BEECHER AND HIS FRIEND.

HE TELLS HIS FRIEND THAT HE WILL FIGHT TO THE END.

No More Jaseling like that which Settled the Proctor-Moulton Suit—The Great Battle to be Fought till Victory is Complete.

The talk of the settlement of the Tilton-Beecher case similar to that of Miss Proctor with Moulton is scouted by the friends of Mr. Beecher. On Saturday a well-known wholesale merchant of this city, who is also a pew-holder in Plymouth Church and a personal friend of Mr. Beecher's, expressed his opinion and his reasons for it most earnestly to the reporter. "Why, sir, said he, "I have known Mr. Beecher for more than twenty-six years, and intimately for at least twenty years. That intimacy I value more highly than my right arm, and would do nothing to interrupt it for an instant. My trust in him is perfect, and during the whole period of my acquaintance with him there has not been a moment when I was not willing to stake my last dollar on his purity and good faith. I have also known Tilton, and know no good of him. Years ago the character of the man was explained to Mr. Beecher, and he was urged to break the friendly relations existing between them. He was told that there was no such thing as virtue in Tilton, but he seemed determined to try the full power of the doctrine of love upon him, and would not listen to the counsel.

WHY MR. BEECHER IS FIGHTING FOR.

"Now," continued the merchant, warmly, "when I see a conspiracy made to fix upon a man so noble, so generous, so Christ-like as Mr. Beecher by such a person as Tilton, I say I have a right to suppose that the innocent man will not suffer the matter to be made a question once made public until he is fully vindicated.

"But this matter is of course a painful one, only to be entered upon in an extraordinary case. I know my man," interrupted the gentleman. "He is full of pluck and determination when once aroused. Why, last summer, just after the council met, he said to me, 'when Plymouth Church behind me, I can stand against the world.' Now, the world and the church are with him. Now, have I not a right to suppose that a man of such pronounced courage will fight that battle right through to the end, without yielding to any mawkish sentiment? Certainly I may.

"Have you suggested the reporter, "your decided opinion is that an apology, with all the sting of the injury left in it, will not be sufficient to close the suit?"

NO COMPROMISE.

"Most decidedly. There will be no compromise without a full and complete retraction of all charges by both Tilton and Moulton. The morning papers have depicted the indignation of Mr. Beecher at the settlement of the Proctor-Moulton suit, without giving him an opportunity, put in the testimony, and I know that their reports are true from my personal observation. Now, when I see a man highly indignant one day because he is not allowed to probe a certain matter to the bottom, have I not a right to suppose that if he had the opportunity offered him the next day, he will embrace the opportunity to the fullest extent possible? Why, sir, I am willing to enter into bonds of $10,000 that there will be no compromise."

"Has anything else occurred which gives you right to suppose that such a result is improbable?

"Yes. On Thursday 1st I spent the day and the evening with Mr. Beecher in his own house. I was there, not as a committee man, nor as an adviser, but simply as a friend. I dined with him, and then at his own table, from his own mouth came a most decided announcement that he would fight to the present case in such word as compelled me to believe that he should insist upon the fullest vindication which a court of law could give him. Now, that authority should be unimpeachable."

THE GREAT SCANDAL CASE.

Mr. Tilton Appeals—Mr. Beecher's Lawyers Eager for the Fray.

Theodore Tilton's attorneys on Saturday filed in the office of the Clerk of the City Court a notice of appeal to the General Term from the order of Judge McCue requiring Mr. Tilton to furnish to Mr. Beecher's lawyers a bill of particulars in his suit for $100,000 damages, and a copy of the notice was served on Mr. T. G. Shearman.

Mr. Tilton's lawyers had a conference in Mr. W. A. Beach's office on Friday afternoon, and they were unanimous in favor of taking the order to the General Term for construction. They claim that the order of Judge McCue makes it more imperative that their proof shall be that adultery was committed on one of two or three dates which they might name than that they shall prove adultery without fixing to it a date, and under this order they might take papers bearing the confession of Mrs. Tilton and the confession of Mr. Beecher before a jury, but if they did not have a date fixed, the jury would be allowed to pronounce Mr. Beecher guilty.

As one-half of the order of Judge McCue is almost identical with the order proposed by Mr. T. G. Shearman in his argument on Thursday last, Mr. Morris and other of the plaintiff's lawyers seem to take time to consider what may be the effect of being the order proposed by Mr. Beecher's friend, and thus entered into their case upon appeal.

Judge Nelson and Judge McCue will compose the General Term, and will hear the arguments on the appeal. The day for its argument will probably be fixed by one of the Judges to-day.

MR. TILTON'S COUNSEL.

Mr. Tilton's lawyers express a perfect willingness to furnish a bill of particular dates, if, in addition to what are allowed the latitude of proof has been assumed and their testimony that adultery was committed, although, perhaps, no particular dates named. If, by the construction of the General Term, Judge McCue's order is sustained, it appears that it violates the spirit of the law in excluding testimony that Beecher and Tilton would give if called upon by the counsel will appeal to the Court of Appeals. Beecher's friends have the privilege of witnessing and relegislating it in the Senate, and therefore the same form of application of particulars will be gone through with in the Court of Appeals. Beecher, and his friends feel, in all the controversy, that it will be the decision of the Court of Appeals concerning the right to use discretion in granting the application. If the decision of the General Term is adverse to the plaintiff, it will be an apparent legal point by which Beecher's friends may claim a victory, and it is probable, with a new suit in view.

Intended by Mr. Tilton's lawyers to force a bill of particulars, in the very day within the time allowed by the order, Mr. Beecher's counsel, Mr. Tilton objected to this order, he said that Mr. Beecher's counsel had lectured out of the court for days named, and could not come into court with a jury, he would be ready to appear with ample time.

MR. BEECHER'S LAWYERS.

Evarts, Choate and Sterling on Saturday for trial on Monday and Tearnall on Monday in January, and a note of issue is in the City Court. Mr. Lawyers say that they are through with the case, and now forth they will start the law straightforward to the law straightforward to the slander against Beecher. Mr. Cleveland said last evening all Beecher party were ready to make no compromise, and that is that Moulton shall absolutely withdraw his words and in spirit, and then, he will give them a test. We hear Beecher's friends are supporting know that he is guilty. It is not in the man, and fight for him

Lawyers are preparing their new arguments. One of them last Thursday the world already knew the result of his, and the coming contest will which Mr. Beecher and his lawyers would interest of the proceedings.

Most of his report this week, in the report of that have been published.

THE REV. MR. GLENDENNING.

Yesterday's Scene in a House whose Pulpit is Soon to be Declared Vacant.

Prospect Avenue Church, Jersey City Heights, was two-thirds filled yesterday morning. It was Communion Sunday, and a snowy white cloth covered the bread and wine. The deposed pastor, did not preach, nor any member of his family. Dr. Hall officiated, assisted by Dr. Stillman. It is the privilege of the congregation to call a new pastor, and therefore the same form of application of particulars will be gone through with in the Court of Appeals. Beecher, and his friends feel, in all the controversy, that it will be the decision of the Court of Appeals concerning the right to use discretion in granting the application. If the decision of the General Term is adverse to the plaintiff, it will be an apparent legal point by which Beecher's friends may claim a victory, and it is probable, with a new suit in view.

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A DOCTOR HANGED BY A MOB.

He Confesses to a Series of Robberies—Dragged to the Window of a Bank and Thrown into the Hands of Maddened Men.

From the Missouri Bazoo, 7th.

From Mr. H. Deterd, a merchant of Concordia, Mo., we learn the following particulars of the hanging of Dr. Rusch Saturday evening:

The Doctor was a single man, and had lived some time in Concordia, and had never been suspected even of a dishonorable act. He kept bachelor's hall in the town, and lived by himself.

On the night of the 4th instant, Friday, the store of Mr. Henry Steigers was broken into and robbed of about $300 worth of goods.

This new robbery created a great excitement in the usually quiet burg, as a series of robberies has been recently committed there, and no clue could be got as to the persons perpetrating them. After a close inspection of the premises, the foot tracks of a person were found leading in the direction of Rusch's house, and soon quite a number were on the trail. The tracks entered his yard, but yet the doctor was not suspected, and it was believed the thief had taken this course to divert attention and throw those who would look off of the track. The doctor met the crowd at his yard gate and accompanied them back to the store that had been robbed. Here a council was held and it was determined to ferret out the robber, and the best means of doing so was to search every house in town.

A CHASE AFTER THE DOCTOR.

Dr. Rusch heard this decision, and at once proceeded to the bank and drew $135 he had deposited, and, saddling his horse, left the town. His action was discovered at once, and suspicion fell upon him. A posse of fifteen or twenty persons was unspatched after the fugitive in hot pursuit, which, with a large number of excited persons went to the doctor's house and took the shutters off the windows, so they could see inside. To their astonishment they saw, lying in his room, the stolen goods, and a search warrant was immediately sworn out and the house searched. Their search was rewarded by finding not only the property taken from Steigers's, but a large amount which was recognized as belonging to Frakin & Stuenkel, whose store was robbed and burned about six weeks ago. Excitement now ran high, and was increased by the posse returning with the doctor, whom they caught four miles from town, making tracks for a more congenial clime. Seeing him he jumped from his horse and took to the brush. He was fired at twice, halted, and captured. The posse turned him over to Squire Hemann, who, in addition to being a Justice of the Peace, is cashier of the bank, into which the prisoner was taken. Dire threats of lynching could be heard on every hand.

The doctor made a full confession to Squire Hemann, to the effect that he had committed eight different thefts, which had so increased the evils of Concordia. He also admitted having robbed Stuenkel & Co.'s store and burning it to remove all evidence. This confession was carried to the excited populace outside, and added fuel to the already dangerous fire. They were furious and demanded the prisoner, but the Squire was determined to do its duty and protect him as long as he could. The mob then commenced firing into the bank, where the prisoner was being guarded, and the shots were returned from the inside, but it only exasperated the mob, which now numbered over a hundred persons. A rush was made on the building and the doors and windows broken in. The squire, constable and guards seized and held, while others of the mob picked up the thief and

HURLED HIM THROUGH THE WINDOW.

He was caught by the outsiders who seemed at first determined to tear him to pieces. He was paraded through the streets amid the jeers of the populace, and every indignity inflicted upon him. A five-eighth-inch rope was finally procured, and sentence of death was passed on the unfortunate doctor. He was then whipped through the streets over the head with the rope and begged piteously for his life, but the mob, like all others, was inexorable, and answered his prayers with boots and derision. He was then being marched to the gallows, a strip of timber in the outer edge of town, full well to nearly the entire population. Arriving at the timber the noose was fastened round his neck, and the end of the rope thrown over the limb of a tree and grasped by the eager and excited crowd, who in an instant had the body of the doctor dangling in mid-air. He was let down three times, and he was asked after recuitating if he had any accomplices, an impression that he had having gained credence with his executioners. He denied having any, and was again swung up, only to be let down again and questioned as before, with a vivid threat to cut the rope if he did not. This time his obstinacy was overcome, and the almost dead man persisted in the statement that he was alone in the robberies, and begged and implored for the crowd to save his life; but the fiat had gone forth from that mob that Dr. Rusch should die, and that kind of a body never had any clemency. He was satisfied his time had come, and then asked the benefit of clergy. Strange to say, they granted this reasonable request, and a Methodist minister responded, who offered a long and impressive prayer for the doomed man. The doctor also commenced praying, but his auditors were not impressed with it, and told him to

CUT IT SHORT.

He begged for more time to pray, but his impatient hearers swung him up with the words on his lips.

The majority of the mob stayed until the last spark of life had died, when they returned to their homes. Some others, heavily under the influence of whiskey, stayed behind, and perpetrated a more dastardly act than did the man they had hung.

They cut the corpse down, and robbed it of the money he had taken from the banks, and his gold watch and chain, leaving it to lay where it fell, with the rope still around his neck, in which condition it was found and taken charge of by the officers of the law. A jury was summoned by Squire Hemann, and an inquest held. The Verdict was in accordance with the foregoing facts.

There is considerable feeling against those who robbed the corpse, and they will be presented to the Grand Jury, now in session at Lexington. It will probably result in all implicated being indicted. A trial though would be a farce, as it would be impossible to convict them.

Not True.

To the Editor of The Sun.

SIR: In the *World* of the 9th inst. appears a letter from Mr. Hamilton Fish denying that his son-in-law, Mr. Sidney Webster, ever referred to any matter under consideration of the Spanish or United States Governments, and stating that Mr. Webster was counsel to the Spanish Legation for years before he (Fish) entered the Department of State.

In the SUN of Jan. 28, 1874, this question was correctly considered. It appeared one year ago when the Washington correspondent of the *Cincinnati Commercial* wrote: "Mr. Fish made the following reply: Mr. Webster was in the employ of Spain as an attorney two years before I received my present appointment."

In the letter published in the *World* the successor of Gen. Sickles says: "Mr. Webster was counsel to the Spanish Legation for years before I entered the Department of State."

There is a difference between "two years" and "for years."

Was Mr. Webster, Secretary Fish's son-in-law, always counsel to the Spanish Legation at any time during the reign of Isabella II.? We deny that he was, because there was no necessity of having one. No one ever heard of Mr. Webster acting as Spain's counsel till October, 1870, when the gunboat question was before the Fish Sickles cabinet.

Here's a little history that Mr. Fish would do well to keep on hand:

Isabella II. left Spain in September, 1868. The revolution in Cuba began in October of the same year. Grant was elected President in November, 1868, and inducted March 4, 1869.

Mr. Elihu B. Washburne, present Minister at Paris, was Secretary of State for over a month. He was succeeded by Mr. Fish in April. Mr. Sickles had need of the services of an attorney at the time perhaps, but Mr. Webster did not appear in the case till October, 1870, and he continued in it until in or about eighteen months after his father-in-law became Secretary of State. He was counsel to the Spanish Legation "two years" or "two years" before Mr. Fish became Secretary of State, it is very easy to prove.

From the Hudson to the Mississippi there is a pronounced belief that Mr. Fish is in no part of it to spain. Every leading journal in the valleys of the Ohio and Mississippi has animadverted upon his phiancy to this skeleton of a power. In removing foreign Consuls who refused to allow Spanish merchants to rob them, Mr. Fish was the Minister when American citizens were imprisoned and maltreated, in standing calmly by after the slaughter of the Virginius crew took place, in bowing down like an obsequious flunky before the blood-stained ruffians of Cuba and the political charlatans of Madrid. Mr. Fish has caused the Spanish Bloodhounds: he has caused them to felicitate one another upon the good luck that placed such a man as Mr. Webster in their way for the paltry sum of $[illegible] annum.

As for, sir, justly remark: "When Mr. Fish was offered the place of Secretary of State he should either have refused it or Mr. Webster should have retired from the service of Spain."

Seward, Marcy, or Cass would have done so, but they were statesmen. Every Cabinet officer, especially the Secretary of State, ought to be above suspicion. Besides, when Mr. Fish quoted from a letter to the Rev. Mr. Sillman, he was not buying some real estate from him in the second avenue, he lowered the unfinished history of the department and committed a grave offence against the public honor. He would have been dismissed if a man of self respect had been President. But the old Tweed was verified, "*Pares cum paribus congregantur*," when Grant took presents and Fish offered to do sales at a high figure to the representative of the Czar.

Continue the process of exposure. It will do good. Let the public see the effects produced. It will impress young men with sound ideas; it will make legislators look behind them and ahead; it will stamp out nepotism; it will reduce taxation; it will make men and women feel that they are not ashamed of their lawyers and their clients in the future.

FRANCIS.

NEW YORK, Dec. 11, 1874.

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$5 or $10 monthly will buy a handsome parlor or room or suite at B. M. Cowperthwait's, 103 Chatham street.—*adv.*

THE CROKER JURY DIVIDED

THE CORONER AND HIS FRIENDS DISHEARTENED.

Evidence that Some of the Jurors Discredited Much of the Testimony—The Twenty-first Ward Politicians Astonished.

The steps of the Chambers street side of the new Court House were black with men and boys early yesterday morning, the occasion being the return of the Croker jury, that had been locked up all night. Capt. Petty's policemen maintained order on the steps and in the street. At the entrances to the court room Chief Officer Ricketts and his men saw that only a few fast friends of the prisoner were admitted to the seats allotted to spectators. The Hon. John Kelly sat near Croker, and both seemed in remarkably good humor. Near by were Deputy County Clerk Gumbleton, Aldermen Flannagan, Reilly, and Jeremiah Murphy, Maurice J. Power, George Middleton, James Morrow, Warden Brennan, and Larry Delmore. Mr. Henry L. Clinton, Col. Fellows, and Col. Wingate, counsel for Croker, consulted together, and Assistant District Attorneys Rollins and Lyon waited anxiously the coming of the jury. At eleven o'clock Justice Barrett was on the bench, and the jurymen filed in from their room and took their seats. Few of them seemed to feel content with themselves, and almost everybody who looked at them anticipated disappointment in what was about to be said by their foreman.

Mr. Clerk Sparks in cherry tones said, "Gentlemen of the jury, please answer to your names." All having answered, he continued, "Have you agreed upon a verdict, gentlemen?"

The Foreman—We have not. Will your Honor receive a communication from the jury?

A paper was handed to Justice Barrett, who, after reading it, said, "Has the jury any objection to my reading the communication?"

The foreman said, "No."

The Court (looking at the paper)—It is substantially what the foreman has already said. The communication is directed to the Court.

THE COMMUNICATION.

We communicate that we stand equally divided, with no prospect of arriving at a verdict. We have discussed the question since daylight, and we are satisfied that all argument will be to no purpose.

"Under the circumstances," said his Honor, "with my knowledge of the care which you have taken in this case, and the evident intelligence of the jury, the fact that you stand equally divided is very significant on the question of a possibility of disagreement. If you stand as you say, three of you for one of your number and the other nine for Lagarde, I should feel it my duty to do so, if you stand so equally divided. You are men of intelligence, and have had seven-teen hours of hard work trying to get at a verdict. I feel that I shall be compelled to discharge you. I see no reason why you should not continue trying to a conclusion I will keep you together. As I understand your communication, you decided to discuss the question by daylight. I think the wiser course for me is to discharge you."

Mr. Clinton—As the jury have certified that they stand equally divided—if there is no impropriety in it—I would suggest whether, for another purpose, it would not be well enough for them to relate to what respect they are divided, as they have certified to no issue. I am free to state that we desire to use it at a proper time on application for bail.

Mr. Rollins protested, and his Honor said, "I shall not interrogate the jury on the subject."

Then the jury were formally released.

Crowds followed the jurors to their hotel, and many of his friends said that it was a sad defeat for him, and that it would very much weaken his chances for a retrial of the case. The multitude outside had something to say in loud tones as to the intelligence of the jury, and some of the jurors went into the street they were not pleasantly received.

Two of the jurors said that they stood six for conviction of manslaughter in the third degree and six for acquittal; and it was noted as a singular fact that the jurors, who were lodged by Alderman Reilly all last during the week, disagreed with each other; that is, in each room the two jurors failed to agree.

After all the jurors and spectators had gone from the court room, Deputy Sheriff Daley took a corner closer to the tombs. He said that for the time being he could not understand why the jury could not agree on the evidence. He was confident of an acquittal, and expected to go home to his sick wife yesterday. To day a motion is to be made to admit him to bail.

THE CHARGE.

The following charge, delivered by Judge Barrett to the jury before they retired for deliberation, is believed to have paved the way toward their disagreement:

The question is reduced to simply whether he fired the shot and killed at the time he was justified, and there were explanations which rendered it proper for him to do it. There is nothing of that sort in this case. Simply stated, the question for the jury is, whether he shot at the policeman that night, and that he had a pistol, and that is the question before you, and that only, in the first instance. Now, the rule of law is, that if a person is engaging in some unlawful or felonious act, and another comes in and attempts to interfere with the main point or not; the law does not take into account such niceties as to the precise facts, and of which there is no conflict, and the question is this: If he shot at the officer that the very origin of the affair, the absolute commencement of it, all emanated from the prisoner Dennis Croker? If it was Croker who with the two Hessians and Sheridan, met Borst and Costello. He furnished Borst, substantially directed him to get out of the way, and that if he did not he would get into the state Prison. Now that was the origin of the affair. It commenced at that point, and I am bound to say to you that he prisoner had no right to take any part in it. If he did, he was a party to it, and that other officers or Costello had done any act of violence that morning to justify any such species of hectoring on the part of the defendant, he assumed a function in ordering them out of the place, which he had no right to do. Borst and Costello had a right to be there, whether they lived in the district or not, as long as they were there in a peaceable and orderly manner, and violated no law. They had a right to invite their friends in that district, if they do not live there, to solicit their votes in a peaceable manner; there is no law which renders it improper. If they did, or any other officer, undertakes to forbid or intimidate, or to remove from his own district, or go into another where he thinks he may exercise proper influence, any more than an Alderman of the Twenty-first Ward, and speaks in the Cooper Institute in behalf of any candidate, it is legitimate and proper as long as it is conducted in a peaceable and proper manner. Now, I say to you unmistakably that there is no evidence to the contrary—that Borst and Costello and their friends behaved in a peaceable and orderly manner. There