

started. After he had been gone about long enough to reach Gilmor's I heard a shot, followed in about a minute by another. I then took a shot gun and started for Gilmor's. On the way I saw my dog which had been shot. I went up to Gilmor's house; saw Mrs. Gilmor herding the sheep; saw Walkey's body; it lay about sixty yards west of Gilmor's house; a gun lay near it; Mr. Franks examined the gun; there was one cartridge in it.

It was about twenty minutes or half an hour after my boy returned before I heard the two shots at Gilmor's; there is a difference between the report of a shotgun and rifle. Witness described this difference; he was familiar with it. A Winchester rifle is supposed to carry 1000 yards. If more than four shots had been fired that morning I would likely have heard them.

Cross - examined: When Mr. Franks picked up the gun near Walkey's body, it was cocked, and contained one cartridge; it would hold nine; the gun was mine; my boy usually took it with him when he went out after the sheep. The sheep spent the night before the shooting about a quarter of a mile east of my house. Don't know how they came to go towards Gilmore's. My boy is eleven years old. Before he came back I heard two shots. Don't know how many cartridges were in the gun when Walkey took it; don't think there were any. Only heard four shots that morning. Think there was no wind; don't recollect positively. The wind blew later in the day, but I don't think there was any wind when I started for Gilmor's. My boy came to me crying in the corral, where I was milking; said nothing to him; he went into the barn; don't know whether he talked with Walkey before the latter started for Gilmor's. My object in going over to Gilmor's was to see what caused the shots; passed within from 50 to 100 feet of Walkey's body without seeing it. My first words were not, "Where's Gilmor?" Went to Gilmor's armed because I thought it best to do so.

Gilmor has had litigation with me two or three times; he is suing me now for damage alleged to have been done by my sheep; don't feel very kindly towards him; think he is a bad man; never threatened him; don't recollect threatening him about three weeks ago, in talking with a man named George Canning, or saying to Canning that if Gilmor didn't look out I would shoot him; don't know a man named George Canning; don't remember conversing with him.

J. Joseph Hansen and Leon Imlay removed the body to my house; did not search the body, nor the pockets, nor see it done; Walkey wore two shirts, pants, overalls, hat and shoes. Helped to remove his clothes; the shots spread over a space about as large as a man's hand; they did not spread over a space as large as my two hands.

The rifle was used for target practice within a week before the 23d; Walkey was a good shot; have seen

him hit a tin can thrown in the air, with a rifle.

To Mr. Morse: Have known Walkey ever since I lived at North Point; he has been in my employ most of that time. Don't know of his having had any difficulty with Gilmor.

Leon Imlay testified—Have resided at North Point two months; know defendant; knew Walkey by sight. Never had any dealings nor difficulty with defendant. On the morning of the 23d, at or before 9 o'clock I was at a house about half a mile from Gilmor's; did not notice any wind; heard two shots a few minutes apart, at Gilmor's; could see his house.

To Mr. Kaighn—Saw three men out shooting south of Gilmor's that morning. It is no uncommon thing to hear shots in that neighborhood; was out hauling salt weed that morning; my little brother, seven years old, was with me.

To Mr. Morse—When I heard the second shot at Gilmor's I heard a dog yell.

George Baldwin testified—Live half a mile from Gilmor's. On the morning of the 23d I heard two shots at Gilmor's, about 9 o'clock; the shots were a few minutes apart. Nothing important was elicited from this witness on cross-examination.

Orson DeMott testified—I am eleven years old. Last Monday morning I went after father's sheep. Saw Mr. Gilmor and his largest boy; one had a gun and the other a spade. I set the dog on the sheep to drive them home, when Mr. Gilmor shot twice, hitting the dog the last time; he also kicked me and sent me home. When I got home I saw Mr. Walkey; he started out after the sheep.

Cross-examined: I found some of the sheep on Gilmor's land; said nothing to Mr. Gilmor. Didn't say to him, "My papa will shoot you for this." Told Walkey what had happened before I told papa. Don't know how many cartridges there were in the gun, but think there was only one, because, on the day before, there were only two cartridges in the house, and one of those was fired. Have talked with my father about it; he said he thought there was only one cartridge in the gun. After Walkey left I heard two shots at Gilmor's; I was at home. When I went after the sheep and met Gilmor, the first shot he fired passed right in front of me; the next hit the dog; don't think the first shot was accidental. Don't think Walkey was unfriendly with Mr. Gilmor. He was a good shot; have seen him hit tin cans thrown in the air. He never said a word when he started for Gilmor's. Don't think there are any cartridges in our house.

Dr. J. M. Benedict testified to the nature of the wounds in Walkey's breast. They could be covered by a man's hand, except one shot; more than one-half of the shots entered the heart.

A recess was taken till 2 p.m.

[To be continued.]

FROM BERLIN.

The following is a dispatch from Berlin, dated Dec. 28. Prince Bismarck is under the weather, but is apparently not one of the victims of influenza. His condition does not occasion any alarm, but he is ill enough to compel him to give up almost entirely all efforts to transact official business and to prevent his presence at court New Year's day. His doctors oppose his desire to appear in the Reichstag and take part in the debate on the socialist law, or military credits, or any subjects likely to irritate him.

In responding to the compliments of the diplomatic reception on New Year's day the Emperor will make a short pacific declaration, the presumption being that the royal and imperial word on this occasion gives the key-note for Europe for the year.

All society is now intensely interested in the coming fancy dress ball which the Emperor is to give at the Schloss, where everyone of the guests must appear in Oriental costume.

An exceedingly interesting discussion is carried on in private everywhere, and not without much heat, over the queer proceeding of the Emperor in remitting the fine of 400 marks inflicted upon Dr. Bachler, editor of the *Staatsbürger Zeitung*, a conservative sheet, which libeled Herr Singer, the socialist, and attacked him vigorously because he posed publicly

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and a friend of the people, while in fact he is at the head of a factory for making women's cloaks and similar garments in which the "sweating" system is practiced at the expense of many girls employed by him. Bachler appealed to the court. The editor was condemned and paid his fine in August. This fine was returned by the Emperor on Monday last. Such use of the royal prerogative naturally surprises the people. Hitherto the exercise of the royal clemency has been restricted to State cases. For the Emperor to thus interfere and step between justice and the accused person in a mere case of private interests is so plain a substitution of royal caprice for the law of the land that everybody can understand it, and therefore everybody is profoundly moved by it. The journals cannot ignore the subject, but they are obliged to touch it with the greatest caution, for fear of prosecution. Liberals of all shades discuss it in private, however, and it is the universal theme. Nationalists intensely regret the incident, as it plays into the hands of the progressists and socialists on the eve of an election, with a clear demonstration of a

GREAT ABUSE OF POWER.

This incident will confirm the national liberals in their inclination to refuse to vote as it stands the expulsion clause of the socialist bill. This party now proposes as a compromise that it will vote for the expulsion clause if the application of that clause be limited to socialists as