sion Proposed by people who thought Dowsley could help it.

Oh, I didn't know; I have seen you here.

WHERE DOWNSLEY STOPS.

After this little interlude Mr. Zane went back to the witness:

Where you that Downsley where stays?

He was standing in the doorway between the kitchen and the space for sink.

Where were you standing at that time?

In the space for sink somewhere; I don't know exactly where; I was very much excited. I had my back towards Downsley when he spoke. I did not know he was there until he drew the attack to my wife. I whirled and met as fast as I could, the good being a sufficiency one. I don't know what Downsley did when I turned; I don't remember that he did anything. When I met him, Downsley was sashwise on the cash room.

Mr. Zane—Is not a fact that Downsley was in the back room waiting for you to come out and hit him and then you shot him in the back?

Witness—No, sir, emphatically no! I did not shoot him in the back.

Didn't Downsley have his back to you as he took and was in the act of trying to shoot you shot him?

I don't know; I can't tell what he was doing.

Where did you come from just before you shot Downsley?

I don't know. I must have come from the hallway.

Who told you that it was necessary to make you need a complete alibi on these subjects?

Nobody.

Didn't Judge Powers tell you to do it? Didn't he say that in order to make the plea of insanity you must not remember anything about what happened?

No, sir, he did not.

When I told my wife to pack up and get out of the house, Downsley saw her to come with him and that he would take care of her. It was then that I shot him. When I got the pistol from my grip I walked into the kitchen and told the servant girl Annie Green, and brought her into the hallway. Don't know for what purpose, I brought the servant girl in as a witness. I don't remember that I told Officer Pratt that I wanted the witness for the purpose of securing a divorce. I believe I told him the facts of the shooting. After before I struck the matches I came from the dining room table, where I got the pistol from my grip.

The whole line of Mr. Zane's cross-examination was devoted to an effort to show that the defendant was severally rational when he did the shooting. He repeated some of his questions many times on different occasions.

HAD BEEN WARNED.

Mr. Zane—Before this occurrence you had seen Mrs. Hyde with Downsley together many times before?

Witness—No, sir.

Didn't Henry Harrison warn you of the relations existing between your wife and Downsley?

Harrison said he saw my wife cutting with Downsley. I asked him if he was sure and he said he.

Did you not receive any other warning on this matter?

Jim Gillespie told me about the same thing.

Did not you receive a communication in regard to your wife?

Yes; I got a letter about a year and a half ago. It mentioned my wife and her client.

No one else?

No, sir.

Did your wife and deed some property back to you which was formerly in her possession?

Yes, sir.

Did you get any jewelry, any diamonds from her personally?

No, sir.

You! wife is now—do you know where?

In Cedar Rapids, Iowa.

After this questioning Mr. Zane returned to the shooting, the wanted to ascertain:

A COOL MAN.

"Now, Mr. Hyde," said Attorney Zane, "in your career as a gambler you have many times had occasion to exercise your self-control, have you not?"

Well, yes.

You are considered to be a man of pluck and nerve, are you not?

I don't know.

You consider yourself as such, do you not?

Well, usually.

Did not Mr. Zane's cross-examination and Judge Powers' redirect cause you to be confused?

Judge Powers—Have you ever been in circumstances where your self-control was tried as it was in that fearing moment?

No, sir.

You testified that you recover a letter from your wife. What did you do with it?

I took it and showed it to my wife and told her I thought somebody had a grudge against me and was trying to break up our home. I thought he some of it.

IT WAS NOT GENUINE.

Asked if he had had anything to Mrs Hyde about receiving the letter of Harrison, witness said that Mrs. Hyde, his wife's sister, had said it was she who was out riding with Downsley. At the time he said he had been in Chicago. In Chicago the town was a very rough one. He had to carry his gun in order to be able to live.

Mr. Zane asked the witness if Hyde was not a peaceable man, been charged before Mr. Scott, accused him, and he was that usually toward his wife?

Mr. Scott did. This ended the cross-examination and he left the stand.

Mr. Powers then announced that he rested his case.

DID HYDE KNOW?

Neither Hyde was called by the prosecution in rebuttal and testified that he knew Mrs. Hyde's whereabouts was near the Downsley house and he would necessarily see anyone passing his store in going to Downsley's house.

Mr. Zane asked the witness if he had ever seen Mrs. Hyde and Mr. Downsley pass the store together on frequent occasions. Judge Powers objected to the question as not being competent rebuttal testimony.

Mr. Zane said he desired to show by this witness that Mrs. Hyde was a woman of loose character; the only witness was acquainted with the alleged with of the defendant; that in company with Walter J. Downsley she had many times walked down past Hyde's store, in a private room. If the defendant, that he was perfectly aware of the relations between the woman and Downsley, and that these relations had existed since the summer of 1894.

The witness was not allowed to testify, but the offer of proof was admitted as the record.

FORTY-SEVEN OTHER LETTERS.

W. T. Dowsley, a brother of the deceased, was called by the prosecution to rebuttal and was asked if Walter had not tried to avoid Mrs. Hyde for some time previous to the tragedy, but the witness objected and the objection was sustained.

"That's all," announced Mr. Zane, but Judge Powers interposed with "Wait a minute."

The defendant's counsel here desired to introduce in evidence certain letters written by the witness and written to Mrs. Hyde since the shooting, but the prosecution objected.

Mr. Powers stated to the court that he desired to show that his witness had corresponded with Mrs. Hyde and had asked her if certain things could not be justified to in certain ways. After reading one of the letters, Mr. Zane said he would consent to its introduction and Judge Powers read the following letter, which was identified by the witness as having been written by him:

SALT LAKE CITY, April 21, 1896.

My Dear Mrs. Hyde:

Your letter of recent date was duly received. I was very glad to hear from you, for your help was so general that it doesn't quite effect me the interest I looked for. I hope you will pardon me for the following questions:

As it has been stated that Walter was in Council when Mr. Hyde first saw him—remember this time have elapsed between he time he first saw him and when he left? Was anyone as he certainly heard the latter through his shutters, during this time? Looks it wanted that you believed Mr. Hyde had written some, when he personal for peace from the house and placed it in his pocket—to you and remember for going to the house? After he left was the house and brought the gun into the grounds of yourself and Walter and collected some questions to be regarding Walter—whereabouts and the last seen him therefore—according to the effect. There was one other question between you and and Mr. Gillespie when he called on you to see if he knew anything of Walter? Some questions were offered by Walter for the other of your personal feelings towards Mr. Hyde or Walter. Does the time Mr. H. neared the house and where was called in. I wish to ask you also—anything regarding yourself in the letter? I trust you will give the best of your ability. I am desirous to know the full of your duty. I am desirous to know that were you here during the time I do not think it would be necessary for you to appear in court. I think in the "opinion of my attorney—but should so be necessary, I know you would be here at the time. I shall now ask you personally and obtain information any assistance that would be of service to me. Would you be willing to come if I send for you? Do not fail to write me at once. Hoping you are well and happy.

Yours, etc. Very truly yours,

W. T. DOWSLEY.

ANOTHER LETTER.

While Judge Powers was reading the above to the jury Mr. Zane had secured the next letter and stated that he would consent to its admission, when the following was read, which was identified by the witness, W. T. Dowsley, as having been written by himself to Mrs. Hyde:

SALT LAKE CITY, March 5, 1896.

My Dear Mrs. Hyde:—I have not received that book that Annie I shall ask the favor of you, however as you desire that I should advise you—and from the interest I feel in your welfare—I will in the next letter with you regarding that matter which I do not see where you were so anxious, but I hope that you should succeed. The purpose of this writing is to procure information for which I have you alone to appear in, if it were not so, I believe Mr. I would not burden you with the painful task of enlarging the particulars of the affair—but as it is, the information I seek is your reply to the following. Kindly tell me as accurately as you can recall the circumstances of Mr. Hyde had his point upon the man who was visiting your house on Sunday having some conversation with him the year or did you not follow him into another room from which he protested the man? and if the latter is true, and he or did he use the pistol on the person of Indian meeting Walter, who he had met and lying into the room the second occurred and—if any—what conversation took place between Mr. Hyde and the servant. Inasmuch as it is necessary for the satisfaction of one my own single and inexplicable—I will feel very much obliged to you if you can the few lines in course, which of course it must do in all cases. I feel assured—as I do of the generosity of your girl and the sincerity of your sympathy for Walter's mother and her family—that your reply will be as satisfactory as you can possibly make it and that it will prove to me, knowing that we are sincere in our sympathy for you and our anxiety for your to do as welfare to see it so thoroughly as we can possibly. I might add that I do not think there is any for anyone, they merely wish for justice.

I beg of you to favor me with an early reply. Hoping you are feeling better than when you wrote.

I am most sincerely yours,

W. T. DOWSLEY.

CLUE TO THE POKER.

Eph. Kingsley, employe of the Downsley retail channel, was called by the prosecution to prove that Mr. Hyde came to the store on several occasions in quest of the deceased, but he was not allowed to testify on objections from the defendant.

A STANDING ORDER.

Henry Downsley was also recalled by the prosecution to prove that there was a standing order in force in the Downsley establishment that if Mrs. Hyde should telephone an inquiry for Walter the employe receiving the message could say that Walter was not in; that witness had almost received such messages and given such answers, and that Mrs. Hyde had appeared personally at the store within three minutes.

The testimony was not admitted, however, the court sustaining the objection of the defense.

The prosecution offered, in the testimony of Jessie, Engberg and Henry Downsley, to prove that while Walter Downsley had been confined in this case or one which had, the fact was that the young man was accosted by the woman and child was through his frequent and persistent importunities—that young Downsley had fallen into the trap which resulted in his early and violent taking away.

THIS WAS RULED.

At this point both sides rested, the jury filed out of the box and Mr. Zane, on the prosecution, addressed the court in a request for certain instructions to the jury.

Mr. Zane's address was not a lengthy one but it was very pointed and at times serious, being addressed particularly to the court's interpretation of the law on "delirium."

REFUSED THE REQUEST.

This afternoon upon resumbling of court, Judge Hiles announced that he would deny the request of the prosecution to instruct the jury that delirium, as defined in the law, does not exist except when the character is previously clouded.

WHITTEMORE COMES.

County Attorney Whittemore made his opening statement for the State. He intended his efforts to show that the defendant's conduct was such as to be justifiable in the premeditation in which he found himself. Walter Downsley was not a good man, and he was well known to Mrs. Hyde. Downsley was acquainted with the law, was trained to cards, to whiskey and that the conduct of Walter in the house was not in the interest of his wife, and yet he was a married man. Mr. Whittemore stated that Walter Downsley was coming to the office adjoining his office and he would talk over the book him. Mr. Whittemore stated that he was a married man and he had his wife. Witnesses will be called to the effect that he was in the habit of visiting the house of Mrs. Hyde. It was upon the power of the Hyde's pistol. The jury will see that the defendant, that he was perfectly aware of the relations between the woman and Downsley, and that these relations had existed since the summer of 1894.

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