

Kelly Defense Introduces Testimony to Show Little Minister Was Mentally Unbalanced at Time the Ax Murders Were Committed

STENOGRAPHER TELLS HOW KELLY MADE CONFESSION

Minister Declares Murderer Must Have Been Insane to Commit Such a Horrible Crime.

(Continued from Page One.)

sound mind when you got there?" asked Mitchell.

"Decidedly of unsound mind," was the reply.

Jackson testified Kelly appeared ill and acted like a wild man.

J. J. Ferguson of Council Bluffs, court reporter, who took the conversation between Havner, Hess and Kelly at Logan during one of the meetings the latter part of August, read the transcript of his notes.

"I would hardly say he was entirely sound," was Ferguson's answer when questioned by Judge Mitchell at the conclusion of his reading. Following are exclamations made by Kelly during the Logan jail session reported by Ferguson and as read by him in court:

"I am in an awful fix, Mr. Havner. I will get down there and I won't have any attorney."

"Oh, dear, my poor wife and mother. It will have to be a fight on sentiment."

"I mean if I did it, I was insane."

"What are you going to do with me, Mr. Havner?"

"Oh! Mr. Hess, you don't realize my position. You don't claim any sane man would do a thing like that, do you?"

"I have felt my mind was wrong all of the time."

"I thought I was going in there to preach a sermon." (Meaning the Moore home.)

"I came back here because Sutton told me to do so."

Doubts About Wilkerson.

"Oh! God, my poor wife and mother."

"Honestly, I don't know where I am."

"You have got me in an awful position."

"Look at the mental shape."

"Oh, dear, oh, God; you are talking to a man in an awful physical condition."

"Oh, God! You can hang me and I have no defense."

"Take me, kill me, that is all."

"Oh, men! I have been suffering five years."

"I am an insane man and have been insane for five years and I know it."

"Wilkerson didn't do me any harm."

"I am without any attorney."

"I am at the mercy of Havner. If Sutton were here he would guide me. Havner has the power to put me where I can be taken care of."

Characteristic Remarks by Attorney General Havner, as read by Ferguson:

"Havner: 'I preached a sermon on the subject of not punishing insane people for murder?'"

"Tell me the truth about Wilkerson."

"You are pretty foxy, all right."

"Don't you tear that letter up."

"Do you want a doctor to come here and examine you?"

"Don't get excited. Just tell me how you got out of the Ewing home."

"I cannot help you until you have told the truth."

"And you killed them with an ax?"

"We don't want a word that is not the truth."

"Do you remember burning buildings at Sutton, Neb.?"

"Do you think you were insane when you did that?"

"Do you remember following the shadow around the house?"

Told to Tell Truth

"I think you are playing all the time to protect yourself."

"Has anyone in this room been unkind to you?"

"Could you swear God told you to 'slay utterly?'"

Ferguson's transcript now is a matter of court record. It shows that Kelly sent for Havner and that he was warned many times during the meeting to tell only the truth.

The reading by the court reporter revealed a weird scene in the Logan jail during the hours of the night. The defense intends to show that several sessions with Kelly in the Logan jail preliminary to the confession, which was received in evidence on Tuesday, were attended by third degree methods and that undue suggestion was used by the prosecution.

Havner already has contradicted that charge in positive terms and the lawyers for the state still maintain that even Ferguson's transcript as read does not reveal any third degree treatment. Following are a few connected excerpts from the transcript read this afternoon:

Kelly: "You are talking to a man in awful physical condition."

Havner: "That won't prevent you from telling the truth."

Kelly: "I have been talking all right."

Havner: "How do you know that?"

Kelly: "I heard my own voice. Oh, God! You are going to kill me."

Havner: "How do you know we are going to kill you?"

Sheriff Meyers: "I am in favor of taking him back to the jail and let it go at that."

Never Have Money.

Asked if he paid his fare from Illinois to Red Oak when he returned last May, Kelly said: "Preachers never have any money."

Hess: "I have told you time and time not to say anything but the truth. All we want is truth."

Mitchell examined Ferguson briefly as to Kelly's condition during the night at the Logan jail.

"He was nervous, under apparent stress and sweat. I heard him sobbing at least once because I put in my notes. His speech varied between low and loud."

"Tell the jury in your best judgment whether Kelly at that time was of sound or unsound mind," asked Mitchell.

"He was rather nutty at that time."

"What do you mean, sound or unsound?"

"I would hardly say he was entirely sound."

HOW CONFESSION WAS MADE.

The feature of the morning session was the testimony of J. J. Ferguson of Council Bluffs, a court reporter who was present when Kelly made

Witnesses for Defense in Ax Murder Case; Boys Who Last Saw Victims Alive



VINA TOMPKINS



ED. LANDERS



ALICE WILLARD

Alice Willard of Villisca will be one of the star witnesses for the defense when it begins the work of breaking up the state's case, according to statements of counsel. Mrs. Willard was the central figure before the Montgomery county grand jury two weeks ago when an indictment was returned against Attorney General Havner.

This witness is said to have overheard conversations in Villisca on the night before the ax murder and it is generally understood that her account of those conversations involve one or more prominent Villisca citizens. The defense has emphasized the statement that it intends to prove that Villisca citizens were in the murder plot and that a man now living in Kansas City was implicated in the crime.

Vina Tompkins of Marshalltown is alleged to have overheard what is known as the "slaughter-house plot" in Villisca months before the ax tragedy occurred. She was a Wilkerson witness in the Jones-Wilkerson slander suit last fall at Red Oak.

Ed Landers, now residing at Shenandoah, will testify as to the identity of persons seen near the Moore home on the evening of the murder. The defense is not ready to outline the testimony which Landers will offer, but enough has been told to indicate that he will offer something sensational in connection with the belief that the state is on the wrong track when seeking to convict Kelly of the crime.

his confession. He read from his transcript of the proceedings of August 31 taken in the office of the sheriff in Logan, Ia.

Ferguson testified that he reached Logan at 2:30 in the morning and found Attorney General Havner, Special State Agent Ridsen, Sheriff Myers, Deputy Sheriff Atkins, Kelly and a woman stenographer in Sheriff Myers' office. He read for an hour and a half from his notes taken at this meeting. He stated that he took down the entire conversation.

This is what his notes showed: "Havner: 'Kelly, of course, if you want your lawyers I will not deny you that right, but you sent for me, didn't you?'"

"Kelly: 'Yes. Someone told me that whatever you said would be alright.'"

"Havner: 'Don't get excited, Kelly, just tell us how you got out of the Ewing home that night when the Lord told you to go on.'"

"Kelly: 'If I could see Sutton or Mitchell they would say that any man who did that was insane.'"

Hears Voice Calling.

"Hess: 'We don't want you to say anything that is not of your own free will.'"

"Kelly: 'I know Havner has been most kind to me. I want to be tried on insanity. What are you going to do for me?'"

"Havner: 'I cannot help you until you have told me the truth.'"

"Kelly: 'You are lawyer enough to know a preacher would not do that unless he was insane.'"

Referring to the night the crime was committed Kelly said he did not speak to anyone in the Presbyterian church. After he went to the Rev. Ewing house and was shown to his room he heard a voice saying: "Rise, Peter, slay and eat."

He heard this voice in the house. He became hot and the room seemed to be hot so he went to the road. He again heard the voice while in the road.

"Kelly: 'I think I entered the Moore house by the front door, because I followed a shadow and the shadow entered there. I heard another voice saying, "Let there be light and there was light.'"

Killed All of Them.

Kelly continued telling about finding a light when he entered the house. "My head was in a whirl," he said, "and it was hot."

"Kelly: 'I heard scripture passages everywhere I went. One said, "I am the door," and another voice said, "Hurry up." Another voice kept calling me by name.'"

"Kelly: 'It seemed like Sunday and the Lord said, "Suffer the little children to come unto me." The voice kept saying it over and over and I suppose the Lord wanted me to do it.'"

May Be Delusion.

"Kelly: 'You do not want to kill an insane man do you? I am telling what I believe to be the truth, but if it is a delusion I cannot help it.'"

"Hess: 'We do not want anything but the truth. Is this your recollection of what happened?'"

"Kelly stated that it was his recollection, but he was subject to delusions. He said that Sutton and Mitchell would say that only an insane man could do it."

"Kelly: 'I remember hearing the voice say, "Slay utterly." It seems as

though I did not know what was going on until it was all over. It was just like walking in my sleep or a dream. The Lord told me to slay utterly. I slew the children first because the voice said "Suffer the little children to come unto me."

"Havner: 'After you did the Lord's work, where did you go and what did you do?'"

"Kelly then told of going to the Ewing house, where he packed his grip and went to the station where he caught an early train. He told of thinking he was the best detective in the country and talked about the case."

Must Have Been Insane.

"Havner: 'Were you insane at the time?'"

"Kelly: 'I must have been.'"

"Havner: 'Do you remember all that happened?'"

"Kelly: 'Yes, I do.'"

"Havner: 'I think Kelly that you should go before the grand jury that is coming soon because a lot of people think that Jim did that. You would not want it put on you if you were innocent would you?'"

"Kelly: 'You have in insane men in an awful fix.'"

Havner: "Was it a delusion that you followed the shadow, heard the voice and took up the ax?"

"Kelly: 'That was not a delusion.'"

"Havner: 'Have any of the men in this room been unkind to you?'"

"Kelly: 'No.'"

"Havner: 'Did you send for me?'"

"Kelly: 'Yes.'"

"Hess: 'We have told you continually to tell nothing but the truth?'"

"Kelly: 'Yes.'"

"Havner: 'Are you sure that the Lord told you to slay utterly?'"

"Kelly: 'He told me that for several days. I can swear to that fact. Something told me that I was doing the will of the Lord.'"

"Havner: 'You are the man who did that?'"

"Kelly: 'I am the insane man. O, God! O, God! The voice told me to follow the shadow. As long as the voice told me to slay utterly I had to keep going on.'"

In a letter written to Horace Houghton, Sioux City, Ia., and submitted by the defense as evidence, Kelly stated that the Omaha tornado and overstudy had contributed to unbalance his mind.

Kelly's Mind Unsound.

"Basing your judgment on what you have testified here in court do you think Kelly was of sound or unsound mind," asked Judge Mitchell of Horace Houghton, the first witness for the defense this morning.

"Unsound," was the reply.

Houghton is a probation officer of Sioux City.

He told of meetings and conversations with Kelly March 10 to August 24, 1915.

"Describe Kelly's condition as he appeared to you," asked Mitchell.

"He was highly excitable, face haggard, eyes staring, talked incoherently and incessantly. I took him to the Young Men's Christian association

for dinner and he appeared sick and nervous."

Witness referred to a visit of Kelly to a doctor, who advised him to go to a farm to relieve his nervous breakdown.

"I sent him to Mr. Jekyll's farm in South Dakota and arranged for his ticket," said Houghton.

"What did Kelly say during a later conversation?"

Said He Was Persecuted.

"He denied having made improper proposals to a girl. He said he was being persecuted by a detective. I suggested he should go to a farm, but he insisted he was innocent and wanted to sue a newspaper."

Cross examined by Faville, the witness said "Kelly gave me a book he wrote before he was 19 years of age; said he had been expert stenographer and had won a prize. He wanted me to stand by him until he could get on his feet again and wanted me to understand he was an extraordinary preacher. He told me of his arrest at Winner, S. D., for writing to girls and was sent to the federal hospital at Washington, D. C. He told me he lost his memory. He referred to charges against him for asking girls to pose in the nude and told me he was a friend of Dr. Edwards of the Christian Advocate. He said he had reported political speeches. I dictated to him three nights and his work was good."

Was in Hospital.

"What did he say about being at Washington?"

"He said he was in the hospital for eight months, had had nervous prostration and did something at Winner he could not recollect."

"Did he correctly transcribe shorthand notes he took from you?"

"He did."

"What else did he tell you?"

"He said his father and grandfather were English-Congregational ministers; that his wife was giving music lessons in South Dakota and asked met to get his clothes and watch out of a pawnshop. He said his mother is Mariam Kelly of Hillside, Royston Herts, England."

"Did you visit Kelly when he opened a stenographic office in the Iowa building at Sioux City?"

"Yes, the first time I called he was dictating to a girl. He explained that he was writing a novel. The second time I called he was to have been arrested. He told me he had been charged with asking a girl to pose in the nude, whereas, he said, he asked her to pose in drapery. He said a public stenographer in the building wanted to get him out and Dick Richards of the detective department was persuading him."

"Did he tell you his purpose for

having the girl pose for him?"

"He did not."

"Preaching is Blood Shedding."

A sermon on "Dynamic Personality," written by Kelly and presented to Houghton at Sioux City in 1915, was offered in evidence as exhibit No. 37. Houghton befriended Kelly and the sermon was in token of appreciation. It was neatly written. The last paragraph follows:

"What is life? It is virtue giving, virtue shedding. It is not to get something, but to give something; not to gain, but to be. It is a sacrifice of blood and tears and sorrow and pain.

It is a sacrament of rich, red wine. Dr. Parker said: "Men, preaching is blood-shedding." And he meant it was the giving of a man's whole strength onto exhaustion even for His message and his master and we are not truly living unless we are giving far more than we are getting. "Sell all thou hast and give." "It is better to give than to receive."

As Lowell says: "A gift without the giver is bare."

Persistent Advertising Is the Road to Success.

Sues for Doctor's Bill Contracted by His Wife

An echo of the Distelhurst divorce case, aired in district court last spring, was heard in law court, Judge Redick presiding, Wednesday morning when the suit of Dr. John W. Koutsky against Leopold J. Distelhurst was begun before a jury.

Dr. Koutsky is suing Distelhurst, a well known business man, for a doctor bill of about \$400 incurred by Mrs. Distelhurst. Attorneys for Distelhurst allege the bill was contracted after the couple had separated. They were divorced last March.

THOMPSON, BELDEN & Co. The Fashion Center for Women

You May Learn To Make Lamp Shades Now

This new department has been added to our art needlework section and it promises to be a very popular one. All of the desirable designs in wire frames and the materials for shades are ready for your viewing. Silk novelties for covering frames as well.

Lessons will be given without charge to everyone selecting their materials in this department.

Art Needlework—Third Floor.

Autumn Hats in Fetching Styles



A specially prepared group in which may be found a delightful answer to the annual question of the first fall hat, varied enough to meet practically every woman's need.

Hats new in color, unusual in line,

\$5 - \$10 - \$15

Millinery—Second Floor.

New House Dresses

Plain colored and striped materials made in new styles that are both serviceable and attractive. Long sleeves and an original three-quarter length style; low neck or a combination high-low neck. Dye and modern dresses. All colors dye fast, \$2.25, \$2.85, \$3.50, \$4.50

Basement.

Fall Hosiery For Men

Silks in plain shades, fancy clocked and striped silks in several weights, 60c to \$2.50 the pair. Lisle, cotton and fibre hose, at 15c to 75c.

Wool hose, at 40c to \$1.50—In black, gray and natural. Ask to see our English army hose—very heavy.

Makes you know are good—Interwoven, Wayne Knit and McCallum.

The Men's Shop.

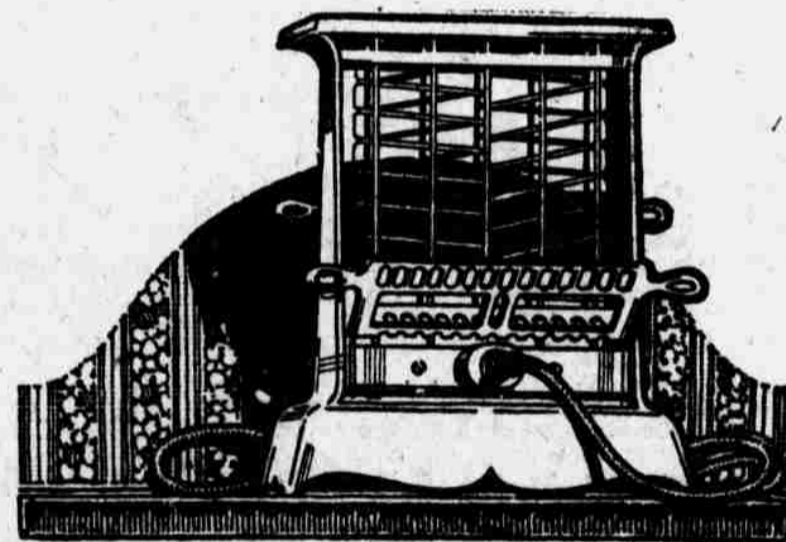
Coats Meet With Approval

Fashions for Well Dressed Women

The popular shades are—beet root, fawn, taupe, Pekin blue, purple and wood brown. The favored fabrics are—pom pom, silvertone velours, lamura, glove cloth, broadcloth, gabardines and imported mixtures. Models that will meet with your approval for their delightful lines and many details of distinction—

Prices are \$25 to \$125.

Alterations Without Extra Charge.



"For the September Bride"

THE sparkle of this highly polished Electric Toaster will light up the table and brighten every breakfast hour in the new home.

Its attractive appearance makes it a welcome addition to the well appointed meal.

For the September Bride it will prove a most acceptable gift. Come in and select the one you prefer. We will pack it in an attractive box and forward it to its destination, looking just as a Wedding Gift should.

Complete information gladly given by our sales department.

The Gift Electric is the Gift Worth While.

Nebraska Power Company

"Your Electric Service Company"

Telephone Douglas 1062.

Beneficiaries THE wife or child whose inheritance goes into the hands of an inexperienced, venturesome or careless Executor or Trustee is not a "beneficiary." "Victim" would be a better word. Assure the safety of those you leave behind by making this conservative Company your Executor or Trustee.

PETERS TRUST CO.

1622 FARNAM STREET