

vest and revolver exhibited here were gotten from the justice.

City Marshal William Bean—I was in Richfield on the day of the shooting. I heard the shots and started in the direction of the shooting. I went to Jones' house and saw Palmer lying on the floor. I went out on the street. Saw McPherson, who said, "Here is my gun; take me and lock me up." (The witness identified the pistol with the same two loads in it.) I searched him and found a bottle of alcohol. I took him to the jail and locked him up. McPherson said it was Jones' gun. Had some conversation about where the shot hit Palmer. McPherson said he thought he caught him on the right side of the back. On the way to the jail he said: "What is the prospect for a lynching?" Previous to the killing he told me that there were people in Manti who would furnish him all the money he needed in case he got into trouble. He related the difficulty he had had with Palmer by being arrested and put in jail, and that he had been let loose by the sheriff.

Cross-examined—He told me that Palmer had taken him to a theatre with handcuffs on, and made an exhibition of him; also that Palmer had been dogging him for some time.

L. M. Palmer, father of the deceased, testified—My son came to my house the night of March 14, from Fayette. He came because I had sent him word that there was some business that he ought to attend to. He stayed at my house that night. The next morning he hitched up, and we took a drive to see about renting a house. He said after we attended to the business: "I will go down to Raleigh Jones," and accordingly went down there. He was dressed in the coat and vest exhibited before the court. I next saw him in the house of Raleigh Jones in bed, wounded and bleeding under the doctor's care. He died March 22. He made a statement to me five days before his death. He said: "Father, I am dying by inches. I will live out seven days though. I didn't want to make a statement to the justice and Bean, because there is a conspiracy and I don't want it known. Raleigh Jones came to the door and called me, but he said, 'Jim wants to talk to you,' and I said I could not be good to a thief and mail robber. Jones said: 'You must, because because Jim is my relative.' I went out to the wood pile where he was chopping. Jim said: 'What did you publish that piece in the paper about me for?' I started to leave and McPherson said: 'Look here, Lou,' and drew a pistol. I threw up my hands and said: 'For God's sake, don't shoot.' He then fired two shots and said: 'Oh, Lou, I'll fix you,' and struck me over the head with a six shooter twice. Mrs. Jones ran up and said: 'For God's sake don't shoot Raleigh.' I ran into the house and fell on the floor; some men picked me up and put me on the bed. My son had a wife and three children. He made a written statement of some kind. Don't know where that statement is. I noticed the scars from the pistol wounds on his head.

Robert Morris heard two shots about 6 o'clock on the evening of March 15, at Raleigh Jones' house. After the first shot I looked around and saw McPherson with a pistol in his right

hand, in the act of shooting. Could not see Palmer. Saw McPherson cross the block and run out on the street. I afterwards saw Palmer in the house. There was blood upon his head and shirt.

Raleigh Jones—I am a saloon keeper. Know McPherson. Saw him March 15 at my house. Knew L. C. Palmer. He was at my place on Sunday. Saw McPherson fire one shot. He was about fifteen feet from Palmer, on my wood pile east of the house. There were words before the shooting, but I did not hear them distinctly. Palmer ran for the house, and so did I. The men seemed to be quarreling before the shooting.

Mr. Palmer was recalled and stated that his son had left his revolver on his table just before going down to Raleigh Jones' place.

Samuel Mount—The defendant came to my house, at Plattville, on March 10. He said that a party in Manti had told him if he killed Palmer he would see him through, but he didn't know that he wanted to kill him.

Mrs. Raleigh Jones testified—Know the parties to the case. Saw Palmer last on Sunday, the 22nd of March, just before his death. He was at my place March 15. I heard two shots fired east of the house and ran through the front door, and to where the row was. I ran between McPherson and Palmer, grabbed McPherson and said: 'For God's sake, don't shoot,' and he said: 'I won't; I respect a lady.' I then came in the house following Palmer, and McPherson was following us. Don't know what McPherson did after that. (The witness identified the revolver as one loaned to McPherson Thursday before the shooting.) There was a scar on Palmer's forehead and I supposed he was shot in the head.

One witness stated that McPherson had said after the shooting that he was not afraid of any man or set of men or any law, but was willing to be locked up.

The prosecution rested after offering the coat, vest, pistol and cartridges in evidence.

Dr. Palmer was called by the defense. I saw my son the Monday previous to the time he came to my house on Saturday, prior to the killing. My son had a quiet way of talking generally.

Mr. Neil was recalled for cross examination—There was a slight scratch on Palmer's head, not a bruise. Do not think the scratch was made by striking with a pistol.

Mr. Sutherland made a statement on what he expected to prove in his defense of McPherson. He did not deny that the defendant shot L. C. Palmer, but would attempt to show for a long time prior to the killing Palmer had dogged the footsteps of McPherson in a quarrelsome and threatening manner; that Palmer went to him and instigated the quarrel, while the defendant was quietly at work on the woodpile at Jones' house; also that Palmer did not have proper care.

McPherson was sworn and took the stand.

The defendant testified—I first met Palmer last February. It was at Fayette, where there was sheep shearing going on. I had a difficulty with Luther Palmer at Manti about the 18th of February. (What the difficulty was

was objected to and the objection sustained.) On March 14 I saw Palmer and had trouble. (Mr. Sutherland stated that he wanted to prove that Palmer had exhibited weapons and threatened the life of McPherson at various times. The court ruled that the man's testimony would not be proper testimony.)

McPherson—On the morning of March 15, Palmer came into Jones' house and began quarreling, saying he was not afraid of the biggest man that walked, and I had better not cross his track. He was armed. I saw his pistol. I next saw Palmer in the afternoon, near Jones' house, about 6 o'clock. I was at the wood pile, and Palmer came out to me and said, "Jim, I believe you are going to have me arrested," and he talked about a piece that was published about me and my father and said: "G— d— you and your father." He said "G— d— you, I am fixed for you, and you are fooled if you don't think so." He made gestures with his left hand and reached for his hip pocket with his right. I supposed he was going to shoot and let fall the ax and shot. I thought I shot him in the right side. There were four loads in the revolver before I shot and two remained in the revolver after the shot was fired. Palmer went into the house and I followed coolly after him. Did not strike him. I went toward the street and met Mr. Hawley. I spoke to him. I then saw the city marshal and told him to lock me up. I told him what I had done, and was forced into it. On one occasion Palmer said, "G— d— you, I'll make you leave the country." A gentleman from Fayette told me that Palmer had said if I didn't steer clear of him he would fix me.

Raleigh Jones testified to some words that had passed between the defendant and Palmer just before the shooting, over a piece published in the Salt Lake Times. McPherson asked why Palmer had it published, and Palmer said, "I ain't afraid of the biggest man living." I told them they could not row in my house. Palmer said something about McPherson not crossing his track in the future.

Mrs. Jones testified to the quarrel between the men on the day before the shooting, wherein Palmer made some threats toward McPherson.

The taking of testimony concluded last night. Arguments were made by counsel for either side and the case was submitted to the jury.

A verdict was returned at this morning's session of court, by the "twelve good men and true," of murder in the second degree.

WASHINGTON, May 4.—The national conference of the State Boards of Health today discussed a paper proposed by the State Board of Health of Kentucky on consumption. The paper showed the contagiousness of tuberculosis, its increase in direct proportion to age and liability of infection from animals. It suggested as a treatment sanitary supervision for the prevention of overcrowding and the regulation of climate. If possible, educate people as to what tuberculosis was. It was spreading among the negroes, because in independence they are not so well housed and fed as in slavery.