

The defendant is charged with murder in the first degree; the most serious crime known. The killing is not disouted. The defendant puts in the defenses of insanity and justification by reason of the alleged defilement of defendant's wife by the deceased. Now a man is impelled by passion or an ger he must have his reason and could not be insane. Then if he is insane he could not be justified under the statute. The two defenses are inconsistent, they can not travel together. They are put in here by the defense just to acquit de It is certainly a lawyer-made fendant. defense and is certainly very They are certainly catching at a straw as a drowning man would do.

shot him down. That was a cold blooded murder and nothing else. To clear this young man on the testimony here on justification would be a mock-ery of law and justice and you gentlemen would violate your oaths. Nov that defense of justification, the killing of this man under a sudden heat o passion brought about by the knowl edge of the defilement of the wife of defendant, is out of this case. DEFENDANT'S PLEA.

AS TO JUSTIFICATION.

"Now, in regard to justification. First, you must take the circumstances. Right here before I forget it, all through the testimony of the defense not one word was said about other people living in the Watson house during the time the Ellison's lived there. On the other hand, they left the inference that the deceased took defendant and his wife to that house alone for his own purposes. To the contrary it was brought out on cross-examination that another man and his wife occupied the floor all the time and desecond ceased lived in a room just across the hall from them. The deceased in making arrangement with the defendant and his wife to come to his house did not do one dishonorable act. "Well, they went to Watson's house

to live, and the first thing that caused defendant any suspicion was one night when he came home and could not get in. His evidence is to the effect that ing for quite a little while. Mr. Du-pont testified that he came down and let defendant in and explained that there were two bells, one for the upstairs and one for downstairs, and that he had been ringng the upstairs bell. That clears up that testimony. Is it any wonder that his wife did not answer the bell when he was ringing the wrong bell? If there had been any suspicion on his part at that time he would have told his wife about it and she and her paramour would have been more careful in the future and these goings on would not have the testimony of Mr. Dupont. It did not ever arise to the dignity of a suspicion.

THE SECOND SUSPICION.

Now the second suspicion. He tes Now the second support. The con-tified that he was preparing to go to a party and he heard the conversation be-tween his wife and Mr. Watson when they called each other endearing terms. What did defendant do? He went out into the kitchen and then he said, he became slck. He did not rush into the room as any sensible man would do and demand an explanation. There was ne show of passion that would justify a man to kill another.

ACT NUMBER THREE.

"The third act, according to his testimony, occurred one morning when overslept himself. He said he saw Watson come into his room and put his foot up on the bed. Then he saw him stoo down and creep from the room, and then knock on the door as if to awaken defendant. Now what did Ellison do this time? He simply laid there in bed. his wife by his side. He didn't rush after the intruder in a sudden heat of assion, as any man would do under uch circumstances, as any of you gen-emen would do. That story is very uch circumstant. That story is emen would do. That story is mprobable. His actions were not those mprobable. His actions were not those and the did was to and tell his improbable. His actions were not those of a wronged man. All he did was to get up and dress himself and tell his wife that they must leave the house that day and he then started to work. "He said that he could not work, so went to his mother's home. Now that is every bit of the testimony in regard to the relations between Watson and start Silleon and on the question of

A THE REAL PROPERTY AND ADDRESS OF A DESCRIPTION OF A DES

"Now this young man says that if he is not justified, he must be excused be-cause he was insane, was not in his right mind. On Thursday night before the shooting the defendant was on 'ommercial street and hought this gun Here is silent evidence of premeditation indicating the gun). From its lips came the bullet which sent the deceased to his grave. The defendant says he don't emember buying the gun at all. He ertainly knew enough to buy a good

gun anyway. Now on the day of the shooting he went down to Watson's place. He knew where it was, he was same enough for that. The testimony of Mr. Jospeh Murphy states that there was nothing unusual in defendant's appearance; that he came there about 5 o'clock and asked for Mr. Watson. Mr. Watson was not in so defendant waited for him. He said that defendasked him how he liked to work for Mr. Watson, Is that the question of an insane man. This testimony is certain y evidence of premeditation. Mr. Murphy said that Ellison waited a few min ites and then went out. He returned bout 10 minutes later and Mr. Murphy old him that Mr. Watson had not re urned.Defendant said 'i see him coming up the street.' He certainly had sense enough to recognize his victim when he

saw him coming up the street. Defendant then came inside and sat iown. There is this insame man sitting there quietly with a gun waiting for his victural. After the shooting what aid this man do? He said there is the gun, take it, I am through with it.' He

knew what he was doing, he realized that he had shot his man and that his mission was ended. That man was le gally sane and this lawyer-made cas insanity will not go. The testi iony of the defendant shows that uddenly came to his senses immediate y after the shooting when he went out on the street. The crack of the revolver that sent Watson to his death proved a cure for his inanity. We claim that man cannot be insane one instant and same the next. We claim that he was perfectly same when he fired that shot."

ACTS OF OMISSION.

Judge Powers was comemnting upon the failure of the defense to put Mr. Yoeman on the witness stand, as he was a friend of the defendant and was with him constantly during the period which it is claimed defendant was insans. The judge also called attention to the failure to put either of defend-ant's aunt's on the stand to testify as to his insanily. He said that they both visited him during his troubles and could have testified on that subject. He

argued that the defense was afraid to ring out the whole truth. His argument had not been concluded when the court took its noon recess.

YESTERDAY AFTERNOON.

After the "News" report closed, Capt. Borbidge and Officer Barlow corrobo-isted the testimony of Detective Chase it regard to the texts made by them on Saturday at the Watson house. They stated that a person standing at the front door could not see the upper hall-wry at All. Mrs. Watson was called to the stand and testified that no altera-tions had been made in the house since the shooting.

WANTED MRS. ELLISON.

Judge Powers then called for Mrs. Maud Ellison to take the stand.

There was a general murmur of suris every bit of the festimony in regard to the relations between Waison and Mrs. Ellison, and on the question of justification. The whole thing is very improbable. Right here I want to tell you that I will not say one word

in connection with this tax" passed a resolution strongly condemning the proposed action and appointing a depuation to call on Premier Balfour confer with him on the subject. It is believed the protest will have any effect. Answering a question in the house to

day Mr. Ritchie held out little hope of the millers getting a refund of the du-ties paid on imported grain which they may still have on their hands when the tax is abolished July 1.

Miss Gould's Philanthropic Schemes New York, May 5.-Because Miss Helen Miller Gould is determined that

nothing on her estate which can b made useful to the public shall be left dle, workmen are making ready sev eral buildings on the grounds which which have not at present any special use, so that they may be the homes of Miss Gould's philanthropic projects. Improvements on a stone building, to e used for a cooking school for the

girls of Irvington and Tarrytown, are almost completed. Miss Gould has do-nated another building to a sewing school

Loubet Telegraphs Edward Thanks

Paris, May 5 .- President Loubet tele. graphed to King Edward at Ports-mouth thanking him for the good will manifested toward the people and gov-ernment of France, as expressed in the king's dispatch to the president from Cherbourg yesterday

The radical Socialist group in the chamber of deputies has adopted a resolution urging the immediate negotia-tion of a treaty of arbitration between Great Britain and France

Express Money Found at Britt, Ia.

Britt, Ia., May 5 .- Three 'thousand dollars of the money, which United States Express Agent Peterson says was stolen from his last week, has been found beneath the company's building nere, according to a statement made to day by inspector Barnes. The robbery occurred in the day time and three packages containing \$4,000 are alleged to have been taken. Peterson still insists that he was robbed.

Dr. Fryson of St. Louis Dead.

St. Louis, May 5 .- Dr. John P. Bryson, one of the leading surgeons in St. Louis, and known professionally throughout the country, died today of heart failure, aged 55 years, Dr. Bry son was stricken last Thursday in For est Park, while driving to the world's fair site to attend the dedication cere-He leaves a widow and two children.

Car Runs Away and is Wrecked.

Rochester, Pa., May 5 .- A Beaver Valley traction car, bound for Beaver Falls, ran away last night and was wrecked. Conductor Charles Miller was probably fatally hurt. Motorman Shepherd badly cut and bruised and six pas sengers more or less seriously injured. It is thought the accident was due to wet rails, caused by a broken water-

main.

Ninth Grand Trunk Victims,

Detroit, May 5 .- The ninth victim of Sunday night's accident at the corner of Canfield and Dequinder streets, when a party of Polish excursionists, who were boarding a Lake Shore train at the crossing, died today at Harser hospital. Heris Jos, Szaruletta, aged 20, of Toledo, Jos. Schafranski and Helen Rod ziewicz of Toledo, who are in a critical condition, show slight improvement today. The others injured are believed to be out of danger.

To Work Chilian Mines.

New Yor, May 5.—A French-Belgian syndicate has been formed in Europe, with a capital of \$3,000,000 to work the Chillan mines, according to the Val-paraiso correspondent of the Herald.

was also imprisoned for eight days and conditions were becoming such that President Cannon deemed it advisable to make mine a test case and therefore with an occasional piece of black bread thrown in. This was served with no ceremony whatever, being simply cast had the matter brought before the min ster of foreign affairs for final adjudi into a hole as though he were little betcation. The result was the decision ar ter than a dog. Relating his experi-

into prison where he remained for 19

days on a diet of boiled wheat and salt

rived at to expel the 'Mormon' Elder from Prussia and the duchy of Meck ences Elder Leonard said: Our troubles in Bielefeld started lenburg, which I confidently believe wil with the conversion to our faith of the building inspector of that town. This shortly result in the withdrawal of the missionaries now laboring in Ger gentleman was quite prominent there and his conversion so enraged the cierthat they immediately set to work have us driven out of the country

One minister even went so far as to say that if he knew the Gospel of the Mormons was true he would fight it till his last drop of blood was shed. In June, 1902, I was banished from Biele feld and immediately complied with the law. On reporting conditions to President Cannon he at once held a consultation with the American ambassador, who said they had no right to banish American citizens unless they had broken the law. He therefore advised that the Elders be sent back again and was immediately dispatched to my old field, but had not been there long until I was arrested and placed in jail I remonstrated with the officers, tell-

many, that is, unless the Empero brings his power to bear on these gov ernments. If such is the result we will likely establish headquarters in Swit verland and leave the German branches eles to look after themselves. Elder Leonard says the m missionaries are not at all disheartened. Rather de they feel encouraged, for their labor in Germany have been crowned with wonderful success and the fact that the opposition they have met withcomes dict from the clergy, is a testimony un-them that they have the truth and that it is being opposed by men who should know better, but who thought

their bitterness have become so hard ened to all sense of justice that they comple not to inflict punishment on all who do not see and believe as they do.

AFFAIRS IN CONGO FREE STATE

Rev. Wm. Morrison Fully Confirms Stories of Abuses There-Situation Grows Worse Daily as Result of Rubber Monopoly's Introduction of Force Labor, Amounting to Slavery.

London, May 5 .- The Rev. William | the situation is daily growing worse as Morrison, of Lexington, Va., a member | a result of the rubber monopoly's inof the American Presbyterian mission, troduction of forced labor virtually amounting to slavery. On his way to the coast Rev. Morrison covered 800 miles on the Kassal river, formerly thickly dotted with villages and he says there are now less than a dozen villages there, the people having fied into the forests to escape the tyranny of the whites. It is impossible for the natives to get any redress from the Congo state officials for the abuses to which they are subjected. American and British ministers at Rev. Mr. Morrison sails for New York

May 9 and will furnish the state de-partment at Washington with further

STRIKERS' DEMONSTRATION

Italian strikers made a demonstration toady before the diggers and shovelers employed on the Muscoot dam at the waterworks improvement in the Bronx and succeeded in driving them from their work. The laborers at work on the dam for contractor J. B. McDonald dred strong. The first laborers to start

Sacrificed His Life for Another,

New York, May 5.-Fireman William McNally, who was burned in a brave rescue at the fire at east Fifteenth street and First avenue Sunday, died today. McNally tried to save a tenant, but was overcome by the smoke and heat. Another fireman, James McAvoy,

few stones were thrown and as the number of laborers increased, a leader in the growd of strikers said something in Italian and a dash was made on th works. The jaborers dropped their tool and fled. Not wishing to mix with the police the strikers dispersed. The poice kept all strikers moving today and with the numerous officers of guard there was a line of blue in Broadway from Forty-second to One Hundredth Strikers were not allowed t street. gather at street corners. The strikers had 400 pickets along the line of work A number of iron workers employed i the subway were forced to quit by lack of material and the men to fetch it.

rushed to McNally's rescue, dashing through a window filled with fiames to do so, and brought McNally out. Mc-Avoy was hadly burned and had to be taken to the hospital. McAvoy left the hespital yesterday. Mayor Low went to the hospital yesterday to see Mc-Nally and commended him for his

cation would simply have needs to the capability of the taxpay-. Few cared to say outright that county board should not give the ers. board of education more money than it received lass year. But there were those who commended the county commission for keeping the taxes down as low as it did and hopes that it will do the same next year. As stated in Saturday's "News," the board of edu-cation asked for a levy from the county of 32-5 mills, which would have given it a sum total of \$90,000 from that source. The county commission-ers made a levy of but 2 2-5 mills, which netted something over \$59,000, leaving a shortage of over \$30,000. In response to the board's request the commission made denial in the following letter under date of May 27

particularly discussed and the declara-

tion made that the city board of edu-

To the Honorable Board of Educa-tion, Salt Lake City, Utah .-- Gentlemen -With regard to your request made of the board of county commissioners for an increase in the county school tax rate from 2.2 mills in 1991, to 3.4 mills n 1902, in order to give the Salt City school district an additional amount of funds for the maintenance of the city schools, the following report was adopted, and is respectfully called

to your attention: "1-That a close examination of the statutes empowering the board of comstatutes empowering the board of com-missioners to levy a tax for county school purposes makes it clear that there is no warrant in law for the ex-ercise of the power invoked by the peti-tioners. By chapter 134 of the session laws of 1901, the county commissioners are confined to making the levy neces-easy for county school purposes and

sary for county school purposes, and there is nothing in the statutes permitting them to go beyond. Indeed, it is the clear intent and expression of the law that the levy for city school pur-poses shall be made by other officers, as set out in chap-ter 127, sessions laws of 1901. 2-It was plainly the intent of theLes

in cities of the first class, in which Salt in cities of the first class, in which Salt Lake City is listed, such powers as the law-making body of the state proper to have exercised in this direc-tion, and that body has placed certain restrictions thereto. It would be presumptuous, to say the tenst, for the board of county commissioners to attempt to set aside those restrictions by a doubtful interpretation of the letter of the law, and against the clear intent of the Legislature.

"3. Further, we cannot consider as well taken the point sought to be made city board of education, that unless the board of county commissio increases the tax rate as requested, the city schools will suffer. From the hisof Utah's lawmakers, we do not find warrant for the assumption that the Legislature will be unjust in this respect; and the way is open for the petitioners to apply directly and in ampl time to avert anticipated injury, that body which can exerthat body which can exercise legitimate powers in giving the relief sought. The next Legislature will meet when the coming school year is barely half over, and will have completed its labors before the period of the alleged deficit will have been reached. A full and frank statement of the situation to the Legislature-the only body that can give the desired relief legitimatelywould not fail to cause a permanent re-moval of the restrictions complained of as being a hardship on the great and important public interest now in the case of your petitioners.

Mrs. E. B. Haskell, Missionary, Dead

Des Moines, Ia., May 5,-Mrs. James Miller of Cedar Falls, has received a cablegram anouncing that her daughter Mrs. Edward B. Haskell, a missionary is dead at Salonica, Turkey. There is nothing to indicate that death was not natural. Mrs. Haskell was a graduate of the Iowa State Normal school and Oberlin university.

TAXPAYERS TALK

ed in maintaining them for the rest of the season, by popular subscription and other means out of the ordinary.

Said L. S. Hills: "There should be no deficit next year. The board of education should see to that! and they should see to it without increasing taxes. The rate is already too high. The time has come to sound a note of warning and sound it so all will hear and understand. Let the board do its duty, pay off the last \$15,000 on the Mc-Cornick note, and meet all else that it has to meet. As to how to do it they are the best judges. They must work out some plan. When the governor vetoed the so-called relief bill he did just right. I believe it will have a good effect

W. W. Riter said: "I will not under-take to say what shall be done speci-finally, but this I will say, We cannot endure any more taxation. There are mery improvements I would like to see we need ~ more permanent water supply: our streets need paving, sewers should be extended; we need an in-crease in police protection, and we need an extension in our park system. In-dividually we need better houses, better food and clothing, and other things to add to our santitary protection, but we can't afford all these at present. The same principles of economy we ap-ply to personal affairs should be ap-plied to public affairs. Any individual who lives beyond his income comes to bankruptcy. So, also, with the body

"I believe J am as strongly in faof education as any one, but must 'cut the garment according to the cloth.' The weight of taxation now is grievous to be bourne. It takes from It takes from 15 to 30 per cent of the income of our hest property to pay taxes. Any further increase of our burdens will not only result in checking the influx of capital, but will drive capital now here from the state; remember the experi-ence of San Francisco; aiready a numher of wealthy men have left here and acquired residences elsewhere to avoid the heavy burdens imposed on them We must not kill the goose that here. lays the golden egg. Taxes must not be increased if the state is to prosper, Taxes must not We should seek to increase our revenue increasing the quantity of property e taxed.

John E. Doaly, ex-president of the board of education, said: "We must draw in our sails. The immediate duof the board of education is to make its revenues come within its expendi tures. The man who wants a one dol-lar breakfast and has but a half dollar in his pocket must be content with a fifty cent fare. If we can't run our chools for ten months, then let us make it less-nine and a half or even hine months. Taxes high? Well, I guess they are. A man of money came to me recently and talked about the guess they are. erection of a factory in this city, in-quiring very naturally about the rate of taxation. He was dumb when he saw what the total He was dumbfounded The result was he will build his factory across the county line. And our coun-ty will have the taxes altogether. That is only one case. There are others just as pointed. I think, however, that the board of education and county com-mission are both right on the proposition of more revenue last year. The board needed it badly; the commission did right in refusing. The trouble was in passing the constitutional amend-ment two or three years ago that makes Salt Lake give so heavily of its taxes to the schools outside of the city."

Chinese Leper Escapes. St. Louis, May 5 .- Dong Gong, the

Chinese leper, who has been in close confinement quarantine, about two miles below Jefferson barracks, for the past year and a half, has escaped, Every effort will be made to apprehend him.

Brussels and to Foreign Secy. Lansdowne detailing the results of his personal investigation and showing that evidence on the subject. New York, May 5 .- Several hundred | to work were hooted and howled at.

the dam for contractor 7.5. at ranks had atmounced their satisfaction at the wages paid and said they would not strike. But the strikers who have har-rassed the McDonald contracts, especially along the subway, said they would drive the men from the trenches and they appeared at the dam several hun-

who is here on his way home after six years' work along the Kassai river, about 1,200 miles in the interior of the Congo Free State, fully condums the stories of the abuses in the Congo administration. He has furnished an exhaustive report on the situation to the Congo Free State authorities, to the