

“Killing the Marshal”

Murray caught; on his way to San Diego. He gave up like a cuss. Terrible excitement. Parties have started out to catch and lynch him. Will keep them back all I can.

--Thomas Weller, deputy constable, San Diego.

A surprise telegram announcing the capture of an “assassin” came as a huge relief to all San Diegans. Only days before the county had been stunned by the slaying of Charles Wilson, the popular City Marshal of Oceanside. Now the “cold-blooded murderer from Texas”--as the newspapers called him--was in the hands of a posse and on his way to a jail cell in downtown San Diego.

Earlier in the week, in the late hours of July 3, 1889, Marshal Wilson was walking the streets of Oceanside with his deputy, younger brother J. K. “Keno” Wilson. Shortly after midnight, the two lawmen heard the sound of breaking glass along the railroad tracks north of the Santa Fe depot. Approaching the scene, they saw two men riding toward them.

Marshall Wilson recognized one of the riders as John Murray, a 24-year-old “ruffian” that Keno had once arrested for disturbing the peace. In his left hand Murray held the reins of his horse along with a glass globe of a street lamp. In his right hand he dangled a pistol.

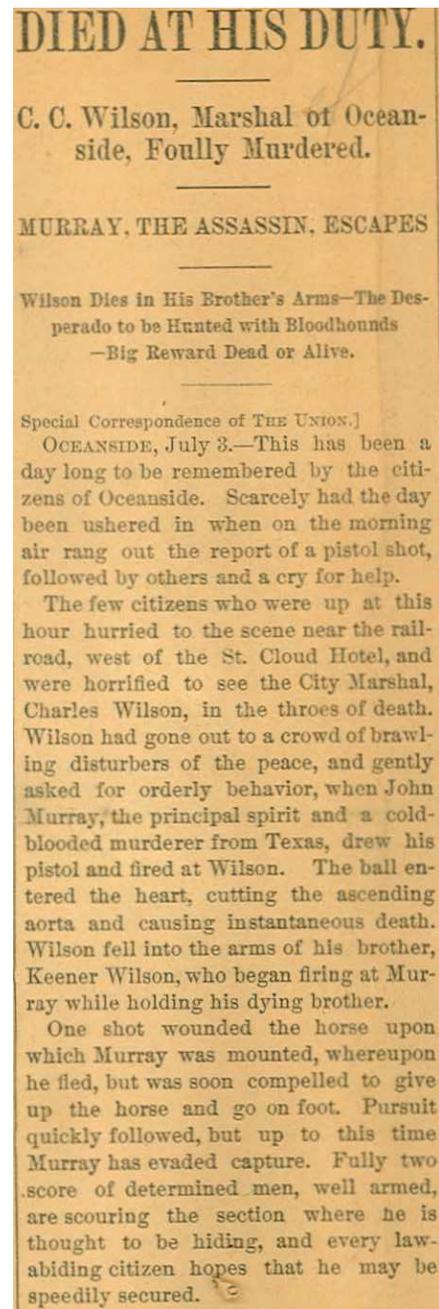
“Halt there; throw up your hands, I will arrest you,” the marshal ordered. Murray hurled the lamp at Wilson’s head, raised his pistol and fired one shot. The marshal fell instantly.

Keno Wilson quickly ran to his brother who was lying quietly in the street with his hand on his holstered pistol. “Charley, are you killed?” Keno cried, “but he never answered.” The deputy fired three shots at the fleeing Murray, who disappeared in the dark.

The next morning the County Supervisors announced a “\$500 Reward--Dead or Alive” for Murray’s capture. Over forty armed men quickly assembled to hunt for the wanted man. Bloodhounds from Los Angeles were requested by telegraph to help search the nearby acres of tule reeds, where Murray was thought to be hiding.

The alleged killer had not run far. Abandoning his wounded horse, he hid at first in the tall grass of a farmer’s pasture. But on Monday evening, July 8, he was found in the barn of James Griffen on a farm near the San Luis Rey Mission.

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“Murray’s eyes were sunken, and he looked to be in a starved condition,” Griffen later reported. The farmer warned him that a lynch mob was on the way and convinced Murray to give himself up for his own protection.

That night four nervous farmers loaded Murray into a wagon and escorted him to San Diego. Filthy, starved, and sunburned from his week on the run, Murray was “a very disappointing object as a desperado,” thought a reporter from the *San Diego Union* as he interviewed him through the bars of his jail cell. Murray seemed mystified by the shooting and unaware of the man he had shot. The reporter judged, “all who know him say that he never would have committed murder without being full of liquid inspiration.”

Held without bail, the suspect was bound over to Superior Court for trial. A painfully slow jury selection followed. Most juror prospects seemed to have a pre-formed, negative opinion of the defendant. Testimony finally got underway in late October.

Murray “was the coolest and most collected witness on the stand.” He admitted to drinking the night of the shooting but denied he was looking for vengeance against the Wilson brothers. He claimed he did not know he had killed the marshal until after his capture.

Arguing for the prosecution, Assistant District Attorney Eugene Daney “scored the defendant unmercifully,” describing him as a lawless man who had shot down the City Marshal “like a dog.” Defense attorney W. J. Hunsaker countered that Murray had only broken some street lamps—a misdemeanor that Wilson had not even witnessed. Murray thought he was about to be robbed, said Hunsaker, and fired in self-defense only after the marshal failed to identify himself.

The jury deliberated for less than four hours before returning a verdict of guilty in the first degree. Murray took the verdict calmly but “scowled a little at the crowd” as the bailiff handcuffed him and led him from the courtroom. Reporting the story, the *Union* congratulated itself on its coverage of the case, claiming the verdict was due to the newspaper’s “fearless and positive course in exposing rascality and denouncing crime.”

Two weeks later, in a courtroom packed with spectators, Judge William Pierce sentenced Murray to death by hanging. His attorneys promptly filed an appeal, arguing the jurors had been improperly influenced by their reading of the local newspapers. The State Supreme Court took up the case and months later, agreed that reporting from the *Union* had intimidated the jurors. A new trial was ordered.

In July 1890, the court of Judge Pierce considered whether the case had been influenced by the local press. Each juror from the original trial was closely questioned. The jurors admitted they read the newspapers but denied they had been influenced in their verdict.

Murray listened to the testimony from a willow stretcher. In jail for a year now, he had apparently developed tuberculosis. His condition was “most pitiable, being worn almost to a skeleton.”

The conviction stood. Once again, the Supreme Court reviewed the Murray case file and affirmed Judge Pierce’s opinion of no juror misconduct. Meanwhile, Murray continued to weaken. “It is a question of whether consumption or the hangman will show him out of the world,” noted the *Union*.

On Sunday morning, April 10, 1892, a party of eight YMCA boys called on the county jail to hold a church service for the prisoners. Murray took an interest in the service and “an effort was made to convert the condemned murderer.” Murray “talked plainly to the young men and said he was sorry for his past actions and sins and wanted to repent.”

Three days later, after a night of delirious “raving, shrieking, praying, cursing and calling for absent relatives,” he was carried out to the jail yard in the morning and “left there until the end.” “Cheated the Gallows,” the *Union*’s headline screamed the next day.

Murray’s uncle, Benjamin Hubbert, claimed the body, which was taken by train to San Luis Rey for burial. “John Murray belonged to a highly respectable family in Texas, who are well known to several of San Diego’s prominent citizens,” the *Union* reported. “But Murray was a black sheep and let whiskey get the better of him.”

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