# Cooperstown Courier.

PUBLISHED FVERY FRIDAY MORNING By FRED'K H. ADAMS.

Porfirio Diaz, who has been reelected President of Mexico, seems to be almost the only man of intelligence, force of character and honesty among the Mexican leaders of to-day. His predecessor, Gonzalez, was of the ordinary type of the feeble and corrupt intriguer, who was mainly anxious to plunder the treasury, and, under the circumstances, the provision of the constitution preventing the election of president for more than one term, simply results in alternations between good government under Diaz and peculation and incapacity under those who have preceded or

followed him.

Application has been made to Mr. Lowell, the United States Minister at London, in behalf of certain Scotch holders of the bonds of the Oregon Railway for his official aid in protecting their interests. The bondholders in question, it seems, claim that they subscribed the money or part of it with which the road was built; that their agents, the directors of the road, leased it to the Oregon Navigation Company, and that company has disregarded the lease and has thrown the road into a damaged condition to the injury of the bondholders. The Scotch holders of bonds will soon learn that the United States government has nothing to do with private contracts between them and citizens of the United States. Our courts are open to all, but the government guarantees nothing to foreign or domestic money loaners, save loans made to itself.

The lengthening of the summer holiday season is one of curious features of these times. From a week or possibly a fortnight, in the olden times, a month Las come to be themininum, among those who pretend to take summer recreation, or can afford it. A quarter of a century ago a trip to national or other points of interest, and a quick return was about all that could be expected. Now a merry band of teachers go for a summer holiday, and they get as far west as Colorado and Yosemite or Puget Sound, and as far east as Paris or St. Petersburg. Many is the New England girl who has travelled more over sea and land than ever Christopher Columbus did. Rest and change of scene sometimes do wonders for those who are ill or exhausted, and nobody can find fault with the tendency towards healthful recreation.

Among the thousands of lakes in the Northwest, Lake Minnetonka, Minnesota, is probably frequented by the largest number of citizens and strangers, owing to its size, depth, beautiful surroundings, fine fishing, commodious hotels, and accessibility by rail from St Paul and Minneapolis. The shores of the lake are several hundred miles in extent, and many sections are lined with tasty cottages, some of which are costly and elegant. The tourist can leave St. Paul or Minneapolis after breakfast, reach the lake in less than an hour, go on board steamers as large as those which ply the Mississippi, sail forty miles, taking dinner on board or on shore, and return before dark, unless they prefer to spend the night at the lake. Strangers who have a day to spare while in St. Paul or Minneapolis, will find no cheaper or more enjoyable recreation than a trip to Lake Minne-

The testimony of Secretary Chandler in regard to certain frauds in one bureau of the Navy Department, shows the facility with which signatures are obtained to recommendation for office, or anything else. When the term of the head of the bureau under which these frauds had been perpetrated expired the rascally Carrigan who committed the frauds, moved heaven and earth to get him reappointed, securing letters and petitions from upward of forty senators, twenty-five members of congress. an ex-secretary of the navy and the American Public Health Association to this end. There was not then nor is there now a breath of suspicion against the integrity of the retiring officer, and the majority of his indorsers would have cut off their right hands before indorsing him if there had been. But he was easy and conveniently blind to the doings of his subordinates, thus allowing the villainy to be perpetrated under his very eyes, and the rascals preferred that such a man should be retained at the head of the bureau to a new incumbent who might take it into his head to ask inconvenient questions.

## NEWS OF THE WEEK.

## Washington News.

H. V. Plummer, the new and only colored chaplain in the army, took the oath of office be-fore Chief Clerk Tweedale at the war depart-ment.

The commissioner of the Indian affairs offers \$300 reward for the arrest of the murderer of Kashicay, chief of the Sac and Fox Indians,

The secretary of war has spared Gen. Swaim the humiliation of being placed under arrest, and the latter still goes through the form of attending to the duties of the judge advocate.

The president has recognized J. R. Dawson consul of Belgium for Oregon, to reside at Portland; E. J. Ledyard, consul general of Costa Rica in Louisiana, to reside in New Or-leans, and Walter Tschudi Lyall consul of her Brittanic majesty for Texas, to reside at Gal-

The medical officers of the navy have pre pared a handsome memorial brass tablet to the memory of Dr. Ambler of the ill-fated Jeannette. The tablet is erected in Leeds church, Farquier county, Va., near Dr. Ambler's home and final resting place. Another tablet is to be erected in the grounds of the naval hospital at Norfolk.

The president is preparing for his summer cruise. The steamer dispatch is lying at the navy yard fully equipped and provisioned, and as soon as some matters of importance now pending are disposed of, he will board her for a cruise along the North Atlantic coast, stopping at Newport and some other points, and going as far as Mount Desert. His family will go with him.

Judge Advocate General Swaim is said to be really anxious to go on the retired list of the army, and his friends assert that he is suffer. ing so much from nervous prostration that it may be necessary to place him there. As he has not served thirty years, he could only get on the retired list for physical or mental incapacity, duly certified by a board of officers for that purpose appointed.

The work of disinfecting in the thickly populated tenements of this city was begun on Monday. Thirty-seven men, all told, comprise the army of disinfectors for accompanying each army of disinfectors for accompanying each tank. With two-gallon sprinklers they scatter the disinfectant fluid where it is needed. At present attention will be paid only to yards, cellars, and vaults in the houses on the route. Later, when very hot weather sets in, the gutters will be disinfected as well. The daily capacity of the Five Points factory is about 5,000 gallons of a solution of copperas, and this, it is expected, will prove sufficient for present purposes. Should an emergency occur, the output can be doubled or tripled.

## Casualties of the Week.

James Reilly, a snake charmer, was fatally stung by a rattlesnake Sunday in New York.

Later reports of the damage done by the terrific storm which swept over Baltimore and vicinity Saturday evening show that the total losses will amount to over \$200,000. The lower part of over one thousand houses were flooded.

A heavy thunder storm passed over Sheldon, Iowa, on Friday forenoon. During the storm the house of a farmer named Hanson, six miles east of the town, was seen to be on fire. A neighbor who came climbed on the low roof of the kitchen shed, through which the flames were coming, and put out the fire, which had been kindled by the lightning in a partition. Failing to rouse any one in the house, he opened the door. Four people were lying on the floor, apparently dead. Mrs. Hanson and a man who were working on the farm were a man who were working on the farm were found to be still breathing, and, dragging them out of doors into the fresh air and rain they presently recovered consciousness. Hanson and his son were both dead.

#### Crimes and Criminals. Mrs. Riterling, an elderly woman, committed

suicide, or was murdered, at the three-mile ranch near Fort Laramie. Postmaster William T. Kailey of Camden, N.

J., was arrested recently charged with embez-zlement and held in \$3,000 bail for hearing

The wife of Paul Loscher of St. Joseph left him, and went to Montague, Mich., where she hired out as a cook at a hotel. Her husband followed and shot her dead.

At Dallas, Texas, W. H. Beale and Bowie, in a room in the third story of the National hotel, fought a duel to the death with pistols. Shots were heard and the room broken into, and both were found lying dead, with the pistol of each lying by his side. Both were shot through the heart and head.

J. C. Cotton, who has been traveling under the assumed name of "Jay George," has just been apprehended at Port Townsend, Washington Territory, at the instance of a person who knew him East. Cotton was cashier of a bank at Newton, Iowa, and, becoming a heavy defaulter, fied the country. His defalcation, it is claimed, reached \$44,000.

At Elk Garden, W. Va., Sunday, several young men were having photographs taken in a tragic attitude, one of them being in a position as if shooting the other with a cocked revolver. Something startled him and he pressed the trigger, the ball piercing Edward kitzmiller through the head. The instantaneous photograph secured of the dying man is possibly the first instance on record.

# Personal News Motes.

Mrs Almira Hart Lincoln Phelps, the authoress, died in Baltimore, aged ninety-one. Dr Kotch, the cholera specialist, has a brothr in St. Louis. Dr. Kotch is a graduate of

Gen. Grant is at Long Branch for the summer. He has discarded his crutches and is able to walk with a stout cane.

Miss Hurst, the Georgia magnetic girl, has paid off a \$3,000 mortgage on her father's farm since she began traveling.

Col. Squire, the new Governor of Washington Territory, was reared at Clyde, Ohio, which was the residence of Gen. McPherson, and during the war served on Gen. Thomas' staff.

Mr. Fish, of Marine bank fame, still lives in his fine quarters in the Mystic Flats. They are furnished in "Oriental splendor," as the re-porters say, and look directly out upon the Moorish beauties of Casino. He is to be seen nightly on the roof of the Casino, always ac-companying some lady, generally Miss Sally Reber, an operatic portege of his.

# General News Items.

Gye will get \$3,000 a week for running the Metropolitan opera house.

Chicago health officers sprinkled 12,000 pounds of lime in gutters and wet places last week. The city is getting in trim for cholera.

A hydrophobic cat attacked Miss Reed, at Orangeburg, S, C., and tore her clothes all off, but fortunately did not bite or scratch her.

#### Found His Frail Daughter.

Winnipeg Special: Mr. Bryce, for nine years member of Pinkerton's detective agency of Chicago, but recently employed by the Canacincago, but recently employed by the Canadian Pacific railroad here, reported to the police a few days ago that his daughter of nineteen years had been induced to leave her home in Minneapolis about a week ago by a printer who brought her to Winnipeg. Search was made and the girl found in a house of ill fame. The father induced her to leave the house and started for Minneapolis with her. She was employed in Minneapolis for some time as book canvasser.

## The Public Must be Patient.

The American flint glass-workers met in national convention at Pitteburg recently. Eight delegates present from all parts of the country. President W. R. Ford, select council, delivered an address of welcome and S. J. Irvin, president of the glass-workers' association, responded. The convention will be held in session several days and nothing will be given to the public until after adjournment. It is learned that the convention will consider the questions of wages, hours of labor, admission of apprentices, but the most difficult part will probably be in regard to the importation of foreign labor. A number of small strikes are in progress in various parts of the country, and in two places—Novia Scotia and Montreal—manufacturers had adopted the expedient of whole-sale importation of workmen. Canadians have thus been frozen out, and trade very much troubled about it. They will take positive measures to protect themselves against similar injury elsewhere, and prevent trouble before it has time to grow to proportions reached in the coke region. an address of welcome and S. J. Irvin, presithe coke region.

Belfast Cablegram: The Orangemen of this city who left here to participate in the procession at Newrey, Saturday, caught a party of Catholics on their return here in the act of destroying the trumphal arches and other emblems erected by them to commemorate the day. They immediately attacked the Catholics, and a desperate hand-to-hand fight ensued. Pistols, clubs, stones, and all other sorts of missiles were used in the melee. A large number of the rioters were injured, over thirty having been conveyed to the hospital for treatment. Many others, it is believed, were taken to their homes by their friends and cared for. The police during the fight repeatedly charged the mob, but were as often beaten back, and a number of them received severe injuries. When the riot was at its height the gas was suddenly extinguished, adding greatly to the reigning confusion. Many buildings were badly wrecked. The riotous demonstrations were renewed Sunday evening. The streets were filled with warring Orangemen and Catholics, whose shouts and imprecations incited others to join in the conflict. The police charged again and again, and, though their ranks were thinned by valleys of stones. troying the trumphal arches and other empolice charged again and again, and, though their ranks were thinned by volleys of stones from the rioters, they succeeded in quelling the fight. Eighty arrests were made and many more will follow.

## He Tried Corrosive Sublimate.

Woodhaven, a picturesque village between East New York and Jamaica, was recently the scene of a romantic attempt at suicide. August Roden, treasurer of the Congregational church, fell desperately in love with Clara Sallier, a member of his Sunday school class. The girl's parents indignantly refused his matrimonial overtures, but notwithstanding his attentions were so persistent that the girl declined to attend his Sunday class, and whenever she appeared on the streets somebody naually to attend his Sunday class, and whenever she appeared on the streets somebody usually accompanied her to prevent Roden intercepting her with protestations of affection. He took the matter so much to heart that two months ago he left Woodhaven and was shortly after arrested in New York while in the act of trying to commit suicide by drowning. Of tate he had appearently recovered his mental balance, and he returned to his church and school duties in Woodhaven. Sunday night after church, Roden repaired to a clump of bushes and swallowed a dose of corrosive sublimate. He was discovered in an unconscious condition and removed to his home. Antidotes were given him, and he was soon pronounced were given him, and he was soon pronounced out of danger. Roden is 30 years of age.

# Pailure of the Great Plow Firm.

ock Island, Ill., Special .- The large pl manufactory of B. D. Buford & Co., one of the largest in the world, has been shut down for the past two weeks for the ostensible purpose of making repairs, and only a few persons knew that the firm was so mear a financial crash. Up to the beginning of 1881, the firm of B. D. Buford & Co., was in a prosperous condition. It was on the night of the last day of 1880 that a fire gutted the large and extensive works. The firm immediately commenced to rebuild, and commodious shops soon occupied the site of those destroyed. In the fall of 1881, business was again resumed, with largely increased facilities, but the market was remarkably dull, caused in a great measure by floods, which worked serious damage to the farmers, and agricultural implements were in small demand. The loss accruing from the fire and the depression of business combined to of making repairs, and only a few persons knew plements were in small demand. The loss accruing from the fire and the depression of business combined to involve the firm in debt, and an assignment has been made. J. H. Yore, the cashier of the embarrssed firm and confidential agent of B. D. Buford, said: The direct cause of the assignment was the claiming of petty creditors who threatened to issue attachments if their claims were not met. In order petty creditors who threatened to issue attachments if their claims were not met. In order to treat all creditors fairly Mr. Buford took the step he has. The liabilities are between \$400,000 and \$500,000, and the assets about \$000,000. We have agencies in Kansas City, St. Louis, Peria, St. Joseph, St. Paul, San Francisco, Portland, Denver, Indianapolis, Columbus, Milwaukee, New York and also in New England. A meeting of the creditors will be held as soon as possible, and I hope to see the woyks started up again within a month or six weeks."

# Market Reports.

8r. Paul.—Wheat. No. 1 hard, 90c. No. 1, 82c; No. 2 hard. 84c; No. 2, 75c. Corn, No. 2, 51c; No. 3, 46648c. Oats, No. 2 mixed, 28c; No. 3 mixed, 27c! No. 2 white, 30c; No. 3 white, 28c. Barley, No. 2, 55c.; No. 3 extra 45c.; No. 3,

Rye, No. 2, 54c. Baled Hay, wild, \$8.50; timothy, \$10.00. Eggs, 10@16}{c. MILWAUKEE. — Wheat, No. 2, 81½c. Corn, No. 2, 50c. Oats, No. 2, white, 34c. Rye, No. 1, 61c. Barley, No. 2, 57c. Mess Pork, \$16.50.

Mess Pork, \$10.50.

Lard, \$7.10.

Butter, choice creamery, 17@18c; fair to good, 16@17c; best dairy, 13@14c.

Eggs, 15@15½c.

CHICAGO. - Wheat, No. 2 Chicago spring CHICAGO.— N. B. 1946.

Corn, 5014c.
Oats, 29c.
Rye, 61c.
Barley, 62@64c.
Flax Seed, \$1.50@\$1.51.
Pork, \$16.00@\$1.7.00.
Lard, \$7.05@\$7.15.
Rutter, creamery, 17@18)

Butter, creamery, 17@18%0; dairy, 14@14%c Eggs, 15@15%c.

### RILLING THE WARDS.

Recapitulation of the Case-An Indicted Man Turns States' Evidence - Sensational Testimony.

Special from Grand Forks, Dak:-Tne crime

for which twelve men are to be tried for their lives, one after another, is a sad one. The trial will best be understood by rehearsing some facts which are undisputed. Charles Ward, aged twenty-five, and Frederick Ward, aged thirty, sons of Dr. E. P. Ward, of J. V. Farwell & Co., Chicago, were in April, 1883, managers of the townsite of Bartlett, Dak., and had a few days before their death built a shack on a valuable claim between Devil's Lake and Creel City, on which one John Bell, a liveryman in Devil's Lake, formerly of St. Paul, also had a shack. The night of April 22 they, with one Elliott, occupied the shack, and were attacked by a night party. The Wards were ordered off. They refused. The shack was riddled with bullets and Fred was shot down inside. Elliott and Charley Ward ran out, Charley falling with several mortal wounds. Elliott was permitted to escape after a severe beating. Fred was dragged out and the shack rified. Their bodies were found exposed on the prairie the next morning. The father of the boys was within the bar when the case was called. He and Col. Farrington, whose son is a defendant, have both silver locks. The counsel were all present but Col. Ball, who was called to St. Paul. The jury was not complete, and on motion of Deputy District Attorney Pratt, the case went over to Thursday morning at 9 o'clock. The defense were ready to go to trial with Uline. The counsel have decided to try B. W. Lair of Devil's Lake, first. His special counsel is Hon. A. P. Ward of Cynthiana, Ky., who has been here for nearly a month. trial will best be understood by rehearsing

Cynthiana, Ky., who has been here for nearly a month.

Grand Forks, Special says: A not unexpected sensation in the trial of Lair was the testimony of Dick Turpin, one of the defendants, who turned state's evidence. After finding the Wards' bodies, it was proved Fred was near his shack lying on his back with hands clenched and feet drawn up, and Charley near Bell's shack, about forty rods away, lying on his face and shot in his back. Dick Turpin was produced and the indictments were both dismissed against him, and he testified in substance that on the night in question Uline gave him a shotgun, Farrington got the team, and they all drove down to Leopold's and got him, with the determination of putting the Wards off the claim of Bell. Lair had a rifle at Ward's shack. Bell called Ward out. Fred came to the door. Bell pulled him out and struck him. They scuffled around. Turpin shot Fred, who ran away to the shack, leaned against it and fell down. The rest opened fire on the shack. Charley cried out: "I give up." He and Elliott then ran out, and some of them followed Elliott. Charley ran by him within two yards, and toward Bell's shack. When he got near them Lair, who was a yard away from Turpin, got down on his knee, took aim and shot Charley down. Ledford cried to him to shoot Elliott, who was running away. On cross-examination he admitted signing a statement in Noves' who was running away. On cross-examina-tion he admitted signing a statement in Noves tion he admitted signing a statement in Noves' office, denying having a gun or being within fifty yards of the shack. He was told that would save him. The rest had done the same, under the promise they were to have bail and not a hair of their heads should be harmed. No promise or threats had been offered, he said, for this statement, but as about six others proposed to make a clean breast of it, he thought it would be better to tell the truth than to lie.

The evidence of the coronor's inquest was offered and Gov. Bates objected. Lair appeared at the inquest and admitted he was at the fracas and heard shots fired. In the argument in the morning during the recital of Turpin Dr. Ward was deeply moved and sat bowed with his face covered by his hands. Col. Farrington was also greatly touched. The defendant became deeply serious. It is said other prisoners will make a statement similar to Turpin's

ter to tell the truth than to lie.

pin's

Grand Forks Special says: The event of the day in the Lair trial was the opening for the defense by Erwin, which was a masterly review of the evidence adduced and the claim of the defense that their clients were there in pursuance of their rights, and were assailed by the Ward boys, who moved on Bell's claim armed and prepared to take it by violence. The effort consumed an hour and a half, and was listened to by a packed house. It made an incisive impression on the jury. The testimony for the territory consisted of Dr. Lane's evidence on the nature of the wound causing evidence on the nature of the wound causing Charlie Ward's death.

Grand Forks Special 11th:—The defense put John W. Bell, one of the defendants, on the stand, to prove his actual possession of the stand, to prove his actual possession of the premises in question. He was permitted to tell that he occupied the house the Sunday named, but not to go into the question of title. Nearly two hours were spent in argument upon this question by Davis, Erwin, Van Arman and Ball. The court ruled all out pertaining to the question of claim of right as the defendants expected. Bell related the interview with Charles Ward about 9 o'clock of the night they brought on the shack, in which he told him to leave. He then went to Farrington's shack and Uline's, and gathered the party to go and carry off the shack from his claim. He did not see any gun or pistol in the crowd. They got to the Ward's shack after 11 p. m. He was told by Uline to do the talking. The rest were scattered around twelve feet from the shack. He went to the door, rapped,

The rest were scattered around twelve feet from the shack. He went to the door, rapped, called, and told them he was prepared to move the shack, and they should come out. The door opened and Fred stepped out, with his right hand on a pistol.

"He struck me with his left hand," said Bell, "and I warded the blow and advanced on him. We tussled alongside the shack, bumping against it, to the window. Five shots were fired out of the door in about two or three minutes, and the flashes were toward me. We got around on the other side of the shack. There was a command to scatter out and shoot in the shack. There were several shots fired. Then Fred fell down in front of me with his hands near me. After he said, 'My God, I'm shot!' he never spoke nor moved."

The defense is all in the Ward case, and the rebuttal on both sides closed the 12th. Counsel for the defense is preparing requests for in-structions to the jury, which will be argued Monday, 14th, and will consume all the day Monday, 14th and will consume all the day. The prosecution will give no instructions, but will reply to the requests, and have asked an early copy. The evidence in the forencon was mainly given by the codefendants, Carpenter, McQueeny and Cole. Huge McFadden testified to a conversation a month before the murder with Charles Ward at Bartlett, where Charles said that if he had been there when Creel's party moved the Ward shanty off the Bell claim he would have 'shot the stuffing out of them," and he was 'going to move the shanty back and hold the claim, if he died for it." George Carpenter, sworn:

back and hold the claim, if he died for it.

George Carpenter, sworn:

He was a druggist, twenty-five years old, and
saw the beginning of the fray; was next to
window; looked through; could see on the
floor a double-barreled shot-gun moving about,
Johnny Bell first spoke; called to Ward,
"Somebody's inside;" Ward said, "All right,
wait a minute;" witness told some of the boys
there was a gun moving about and they might

down on the west side of the Bell shack, coming round and falling near the east side of the shack.

the shack.

He was at the inquest; did not see the pistol of Fred Ward. On cross-examination said he did not see Lair have a pistol nor gun; the only gun I saw was in the shack; wont with the party from the Headquarters building; there were three or four little parties; did not see any weapons in the hands of any of our parties from the time of going there to coming back; remember the incident of some other men coming out of the shack; he was told to throw up his hands; he threw them up and throw up his hands; he threw them up, and Col. Uline said:

"DON'T SHOOT THAT MAN!"

I did not know any man was going to shoot . I did not know any man was going to shoot him. I was thirty or forty feet from him. Ledfield, Maly, Mullarkey, Col. Uline and myself were about him. If there were others they were of the same party. There were no weapons there that I saw. Saw a shotgun in front of the shack after all was over. Ledfield wanted to take it along. Uline told him it was not his and he should let it alone.

Witness was confronted with the different statements made in his affidavit before the corporer and said he was not correctly senerted.

statements made in his affidavit before the cor-oner, and said he was not correctly reported by Powell, who wrote the testimony. This was the complaint of others who had made

Pat McQueeny, another defendant, said:
Am twenty-three; was behind Bell at Ward's shack when Bell called.
Bell said; "Hello, Ward."
Ward said: "Hello,"
He soon opened the door and asked: "What

He soon opened the door and asked: "What do you want?,"
Bell told him he came prepared to move the shack. When Ward came out with his hands on his hips and said: "You s—n of a b—, I'll down you first!" Bell and he then scuffled, and Charley Ward came in the door and shot five times. He hit me in my arm.
Witness took off his coat and showed the mark of the wound on his right arm, showing also the position in which he was standing when struck.

struck I did not speak at once till I felt the pain, when I told the boys I was shot. I went about sixty yards from the shack to Uline. He gave me a handkerchief to bandage up my arm. To the time of this shooting not one evil word was said by us.

The peaceable reputation of the defendant was admitted. Rebuttal testimony before the coroner was admitted under an exceptional. An offer to prove the declaration of Fred Ward to United States Receiver Anderson shortly beto United States Receiver Anderson shortly be-fore his death of his purpose of going on Bell's claim, was ruled out by the court. The jury-men admonished very strictly in the duty to re-ceive neither spoken nor written communi-cation and to promptly report any attempt to communicate with them.

The greatest legal efforts ever witnessed in North Dakota are those seen and heard in the Ward cases. The prayers for charges em-

The greatest legal efforts ever witnessed in North Dakota are those seen and heard in the Ward cases. The prayers for charges embraced the usual ones in regard to the law of self defense, weight of testimony, credibility of witnesses and reasonable doubt. The special position predicated on the theory of the defense, that they went to the Ward shack only with the intent of removing trespassers will appear in the second request as follows:

If Charles Ward fired his pistol into the crowd with intent to wound or kill any of its members and before any act of violence by any of said crowd, without previously communicating to such crowd any request to depart, such firing was unlawful and felonious and could be lawfully resisted by the party to be injured to an extent sufficient to prevent the offense, or by any other person in defense of the person to be injured to the same extent, provided that the force of violence used in so resisting was not more than sufficient to prevent such offense; and if by means of such resistance Charles Ward was killed, it was done in self-defense and was justifiable.

On the point of threats they ask the following, in order to determine who made the first assault:

The jury may consider the testimony of the threats testified to have been made by Charles

The jury may consider the testimony of the threats testified to have been made by Charles Ward before the fatal collision, even if such threats were not communicated to the defend-

ant or heard by him.

In regard to non-participation directly in the killing, they ask the following:

If it is not proved beyond a reasonable doubt that the defendant fired the fatal shot, and it is a reasonable hypothesis raised by the testimony that the fatal shot was fired by some other reason, then the defendant the descendant the new reason.

mony that the fatal shot was fired by some other person than the defendant, then you must acquit him.

In reply to this Wallin, for the dictrict attorney, maintained that the principles of self-defense were inapplicable to this case and the defendant was not entitled to instructions upon that law. Mr. Van Arman further replied, reviewing the facts as proven, and admitted by the defense themselves. He held that what took place before Charlie Ward gave up ran out and was flying, for his life was immaterial. out and was flying, for his life was immaterial. He denicd in toto the position taken by the counsel for the defense, and said he was sure his honor would not be induced to participate in the attempt to give the jury an excuse to shield the most dastardly and unprovoked murder on a principal of self-defense which could not be invoked by this armed band of twelve against two persons. Gov. Davis briefly replied, saying that the learned counsel in effect asked the court to do what it had no power court to do what it had no power to do under the constitution—take away the question of fact from the jury; whether the facts and circumstances in this case did not entitle them to inquire into the applicability of the right of self defense, and to instruct them substantially that they must find instruct them substantially that they must find the defendant guilty of murder. The argument to the jury was opened for the prosecution by Deputy District Attorney Pratt, the barbeing densly packed with ladies, almost to the exclusion of lawyers. He was responded to by Wellington in a most subtle and careful two hours' speech, in the course of which he alternately held Dick Turpin up as a model of courage and of cowardice, and as a teller of truth and a blackened perjurer and assassin, as it best suited the explanation of that nights' transactions. The defendant broke down, while some of the jurors, especially a few susceptible ones were moved to tears.

Judge Hudson charged the jury at great

Judge Hudson charged the jury at great length, defining homicide and its different degrees. He affirmed some of the points of the defense, but on the land controversy and self-defense principle involved, wholly overruled them. His instruction was as follows:

The controversy between Mr. Bell and the Ward boys over this claim is not involved in this trial. You have nothing to do with that. You could not adjust it if you should attempt

this trial. You have nothing to do with that. You could not adjust it if you should attempt it. Whatever the merits of that controversy may have been cannot now affect the guilt or inno ence of this defendant and cannot in any event furnish a justification or excuse for this homicide. Such controversies should be settled in the proper form and not on this trial. He stated this proposition in relation to the principal of self-defense:

If you find from the evidence that after the deceased, Charles Ward, had ceased firing from the door, he cried out that he gave up or surrendered, which was heard by those on the outside, and he was told to come out and did come out and run from the shack in an attempt to escape, and you find that when some dis-

to escape, and you find that when some dis-tance from the shack he was shot and killed, tance from the shack he was shot and killed, this was murder, and nothing that had occurred previously furnished any justification for the killing, either by way of self-defense or otherwise—if this fact be true, the time for self-defense to be necessary had passed.

He instructed them that they might inquire whether any one also of the party fired the factor.

wait a minute;" witness told some of the boys there was a gun moving about and they might get shot. Fred stepped out in the door with his hands on his hips.

CHARLES WARD'S SHOOTING.

Charles rushed up and fired five shots before anything was done. Witness heard Pat McQueeny say "Boys I am shot. Lair and witness went to the east; did not see the fracas between Fred and Bell; saw Fred after he was down; Lair and witness was over 100 feet east of the shack; saw Charlie fall; don't think he stirred afterward; at that time Lair had no gun; he didn't fire then; Richard Turpin I did not see there.

Witness showed on the map how he ran Witness showed on the map how he ran lightly of murder. The defense have raised their exceptions to the charge. Under the law of Dakota the jury in murder cases must fix the penalty, either death or imprisonment for life in case of conviction. The jury was charged also in the manner of finding in case it is manslaughter.