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CLARENCE MURPHY TRIAL

The Evidence Up to the Time of Going to Press— Will Probably End Tomorrow

The trial of Clarence Murphy, charged with the murder of Mrs. Phoebe A. Williams in Lancha Plana on the night of June 11, was commenced in the superior court last Monday morning. The town was filled with trial jurors and witnesses subpoenaed on both sides. Probably never in the history of the county has so many witnesses appeared in a criminal trial. The number of witnesses for the defense, from outside the county, is in excess of one hundred. Many of those, it is said, know nothing whatever of the merits of the case, but have been brought here probably as witnesses on character.

The prosecution is represented by district attorney Vicini alone; and the defendant's case is conducted by W. K. Jacobs, an attorney from Stockton.

Defendant's wife, daughter of W. Crail of Lancha Plana, was present in the court room from the commencement of the trial; also a brother of the defendant was inside the rail. Altogether five or six brothers have been brought here for the defense.

The first day was consumed in the effort to secure a jury of impartial and unprejudiced men to try the case. The questions propounded by the attorney for the defense, touching their qualifications as jurors, were very searching. The outcome of Monday's proceeding was the securing of five jurors, who were sworn in to try the case. This was the result of the examination of only 12 talesmen, most of whom were excused for cause, three preemptory.

On Tuesday the selection of the jury was resumed, and at the adjournment of court on that day four more jurors had been secured, making nine, with about sixty names in the original venire left from which to select the remaining jurors.

On Wednesday morning the work of getting the jury was completed. Between 40 and 50 talesmen were examined in the process of securing the jury, and most of those rejected were preemptory excused by one side or the other. The jury sworn to try the case is composed of the following named persons, S. J. Pearce, W. S. Alford, Geo. Chisholm, Chas. H. Courrier, E. C. McCormick, Myron S. Matson, T. Bloom, Geo. C. Ketter, John Rader, John Andrews, T. J. Hightower, G. C. Jennings.

Mrs. Agnie Yeak and L. W. Maker were the first witnesses called. Their testimony was to the effect that the murdered woman, was Phoebe A. Williams, their mother. Deceased was 76 years old, and had resided in Lancha Plana 45 years.

Alonzo Murphy, brother of the defendant, was called and testified about a certain horse—a black stallion weighing about 700 lbs.—which animal is believed to have been used by defendant and Swearingen in driving to and from the Murphy ranch on the night of the murder. Witness testified that he resided at Clements. Swearingen worked for him, and left his employ on the Friday preceding the murder. Defendant and Swearingen left his ranch together. They took the team to Lockford. Defendant returned, but Swearingen did not, as he stated he was going to San Francisco to get his head fixed, he being rather hard of hearing. Witness drove the horse to Clements on the night following the murder, to get a doctor, as his wife was sick; he remarked to the doctor that the horse seemed sick. Witness found two photographs in the manger of his barn, and the next day he telephoned to sheriff Norman, but could not get him; he then telephoned to

name when he deserted; went to Williams' house between 12 and 1 o'clock on night of June 11. Murphy told him he had his (witness) knife. Striped pants produced were recognized as same worn by Murphy that night; defendant gave knife to his wife; she washed it, and he returned it to the place where he found it; while in hiding before the murder, he left some onions and paper.

He was subjected to a rigid cross-examination; but he stuck to his story in all its essential points. He would be 26 years old on the 12th January next; was a native of Chatsqua, Indian Territory; went under two names, S. Swearingen and Horace Love; never inquired for mail in any other name; had no certain occupation; enlisted in Tallahassee, deserted from army 14th or 15th November, and went to Stockton; was in Lancha Plana for first time on Christmas night; was afraid defendant would kill him if he inquired in regard to the killing of the old lady, and if he needed money for the deed; went to Lancha Plana last March to cut wood; lived at Wilson Crail's place two or three weeks; knew Chester Maker well; a close friendship existed between them; knew Mrs. Williams by sight; heard defendant and others say that she had money; was in good health on the 9th of June, same as now; went to work for Alonzo Murphy as a farm hand just before the picnic at Clements; M. Duffy worked there after 9th of June; went to San Francisco not knowing whether he would return or not; had handled the hay station, had driven him; was familiar about the place of A. Murphy; never heard persons fishing in Melumme river on June 12th; heard people passing on the road; stayed about 40 yards above road, kept near pipe line the day the murder was committed; he had visited the Williams' home on different times; had been there and stole chickens in the month of April. Clarence Murphy told him he had counted Mrs. Williams' money, as she trusted him; witness was headed into it, it was a number of days before he was persuaded; told defendant the day before Clements picnic that he would not rob her without hunting her; he (Swearingen) did not want to see her hurt.

Swearingen was again asked some questions by the prosecution in regard to the pistol; he identified the weapon produced as the one he had. He was across the sand bar, when defendant handed him the pistol; never saw it before that time; he put it in his pocket. He was then asked if he got his head fixed, and said he hadn't. A diagram was placed on the board of Alonzo Murphy's home, and the witness pointed out where the knife was found when he gave same to sheriff Norman. He was asked about the moon setting; he claimed it went down about four o'clock, he was then shown an Ayres Almanac, showing that the moon set at 1:30; it set 1:34 in Bristol's Almanac for 1905 June 12, Ladies Birthday Almanac 12:9. Peruna Almanac, 1:25. The photographs found were shown to him and he could not identify them, he never saw them before. When the district attorney and sheriff told him Murphy gave away on him, he broke down and cried in Sacramento county jail.

Elmer Crail: Reside at Lancha Plana; brother-in-law of defendant, was well acquainted with Chester Maker, could throw Swearingen when they wrestled; knew Mrs. Williams. The photographs were produced, and recognized as those of Carrie Williams; he had seen them before. Mrs. Williams had shown them to him about a month before the murder, and she had also shown him a gold watch.

Swearingen recalled said Clarence Murphy came up to Swearingen crying and told him that the parties were murdered; that Leadbetter told Murphy, Mrs. Williams and Chester Maker had been murdered; defendant said he hoped they would not find out that it was them that did it.

Clarence Crail: Was 14 years old; acquainted with Phoebe A. Williams and Chester Maker. On the morning of Tuesday June 13, was working at Long Sheridan's, went to house of Mrs. Williams about 10:30, went there to see why they hadn't attended to cows, the cows and calves were holtering, kept people awake went up to house and went in found Mrs. Williams with a pillow over her head, and lying in a pool of blood, then went to saloon and gave alarm.

Mrs. Adams testified that on the night of 11th June was down to Julian school house, where they had a literary social; on returning home came through Lancha Plana by the river on Amador side, her daughter was with her; saw a man on her way home, but did not know who it was, between foot bridge and the road, saw him about half past eleven.

T. K. Norman, sheriff was next called: He arrested defendant Murphy July 5, had a conversation with defendant in presence of district attorney and deputy Kay; conversation was in reference to the murder of Mrs. Williams and in reference to a pistol, asked defendant if he had a pistol, he said he had not, never owned one. Witness was excused temporarily on account of sickness.

C. L. Culbert, county clerk, said Clarence Murphy was brought in to district attorney's office 6th day of July, the district attorney had been down there and said he could not find cart tracks leading out of road; defendant said he knew he wouldn't find any. Murphy seemed much excited, and sobbed out "you will find out you have the wrong man." District attorney asked defendant to meet Swearingen and he refused to do so, said he would not mind meeting him in the road. I don't care to meet him, it would not do me any good, I would like to meet him in the road.

After being recalled Sheriff Norman said the conversation was as follows: Mr. Vicini told Murphy he wanted him to tell him all he knew about the murder, that if he was not guilty he did not want to prosecute him. He was asked if anything in regards to a pistol had been spoken of by Swearingen, said he had not, that he never had a pistol, and there was none on the Murphy ranch.

The pistol was then exhibited and witness recognized it as one he took from Murphy ranch.

He was present in the district attorney's office when district attorney said to Murphy, "Do you know Mr. Duffy?" he said he did, he was asked if he was a truthful man; he said he was; He said if Mr. Duffy said he saw you would you believe him, he replied, "I don't believe Mr. Duffy was there." Then the district attorney said, "well Mr. Duffy was by the big bridge," defendant said he did not believe Mr. Duffy saw him there. When district attorney said, "you have good reasons to say that there were no cart tracks there, because none were ever made." He broke down and cried. Was also present when defendant and district attorney had conversation in front room of county jail, district attorney and county clerk Culbert and himself were present. The district attorney asked him if he wanted to meet Swearingen, "saying if you are innocent of the crime, would you not like to meet Swearingen and have it out with him." He said, "No, but I would like to meet him out side. Witness first suspected defendant of crime shortly after the finding of the body of Chester E. Maker. He found onions and paper on the hill side on upper side of pipe line; he also found horse tracks, the hole where a cart had been placed, and the tree or bush where the horse had been tied, and where the grass had been pressed down. When he went to the Murphy ranch he had a shoe taken off of the bay station, Mr. Rainey took it off for him, he went back and fitted the

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shoe to the tracks, it fitted exactly, was the same shoe or one exactly like it. Shoe was in his possession, and was produced in court, and identified as the same; the right side shoe was worn down, and left a print much thicker on one side than on the other. In company with Sheldon, found body of Chester Maker, no blood was found on clothing, a pool of blood was on the ground; grass was tramped down, and was from four to six inches high. His throat was cut from one ear to the other, about one cut from right to left. He found those tracks of horse from ditch running to Camanche, running 200 yds. from deep cut leading from Lancha Plana to Camanche on Calaveras side of river below the ford of river about half mile from pipe line.

Cross-examination: He got pistol at Murphy ranch: that Alonzo Murphy's wife gave it him, she at first denied that there was a pistol on the place, but he insisted on having it, and she finally gave it up. The autopsy was held on body of C. E. Maker on 16th day of June, on ground where he was found. The body was found about a quarter of a mile from the house of Mrs. Williams.

J. A. Gocke, said defendant worked for him, he was of strong physique for a person, of his age; was at Murphy ranch morning of 13th of June between 7 and half past 7.

Mrs. Crissey: Reside at Sorral flat in Calaveras on road between Lancha Plana, and Camanche: The road by her place is fordable at all times when the river is fordable. On the morning of June 12th, between 1 and 2 o'clock, she could not sleep and went out on the porch to get a drink; she heard a rig.

Arthur Adams: Reside in Lancha Plana, occupation mining, ditch tender and post master. The river was not fordable a the time of June 12 and there about. He had seen where the horse had been standing; was there when Mr. Norman compared the horseshoe with track. The shoe was worn smooth, and fitted track.

After some minor testimony the prosecution rested its case Monday afternoon.

W. R. Jacobs, then made a motion that the court instruct the jury to find a verdict of acquittal, on the ground that the prosecution had failed to make out a case against defendant. The motion was denied. The testimony for the defense was then commenced.

Rosa Young was sworn: Resident of Lodi, friendly with defendant, knew Samuel Swearingen; first met him at Alonzo Murphy's place: saw Swearingen in Lodi on afternoon of June 12, on 13th witness was in Lodi in the morning, and at Alonzo Murphy's in afternoon: saw Swearingen on June 13th at Fred Miner's home: they were working on a well, after finishing they went to Fred Miner's house, witness went also: A. Murphy changed his clothes.

G. B. Hunt was then sworn, his business, butcher at Camanche, did not meet defendant and Swearingen and did not have any conversation with them in regards to cattle at any time, but he did buy cattle from Mrs. Williams, Burt E. Lyon, the Camanche butcher, was then sworn, engaged in butcher business: knew defendant, but not Swearingen.

Mr. Coats: Lives on the other side of river, in Calaveras county: left



DEMAND THE BRAND

home to go to Mr. Cook's between 7 and 8 o'clock, remained there until 9 or 10 o'clock: wife was with him, after he returned he heard the dog bark, the dog was loose and ran down to the river yelling. Road is much used between Campo Seco and Lancha Plana.

Mrs. Clara Coats said she lived above the Westmoreland bridge, she went with her husband to a neighbor, Mr. Cook, to sit up with a corpse: came home between 8 and 9 o'clock. She heard the dog barking and the dog ran down by the barn, the barking was unusual. She heard people fishing about 7 o'clock, could see the spot from barn where the body of Chester Maker was found.

A. H. Gocke was then sworn, he was working on dredger on 12th June. He saw defendant and A. Murphy at the dredger on Sunday afternoon about three o'clock, they had a spring wagon and two bay horses, saw pipe in the wagon: could not say what they did with pipe.

Clarence Crail was called. He and Chester had been playmates: had been at Williams house different times, often went there early in the mornings after eggs, had often seen Mrs. Williams in bed, she wore white night gowns, would get up and give him theeggs with her gown on, treated him same as she did Chester, her grandson. Saw Chester Maker on Sunday night at Kieser's saloon, he was dressed in a light shirt and overalls, tennis shoes, and shoes were new: heard bell ring at about 8 or 9 o'clock, rang twice, Chester was at Kieser's saloon after bell rang: witness went to Tom Sheridan's house at 9 o'clock. Saw Chester Maker after his death by the side of river, pointed out spot to defendant's attorney and others: knew where school house and Moore's house are situated: there was a path from school house to place where body was found. Sometimes Chester retired early and sometimes late, depended on work he had to do.

Lester Adams: knew Chester Maker. He and Chester went to Ione on June 10, Saturday they weighed, he weighed 135 lbs. Chester weighed 134. Chester bought a new pair of tennis shoes.

Mr. Coats: Lives on the other side of river, in Calaveras county: left

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