

MINNEAPOLIS NEWS.

August Oys Is Declared by a Jury not Guilty of Murder and Is Discharged.

Prominent Attorneys Again Wage a War of Words Over a Railway Crossing.

Heeneipn Horticulturists Discuss the Growth of the Strawberry-Sporting News.

General News From the Courts-Permit Comment-Police Gatherings-Notes.

OYS ACQUITTED.

The Jury Find He Was Not Guilty of Murdering Frank Norton.

In the district court yesterday morning the trial of August Oys for the murder of Mark Norton was resumed before Judge Koon. The cross-examination of Christopher Christopherson was proceeded with, but no new facts in addition to what was brought out on the direct examination were elicited. The witness said that he noticed blood on Oys' mouth after Norton had struck him, and that Norton pushed him back in the corner against the block and then struck him several times before Oys took up the mail.

Dr. J. W. Little testified that at the post-mortem examination he found two marks on the left side of the scalp about an inch and a half above the ear, and one crack in the skull, supposed to have been caused by a blow from some blunt instrument. The doctor testified that he had cut two holes in the skull and performed the operation of trepanning, in an endeavor to restore the stricken man to consciousness, but the effort failed and death claimed his victim.

Peter Weiss, who picked Norton up from the floor, testified that he did not speak. All he heard Oys say was that Norton had struck him first. H. F. Jenkins, Nicholas Lenning and Albert Felst, who are coopers at the Northwestern shop, gave testimony corroborating previous statements concerning the affair. Here the state rested.



August Oys, the accused, was the first witness. He gave his testimony in a straightforward manner, indicating that he was telling the truth without any attempt at palliation. He was visibly affected, and when he left the stand tears trickled down his cheeks. His story was substantially as follows:

I am 21 years of age; have been here two years; have been a cooper since I was 13 years old. I went to the shop at 230 on the morning of the tragedy; shortly afterwards Norton came in very angry looking and came up to me and asked for my dinner pail, and wanted to know why I made a fool of him; I said that others had made a fool of him; then he struck me in the mouth with his fist and I staggered back against the block. I threw up my hands and tried to push him off, but he was stronger than me and got me down and pounded me in the back of the neck until the blood ran out of my mouth. I rose, thinking he would kill me, and I searched, thinking he would kill me, and I saved my life I caught up a chump and struck upwards once, and then struck two rapid blows with the mail in a horizontal direction, or nearly so, and the mail is short of him; he fell, and is used in the cooper business. When Norton stopped pounding I stopped striking back. His hat yanked up on my bench and I handed it to him. I put one more hoop on the barrels and went to the police station and myself up. Norton and I had always been friendly, and it took me completely by surprise when I saw he was mad.

Being asked why he struck more than once Oys replied: "I was frightened and excited, and hardly knew what I was doing."

THE PRISONER'S REPUTATION.

Mrs. James Colman, at whose house Oys had roomed for some time, testified that he was strictly temperate, had always kept good hours, and was peaceable. Thomas Flannery, secretary of the Co-operative Barrel Company; O. N. Dahl, treasurer; A. J. Pond, foreman, and Henry Schmitz, a director of the Northwest Barrel company, all gave Oys credit for being industrious, sober and good-natured. Mr. and Mrs. John Kennedy also said his reputation was of the best.

COUNTY ATTORNEY'S DISPOSITION.

County Attorney Sprague disposed to leave the case pretty much to the judgment of the jury. While seeking to impress the jurors with an idea of their responsibility, and the enormity of the crime of killing a fellow being, he did not ask for vengeance. He said he had no personal interest in either the first or second degree, but thought he should be found guilty of manslaughter, which would be justified only on the theory of self-defense.

"I haven't a word to say against August Oys," said Mr. Davis, who knows the man as he sits at this bar-to-day in his young manhood, but pity is not in this case. There is no language in my mouth to say one word against him. Though his character may be stainless, he is none the less guilty of this crime. You may pity this man as I do, but remember there is the evidence, as he has told it, and he should receive some punishment for his crime. The only question for you to decide is whether the defendant shall go free or be punished in the degree for which he is guilty.

THE DEFENSE.

J. C. Worrall, in summing up for the defense, made an effective plea. He reviewed the case briefly, showing how Norton came to his death in a run, accused him of something he hadn't done, struck him in the mouth, and when he tried to turn away pushed him against the bench and pounded him on his neck. His mail laid close at hand and he picked it up and struck back, not thinking of knowing how hard. He only felt that he was being assaulted by an angry man older and stronger than he, and that he must defend himself. Had he really intended to kill Norton why had he not picked up the ax or the knife that laid within reach?

JUDGE KOON'S CHARGE.

was very brief, he simply explained the degrees of manslaughter and the evidence which would warrant a verdict of acquittal on the ground of justification, saying: "The case has been conducted severely and without interruption, and the facts are before you to pass upon them. It is a familiar rule of law that the prisoner is entitled to the presumption of innocence, and that stands as a shield to him until the evidence demolishes it. The fact that a person has been killed in a violent manner does not necessarily make it a crime. It may be done in self-defense. While the state had not asked for a verdict of murder in the second degree, the court hardly feels justified in instructing the jury that they could not bring in a verdict in the third degree, because there is nothing in this case to warrant such a verdict."

STRAWBERRY CULTURE.

Discussed at Yesterday's Meeting of the Horticultural Society.

The Heeneipn Horticultural society held its weekly meeting yesterday afternoon and discussed at length strawberry culture.

NOT GUILTY.

A cheer went up from the crowded room, which contrasted sharply with the painful silence which preceded it. Oys and his brother were both in tears when the opening hastened to congratulate him. Several ladies surrounded him, and the scene was quite an affecting one. When order was

restored, the judge dismissed the jury and ordered the prisoner discharged.

The verdict is almost unanimously approved, and it is believed that a light term in the penitentiary should have been given in the way of example to others rather than punishment. Probably no one who saw the prisoner on the stand doubted that the killing of Norton was really accidental, and occurred under circumstances which remove any suspicion of design or malice.

ARGUED AND SUBMITTED.

The Railroad Crossing at First Street in the District Court.

The argument in the proceedings instituted by the Minneapolis & St. Louis Railway company to obtain by condemnation a right of way across the tracks of the Manitoba road at First street in North Minneapolis was had yesterday in the district court, as to the form of order, the court having already allowed the crossing. The special term calendar was disposed of in the morning, in order that the full bench might sit in the case at 2 o'clock Judge Koon asked the deputy sheriff to inform Judges Lochren and Young that "the delinquents are ready."

Hon. E. M. Wilson opened the argument for the Minneapolis & St. Louis, saying that the question was really a question of the character of the proposed crossing, whether it shall be on a grade, as desired by the petitioners, or under grade by a tunnel, as sought by the respondents. He claimed that the petitioners would not fulfill all requirements, and will not interfit with existing arrangements. A fourth track has been talked about by the respondents, but this is in the dim, distant future, and should not be considered. Such a system of tracks would require the petitioners to adopt will render the grade crossing perfectly safe without even making a stoppage of trains necessary. In regard to the underground crossing, it will cost a quarter of a million dollars, and estimates of competent experts instead of about \$50,000, as claimed by the respondents. Such a crossing will irreparably injure the yards of the Northern Pacific. Gen. Anderson testified that the damage will amount to about \$250,000. Lengthening of the abutment of the First street bridge will also be necessitated, and the city may not be willing to grant such a change. A change of the main track of the petitioner north of the crossing is necessary and a new right of way will have to be secured.

Judge Young of St. Paul for the respondents next spoke. He first answered Mr. Wilson's last assertion in regard to the change of the main track of the St. Louis road, saying that the main line steps at Third street and does not extend to the point where Mr. Wilson said it will be necessary to make the change, the line running to the mills being only a spur track.

Mr. Wilson interrupted to ask: "How can we get to St. Paul if that isn't the main track?"

In answer Mr. Young reiterated that it is not the main line. He asserted that the underground is the most feasible, as had been established by the testimony. This crossing is wanted as a part of the transcontinental line of the Northern Pacific road, from Puget Sound to St. Paul—even \$250,000 should not be considered excessive to accomplish so important a purpose when the money is well spent. He did not know this to be true showed that he either evaded the point or else is ignorant of his road's interests.

Judge Young next discussed the specifications of the general proposition of the petitioners, to show that the great expense of an UNDERGROUND CROSSING claimed by the petitioners is the "veriest bosh." He thought the petitioners would never find a revetment wall necessary. It is not a retaining wall, and is only to prevent the main line from falling into it is not necessary in the case. "If they want it, however, we will build this wall for them which they claim will cost \$130,000 for \$40,000. If they only want a portion of it, we will agree to build it at \$80 per square cubic yard, instead of \$85. \$8 as claimed it will cost. The counsel next sarcastically referred to Mr. Buscaron's testimony and pointed out the folly of having a man from Mississippi testify as an expert on the subject of a Minnesota crossing. There is little probability that the wall will ever fill up with snow, as it will lie north and south. If, however, they want a cover, we will build such a one as they say will cost \$75,000 for \$30,000. If they don't want the house, we will agree to construct the crossing for \$57,000. In closing Mr. Young said the position of the Manitoba road is not one of hostility to the enterprise of the Northern Pacific transcontinental line, it only objects to having the main line of the St. Louis road cut through the center of it. He stated further that if a grade crossing is ordered that the Manitoba will insist that its use be restricted to the Minneapolis & St. Louis. If underground crossing, all roads can use it.

attorney for the Minneapolis & St. Louis, took up the balance of the time allotted the petitioners. He remarked he would not attempt to follow the devious ways of Judge Young's argument. He ridiculed the claim that it would not fill up with snow because it was narrow, and said there is not a creek in the Northwest which would not laugh at this. He claimed that Engineer Morrison's testimony was perverted, and that a syllable of evidence had been introduced to rebut the testimony of the experts called by the petitioners.

Referring to the propositions for constructing the underground crossing offered by Judge Young, Mr. Springer said: "It is very old and very silly. Why is it authorized by the main line? Why is it authorized by the main line? Why is it authorized by the main line? Why is it authorized by the main line?"

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said they were not always fertilized sufficiently to produce fruit. The failure in the growth has been owing to the forward fall of the seed, and the fact that the agriculturists would stop selecting varieties that were imperfect, the cause of the failure would be removed. There were many growers in Minneapolis who failed the past year because they had a single perfect blossom. We have perfect flowering plants in abundance that are fine flavored, productive and adapted to all soils, but what the average strawberry-grower wants is necessarily berries. He does not ask for 400 berries on a stem, but a fair supply of good fruit for the table, for at least three or four weeks of the strawberry season. A committee of five was then appointed to investigate the matter of marketing the produce and report to the society at the next meeting. The committee was comprised of E. M. Chandler, C. L. Smith, G. S. Woolsey, L. Asire and H. Besse. The meeting on Saturday afternoon will be devoted to the discussion of Potato Culture.

MISCELLANEOUS LEGALITIES.

Yesterday's Special Term-Divorces, Arguments, New Suits, Etc.

Sixty-four cases were on yesterday's special term calendar, in the district court, a majority of which were continued. The following orders were made: Bradner, Smith & Co. vs. Minnesota and Bradner-Smith Paper company, over the corporate title of the firm, set for Monday; Alfred H. Heeneipn vs. the petitioners, which was opened for the defendant; John H. Gear vs. unknown heirs of Alice Postlewaite, order appointing referee to sell property; assignee discharged in the assignment of W. H. Thiel vs. the Fidelity and Deposit case was continued one week; assignments were discharged in the cases of J. M. Pottle & Son and Hannah Goldburn; Bradner, Robinson & Co. vs. Bethlehem Presbyterian Church society, judgment for the plaintiffs ordered; the appeal in the case of J. D. Conbit, in condemnation proceedings by the city of Minneapolis on street extension, commissioners were appointed.

DIVORCES.

Annie E. Stone was granted a divorce from Bert Stone, with whom she was married in 1879. She told a story of cruelty and abuse which was sufficient to secure the coveted separation.

Louise Eckland was granted divorce from Gust Eckland, the complaint charging him with habitual drunkenness, cruelty and neglect.

The suit of Anna G. Porter vs. William P. Porter was set for trial Monday. A motion for a new trial was overruled in the suit of Amelia Wagner vs. Frank Wagner.

CONTEMPT OF COURT.

Christian Heones was yesterday arraigned for contempt of court. In the suit of Hammonds & Hammonds vs. Nils Holst vs. Christian Heones, garnishee. Heones disclosed that he had \$10 in his possession, which he refused to pay. Heones was brought into court he said he was willing to pay the sum, but Judge Lochren said sharply: "You should have paid it before; you've had plenty of time," and sentenced him to the jail for ten days, to be served in the evening the judge released and ordered Heones' release, after the money and all costs had been paid.

COURT BRIEFS.

A motion is to be made for a change of venue when Spaulding, the Anoka county lawyer, has his new trial.

Laura E. Ward, of Woodock, et al., have brought an action against Matilda B. Durand, Josiah Thompson et al., to recover a partition of real estate in section 2, town 29, range 24.

Judge Young yesterday filed a decision in the suit of Lydia J. Bisant, executrix of the estate of Frank Bisant vs. Sarah A. Donaldson, impleaded with Henry H. Cavanaugh, ordering judgment in favor of the plaintiff for \$501.

Soledad Albam yesterday made an assignment of creditors. The property assigned amounts in value to \$2,431.95, consisting of a stock of clothing in Minneapolis valued at \$1,378.72, a stock at Granite Falls, \$750; accounts, \$750.

AMUSEMENTS.

A rather quiet week in the amusement line, closed last night. Only the dime museum did any business worth talking of. Baker & Faxon and Edwin Thorne held the week at the building last night, with small business last night. Neither attraction amounts to much and counter attractions robbed them of the usual amount of business. This week Fred Solomon will hold the house with his minstrel, a musical absurdity, and Bartley Campbell's "Play," "Paquita," will be given the latter half.

At the Comique the event of the week will be the annual benefit of W. Barnes on Friday evening at 8 o'clock. The St. Paul will recite, several sparring matches by leading local pugilistic artists will be given and fifty other performers will volunteer their services. A big show is assured and the management hopes to see last year's benefit surpassed.

The attractions for the coming week at Sackett & Wiggin's Dime museum are both novel and costly. The management announce the engagement of the Sutherland sisters, who have traveled extensively over the United States, and who are adorned with dresses of great value, and the head and reaching the ground. These sisters are seven in number and are the descendants of the Rev. Fletcher Sutherland of Lockport, N. Y. The other curiosities are Adeline Dot, a woman, idelette and Wallace, the dog-fish and water queen. The stage performance will be given by Beatty & Bentley's Happy Hottentot company.

A Flowing Artesian Well. Yesterday afternoon what is considered to be a valuable "strike" was made at the John Orth brewery in Northeast Minneapolis, in the shape of an artesian well. A short time ago Osander & Co. took the contract for boring a well. He started to drill yesterday afternoon at 10 o'clock, and after a full flow was struck and further work suspended. The flow was measured and 250 gallons of water of an excellent quality poured from the well. The firm will continue to work until they have secured a "celebrated" by drinking several of the flagons of the water. Osander & Co. are preparing to sink several other artesian wells on the East side and are confident of securing water at every point.

MINNEAPOLIS PERSONALS.

W. A. Waleston leaves to-day on a surveying party for the Northern Pacific Railway.

D. B. Johnson and Lambert Hayes left for the East last evening. They will journey in Washington, New York and other points for a few weeks.

ON A GOLD BASIS.

The Acute Mania of a Wealthy Buckeye for the Advertiser. Special to the Globe.

YOUNGSTOWN, O., Jan. 16.—Prior to the war and since then up to the present time Jesse Baldwin, a wealthy gentleman occupying an elegant residence at Boardman, this county, has had a mania for hoarding gold. More than twenty years ago he began doing business on a gold basis and his transactions, which have been numerous, have all been with a view of securing nothing but gold. When tendered paper money or silver he would invariably refuse to accept it, demanding gold. In loaning money he would always give the borrower gold, and had it stipulated in all contracts that the principal and interest must be paid in gold. Several years ago he made a trip to Washington, D. C., with a large assortment of bonds payable in gold, called at the treasury and secured the gold personally, examining and weighing each piece through fear he would not get value received. In order to save express charges he placed the gold in two valises, and, though it nearly weighed him down, he succeeded in getting the gold to his home. He was eccentric in his actions in Washington, and the amount of money he drew, were published in all the papers, and advertised his wealth to such an extent that shortly after his home was visited by burglars, who chloroformed the family and relieved Mr. Baldwin of the care of considerable gold. It was reported the amount taken was nearly \$100,000, but Mr. Baldwin refused to give the figures, and the exact loss is probably known only to him and the successful burglar.

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MEMORIAL OF MINNEAPOLIS.

The twenty-six hour bicycle race between Fred Shaw, the champion of Dakota, and Louise Armande, the champion long-distance rider of the world, for \$100 a side, began at the Washington rink at 8 o'clock on Friday night. It was an easy victory for the lady. She won by twenty miles, and rode a made and made long distance, but when she saw she had a sure thing she held back and took matters easy. She covered a distance of 182 miles while Shaw only made 102 miles. No record was made for the race. The race was held at the Washington rink at 8 o'clock on Friday night. It was an easy victory for the lady. She won by twenty miles, and rode a made and made long distance, but when she saw she had a sure thing she held back and took matters easy. She covered a distance of 182 miles while Shaw only made 102 miles. No record was made for the race. The race was held at the Washington rink at 8 o'clock on Friday night. It was an easy victory for the lady. 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