

FIFTIETH YEAR.

## F. J. MILLS ON THE WITNESS STAND.

The Slayer of John C. O'Melveny Breaks His Long Silence and Tells His Story to the Court and Jury.

His First Acquaintance With O'Melveny—The Friendship Between the Two Men Not an Ordinary One—Scene When Mrs. Mills Made Her Confession at the Hospital, Just Before the Tragedy—The Defendant Makes an Excellent Witness for Himself—Rev. D. Douglas Wallace, of St. Mark's Hospital, Tells of the Meeting There Between Mills and His Wife on the Afternoon of the Shooting.

The most interesting and important case of the Mills murder trial was reached this morning when Capt. Frederick J. Mills took the stand and told his story.

The court room was packed, and naturally, the proceedings were listened to with unusual interest.

The group inside the railing was a striking one. Mrs. O'Melveny, in her widow's weeds, did not lose one word of Mills' testimony, and occasionally an incredulous smile showed that she was in a doubting mood.

The defendant's sister, Mrs. David Mills, usually so calm, was watchful too, and Mr. Hop, the father of Laura Mills, looked compassionately on his son-in-law.

Mills made a good witness. His manner was that of a modest man, but one of very strong character and a high order of intellect. He was deliberate in his speech, but not at all hesitating, and gave the impression that he was trying to tell the exact truth.

Some of the questions asked stirred his emotions, but he concealed that as far as possible and maintained his air of calmness pretty well.

Rev. D. Douglas Wallace related much of importance, but his statements were not so interesting as they would have been had not all of the matter testified by him been presented in some form or another before.

REV. D. DOUGLAS WALLACE.

His interview With Captain Mills Just Before the Shooting.

Rev. D. Douglas Wallace testified that he was superintendent at St. Mark's hospital. He knew both Captain and Mrs. Mills, having first met them about two years ago. Witness remembered the time when Mills was in the hospital.

"Do you recall the day of the tragedy?" asked Mr. Straup.

"Yes," said Mills.

"Did you see him a short time before that day?"

"Yes," said Mills.

"What was his condition?"

"He was in an extremely nervous and excited condition."

"Did you have any conversation with him with reference to the conduct of his wife?"

"Yes," said Mills.

"Yes; he came to me at the hospital about a week prior to that day and said he had made discoveries that led him to believe his wife had been unfaithful to him. He remained until 1 o'clock in the morning, and was in such an excited condition that I endeavored to have him stay there all night, but he would not."

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turned it to him. This was the agreement of separation.

AGREEMENT TO SEPARATE.

This paper was also introduced in evidence. It is written on the letter head of the government department of irrigation, and provides that "Frederick J. Mills and Laura E. Mills, for reasons sufficient to themselves: Agree to live separate and apart. The care and custody of their two minor children is given to Capt. Mills, and Mrs. Mills is to have the right to see them when she so desires at St. Mary's Academy, but is not to take them from that place."

"Did you visit the defendant when he was at the county jail?"

"Yes, on an average of twice a week."

"What did you observe of his conduct?"

"He was very nervous and excited, would stare at one, and generally so conducted himself that I feared he was losing his reason."

"By Mr. Putnam—When he came to you at night, a week before the shooting, did he question you about his wife's conduct?"

"He did."

"What time did he come to the hospital on October 27?"

"About noon. At least I returned about noon and found him there. In my room, with his wife and Mrs. Wallace, in about fifteen minutes Mrs. Wallace and I went to lunch. Mills was seeking to obtain from his wife the name of the man, and Mrs. Wallace advised her to tell the whole truth."

"Did he walk or take the car on leaving?"

"I do not know."

"You were not worried about him, then?"

"No, but my attention was called to other duties at the time he left."

"Did Mr. Mills, at some previous time, say anything to you with reference to O'Melveny's action upon Mills' application for a position with the Short Line?"

"Yes."

"Was he angry at it?"

"No."

MILLS ON THE STAND.

The Defendant Makes an Excellent Witness for Himself.

Captain Frederick J. Mills was the second witness. He was calm and deliberate during the examination, and made an excellent witness for himself.

His examination was conducted by Judge Powers, whose first question was: "What is your age?"

"Thirty-five," was the response.

"You are a married man?"

"Yes."

"What is your wife's name?"

"Laura J. E. Mills."

"What is her age?"

"Twenty-six."

"Where were you born?"

"Topham, Orange county, Vermont."

"What nationality are your parents?"

"Scottish."

"What is your father's occupation?"

"A blacksmith."

"Where were you educated?"

"At the village schools, and finally graduated from the University of Vermont."

"Where did you go to school?"

"I worked in the shops of the Old Colony railroad at Boston. Then I served with a topographical party in the coast survey of Maine."

"Leaving the East where did you go?"

"To Idaho, afterwards making Pocatello my legal home. I was first employed there as draughtsman in the engineering department of J. C. O'Melveny as chief. After that I went in the field, in charge of construction work on the Utah & Northern. Then I returned to Pocatello and was transferred to the bridge department. I next went to Cheyenne and reported to Mr. Bannister, and was sent out with a party under Mr. O'Melveny. He was transferred to some other work in a few months, and I continued until June, 1898, when our party went to Idaho Falls. We located a line from that point to Yellowstone Park. The following summer I was made assistant engineer at Pocatello. Afterwards I became city engineer there. In 1899 I took charge of the field work of the United States survey for the irrigation department in Idaho. In the fall of 1891 I was in Fremont county and first met my wife in the fall of that year."

"Did you grow to love her?"

"Yes."

"Did you ever love a woman until then?"

"No."

"Or from thence on?"

"No."

"Were you elected to any public position in that year?"

"Yes, I was elected to the legislature."

"When were you married?"

"On April 23, 1893, at Alameda county, California, to Laura Hoff."

"In 1894, what was your occupation?"

"I was assistant engineer under O'Melveny."

"Was O'Melveny acquainted with your wife?"

"Yes."

"Did your family and his exchange visits?"

"Yes."

"In 1895 what was your position?"

"President of the State senate by virtue of the position I held as Lieutenant Governor of the State, to which I had been elected."

"Your next office?"

"I was appointed State engineer by Gov. McConnell."

"How long did you hold it?"

"Until I resigned to enter the army."

"Have you any children?"

"Two boys."

"Did you take any part in the organization of the military in Idaho?"

"Yes, in 1898, I assisted the governor in organizing the First Idaho."

"Did you become connected with the military service?"

"Yes, at the suggestion of the governor, I entered the engineer corps. Our colonel was Willard Young, and I was appointed first lieutenant, first doing recruiting service in the city. Col. Young assigned me to command of my company."

"Prior to that time what had been your health?"

"Pretty good."

"Did you keep up your intimacy with O'Melveny?"

"Yes, we continued close friends."

"Did your families continue to exchange visits?"

"Yes."

"Did you have perfect confidence in him?"

"Yes."

"Ever have any difficulty with him up to that time?"

"None."

"When you reached Honolulu, to what duties were you assigned?"

"As engineer officer of the camp."

"How many men gathered there?"

"At that camp about 1,700 men."

"Did an epidemic of typhoid fever break out there?"

"It did."

"Did it impose additional duties on you?"

"Yes."

"When did you become ill?"

"I went to the hospital on Nov. 21, and remained until April 21."

Judge Powers then offered in evidence the discharge of Capt. Mills from the army, showing his appointment and promotion in April, 1899, as captain. His services are set out as having been faithful, and his character excellent.

"What was your health like when mustered out at San Francisco?"

"It was not good."

"Was a special order for your discharge made?"

"Yes. The examining board wished me to undergo an operation, but I declined, and the matter was referred to a higher board."

"When did you leave San Francisco?"

"On May 11 and came to Salt Lake."

"Where did you go?"

"To the Knutsford for two days."

"Where then?"

"To the home of Mr. and Mrs. O'Melveny, on their invitation."

"How long did you remain there?"

"Two days, and then I went to St. Mark's hospital."

"Were you operated on there?"

"And at Honolulu prior to that?"

"Yes."

"Where did you go on leaving the hospital?"

"My wife and I took Stanley Clawson's house at 64 Second street. When I went to Cheyenne, my wife and her sister took apartments in the Halls, known as the Bickells block, on State street, opposite the Knutsford."

"Prior to going to Cheyenne, did you apply for a position on the Short Line?"

"Mr. O'Melveny and myself had corresponding regarding it from the time I reached San Francisco. Afterwards, while I was at the hospital, we took it up again. I was somewhat disinclined to take the position on the ground that the compensation was small, but Mr. O'Melveny went with a note from O'Melveny to Dr. Pinkerton for a physical examination. The doctor asked me to wait, and later, he told me he had word from O'Melveny countermanding the order."

"Did you feel angry towards Dr. Pinkerton or O'Melveny on that account?"

"Well, O'Melveny had told me that the position he intended to put me in was one requiring very little physical exertion, and gave me the note to Dr. Pinkerton. When the latter put off the examination and later told me that the order had been countermanded, I perhaps felt a little hard towards him for his conduct."

"During your employment in the irrigation department at Cheyenne last year, did you have any other position offered you?"

"Yes, the chain of engineering was offered me by Dr. Stubbs."

"What was your health in Cheyenne?"

"I suffered from very severe headaches at times, and found that part of my knowledge concerning the subjects I had been familiar with had passed away, and I had difficulty in remembering."

"Did you receive an assignment for some work in Utah?"

"I did, about September 23, to collect data on irrigation from the records and from citizens."

"How has your health been since your imprisonment?"

"Very poor at first, and better afterwards."

"How long did you know J. C. O'Melveny?"

"About thirteen years."

"Did you see him before you left for the war?"

"Yes, he came up to Ft. Douglas to say good-bye to me."

"Did he say anything then about your family?"

"Yes, he said he would look after my family if anything happened to my family."

"Up to that time had anything occurred to shake your confidence in her?"

"No."

"Where did you spend the Monday evening?"

"At the Halls, writing letters."

"Was your attention attracted to anything at that time and while so occupied?"

"Yes; I went to a paste board box that had been used as a waste basket, to get an address from when I noted a scrap of paper."

"Where is that scrap of paper now?"

"I don't know what became of it."

"What was written on it?"

"A note in my wife's writing, addressed to me, apparently, the message being, 'My dear husband, When you read this, I shall be dead. I was very much surprised and shocked, never before, an intimation that anything was wrong. That evening I walked the streets, and finally went to St. Mark's hospital to see Mr. Wallace. I knew that my wife had been a frequent visitor there, and wanted to know if he could throw any light on the matter. I was much distressed. After leaving the hospital I returned to my room, but did not sleep any more. In the morning I took the train for Pocatello."

"Did you see your wife there?"

"Yes, I called for her at once and we went out for a walk. I told her of the note and said I could think of but one thing that would cause her to contemplate such an act. I asked her if I was not right. She replied that she would not lie to me. It was then that she made her terrible note. She said something about not being able to stand it any longer. She claimed to have affection for me."

"Did you still love her?"

"The question was a study when this question was asked. He staid himself with a visible effort, and finally in a low, broken voice said simply 'Yes.'"

"Did you demand the name of the man?"

"Yes."

"Did she give it to you?"

"No."

"Then did you start for this city?"

"The next morning."

"Arriving here, was the subject resumed?"

"Yes."

"What was your condition?"

"I was angry."

"Did she offer any explanation?"

"She said there was no excuse for her; she could offer no explanation."

"How did you feel when you left the Halls that day?"

"I felt angry and embittered and depressed."

"How much depressed?"

"I cannot put that in words, I remember thinking like the world had lost its attractiveness."

"Where did you go?"

"To a gun store."

"What did you get there?"

"I bought a revolver."

"What was your idea?"

"Mills was again profoundly agitated, but controlled himself wonderfully, although it was some time before he could answer. At last he said: 'An idea of suicide had entered my mind.'"

"What did you do then?"

"I went up City Creek canyon with that idea still."

"What did you do with the revolver?"

"I put it back in my pocket, and went back to the Halls. Mr. Wallace and I went out for a walk, but there was no room for her. So she asked to remain at the Halls that night, and it was arranged that she should afterwards go to St. Mark's hospital. I packed up the things so that she could take them with her, and was so engaged nearly all night. I did not sleep at all that night. On Thursday morning I went out on the street and returned, my wife had gone, our agreement being that we should separate. I found from her, on the table a letter."

A PATHETIC LETTER.

A portion of this letter was identified by witness and Judge Powers offered it in evidence.

The letter read: "I am sorry. No one knows how I am suffering, but not more than I deserve."

"If the time ever comes when you think of me, forgive me, breathe but the words, and living or dead, I will hear you."

"God bless you and watch over you wherever you may be is the last prayer I ever pray."

"I will remember the last kiss you gave me. When I am dead, if I have become the least bit worthy, kiss me then as a last good bye."

The witness then told of making his will at the office of Hon. P. L. Williams, and of going to the hospital, and of having gone to the Congressional church. Later in the day the arrangement for taking the chair of engineering at the Nevada University was completed.

"That evening," continued the witness, "I went to Provo, getting a round trip ticket."

It was evident that the witness made a mistake here, as the ticket on which he went, that is the return part, was stamped Oct. 2, Monday.

Mills said that while at Provo, he looked up irrigation matters until Tuesday.

"Why didn't you remain there?"

"I found I could not do the work."

Judge Powers then showed witness a pocket book he had on him when arrested, and it was identified. It contained some papers and locks of his children's hair. Judge Powers offered this in evidence, but it was ruled out.

"Upon what subject did your mind revolve when you were in Provo," asked Judge Powers.

"To my wife," was the reply, given in a tone scarcely audible.

You returned to Salt Lake Tuesday. Did you use the return portion of the ticket?"

"I believe I bought a ticket. I didn't think of the return ticket."

"When did you get back to the city?"

"I don't know the hour. I went to the Kenyon, where I received a letter from my wife."

"Was it friendly or otherwise?"

"It stated that she had borrowed \$30 from Mr. O'Melveny, and money from other parties."

"What provision had you made for your wife when you entered the army?"

"I left \$400 in bank, gave her about \$100 a month from my pay and took \$250 life insurance."

"Did you go to Mr. O'Melveny's office that morning?"

"Yes."

"Had you been there frequently before?"

"Yes, I went there about 11 o'clock. I think I asked him about the money my wife had borrowed from him, and said I would say him in a few days. He asked me if my wife had told me of the debt, and he said I needn't hurry about paying it. He also asked me what was the matter with me. I asked him if he had ever heard anything about my wife. At first he did not answer, and looked surprised. Then he said, 'You don't want me to tell you.' I said I did, and he made the remark that it was certain that it was smallpox. I called in Mr. Monahan in consultation and he said he would not call the case smallpox, but that he would not call it anything else. The matter on the young girl was also taken down again, and I became very uneasy about the case, telling Mr. Devine that I thought it would be better to so report it. He begged me not to do so unless I was certain that it was smallpox. 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