

*Virginia City Territorial Enterprise*  
September 16, 1862

***Another Innocent Man Killed***

A man named Samuel L. Franklin was shot by another named Peyton, between the hours of nine and ten o'clock on Sunday evening last. Peyton drew his pistol to shoot a man named Wooley, but Wooley caught his arm, and in the scuffle that ensued the pistol was discharged, almost instantly killing Franklin who was seated in a chair reading a newspaper. The ball struck the unfortunate man near the navel, passed through his body and lodged under the skin to the left of the spine, causing death in about ten minutes.

Mr. Franklin was a native of Baltimore, Md., and had been in the Territory about four months. He had been in Humboldt part of this time and had reached this place but about four weeks before the accident resulting in his death. He was a man of remarkably fine personal appearance and but about 27 years of age. On his person was found letters from his mother begging of him to return to her at his home in the States, and mourning over the "long absence" of her "dear boy."

The following evidence was giving before the Coroner's jury: JAMES H. WOOLEY. Being duly sworn said the affair occurred on C street at Mr. McCoy's saloon, somewhere near 9 o'clock; between the hours of nine and ten o'clock. I had met Peyton at Mac's saloon, the first thing that occurred between him and me was when Mr. Williams came into the house and wanted me to take a drink with him, I did and this man Peyton was sitting in a chair on standing up, he said to me when I was about to sit down "you are such a good-natured cuss I want you to take a drink with me."

"Well" said I, "Yes, I will take a drink with you." He then commenced talking with me in a slanging manner, and I took it for a long time in good sport, he called me an "ill bred, low-bred pup." I then turned around and said to him, "I am as well bred a gentleman as you are, sir." He then stood at the corner of the counter; he jumped back, put his hand in his side pocket and drew his pistol; I then started for him and caught his pistol hand by the wrist. I struck his hand down towards the floor to prevent his hitting me or anybody else, I held his hand between my legs when the pistol went off while between my legs, shooting a person immediately behind me, the person was Mr. Franklin.

Mr. W. STAFFORD, being sworn, said: He was in the saloon at the time of the shooting occurred; they (Peyton and Wooley) came up to the bar and took a drink together and stood joking together; I saw Peyton step back toward the back end of the saloon; I saw him draw his pistol; he drew it from his side pocket, cocked it and presented it at Wooley. Wooley jumped and seized his arm, when a scuffle ensued; Mr. Williams ran up to them, and at this moment the pistol was discharged the man Franklin was sitting in a chair.

A number of other witnesses were examined, the tenor of whose evidence was the same as that given above. A verdict was given and in accordance with the facts as above shown,

Peyton was committed by a Coroner's warrant to the custody of the Sheriff to await the action of the Grand Jury which will be in session on Monday next, and is now lodged in the county jail.

Persons who were acquainted with the deceased, speak in the highest terms of him. He was no drinker or frequenter of saloons, and merely went into the one in which he met his death on account of the chilliness of the night, while awaiting the return of a friend with whom he had been talking some time in the street, and who recollected some business it was necessary for him to attend to on B street. Deceased was well known and had many friends in San Francisco. His funeral took place yesterday afternoon at 4 o'clock. The expenses of the funeral were paid by a subscription raised among our citizens.