

THE FIRST POINT
Won By the Prosecution in the Little Murder Case.
A CONTINUANCE WAS DENIED,
After a Hot and Interesting Legal Fight
—May Develop Sensational Features—Newspapers and Prejudice—Resumed this Afternoon.

The preliminary hearing of A. W. Little, on the charge of murdering B. E. Johnston, came up before Justice Beets this morning, and owing to the enormous crowd it attracted, the county attorney advised the justice to conduct the case in the district court room. In a very little while after this became known every available space in the court room was filled. From the very first it was evident that there was going to be a determined fight by both the prosecution and the defense, the aim of the latter being to get a continuance in order, as they claimed, to better prepare themselves. The prosecution was represented by County Attorney Cobb, John A. Hale, Charles Black and Assistant County Attorney Holt. The lawyers for the defense were C. F. Hutchings, L. H. Morse and Henry Motz. Judge Little of Owen-boro, Ky., was also present in the interest of the defendant, his brother. After one of the most spirited legal skirmishes that have been witnessed in the courts of this county for some time, lasting from 10 o'clock until 11:30, the application for a continuance for 15 days was overruled and the court adjourned until 2 o'clock this afternoon.

During the entire proceedings an intense interest was manifested and the words of the lawyers were heard clear and distinct above the hum that prevailed most of the time. When Little appeared through the folding doors, guarded by the officers, all eyes were turned on him. He was neatly dressed in light trousers and black coat and vest, and removed a black soft hat as he entered the room. His black hair was lengthened back, carefully and his handsome face was pale, but he seemed to be quite at ease under the gaze of the crowd. When he settled himself in a seat surrounded by his attorneys he picked up a letter and read it, and he held the paper in his hand, there was not the sign of a tremor. The same again when he left the court room for the jail. He carried an air of calm dignity, and by a graceful wave of the hand he once or twice waived an acquaintance, if the through.

From the way things begin this morning it is not unlikely that this case will develop many sensational features before it is through. At this early stage considerable warmth was shown by both sides and in the talk between Mr. Hutchings and Mr. Hale significant reference was frequently made to the famous Sotter murder case which this will escape completely. In a point made by Mr. Hutchings Hale called his attention to a similar point in the Sotter case, in which the former prosecuted and the later defended—just the reverse of the positions they occupy now. Hale boasted that Sotter was not in the penitentiary yet and Hutchings quickly replied that he would be there in a few days.

Both lawyers, Hutchings and Morse devoted considerable of their argument to a severe scoring of the newspapers and accusations of creating public prejudice against Little.

The application for a continuance contained a hint that the defense will have important witnesses from Southwestern Kansas, and this has given rise to the belief that an attempt will be made to connect Little's victim with the famous Stevens county war, which resulted in the death of Sam Wood. The plea was made that one of those witnesses was now in Chicago.

In arguing against the application for a continuance Lawyer Hale remarked that if he were on the other side he would not let the case come to trial until forced to and he gave those were the tactics of the defense.

Every now and then in the pleas of the defense something was heard about prejudice and the newspapers. The fact was testified of that the newspapers had nothing but the stories of eye witnesses on which to base their account of the murder. The references of Mr. Little and his attorneys proved that reporters from learning whether there had been any previous causes at work which would have put the tragedy in any other light than that of unprovoked and cold blooded murder.

A LINE TO THE STOCK YARDS.

1893-08-03-KansasCityGazette-p3-TheFirstPoint

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 Mon, May 22, 2017