come up on the railroad track; he only asked us.

One of the girls was Geogiana Murphy, daughter of prisoner, a little girl 9 years old. She told her mother what had transpired, and when Murphy came home his wife repeated to him what the little girl told her. Mr. Murphy became excited and vowed he would hunt the fellow up, whom he stated he believed to be a tramp. After eating his dinner, he took his gun and went out, taking with him his hired man, Charles Kempfer. They walked as rapidly to town as they could with the idea of overtaking the "tramp," whom Murphy, from the evidence of two witnesses, Clark and Haycroft, said he would shoot. He stated several times that he would "shoot the ———." The two went to the house of B. O. Kempfer, father of Cora Cresswell. He found Kempfer out and started in search of him and found him. He asked him about the tramp who had insulted the girls. Kempfer said it was all right; the man was arrested by Sheriff Glispin. Murphy did not think it all right and said, "Barney, you are a different man than I took you to be, if you call that all right." He then went off "up the street. Barney was vexed, but he followed after, and they had some talk near Vought's hotel," and the three went up the street in search of the sheriff. They found him with his prisoner near Mr. Cheney's. Murphy said to the sheriff, "how do you do," and then turning to the young man, asked him if he was the man that said something to the girls. The man replied that he was. Murphy asked if he did not know better than that, and "then said that a man that would do that ought to be shot." The sheriff, evidently fearing mischief, said, "Let the law take its course." Murphy then turned toward the prisoner standing directly in front of him, the deceased leaning against the fence, and asked him if he ever looked down the barrel of a gun? He said no, and he did not want to. Murphy then raised the gun within a few inches of the man's breast—one witness said four, another eighteen to twenty-four inches. He held the gun in cavalry style, with one hand grasping the small part of the stock behind the trigger—and the gun went off, prisoner saying he could tell how it went off. The whole contents of the barrel penetrated the left breast of the deceased and came out at the back, passing through him in almost a horizontal line. The wounded man cried, "Oh don't," and fell to the ground weltering in his blood. Almost immediately the cap on the second barrel snapped, (testified to by the witness.) The sheriff then grabbed the gun and tried to wrest it from Murphy, and a hot struggle ensued, when Murphy said he was willing to give the gun up to Charley Kempfer, and handed it over to him. The sheriff did not arrest Murphy, but allowed him to depart. Murphy left for home almost immediately, remarking that he had some wheat to stack, and if Glispin wanted him he would find him at home. He expressed no horror, or excitement, or regret. He admitted at the preliminary examination if the man had been a tramp and had tried to run away he would have shot him. The gun, when discharged, was so near deceased that it set his clothes on fire. He lay for some little time on the sidewalk, when Dr. Cooley came and examined the wound. The boy was taken to the house of his uncle, C. D. Ash, who is a highly respectable citizen of Madelia. Deceased expired on August 19th, but before his death his deposition was taken. In his testimony at the preliminary examination, prisoner said that after the shooting he said to the sheriff, "I suppose I shall be called upon to answer for it;" that it was accidental; he did not know how the gun went off; and that he did not make any threats.

THE PRESENT TRIAL.

As the readers of the GLOBE are already aware, the trial commenced on Saturday, a jury having been impanneled after seventy names had been called. The jurors are:

W. K. Armstrong,	G. R. Mack,
James Hopkins,	N. A. Melick,
Sam V. Haycroft,	J. R. Loveless,
William Forsyth,	John Olson,
D. H. Forsyth,	Halver Halverson,
Warren Case,	G. L. Boyles.

The jury is a body of as intelligent a lot of men as are generally found upon juries, and it is evident that the prosecution is pretty well satisfied with them, but it is not so apparent that the defense is so well satisfied, although they do not complain. Mr. Buck, of Mankato, opened the prosecution. He laid much stress upon the threats alleged to have been made by the accused, and endeavored to trace through the whole action of prisoner even from his own testimony that the case was a premeditated, deliberate and cold blooded killing; that the provocation was not such as to give a shadow of justification; that the fright caused the children was imaginary; that the crime of deceased was nothing more than making an improper proposal to the oldest girl. He drew tears from many eyes when he described the shooting down of the lad but 19 years old by a justice of the peace for an alleged crime without a chance to vindicate himself.

The cross-examination of the witnesses who testified on Saturday did not in the least shake their testimony. The gun which caused the bloody tragedy is an old double-barrel, as light almost as a revolver, and can easily be raised and fired with one hand; this was shown by demonstration on Saturday. The court room was crowded throughout the day.

A SERMON FOR THE PROSECUTION.

Yesterday (Sunday) the Rev. Mr. Foster, of the Methodist church, alluded to the trial in his sermon. He said that he had intended to preach on "Christmas," but he had been in the court house when they were trying to get a jury, and it appeared to him that having an ordinary degree of intelligence was made a disqualification for a juryman. If a man could read the papers he was not counted a fit man to give an intelligent verdict. He chose for the subject of his discourse the two thieves, who for their crimes were crucified with Christ, and he said the divine teaching was that whosoever sheddeth man's blood by man shall his blood be shed. He stated that implements of murder were mentioned in the old testament such as sharp instruments and clubs. Shot guns were not then in use, or they would have been added to the list. Judge Dickinson, the county auditor, and others who were in church, at this got up and left.

THE DEAD YOUTH.

Samuel Ash, the lad who was shot, was born at Beaver Dam, Dodge county, Wisconson, on July 28th, 1859, and was 19 at the time of his death. He attended school in his native village till he was 18 years old. He came to Minnesota the 2d of July last and worked on a farm owned by his uncle and worked by his cousin. He also worked for George Bradford. He left George Bradford's farm to go to his uncle's house in Madelia on the 15th of August, the day he was shot. The father of the deceased lad is here, and also his uncle.

THE ACCUSED.

William W. Murphy, the accused, was born in Pennsylvania in 1837. He served in the war in companies "G" and "D" of the Pennsylvania cavalry, winning his commission of captain by his bravery. He came to this State in May, 1866. He has a wife and four children, the oldest of whom is 10 years, the youngest 4 years. His counsel rightly refused to let him answer any questions respecting the shooting, and he very properly declined to speak about it or his past history for the present.

Of course the trial and the probable outcome are themes of general discussion and speculation here. There is one thing certain, the prisoner is in good hands, and his case will be handled with all the ability possible

That no injustice should be done prisoner the facts of the case as stated here are mainly from his own testimony, and that of the defense as given at the preliminary examination.

DEPOSITION OF THE DECEASED.

This morning upon the opening of the court the first evidence offered was the following deposition made by the lad when dying. The reason he did not write his name was that the right arm was shot through when he endeavored to knock away the muzzle of the gun:

State of Minnesota—County of Watonwan.

Samuel Ash being duly sworn says that on the 15th day of August, 1878, at about 11 o'clock, A. M., I was on the railroad track about five rods north of the railroad bridge—the first bridge west of Madelia; I first saw the girls coming down the track; before they got to me they turned into the pasture; there were three girls and one small boy; I asked the largest one if she ever done anything; she answered no; I then jumped over the fence and ran after them about a rod; I then came back on the track; I told them to come back, I would not touch them and not be afraid, and they came back on the track and walked about half-way with me to Madelia; I used no improper language after they came back on the railroad track; I never touched them with my hands, and it was the last I saw of them until I saw the largest one with her father up in town; I told the girls not to say anything about it; I did not know the girls; I offered the largest one 50 cents when I first approached her in aforesaid matter; this is all of any importance that transpired between me and the girls, and I did not show my person to them, and I also advised them not to let any one lead them astray in such a way; I was up in town three quarters of an hour before I was arrested; I gave myself up to the sheriff and made no resistance, and was with the sheriff and made no attempt to escape; I was approached by three men on the sidewalk in front of J. N. Cheney's residence lots, one man being armed with a double-barrel shot gun, about 1 oclock P. M.; the man with the gun asked me if I ever looked in the muzzle of a gun, and I told him no; the man says, would you like to? and I said I didn't know as I would; he had his gun under his arm, with his hand on the trigger, and he raised his gun a little and shot me; he placed the muzzle of the gun within two inches of my breast, and I threw my arm up to knock it off, but did not do so, and I am satisfied that he shot me purposely; this is all I have to say.

his
SAMUEL X ASH.
mark

Witnessed by C. O. Cooley.

Subscribed and sworn to before me this 16th day of August, 1878. C. M. POMEROY, Justice of the Peace.

The foregoing deposition and dying declaration were made by me under a sense of impending death August 17th, 1878.

his
SAMUEL X ASH.
mark

Witnessed by C. O. Cooley.

MR. ASH RECALLED.

Mr. Ash, uncle of deceased, recalled and examined by Mr. Buck, said: Was present when the deposition was taken, deceased appeared to be clear minded; understood what he was talking about; was in his right mind up to the day of his death: deposition was made on the 16th of August, (deposition shown.) Saw deceased sign the declaration; right arm was wounded and the left so sore from the wound in the side that he could not use it; he touched the pen with the right hand when the justice made the mark.

By Mr. Severance—Mr. Pomeroy, Dr. Cooley, self and brother were present; think there were some others present, but can't say who the others were; Mr. Pomeroy wrote the declaration in my house in the sitting room; in the same room where deceased was lying; Mr. Pomeroy wrote it and Mr. Cooley asked the questions; deceased was lying in the room; there are adjoining rooms, but the declaration was written in the room where deceased lay; it was not written in an adjoining room; Mr. Cooley asked the questions; I asked no questions; it was signed immediately after it was written; it might have taken an hour to write it; there was no difficulty in understanding the deceased; the father was present; it was taken in the evening; it was read to deceased before it was signed; Mr. Pomeroy read it; the persons were there both days; Mr. Buck looked at it at Madelia; I was present when signed both times; the declaration was not taken out of the house that I know of; Mr. Pomeroy had possession of it; the boy would not sign till it was read; he said, "I want it read;" gave no reasons for wanting it read; was in the room when he died; he was lying on the bed; the additional part was signed the second time; it was all read over to him by the justice; Mr. Buck was not present the first day.

The declaration was read by Mr. Buck and put in evidence and the case rested for the prosecution.

The Defense.

M. J. SEVERANCE

opened the case for the prisoner by an eloquent and masterly address, foreshadowing the line of defense. He lightly touched upon the circumstances leading to the deed and spoke in the most bitter and denunciatory terms of a scoundrel who would attempt to despoil the

CHASTITY OF A CHILD

10 years old, making the statement that he as a father would follow such a villain to the altar of his home and even beyond the river and shoot him in Abraham's bosom. He referred to the Northfield tragedy and the hunting down of the desperadoes as a laudable act, and expressed the thought that to stamp out a viper who would destroy the ornament, the beatified of a young girl's life was a deed to be proud of. He spoke for nearly two hours.

CORA CRESSWELL,

a very pretty, rosy-faced, plump girl, of over 14 years, and stout and large for her age, with a very intelligent appearance, was then called, and gave her evidence in a straightforward, unhesitating manner. She said: My name is Creswell: live at Madelia; know when S. Ash was shot; was at home; saw him when I went to salt the colts with my little sister; George Murphy's sister and little brother were with me; the man came down the track; when he got opposite to us he put down his valise and coat and asked us the name of the river and who lived in the houses around; we told him; he said he did not hear, and asked us again; when he came down beside the fence; wanted to know if we came all alone to salt the colts; he thought it a long ways to come alone; then wanted to know if we all belonged to the same family; I told him all except Georgie Murphy; wanted to know if two men were shut up in jail two days ago; I said no; he said there was and he knew something about it; he then said—

Here witness stated the improper overtures made to her.

He said he would give us 50 cents; said he would if he could catch one of us; jumped over the fence and run after us; we screamed and run down to the river; I could not run fast, the grass was long and I had my little brother; he unbuttoned his pants and run after us, and then went back to the railroad again; he run back as fast as he could, picked up his coat and valise, and started on; we got in the brush; when he got opposite to us he told us to come out and come up on the railroad with him; he said come up out of there little, girls, I did not mean to scare you; I only meant to have a little fun; we went on with him till we got to a path by the mill, and wanted to go that way; he said come this way; we did not want to go, but was afraid he would shoot us, so we went on with him; he said he only said that for our benefit, and said never to let any one know: he said I knew more about it than the other children, they were so small; we were almost near Mr. Murphy's, he told us not to say anything about it, he did not want to get arrested; he asked us if we were afraid; we were; he said you need not be, he would not hurt us for anything; we told him we would not be afraid if he went on and we walked slow; then he went on singing and whistling; when we got to Mr. Murphy's we watched him and saw him at Mr. Gilbert's; he turned around and saw us and put on his coat; we waited at Mr. Murphy's and then we went home; I went with father to find the man. Mr. Glispin took him, it was the same man.

CROSS-EXAMINED BY MR. BUCK.

Have been talking the matter over since I came; repeated it over to Mr. Severance and Mr. Murphy; Georgie was there; I told it the same at Madelia.

Mr. Buck, in a gentle, kind manner, questioned her upon the differences of her statements here and at the preliminary examination. She commenced to cry, and denied many things contained in the evidence taken at Madelia.

The cross-questioning damaged witness' evidence materially. In answer to Mr. Buck she said she was going on 15 years old; she knows Mrs. Flora Bradford; did not talk with her that day; did not tell her the man only spoke to her; did say a few words to her; did not tell Mrs. Bradford he was talking to me only, and not to the little girls; did not know if he meant all of us or not; Mrs. Bradford did not ask me if he said anything to the other children; I said I did not know if he was talking to the others; I said I thought he was talking to me.

GEORGIE MURPHY,

a bright little girl, 9 years old, testified next, repeating nearly the same tale as the last witness, scarcely varying in a word in the first place, but considerably from her statement at Madelia.

BARNEY KEMPFER, SWORN.

I lived in Madelia Aug. 15; saw Capt. Murphy that day; saw the shooting of Ash; was stacking grain that day; Cora Cresswell came to me; from what she said, I went to town to look after the man who had insulted her; looked through the cars on the track; went to town; told the sheriff; he went with me; Cora said he was in the jewelry store; I went there; he had been there; looked for him on South street, to Glispin's house; we found him at Mr. C. D. Ash's gate; the boy asked me if I was looking for him; asked if the girl was my daughter; said he supposed he had insulted her; the sheriff came and he gave himself up; he wished to compromise the matter; I went into a saloon and Charles Kemfer came and said Murphy wished to see me; went out and saw Mr. Murphy; asked me how it was about these little girls; said such men as you ought to be shot; Glispin said better let the law take its course; Murphy replied, "I think so, too;" there might be something else said; I think there was; Mr. Murphy said, "how would you like to look into the muzzle of a gun?" or "did you ever?" or something of that sort; immediately the muzzle of the gun came up and it exploded; Murphy was standing on the sidewalk; deceased had one foot on the ground, one on the sidewalk; Murphy was four feet from him; I was a foot from Murphy; Glispin was opposite me, four feet from Murphy; deceased was south of Glispin facing Murphy; Murphy was holding the gun horizontally (shown.)

Don't know where Murphy's hand was; self and Glispin took hold of it; Murphy said it was an accident: did not know it was cocked; the other barrel is not loaded; he raised the hammer to show us it was not capped; did not hear a cap explode when I let go, and Glispin did the same; there was no struggle; Murphy gave it up to Chas. Kempfer, who set it up against the fence; Murphy said it was an accident two or three times; deceased staggered back, exclaimed "don't, don't," and fell; I went to him and examined the wound; the shirt was smoking; I said it is a fatal shot; Murphy said who will take care of him, and said it is necessary to get a doctor; I looked up and saw the doctor coming; saw Murphy deliver himself up; immediately after the two Mr. Cheneys came, then the doctor, also Mrs. Bradford and Mrs. J. G. Cheney; Murphy said we had better get him to some place and take care of him; Murphy left and Charles Kempfer with him, and took the gun with them; the muzzle was pretty close to deceased when it went off; did not see any one cock the gun; Murphy was quite excited and asked if anything had been done about it; I told him I had the party under arrest; he asked if I intended to prosecute; I told him no I did not; I said it will be all right; Murphy said it would not be all right; I was not the man he took me to be; I said I was as good a man as he was; he turned to go up Main street; I went after him and said I want to talk with you, you misunderstood what I meant; I saw my wife was the proper person to attend to it, as she was the mother, I was only the step-father; he said that altered the case; asked where he was; I said at Flander's hotel; he said he would like to see him; he went into the building; he had gone with the sheriff to look for the sheriff's watch which he had lost; thought he might get away from the sheriff, and thought we would look after him; we went to Glispin's house; Chas. Kempfer was close behind: went to Cheney's corner; stopped on the sidewalk; we spoke to Glispin and said, "how are you Glispin?"

He said, "How are you, captain?"

In reply, Murphy said to deceased, "Are you the party who tried to play your capers on those little girls?"

He replied he was.

Mr. Murphy said, "You are a pretty scoundrel to be in that kind of business."

He replied, "You know how it is yourself."

He said, "I have never been in that kind of business;" probably other words were spoken; Mr. Murphy was calm and spoke quietly; after the shooting he turned palid and changed color; never said to me he "would fix the damned cuss," or no language of that kind; made no threat in my presence; I heard what Haycroft testified; saw him that day; was twelve feet from him; said nothing to Murphy in presence of Clark; did not see my wife there; she might have come up to and spoke about the prosecution, but don't recollect; stood talking ten of twelve minutes.

CROSS-EXAMINED BY MR. BUCK.

Don't know if he used the words, "dirty, low-lived scoundrel;" don't think I said so; Murphy said such a man as you ought to be shot; Glispin said nothing; Murphy said you ought to be shot; when Murphy said the words the muzzle came up and the gun discharged; I don't think I said "what in hell do you mean;" Murphy said it was accidental, while we were struggling for the gun.

CHARLES KEMPFER SWORN.

Said I reside eight miles from Madelia; was residing one and one-half miles west of Madelia on August 15th; was with Mr. Murphy on that day; was working for him; that day went with Capt. Murphy in search of Ash; I was a constable; went from Mr. Murphy's house; he took his gun; it was this gun, (produced.)

Went to find the man with the black satchel; went through Madelia to Delling's hotel; heard the conversation between Murphy and B. Kemfher; Murphy said to Barney:

"How about these girls?"

He said, "I have a man under arrest."

"What else? (Long pause.) In reply said, "are we going to do anything with him?"

Barney said he hadn't done anything yet.

Murphy said, "Are you going to do anything with him?"

Barney said something about his wife being the proper one.

After several second's pause: Went east to Vaugh'ts; don't know what talk they had; Barney said, "Let's talk the matter over;" they talked together; I was within a few steps; could hear what they said; went past the Delling house; know Haycroft; at least they say it is Haycroft; he is a hump-shouldered fellow; I did not see him there; went where the killing took place; was thirty-five steps behind; Murphy did not say "I will fix the damn cuss."

Mr. Severance—Did Mr. Murphy say "I will kill the s— of a b—?"

Witness, emphatically, "no, sir;" we met Mr. Glispin and deceased; Murphy gave him the time of day; Glispin said, "how are you, captain?" Murphy turned round to the boy and commenced talking; the boy stepped off from the sidewalk and leaned against the fence in a careless way.

Murphy said, are you the boy fooling around those girls; I won't say positively fooling?

The boy nodded, not saying the words, but nodded consent.

Murphy mentioned its being small business.

The boy said, "You know how 'tis yourself;"

Murphy said, such men as you ought to be shot.

Glispin spoke short and quick, "Let the law take its course."

Murphy said, "I think so."

Certainly something was said about the muzzle of the gun? Yes, I am sure I heard muzzle; the gun went off; if noise and smoke is any evidence the gun went off; I sat on top of the fence at our first meeting.

How long was it?—I am a poor judge of time: could not swear if I was hanged for it how long I have been sitting here.

Mr. Glispin grabbed the gun first; a few seconds, I don't know; I am no judge of time; Barney grabbed at the gun, too, from behind; they delivered the gun to me, but I am a poor judge of time.

By Mr. Buck—How far from deceased was the muzzle of the gun?

When I'm all right I claim to be an artist in distances but no judge of time. It was one foot or eighteen inches. [Laughter throughout the court, suppressed by the sheriff.]

He was questioned at length about the distance with facetiousness by Mr. Buck and his evidence read to him as taken at the preliminary examination, showing that he said eighteen inches or two feet. He explained: "Well, it was six inches too much one time and six inches too little another; that will make it all right."

CROSS-EXAMINATION CONTINUED.

Well, it was such a quiet, peaceful transaction; I thought it all over and I would go home; I thought they were through sure.

He was asked who let go of the gun first. He said it was a simultaneous relinquishment, but the gun did not fall to the ground because he, witness, had hold of it, and explained what he meant by a peaceful transaction by saying: Well he thought it was pretty peaceful; there was no swearing; sure he did not hear the word damn.

This witness caused much merriment in the court by his eccentric manner, his answers convulsing the large mass of spectators with laughter, which was with difficulty suppressed.

CAPTAIN MURPHY SWORN.

The prisoner was then put upon the stand. He is a fine looking man, about 5 feet 10 or 11 inches, full black beard and moustache a little tinged with gray, and black hair thinly sprinkled with silver, a full eye, high forehead and intelligent expression. He was neatly dressed in black. He had rather an anxious expression of the face, and was very pale around the mouth. He spoke in a quiet, subdued tone of voice, almost sad. His wife and brother were in the court and listened to every word he uttered, the wife showing considerable anxiety when he was closely pressed by Mr. Buck with the questions respecting the motive of the shooting. The prisoner being sworn, said: I am the defendant; reside near Madelia; lived there twelve years; am a farmer; on Aug. 15 came in from dinner; my wife came out excited.

He stated the circumstances as given by the other witnesses up to the time of his seeing Barney Kempfer. He continued: I asked him if he had made the arrest; he said he had; he was in the hands of the sheriff; said he had not made a complaint, but it would be all right; I said it was not all right; I heard Mrs. Kempfer say, "Mr. Murphy, don't let this thing be settled." Kempfer flew into a passion, I saw I had hurt his feelings and walked away from him; he came after me and said, captain, let me explain; we got near Flanders' hotel; he said a watch was lost, and the sheriff and deceased was looking for it; we went to find them; met them near Cheney's residence; I spoke to Mr. Glispin and said, how do you do; spoke to deceased; asked him if he had insulted my little girl; he said he had; asked if he was ashamed; he said he was, "but you know how it is yourself;" I said it was a dirty piece of business.

There is probably a great deal I said I don't remember. I said you out to be shot for such actions as that; he made some reply; I asked if he had done such things before; he said no; I asked if he ever looked down the muzzle of a gun; was on the point of swinging up my gun and saying, "Charley, let us be going," and was turning to my right when the gun exploded; I threw the barrel from me and downward; the sheriff jumped forward and grasped the gun in front of me and Barney Kempfer behind and commenced struggling for the gun; I said this is an accident, don't be alarmed; I said the other barrel was not loaded; I said to Charley Kempfer, "Charley, you take it," and the others immediately let go; I repeated the words "it was an accident," two or three times; I saw deceased lying by the fence; asked Kempfer to do the best for him; also said, some one go for the doctor; some one started for a doctor, I turned to the sheriff and put myself in his custody; he said, that is all right; people began to gather around; I again went to the sheriff and said, "If you want me send for me, I would like to go and attend to things at home," he said, all right, you can go home; Charley Kempfer took up the gun and went with me; got the gun on the 1st of June; patched it up as you see; shot it two times before this time; I was justice of the peace; did not say "Will fix the damn cuss if I find him;" did not see Haycroft; did not say before Clark "if I find the man I will shoot the son of a b—;" made no threats; held the gun in front of cocks, not behind nor hold of the guard; did not know who the person was who insulted my girl.

For what purpose did you take the gun?

Mr. Buck—I object.

Judge—For what purpose do you put the question?

Mr. Davis—It may become a question of degree.

Question put. I took it to use if necessary.

Did you intend to shoot that young man?

I did not; don't know how it went off; was stacking that day; had a piece of oil cloth bound around my knee, four feet long and a foot wide, five or six times twisted around the leg above and below the knee; I did not know if the gun was on the cock or half cock; don't think there was a cap on the second barrel.

CROSS-EXAMINED.

Have been in the cavalry; have drilled men with carbines; don't know about the gun being cocked; I carried it without knowing it was cocked or not; if it was cocked it was cocked at home; did not try to put the fire out on the boy's clothing; did nothing myself; went off before the boy was taken to his uncle's; did not make any sign of sorrow or express it.

Mr. Buck—Did you shoot that boy by reason of anything said by your daughter or wife to you? No, sir, I did not shoot him.

Did you shoot him for anything he said or did to your girl? I did not.

What did you take the gun for? To assist in the arrest; I should have certainly shot him if he had attempted to run away; did not feel anything catch against my leg when I moved the gun.

JAN TORSEN SWORN.

Was asked, do you know defendant, and answered yes.

Mr. Davis—What has been the general reputation of Mr. Murphy?

Answer, I think all right, as far as I know.

Mr. Buck—Don't you know he was accused stuffing the ballot box?

Mr. Davis objected.

Mr. Buck insisted that if it was admissible to ask such a general question of reputation he had the same right.

Judge Dickinson had some doubts about the objections, and Mr. Buck withdrew the question.

A. Stone, of Madelia; Thomas McDonald, of Nelson; Mr. Snow, of Riverdale, and George Thompson, of St. James, were called as to character, and the defense rested.

During the whole day the court room was crowded, and the early train from Sioux City was delayed here till midday. The passengers, including several ladies, came up and quietly sat through the whole morning sessions, intently listening to the narrative as it was developed by the evidence. The counsel were extremely courteous to each other on both sides and even waived objections rather than argue their points and risk a wrangle. Every person testifying as to the shooting was put through a kind of manual exercise with the gun to illustrate their idea of the way the gun was carried and its position when it was fired.

The defense tried to show by their testimony that deceased was standing low down, while the prisoner was standing on higher ground. This was to show that it was possible to inflict the wound with the gun held low down, but in this they were not very successful.

When Mr. Murphy was testifying the gun was placed in his hands and he was requested by his counsel to stand up and show how he held the gun when the shooting was done. He also was asked how the oil cloth wrap was placed around his legs. He said it was for protection while stacking, and he indicated about three inches below the knee and eight or ten inches above.

the idea that was desired to be conveyed to the jury was that the gun in moving caught in this cloth and was made to explode.

It was tried to be demonstrated that the hammer might have caught and the gun gone off, but if that had been the case the contents would have been more likely to have struck the prisoner than deceased.

The course of the wound showed that the gun had been held at right angles to the body and was very high up.

While these illustrations were going on the large number of spectators became intensely interested, and when the prisoner was being cross-examined and Mr. Buck pressed the question so often and earnestly as to the motives of the shooting, the deepest silence reigned and all eagerly waited for the replies. When the prisoner came from the stand he seemed considerably excited and nervous. After the testimony upon general reputation and the defense rested, the prosecuting attorney consulted a few minutes as to whether they would call any rebuttal testimony, but finally decided not to do so.

The judge then, turning to the jury, addressed them, cautioning them against talking to persons about the case. He said he cautioned them especially, because he had been informed that considerable feeling was shown by different parties but he was certain it was quite sufficient for him merely to mention it.

He then adjourned the court till to-morrow morning at 9 o'clock. Attorney-General Wilson will sum up for the prosecution, and C. K. Davis for the defense.

Madam Anderson's Walk.

NEW YORK, Dec. 30.—At 9:18 to-night Madam Anderson completed half her task, at Mozart Garden, Brooklyn, or 1,350 quarter miles in the same number of quarter hours.

CRIMES AND CASUALTIES.

A Case of Body Snatching in Chicago Which Has Put Bohemia in Rage—Shooting and Other Criminal Matters—Loss of Two Cotton Ships—Fires and other Mishaps.

TWO COTTON SHIPS WRECKED.

NEW YORK, Dec. 30.—The steamship Lartington, from Galveston for Reval, with 4,000 bales of cotton, went ashore at Bermuda while trying to make a harbor to repair a leak. One thousand bales were saved dry. The steamship Kate, from Galveston to Havre, with a cargo of cotton, ashore at Bermuda, has broken up. One hundred and eighty bales of damaged cotton were recovered up to Christmas.

MEMPHIS' FIRE.

MEMPHIS, Dec. 30.—A fire this morning burned the buildings on Court street, near the Charleston railroad depot, owned and occupied by S. Franciola and A. Zanone. The loss to buildings and stock amounts to $5,000. Insured for $2,000 each in Ætna, Memphis City Fire, $1,800 in North American and $1,000 in the London insurance corporation.

GOV. M'CLELLAN REFUSES.

TRENTON, N. J., Dec. 30.—Gov. McClellan refuses to call a special session of the board of pardons to consider the plea of insanity in the case of Benjamin Hunter, sentenced to be hanged Jan. 10 for the murder of John M. Armstrong.

PLEAD GUILTY.

FALL RIVER, Mass., Dec. 30.—Charles P. Stickney plead guilty to the indictment charging embezzlement of $2,000 from the Manufacturer's Gas company January 1st, 1878. Sentence reserved.

HOTEL BURNED.

SAN FRANCISCO, Dec. 30.—The American hotel at Redwood City burned this morning. Loss, $20,000; partly insured.

SHOT HIS MAN.

SAN FRANCISCO, Dec. 30.—At San Andreas, in a quarrel, Frank Descloix was shot dead by John Blackburn.

BODY SNATCHING IN CHICAGO.

CHICAGO, Dec. 30.—Considerable excitement has been manifest among the Bohemians since last Saturday night, when they discovered their cemetery had been violated and the remains of a 12 year old girl, named Matilda Stubin, taken from the vault. The police, to-night, discovered the cadaver in the rooms of the Chicago Medical college, but nothing is known as to the perpetrators of the outrage.

HOTEL BURNED.

MILWAUKEE, Dec. 30.—*Sentinel's* Green Bay special: A fire at Fort Howard last night destroyed the Grand Central hotel and barn. Loss $5,000 to $7,000; insured in the Pennsylvania, Philadelphia, $3,000; National, Hartford, $1,250; Springfield and Underwriters, New York, $500 each.

FISHERMEN DROWNED.

The same special says two fishermen named Rost and Otterstein, while fishing Sunday near Big Suamico, were carried out into the bay by breaking of the ice and supposed to be lost.

STARTING A FIRE WITH POWDER.

LOUISVILLE, Ky., Dec. 30.—The *Courier-Journal* special dispatch from Harrodsburg, Ky., says: At a village called Cardsville, in Mercer county, on last Saturday night, Mrs. Dickerson, in attempting to aid a fire which she had kindled, seized a keg containing some blasting powder, and threw a handful on the fire. The flash reached the keg, and a tremendous explosion followed, enveloping her in a sheet of flame. She was so badly burned that she died this morning. Three of her children, who were in the room at the time of the explosion, were also badly burned. Two of them are not expected to live.

THE LAMENTED BRYANT.

Commemoration Services in Honor of the Dead Poet, Patriot, Statesman and Journalist.

NEW YORK, Dec. 30.—The Academy of Music was thronged to-night on the occasion of "The Bryant Commemoration" held under the auspices of the New York Historical society. Frederick DePeyser presided, and on the platform were President Hayes, Secretary Evarts, General Sherman, Gen. Hancock, Bishop Potter, Lieut. Gov. Dorsheimer, Mayor elect Cooper, Mayor Ely, Whitelaw Reid, General Sharp. Collector Merritt, Postmaster James, Peter Cooper, Wm. H. Vanderbilt, Ex-Governor Morgan, Ex-Governor Hoffman and many others. In box O sat Ex-Governor Tilden, with Park Goodwin and members of the Bryant family. He attracted much attention and caused some comments. Mrs. Hayes and the Misses Evarts occupied an opposite box. Rev. Dr. Adams opened the services with prayer and then the orator of the evening, George William Curtis, was introduced and spoke over two hours on the life, character and writings of William Cullen Bryant. He gave a very interesting historical sketch of the venerable and lamented poet, patriot, statesman and journalist, from his boyhood in the New England hills down to the close of his honored career in New York. In his early days he was active in political life, but his Democracy never meant a rabble nor a mob. He never wrote an impure line, nor advocated a measure which the friends of good government could not support. In those days when Adams was President the present system of middlemen in politics did not prevail. Adams was a man of indomitable will, and energy and capacity. He was above and independent of party. May we ever have such a President, and one whose motto shall be that he serves his party best who serves his country most. (Great applause.)

The speaker concluded his oration with a touching eulogic of the deceased poet and patriot.

A vote of thanks was given him, after which Bishop Potter procounced the benediction.

A grand reception at Frederic DePeyser's house to the Presidential party and other distinguished guests was given after the services.

Railroad Unpleasantness in Wisconsin.

MILWAUKEE, Dec. 30.—A Watertown special to the *Sentinel* says: Some time ago the Chicago & Northwestern railroad built a side track to the ice houses in the Fifth ward. Residents along the line commenced suit for a large amount of damages, so the company resolved to tear up the track, and sent men there to-day for that purpose, but they were driven off by a mob composed of laborers employed by the ice house company. The mob subsequently paraded the streets in honor of their victory.

Indian Affairs in Oregon.

SAN FRANCISCO, Dec. 30.—Portland dispatch: Indian excitement to all appearance has subsided. The Yokema volunteers have returned from Priest's Rapids. Four of Perkins' murderers are in jail. Moses is still in jail, and it is hinted he will never be allowed to leave Yokema. Some of the Indians say all the Moses and Sinohallas Indians are coming to the reservation to live. Sinohalla himself cannot be found.

LITTLE ROCK, Dec. 30.—A cold rain fell yesterday on the snow, freezing this morning and throughout to-day, weather being very cold and disagreeable.

SAN FRANCISCO, Dec. 30.—Began raining this afternoon with fresh southeast winds. Advices from the interior indicate the storm is general throughout the State.

WASHINGTON NEWS.

The Teller Committee Ready for Work—Sub-Committees Sent to Louisiana and South Carolina—Secretary Sherman Hilarious Over Resumption Prospects—Miscellaneous Capital Notes.

RESUMPTION.

WASHINGTON, Dec. 30.—The secretary of the treasury laughs at the announcements that he will be in New York Tuesday to witness the effects of specie resumption. "Why," he said, "a good many persons think there will be some violent commotion on that day. I have no doubt it will be one of the most quiet days New York has ever experienced. There may be some few persons attracted by curiosity and others to obtain a little coin for notes, but there will be no excitement."

When business closed at the treasury department to-day the available coin balance was $226,000,000, of which $200,000,000 is gold. The currency balance is $12,600,000. There were $306,289 paid out to-day in currency to persons preferring legal tender notes to gold.

TELLER'S COMMITTEE.

The financial officer of the Senate has $10,000 for the Teller investigating committee, which met to-day. Chairman Teller and Cameron, Kirkwood, Bailey and Garland, members of the committee present, were constituted a sub-committee to start Thursday next for New Orleans, Charleston and such other points as the sub-committee may determine, to take testimony and report to the full committee. It is understood other sub-committees will be appointed. The President and attorney general were asked for all information in their possession compatible with public interests.

WHITE HOUSE RECEPTION.

At the reception at the White House New Year's day Mrs. Hayes will be assisted by Mrs. Jewett, of Chicago; Mrs. Austin, of Cleveland; Mrs. Charles Anderson, Jr., of Cincinnati, and Mrs. Hastings.

THE DEBT STATEMENT.

The public debt statement will be issued January 2d. It will differ but little from the December exhibit.

NEW ORLEANS BUDGET.

The Payment of the State Printer Enjoined—A Bond Case—Arrival of Political and Yellow Fever Investigators.

NEW ORLEANS, Dec. 30.—On the adplication of Henry W. Benjamin, Judge Billings granted an injunction restraining and enjoining the payment of a warrant for over $13,000 issued to George W. Dupree, for printing and binding legislative documents for the session of 1878, the judge holding the law under which said printing was done had been repealed.

The supreme court has decided the celebrated case of The State, ex rel. The Southern Bank vs. E. Pillsbury, Mayor, et al., against the relators, reversing the judgment of the lower court which granted a mandamus compelling the city to levy a special tax to pay interest on custom bonds held by the Southern bank. The court held that section 30 of the act of 1858 provides for an equal tax, and is unconstitutional.

The Potter committee has not yet decided upon the order of business, Mr. Stenger not having arrived. The committee meets to-morrow morning at 159 Common street. No witnesses have yet been summoned.

Among the arrivals to-day was Hon. J. D. Cox, of the Potter committee; J. B. Lincoln, clerk of the committee; Gen. Hooker, of Mississippi, member of the yellow fever commission; Dr. Falligan, of Savannah, member of the board of exports, and ex-Gov. W. P. Kellogg. Mr. Stenger, of Pennsylvania, the other member of the Potter committee, has not yet arrived.

The House and Senate yellow fever committee met jointly, and on motion of Gen. Gibson Senator Eustis was declared chairman. The experts were invited to take seats with the Congressional committee. Present, J. B. Eustis, chairman; Lamar, Paddock, R. L. Gibson, Charles E. Hooker, Surgeon-General J. M. Woodworth, Dr. Samuel A. Green, Dr. Samuel M. Bemiss, Col. L. Shard. Surgeon-General Woodworth laid before the committee the minutes of the work accomplished by the fever experts who investigated the subject during the fall.

ALL AROUND THE GLOBE.

A Buffalo, N. Y., telegram says the snow blockade of side tracks and switches stops business.

The steamers Andes from Aspinwall, and Carima from Bermuda, at New York, report seeing nothing of the boats of the lost steamer Emily B. Souder.

There were 180 deaths in New York the past week from scarlet fever, an increase of eighty upon the previous week, impels the board of health to take action.

President Gowen, of the Reading railroad, says he accepts the result of last Friday's meeting as an indication that there will be no coal combination made next year.

The steamer Glamorgan from China and Japan for New York, reported missing, has been heard from. The vessel arrived at Bermuda December 16th, and cleared the same day for her destination.

In the contested election case of S. H. Drew, Republican candidate for prosecuting attorney for Hamilton county, O., against Lewis W. Irwin, Democratic, Judge Moore, in the court of common pleas, to-day, decided in favor of Drew. The case will be carried to a higher court.

The United States commissioner at San Francisco yesterday completed the inquiry concerning the loss of the steamer Georgia, by taking the testimony of H. T. Howard, captain of the wrecked ship. It was to the general effect he had taken his bearing properly but had been deceived by the action of the currents, with which he was not fairly acquainted. He repelled the charges of drunkenness and inattention to duty.

A Cincinnati telegram says: Some time ago Mr. Reuben R. Springer offered $50,000 as his subscription to aid in the erection of the necessary buildings adjoining Music hall for exposition purposes, on condition that the citizens would add thereto $100,000 by the 1st of January next. It's announced that the citizens' subscription to-day amounts to $105,000. This insures an exposition during 1879, and ground will be broken for the erection of the new buildings as soon as weather permits.

The Weather To-Day.

WASHINGTON, Dec. 31, 1 A. M.—Indications for the upper Mississippi and lower Missouri valleys, southerly winds, falling barometer, warmer and cloudy weather, possibly followed by light snow; for the upper lake region, westerly winds, clear or partly cloudy, slightly warmer weather, falling barometer.

Relief of Archbishop Purcell.

CINCINNATI, Dec. 30.—At a meeting of prominent Roman Catholics, to-night, a committee was appointed to prepare a circular for distribution among the members of the church, soliciting subscriptions for the financial relief of Archbishop Purcell.

Passes Abolished.

Twelve railroads, including the Chicago & Northwestern and Milwaukee & St. Paul, met in Chicago on Saturday and decided to abolish the issuing of all free passes to shippers of freights or their agents. The new rule goes into effect Jan 1st.

DEFECTIVE PAGE