

FIFTIETH YEAR.

BRITAIN RELEASES
AMERICAN FLOUR.Ambassador Choate Has an Interview With
Lord Salisbury This Afternoon,
With This Result.Foodstuffs Not Contraband of War Unless Intended for the Enemy
—German Ship Released—Dissatisfaction in Great Britain—
Storm Bursting Over the Head of the Home Government
—Displeasure at Government's Lack of Energy No Longer
Concealed—Press Arousing Everywhere—Conservative
Papers Call Ministry a Body of Patriarchs—Majority is
Shaken—Rumors That Boers Retire From Magerfontein—
British Advance on Stormberg Turned Back.

London, Jan. 10.—The American flour seized off Delagoa Bay has been released. United States Ambassador Choate had an interview with the Marquis of Salisbury this afternoon and received a verbal reply to the representations of the Washington government.

The British note on this subject was sent later to the United States embassy. The gist of it was cabled to Washington. In brief, food stuffs are not considered contraband of war unless intended for the enemy.

Durban, Jan. 10.—The British authorities have released the German steamer Herzog, which was seized Jan. 6th, while on her way to Lourenco Marques.

The Hague, Jan. 10.—The minister of justice, J. C. Jansen, instructed the commander of the Dutch cruiser Friedland, now at Lourenco Marques, to proceed to Durban and take on board the Dutch ambulance intended for the Transvaal and the stores sent out for the Friedland herself, which form part of the cargo of the Herzog.

London, Jan. 10.—The plight of British arms in South Africa is overshadowed for the present by the storm which is bursting over the head of the home government. The Manchester speech of Mr. Balfour, the government leader in the House of Commons, has loosened such a torrent of comment from the press and individuals of his own party, that were parliament to reassemble today it is doubtful if the conservatives would retain power in the present session. The pent up dissatisfaction with the government's lack of energy in waging the war is no longer concealed. When such ardent conservative papers as the Times and the Globe come out boldly with reproaches, there is no knowing where the agitation will end. The provincial press has already taken up the cry. For the moment, Mr. Balfour is the scapegoat, but there is a terrible rod in pickle for the Marquis of Lansdowne, while Lord Salisbury and other cabinet ministers will not escape unless a wonderful change comes over the war situation.

A reporter of the Associated Press learns that the conservative leaders privately admit the gravity of their position, but fail to see what can be done. In the meanwhile the successes in the field will abate the popular clamor. Some of the conservative papers go so far as to regret the extreme age of the cabinet ministers and refer to the cabinet as a body of patriarchs. Under these circumstances it is doubtful whether events transpiring before the reassembly of parliament would be powerful enough to restore confidence in the government and maintain its majority.

There is the important alternative that Lord Lansdowne or Lord Wolsley may be sacrificed.

A representative of the Associated Press learns that Lord Wolsley not only disapproved of Lord Roberts' appointment to the chief command of the British troops in South Africa, but also his disapproval to be generally known. It is the fact that Lord Wolsley

ROBERTS' REPORT COMES MONDAY

Committee Met in Washington Today—Majority Report Probably
Will be Against Taking Oath of
Office.

[SPECIAL TO THE "NEWS"]

Washington, D. C., Jan. 10.—The special Roberts committee met this morning, and waited half an hour for the appearance of former Secretary Carlisle, who was slated to make an argument on the question of the naturalization of Roberts, but Mr. Carlisle did not materialize, nor did he send any additional argument.

The committee were several hours in executive session considering their report, which will probably be ready to submit to the House next Monday.

MILES-REBER WEDDING.

Daughter of Gen. Miles Married Today in Washington.

Washington, Jan. 10.—Miss Cecelia Sherman Miles, daughter of the general commanding the army, and Capt. Samuel Reber, U. S. A., were married at noon today at St. John's church, Rev. A. Mackay Smith, D.D., officiating, assisted by Rev. Dean Davis of St. Louis.

A breakfast at which several hundred guests were present, followed at the residence of Gen. and Mrs. Miles, after which Capt. and Mrs. Reber left for a southern trip. They will go later to Governor's Island, where the former is stationed. Gen. Miles and the other military men were in full uniform.

at noon to compare the ballots for U. S. senator taken by each house in separate session yesterday.

Under the new rules adopted, Speaker Trimble presided, Lieut. Gov. Marshall occupying a seat by the speaker. The clerks of the two houses read their respective journals regarding the vote for senator. Speaker Trimble announced that a comparison of the journals showed that Mr. Blackburn had received a majority and declared him elected.

National Woman Suffrage.
Washington, Jan. 10.—Representative Shaforth of Colorado, has introduced a resolution proposing a woman suffrage amendment to the Constitution.Acquitted the Actress.
Chattanooga, Tenn., Jan. 10.—The jury finds Julia Morrison James not guilty of the murder of Frank Lelendelmer.EPIDEMIC OF INFLUENZA.
It is Sweeping Throughout Great Britain
—Royal Family Affected.

London, Jan. 10.—The epidemic of influenza is spreading throughout the whole country. The newspapers contain long lists of notable sufferers from the disease and the death lists are abnormally long. The royal household at Osborne house, Isle of Wight, has not escaped.

Many of its members have been removed to a sanatorium.

AMERICAN FLOUR SEIZURE.
Inquiry in Congress Proposed by Senator Hale.

Washington, Jan. 10.—Senator Hale, of Maine, today introduced a resolution asking for information regarding the seizure of American property in Delagoa Bay, declaring it had been detained unlawfully and unjustly. Upon objection of Senator Lodge the resolution went over.

German Budget Favorable.

Berlin, Jan. 10.—Introducing the estimates in the lower house of the diet today, the minister of finance, Dr. von Miquel, said the budget was the most favorable ever submitted. The surplus for 1898-99 was \$4,360,000 marks and the current year was expected to furnish equally satisfactory results.

The new estimate of the minister explained, were no longer based on railroad receipts to the same extent as formerly. Dr. von Miquel also referred to the reserves contained in the estimate available for times of distress, and said debts amounting to \$80,000,000 marks had been redeemed during the last decade.

MONEY POURED
OUT LIKE WATER

Washington, Jan. 10.—Ex-Senator Faulkner today resumed his cross-examination of Mr. Whiteside of Montana in the case of Senator Clark of that State. He began the day's proceedings in an effort to break down the testimony of Mr. Whiteside concerning the alleged misconduct of his namesake in connection with the senatorial election.

Whiteside repeated his statement that he had seen Mr. Clark of Madison go alone to the room of Wellcome, one of the managers for Senator Clark, and also that Mr. Clark of Madison had asked a day to consider the proposition to enter into the agreement to expose the alleged bribery proceedings. He asserted that the suggestion that the senator's vote would be secured had not originated with him, but with Wellcome. He said many of these points had not been touched upon at the legislative investigation or before the grand jury, because both these proceedings were comparatively brief.

At Mr. Faulkner's instance Mr. Whiteside went over the details of the transaction with State Senator Myers, who was one of his associates in the alleged exposure, and also told again the circumstances under which money was given to him. Both transactions had been conducted in the bath room of Mr. Wellcome's room at the Helena hotel. Mr. Whiteside also detailing some of the particulars of a visit made to New York and Washington by himself in February last year. He said he had met here among others Mr. Campbell, counsel in the case, and Mr. Durston. He had not met them by appointment, but they had discussed whether they should make their disclosures to Congress before the adjournment last March or wait until the beginning of the present session. He and Mr. Campbell had been the most active agents in the present prosecution.

Replying to a question as to whether the Daily Union had ever used money in politics, Mr. Whiteside said that he did not know; that charges of such use of money by Mr. Daly had been made by the newspapers friendly to Mr. Clark; that the corrupt practices had begun in 1893, when Clark was a candidate for the Senate, and had continued throughout the State capital fight, when money was poured out like water, and in subsequent sessions of the legislature until the last session, when the climax was reached. He had then determined to do what he could to put a stop to the practices; hence his activity in this prosecution.

Mr. Faulkner then announced that for the present he had concluded his examination of the witness, but later when his questions were properly formulated he would ask to have him recalled with a view of putting questions to be used as the foundation of proceedings looking to the impeachment of his testimony.

DIED FROM SMALLPOX.

First Victim of Present Epidemic Dies in Wayne County.

Special per Deseret Telegraph.

Manti, Utah, Jan. 10.—Mrs. Lowry, widow of the late James Lowry, just received a telegram from C. A. Gibbons of Hanksville, Wayne county, announcing the death from smallpox of her oldest son, Jester, who has been herding sheep in that part of the State for some time.

From letters received earlier it is understood that the disease was brought to the sheep camp from G. T. Olsen's place in Emery where camp tenders had been permitted to stop after Olsen's family were afflicted with the disease.

The sheep camps are so far from the main centers of population that the true condition of affairs regarding the smallpox outbreak there has not been learned.

Mr. Lowry died Saturday morning. He was twenty-two years of age and the main support of his widowed mother and the younger children. The telegram was sent by way of Green River. It is not known what disposition will be made of the body, but it cannot be brought home at this time.

SECRETARY GAGE
MAKES REPLY.Tells Why He Deposited Funds
in the National City Bank.

POLICY FOR MANY YEARS.

Would Not Change It—Sums Up a
Long Message in a Few Para-
graphs for Congressmen.

Washington, Jan. 10.—Secretary Gage today sent to Congress his replies to resolutions recently introduced in the Senate by Mr. Allen and in the House by Mr. Sulzer of New York. The text of his reply, which is an exhaustive exposition of the management of that branch of the treasury finances under his administration relating to national bank depositories, contains about 9,000 words, and is supplemented by special reports from department officials relative to special inquiries in the resolutions, including copies of over 1,000 letters on the subject under consideration. In summing up his reply to the inquiries, the secretary says:

"First—That the reason for utilizing national banks as depositories for public moneys, as authorized by law when the receipts of the treasury were exceeding its expenditures, has been to avoid the disturbance to business, which the withdrawal of large sums of money from active circulation to the treasury vaults must inevitably cause. The policy thus pursued by me has been the established policy of the government for many years, and a departure from it under similar conditions would certainly cause disastrous results."

"Second—The reason for directing the internal revenue receipts into depository banks at this time is that the revenues are now largely exceeding disbursements from month to month, and seem likely to do so for an indefinite time. This condition would be a menace to the business world if assurance were not given that this surplus would be diverted from the treasury vaults to public depositories where, while secure to the government, it would remain available to the business world."

"Third—The reason for directing all the internal revenue receipts to one depository was that it was more convenient to collect the receipts of one office in one place and the desired distribution from it than to give instructions daily to 112 collectors. The most convenient agency to effect such distribution is a bank which is a member of the New York Clearing House."

"Fourth—The reason for selecting the National City bank as such distributing agent was that at the time the order was issued it was one of but two banks which had offered bonds sufficient to cover the amount of the daily deposit. Its bond deposit was \$4,000,000, and that of the Hanover National bank \$1,500,000. The National City bank was therefore the most naturally chosen. Of the sixty-eight banks applying for a share of the deposits, the National City bank, the Hanover National bank and three others applicants for over \$500,000 each are the only ones of the sixty-eight constituting group one, which have not been supplied the full amount for which they had offered security."

"Fifth—The custom house property was sold to the National City bank as the highest bidder on July 3, 1899. Under the terms of the sale it had the option of paying in cash all of the purchase money at any time, or any part it might elect above \$750,000, which sum it was absolutely obliged to pay. It exercised this option by paying \$2,215,000, leaving \$50,000 yet due. No deed will be executed until full payment has been made."

"The payment received was turned into the treasury by deposit in the National City bank, it having been an established custom of treasury officials under the counsel of their legal advisers, supported by decisions of the Supreme court, to consider moneys on deposit to the credit of the treasury of the United States in designated depositories as moneys in the treasury. This deposit was made in a depository bank for the same reason that other deposits have been made in them, viz.: Because to withdraw the currency into the vaults of the treasury where it was not needed and could not be utilized, would have required a withdrawal of credit that was being expended in commercial circles and to that end a disturbance to the natural order of business would have followed."

"I have required its payment by the National City bank, a bank, to another designated depository would have been an ungracious discrimination without substantially changing the fact."

"Finally, under my administration of the treasury department, no discrimination in favor of one bank against another has been made. Generally speaking when an increase in depository banks was desired, all have invited to qualify themselves, for receiving such money, and having been approved by the treasury, their respective relations to the treasury."

WHAT IS UNITED STATES?

Congress Institutes an Inquiry as to the Mean-
ing of the Term.Opening of a Question That Was Sup-
posed to Have Been Settled
Long Since.

Washington, Jan. 10.—The ways and means committee of the House held a meeting today at which an important resolution was adopted upon motion of Mr. Newlands of Nevada, as follows:

Resolved, that a committee of five be appointed by the chair to report the authorities and the law as to the meaning of the term "United States" in that provision of the Constitution which declares that "all duties, on imports and exports shall be uniform throughout the United States," i.e., whether it includes simply the area included within the boundaries of States or whether it covers also the territories belonging to the United States.

Chairman Payne appointed Messrs. Dalzell (Pa.), Grosvener (O.) and Hop-

kins (Ill.) Republicans, and Messrs. Richardson (Dem., Tenn.) and Newlands (Ill.).

This resolution was the outcome of considerable discussion in the ways and means committee, covering several meetings as to whether the custom laws of the United States were not extended to our new possessions when they became United States territory. The immediate cause of its adoption was a resolution to extend the custom and internal revenue laws of the United States to Hawaii, which it has under its consideration.

The committee will make a favorable report on Mr. Payne's bills to transmit goods in bond through the United States without payment of duties, with a proviso authorizing the secretary of the treasury to suspend the operation of this act so far as it relates to the transmission of goods in bond into the free zone of Mexico so long as the Mexican free zone law exists.

Close Calls at a Fire.

New York, Jan. 10.—During the fire which today burned a five-story building occupied by a bowling alley and a gymnasium at 268 and 310 west Fifty-ninth street, three engine company crews, who responded to the first alarm, were with few exceptions over-

come by the burning, though nearly all of the men returned to work. Many had to be dragged out of the smoking apartments. Charles Neisel of engine No. 23 breathed flames, and was the most seriously affected.

Altogether about forty men were overcome by the dense smoke from the pine boards of the bowling alley.

Four New Rear-Admirals.

Washington, Jan. 10.—The President today sent the following nominations to the Senate:

Navy:—To be rear admirals: Henry L. Howland, Albert Kauz, George H. Remey, Norman H. Farquhar.

ROOT NOT A CANDIDATE.

Secretary Does Not Intend to Enter into the
Scramble.Would Rather Remain in the War
Office, Now He Has Learned
the Lines.

Milwaukee, Wis., Jan. 10.—Henry C. Payne, national Republican committee-man of Wisconsin, today received a letter from Hon. Elihu Root, secretary of war, in which Mr. Root states he will not be a candidate for the vice presidency of the United States. In the letter Mr. Root said he deemed it far more important to the country, the administration and the Republican party at this critical time of war that he should continue to attend to the business of the war office, not that there are no other men who could well discharge the duties of secretary of war, but having spent five or six months in becoming familiar with the subject, no other man could step in and take up the work without going through the same training. Being a candidate for Vice President would mean his practical withdrawal from the duties of the war office within a very short time.

France and Domingo Settling.

Paris, Jan. 10.—The foreign office officials here express themselves as sanguine that a satisfactory settlement of the trouble between France and Santo Domingo will be reached today. The only question now remaining, it is pointed out, is reparation for the insults offered France, and this doubtless will be arranged at an interview to be held today between Admiral Richard and President Jimenez.

In official circles here the belief is expressed that the presence of an American war vessel in Santo Domingo will conduce to prompt arrangement.

Lady Montague Dead.

London, Jan. 10.—Lady Alice Montagu, sister of the Duke of Manchester, died today at Daves Platz, a health resort in Switzerland.

TRIBUTES TO THE DEAD.

Congressional Eloquence in Eulogiums on the
Illustrious Deceased.Senate Gives Time to Speakers on the
Late Vice President Hobart—House
Has Deceased Members.

Washington, Jan. 10.—Today the Senate paid eloquent tribute of respect and affection to the memory of the late Vice President, Garret A. Hobart.

Mr. Sewell, (N. J.) called up the resolutions he had previously offered providing that the business of the Senate be suspended in order that the distinguished public services and private character of Mr. Hobart might be fittingly commemorated. Mr. Sewell addressed the Senate in a beautiful tribute to the dead statesman, with whom his personal relations covered a period extending from early manhood. He spoke of events in the late Vice President's private and official career, and of the characteristics which had endeared him to the people with whom he had come in contact.

Mr. Daniels, (Va.) followed Mr. Sewell, referring eloquently to the roll of illustrious men who had filled the position of Vice President of the United States.

Mr. Depew paid eloquent tribute to the memory of Mr. Hobart, who was a long time personal friend. Mr. Depew, who thus addressed the Senate for the first time, was at his best in voice and his oration was listened to with deepest attention.

Remarks were also made by Senators Cockrell (Mo.), Cullen (Ill.), Davis (Minn.), Morgan (Ala.), and Lodge (Mass.).

When the House met today the order for eulogies upon the life and character and public services of the late Representative Danford, of Ohio, set for tomorrow, was vacated owing to the inability of his successor, Mr. Gill, to be present.

A resolution offered by Mr. Tawney, (Minn.) calling upon the secretary of the treasury for information as to the States in which oleomargarine is shipped and distributed, the amount in pounds and the number of licenses for its manufacture, was adopted.

It was agreed that when the House adjourned today, it be to meet on Friday.

The House then took a recess until 1 o'clock.

The remainder of the session after that was devoted to a report upon the life and public services of the late Representative Green of Nebraska.

The speakers were Messrs. Merrier (Neb.), Robinson (Neb.), Sutherland (Neb.), Neville (Neb.), Kitchers (Ind.), Lamb, (Va.), Bell (Colo.), Myers (N. C.) and Burnett (Neb.).

At 2:10 p. m., as a further mark of respect, the House adjourned until Friday.

THE MILLS JURY
NEARLY COMPLETE.Twelve "Good Men and True" Will Prob-
ably be Secured by the Time Court
Adjourns This Evening.Searching Examination by Judge Powers for the Defense and
Mr. Putnam for the Prosecution—Both Sides Exercise Per-
emptory Challenges—Theory of the Defense is Now Clearly
Outlined in the Questions Asked—Utah Statute Justifying
the Killing of One Who Deifies Another's Home Frequently
Referred To—A Venire for Fifteen More Jurors Issued by
Judge Norrell, Returnable This Afternoon.—Names of
Those Thus Far Chosen.

The work of securing a jury for the Mills murder trial was resumed in Judge Norrell's court this morning, and excellent progress was made. It now seems likely that this task will be completed by the time court adjourns tonight.

The third day opened with six jurors accepted and sworn and the box filled with others who had been partially examined.

Out of this lot two more talesmen were accepted, Walter J. Frazier, who has been connected with the Salt Lake postoffice, and James Young.

POSSESSED ALL REQUIREMENTS.

William Rawlings was questioned closely by the attorney for the prosecution and Judge Powers for the defense, and went through the ordeal very well. He seemed to possess all of the necessary qualifications and to be in a frame of mind to give the defendant a fair and impartial trial, so that it took a peremptory challenge to dispose of him.

NOT FOR REVENGE.

Taking this juror in hand, Mr. Putnam asked: "Do you believe it right for a man to take the law into his own hands and mete out punishment?"

"I do not," replied Mr. Rawlings.

"Would any sympathy you might feel for the defendant or his family affect your verdict?"

"No."

"Would you allow any outside influences or opinions to affect your verdict?"

"No."

"The court should instruct, when the killing had been proved by the State, that the burden of proof for justification should then fall on the defense, would you follow that instruction, and if the defense failed to establish justification, would you find the defendant guilty?"

"Yes."

"Do you believe in protecting human life?"

"Yes."

"Do you believe that adultery justified killing?"

"No. At least not summarily; not without a trial."

"Do you then believe in death as a punishment for adultery?"

"I do not."

"Do you understand that the purpose of a jury trial is to find a unanimous verdict as to the question at issue?"

"Judge Powers—I object to that. It is not the purpose of a jury to do that, necessarily, but to determine the facts and to ascertain the guilt or innocence of the person on trial. That is the purpose of a jury trial."

The Court—The question may stand. Judge Powers—Let an exception be noted.

PEREMPTORY CHALLENGES.

The jurors having passed, the defense exercised its eight peremptory challenges and excused Charles T. Smart.

The jurymen was visibly pleased at being excused, and as he left the box, cordially thanked Judge Powers.

Mr. Putnam exercised the State's sixth peremptory challenge and excused R. S. Slaughter.

Mr. Putnam then consulted with Mr. Van Cott as to the others, while Judge Powers and Capt Mills discussed the situation for a few minutes.

The challenge was with the defense, and Judge Powers said: "We are satisfied."

But Mr. Putnam wasn't satisfied with William Rawlings at all and challenged him peremptorily.

JAMES YOUNG ACCEPTED.

James Young was satisfactory to both sides and with Mr. Frazier, was sworn.

The other juror, W. S. Puget, who whispered his answers into Stenographer Pike's ear, was opposed to capital punishment, and was excused.

The examination being resumed, Judge Powers said:

FRED BASSETT EXCUSED.

Fred C. Bassett was questioned by Judge Powers, and stated that he was a native of Salt Lake, a married man and had three children.

"Do you believe in the law of morality," asked Judge Powers.

"I do," replied the juror.

"Do you belong to any church?"

"Nominally."

"Ever heard of this case?"

"Yes, I read about it in the papers, and have talked it over some, but not with any one who claimed to know the facts."

"Do you believe in the sacredness of the marriage relation?"

"I do."

"Do you believe the virtue of woman should be protected?"

"Yes."

"Do you believe that a man has a right to covet his neighbor's wife?"

"I do not."

THE DEFENSE OF INSANITY.

"If the defense in this case should be one of insanity, would you accept it the same as any other defense allowed by the law?"

"I don't attach as much weight to the defense of insanity as to some others."

"Would you require more proof to sustain such a defense than another?"

"I would."

"From what you have heard and read

about the case, have you any bias or prejudice for or against the defendant?"

"I have a little."

"Could you enter upon this trial with entire impartiality?"

"Not in all cases."

"I don't think I could."

AGAINST CAPITAL PUNISHMENT.

Mr. Putnam then took another turn at the examination.

"Would you return a verdict of guilty in a case where the punishment would be death?"

"Are you opposed to capital punishment?"

"Except in extreme cases."

The juror was challenged on statutory grounds and excused by the court.

MACKIE STANDS THE TEST.

David O. Mackie, a native and resident of the county, 37 years of age, and married, answered all questions of both sides satisfactorily. Some of his answers to Judge Powers were as follows:

"Do you believe in the virtue of women?"

"Yes."

"Do you believe a man has a right to covet his neighbor's wife?"

"No."

"Do you believe in morality and also in the protection of human life?"

"Yes."

"If you alone of all the jury held that this defense was not guilty, would the fact that you stood alone cause you to yield?"

"No."

WOULDN'T LET SYMPATHY INFLUENCE.

Mr. Putnam—Would any sympathy you might feel for the defendant's family influence you?"

"No."

"Would you take the law from the court and be governed solely by it?"

"No."

WOULD THE FACT THAT THE DEFENDANT WAS A SOLDIER IN THE LATE WAR WITH SPAIN, AND SUFFERED IN IT, AFFECT YOUR VERDICT?"

"No."

ANOTHER VENIRE.

Mr. Mackie was passed for the present, and as there were no more jurors present, a recess was taken until 2 o'clock, a venire being issued for the following: Wm. Colton, A. B. Jenkins, Geo. H. Lashbrook, Thomas Bishop, Geo. A. Campbell, A. R. Carter, Hyrum Smith, Fred M. Atkins, Nephew Vawdrey, James Richards, George D. Dean, Wm. D. Park, W. E. Parker, C. H. Banks, Brinnell L. Jaques.

In the Afternoon.

When court reconvened in the afternoon the attendance was much larger than in the morning, the lobby being filled with spectators.

Rev. Mr. Mills of Helena, Mont., a brother-in-law of the defendant, being the same, was present and was much interested in the proceedings. Mrs. O'Melveny, widow of the deceased engineer, sat at the attorneys' table, dressed in deep mourning. The lady was not more than three feet from the defendant throughout the afternoon.

EXAMINATION OF JURORS.

The examination of jurors being resumed, George D. Dean was first taken in hand by Judge Powers. Mr. Dean stated that he was not a church member, but believed in morality and believed that the virtue of women should be defended.

"Do you believe," asked Judge Powers, "that a man should be convicted of crime, when there is grave, serious doubt as to his mental responsibility, as established by the evidence?"

"I do not, replied the witness."

"Would you require any more evidence to establish the defense of insanity than it would take to establish any other defense?"

"I would."

"Would you accept the law from the court, and be governed wholly by it?"

"Well, I don't know. I should have my own opinions."

"Opinions as to facts?"

"Yes, sir."

"That is proper. But as to the law itself. Would you accept that from the court?"

"Yes, I being the judge of the facts."

"Suppose the testimony should, to your mind, be equally balanced, would you find the defendant guilty?"

"No."

"Suppose all the testimony given can be reconciled, finally, on the theory that the defendant was mentally irresponsible at the time the shot was fired, would you so reconcile it?"

"No."

Mr. Dean seemed to be an ideal juror, but one statement shattered all hopes of securing him. He was unalterably opposed to capital punishment, had a verdict of guilty where the punishment might be death.

He was promptly excused.

THE DEFENSE OF INSANITY.

A. B. Jenkins was not a married man. He had heard of the case, but had no opinion as to the guilt or innocence of the defendant.

"Do you believe in the right of a man