

WINNER IN COURT SHOT AND KILLED

N. P. Willis, of Indianapolis, Slain by W. Y. Ellis.

SENATOR DAVIS IS PRESENT

Tragedy in Arkansas Courtroom Follows Domestic Trouble—Present Husband of Woman Shoots Former Husband, Who Had Just Been Awarded Custody of Little Girl.

Little Rock, Ark., July 27.—W. Y. Ellis, of Pine Bluff, shot and killed N. P. Willis, of Indianapolis, Ind., in the Pulaski County Chancery Court this afternoon.

The court had just made an order reversing a former order of several courts relative to the custody of the six-year-old daughter of Willis and his former wife, who is now Mrs. W. Y. Ellis.

Willis and his mother were in Judge Fulk's chambers, accompanied by Senator Jeff Davis, who has been counsel for Mr. Willis in his endeavor to obtain an order of court permitting him to visit his child.

Judge Fulk had announced his decision, which was favorable to Willis, when Ellis drew a pearl-handled pistol from his pocket, and, pointing the weapon over the head of Judge Fulk, fired point blank at Willis, who was sitting with his mother and Senator Davis.

First Shot Goes Wild. The shot went wild and buried itself in the wall. Willis was unharmed and as soon as he was fired upon he made an effort to get out of the courtroom.

Mrs. Willis had made her way out and Senator Davis did also. Judge Fulk kept his presence of mind and demanded that Ellis surrender the weapon.

This Ellis did not do, and grasping the pistol in both hands, he stood right by the door leading into the judge's chamber and fired the shot that sent Willis staggering into an adjoining chamber, where he fell into the arms of sheriff Roberts just as he was coming from Judge Fulk's room to ascertain the cause of the shooting.

He died ten minutes later. Victim a Wealthy Man. Indianapolis, Ind., July 27.—Nathaniel P. Willis, murdered in a Little Rock, Ark., courtroom to-day by the husband of his divorced wife, pending a trial for possession of his child, has long been prominent in this city as the patentee of a cure for the drink habit and was regarded as one of the wealthiest men in the city.

The murder to-day is the culmination of marital troubles that began back in 1894, when Willis is said to have deserted his wife. He followed her to Missouri and persuaded her to return with him, she having the child in her possession.

In some way he got the child away from her, and, taking another train, left her at the station. She brought habeas corpus proceedings for the child and the case was decided in her favor, both by the trial and the supreme courts.

The suit, which culminated in his murder, was the third between Willis and his former wife, who had in the meantime married Ellis.

INSANE MAN ESCAPES. James J. Ryan Jumps from Window of Hospital. Leaping from a second-story window in the Government Hospital for the Insane, James J. Ryan, thirty-nine years old, made a dash for freedom yesterday morning which resulted in his death.

He died in the hospital ward several hours later. Although confined in the "B" building, for dangerous patients, Ryan had never before shown any tendency to take his life.

While one of the windows was being repaired Ryan, with a sudden dash, slipped past a guard and hurled himself out of the open casement. He was unconscious when picked up, and at the hospital physicians discovered internal injuries, which soon resulted in his death.

Ryan was a bricklayer, and was committed to the hospital on June 27, 1907. His wife, Mrs. Mary Ryan, resides at 123 Maryland avenue northeast, while his brother, Thomas F. Ryan, has his home at 133 Emerson street.

PRESIDENT TAFT AND PARTY SEE THE FLIGHT.



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OFFICERS FACING CRIMINAL CHARGE

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found to be involved in substantial fault, the actual or probable responsibility for his death may be fixed.

Fourth—That if it should be found that one of the other participants in the affair in which my son lost his life was criminally responsible for his death, or probably so responsible, such further action as may be deemed appropriate may be taken for the purpose of bringing the persons thought to be responsible to trial, and punished, if convicted.

Convinced It Is Murder. "My own investigations have convinced me that my son did not commit suicide, but was killed by one of the officers who were with him at the time of his death, but many lawyers who have read the testimony given before the former board of inquiry tell me that important and material facts were not brought out at the hearing which would have thrown much light upon the question whether my son killed himself or was killed by one of those officers, and that record as it stands is far more indicative, if not conclusive, of the fact that he was killed than that he committed suicide.

"I beg that you will afford us an opportunity to procure and present to you the affidavits of certain witnesses I have interviewed which will tend to prove that a person was killed by one of his companions and was not guilty of the conduct imputed to him just prior to his death. Very respectfully,

"ROSE B. SUTTON, "1025 Vermont avenue northwest."

Await Mrs. Parker. The first hour of the morning session had been given over to unimportant matters. Everybody was waiting for the appearance of Mrs. Sutton in the witness chair, and hoping that her testimony would be short, for it was known that she was to be followed immediately by Mrs. Parker, and for Mrs. Parker's appearance the navy women who have attended nearly every session of the court had looked forward with the keenest anticipation.

The mother of the dead lieutenant was sworn by Commander Hood, the presiding officer. She had given her name as Rose B. Sutton and her permanent address as Portland, Ore. An invitation to her to occupy the regular witness chair had been politely declined.

If she had taken the seat from which every other witness testified her back would have been turned to the audience, a large percentage of which was unympathetic toward her. For this very reason Mrs. Sutton elected to remain in her own seat, on the opposite of the table, where every expression of her face as she testified could be observed clearly by many pairs of almost hostile feminine eyes.

Maj. Leonard picked up from the table attitude in this case has been changed on the instant," he gravely told the court.

"I respectfully suggest to the court that the proceedings be stopped until Lieut. Utley arrives. He is coming here as a witness. When he arrives he will be a defendant.

"For my own part, I am placed in a position by this ruling of the court where I must either withdraw from the case entirely or seek to accuse some one of causing the death of Lieut. Sutton. If I am asked whom I will accuse I cannot answer. In fact I do not know that I have any relation whatever to these proceedings.

Cannot Decide on Plans. "I entered the case with an open mind. Now I am forced into the position of a prosecutor: I cannot say on the moment what course I shall pursue. If the court will stop the proceedings until Lieut. Utley arrives I will have time to decide upon my course of action and will report to the court when it reconvenes.

The court announced that it would hold no further sessions until Lieut. Utley appeared. The change in the status of the various interested parties was received in different ways. Lieut. Adams declared that he would not be satisfied with a verdict of accidental death. Such a verdict, he declared, would place him in the position of being guilty of Sutton's death.

He said he would carry the case to the President in such an event. The other officers appeared less agitated. Willing and Bevan said they did not think they would employ counsel as they did not think it necessary. They had told all they knew of the affair on the stand, and would rest on their own statements.

Will Not Engage Counsel. Bevan was officer of the guard and Willing was officer of the day when the killing of Sutton occurred. Both were on the scene when he died, but neither had any part in the various fights in which Sutton, according to the evidence, was engaged that night. Osterman, who had a fist fight with Sutton, but who was not present when he died, will probably not engage counsel. Neither will De Hart.

During the running debate between the attorneys over the reading of the Sutton letter Attorney Davis criticised Maj. Leonard for not having put it in evidence on the opening day. The judge advocate in discussing the matter out of court said that his object in doing so was to allow the officers involved in the affair to tell their stories simply as witnesses unhampered by the knowledge that there was any necessity of protecting themselves as defendants.

It is supposed that the court will reconvene on August 9. The North Carolina which has a wing and Cook on board, is due at Provincetown, Mass., on August 4, but is reported two days overdue.

MRS. SUTTON'S DEMANDS.

In her letter to the Secretary of the Navy, the mother of the dead lieutenant makes four requests:

First—The appointment of another board to hear additional evidence.

Second—In case this evidence proves her son not a suicide, that the dead officer's record be purged of stigma now attaching to it.

Third—That if it was not a case of suicide the responsibility for his death be fixed.

Fourth—That if another officer should be found criminally responsible for her son's death, he be brought to trial and punished.

Mrs. Sutton's letter. He asked that it be introduced as evidence. It was passed to Commander Hood, and Maj. Neville and Lieut. Jensen read it. The presiding officer announced that it would be admitted, and directed the judge advocate to read it. This Maj. Leonard did.

When he concluded he made a statement that astonished the Sutton attorneys and developed the only signs of bitterness that he yet appeared.

"I move," said the judge advocate, "that Mrs. Sutton be made the complainant in these proceedings, and that all the officers present at Lieut. Sutton's death appear as defendants, and be accorded the right to be present at all further proceedings of the court, and to be allowed the right to cross-examine witnesses."

Mr. Davis opposed the motion vigorously. He argued that the Sutton letter preceded the precept under which the court operated; that if the court allowed the motion of the judge advocate to prevail it would be exceeding its authority, and would take action that would disintegrate the court itself and nullify all its actions. That would mean, he said, that the matter would have to be gone over again at another inquiry.

"In my representations my clients asked for a court of inquiry," said Mr. Davis. "The convening authority did not align the interested parties to the inquiry as accusers and accused, and for the court to do so would be going outside the precept. This I hold was settled by the court on the first day when Capt. Brown, of counsel for Mr. Adams, asked if he were a defendant, and the court held that he was not."

Officers Are Notified. After a short consultation the court ruled in favor of the judge advocate, and summoned, from the corridor outside, where they were waiting as witnesses, Lieut. Bevan, Willing, and Osterman, and Sergt. De Hart. They were notified of the altered position, and informed of their right to counsel and appearance in court. Seats were provided for them beside Lieut. Adams.

Arthur A. Birney, civilian counsel for Lieut. Adams, said that he would be glad, in the absence of Lieut. Utley, to represent him until he arrived. When Mr. Birney sat down Mr. Davis arose. "My

attitude in this case has been changed on the instant," he gravely told the court.

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F. E. McMILLAN RESIGNS. Chief Postal Inspector with Office in Washington.

Frank E. McMillan has handed his resignation to the Postmaster General as chief post-office inspector, and it will become effective July 31. He resigns in order to accept the vice presidency of the National Surety Company, of New York. Mr. McMillan has been in the postal service since 1883, when he entered the railway mail service.

Since that time he has served successively as chief clerk of the railway mail division, as a post-office inspector in the West and in New England, and as assistant postmaster in Boston. In 1908 he was made chief post-office inspector with headquarters at Washington.

Semmes-Kelly Hearing Friday. At the request of the Cadahy Packing Company and other creditors of the Semmes-Kelly Company, Justice Wright yesterday issued a rule on Levi H. David, receiver of the Sanitary Grocery Company; Alexander Wolf and Eugene A. Jones, receivers of the Semmes-Kelly Company; and Mark Goodman, to whom a bill of sale for the stock of the twenty-four grocery stores formerly conducted by the Sanitary Company was filed on Monday.

The purchaser and the receivers who conducted the sale are cited to show cause on Friday why the sale should not be set aside for alleged irregularities as claimed by the petitioners.

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WRIGHT WINS THE ENDURANCE TEST

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removal of the biplane from the shed to the starting derrick. The crowd in the meantime had not been allowed to go down to the shed—a privilege which had been extended on previous days. There was no delay, therefore, in the preparations for the flight.

The engine was started on its preliminary "warming-up" run, while Orville stood close beside it to test it into its best performance. He then shut it off and devoted five minutes to giving Lieut. Lahm a lesson in the manipulation of the spark control. He intended to let the Signal Corps officer advance and retard the spark under his direction. Then he said:

"All right, lieutenant step in." Lieut. Lahm suddenly discovered he was weighted down by a riding crop and a pair of gloves.

"What are you going to do with those?" asked Orville.

Discarded the Gloves. "Here, take them," said the officer, passing the cavalry paraphernalia behind him to somebody. That somebody happened to be Wilbur Wright, who took the things as if they were infectious.

"I don't want these," said Wilbur, with a sheepish look. He handed them behind him, and they landed in the possession of A. Holland Forbes, president of the Aero Club of America, one of the official timers of the official flight.

"Rats," grunted Mr. Forbes. "I am not going to pack these things around." He looked one way and passed them another, and they clinched with the hand of Capt. Le Forth, chairman, Capt. Chandler, being accustomed to such things, kept them, and there they stayed while their owner climbed into the flying machine.

That wasn't an easy operation for Lieut. Lahm, although he is about as supple as they make them. He had to climb in behind two guy wires that crossed just in front of his breast. It was a case of going on a back seat and worming his way in while the photographers and the moving picture men crowded close up to get the reproduction of the two aerial travelers about to start their trip.

After Lieut. Lahm was safely aboard things moved rapidly. Orville again stood by the engine, while Wilbur and the mechanic, Charles Taylor, went aft to the propellers and "cranked" the motor. As soon as the four cylinders commenced their raucous explosions Orville climbed nimbly into his seat, and with a delicate finger manipulated the spark control and the gasoline lever, like a thin pipe, the engine jumped ecstatically at the touch, and the explosions burst out of the exhaust pipe in an almost continuous volume of noise.

Riders in the Air. Orville at this time was sitting in the seat farthest from the engine. Lieut. Lahm was seated next to the water cooler and the engine, and in the exact center of gravity of the biplane, so that his presence there did not affect in any way the equilibrium of the flyer. They sat with their feet braced against a wooden rod in front of them, Orville with a light cap drawn tight down over his eyes, and Lieut. Lahm jauntily wearing his service cap.

"All right," said Orville. "Let her go," answered Wilbur. Orville reached for the releasing mechanism, and the endurance flight was on. The time was 6:26 o'clock.

The start was perfect. The flyer leaped off the end of the monorail as if swung from the end of a rubber band, rose ten feet, sagged a couple, and rose again. Two hundred feet down the field it struck its pace, slanted upward, and commenced the turn to the left. It went to a height of sixty feet, then down to the ground on the leg up the parade ground toward the spectators. As it passed the thousands of spectators massed against the rope, a prolonged shout went up. If any of the noise reached the aviators through the shadow of the engine they knew beyond the shadow of a doubt that the crowd wished them well.

They heard, they gave no sign of it. The expressions on their faces might have gone unobserved on Robinson Crusoe's Island, or in the middle of the blue sea. But it had nothing to do with the things of habitation, and association, and human contact. For the moment, and for sixty minutes to come, the two men were separated from the rest of their kind by an element which, until the last few years, had never been traveled by the beings of the earth in a vehicle like theirs.

Made a Few Remarks. Lieut. Lahm said after the flight that he and Orville made a few remarks to each other, and were conscious of the movements of the crowd, if only dimly conscious of their exclamations. The men continued to rear through the air as expressionless as two statues.

A breeze of five or six miles an hour was blowing at that time, which dwindled considerably toward the end of the flight. In the slight puffs of the upper currents the biplane dipped, rose, veered, and swayed, at times making sudden dives and scoops that drew exclamations of fright from the spectators. The circles were unusually short, the machine at no time taking the complete extreme course of 4,000 feet circumference. Neither was the altitude great. Several times during the seventy-seven minutes the plane touched a level of 125 feet above the earth was reached, but by far the greatest part of the seventy-three minutes was spent on a sixty-foot level.

Most of the dipping was experienced on the west side of the field, where the stables above a level of 125 feet above the earth were reached, but by far the greatest part of the seventy-three minutes was spent on a sixty-foot level.

Over in the President's tent, the stables there seemed to be an ugly streak in the atmosphere, which almost invariably sent the machine skidding for a moment. On the eleventh round the flyer was a sudden drop of the outside wing tip, and the flyer dipped dangerously, as it seemed, to that side. The recovery, however, was immediate and reassuring, and the turn to the left was taken on a beautiful slant.

One time, as the machine seemed to descend steadily toward the ground, the crowd thought there was something wrong, and a man jumped to his feet and shouted:

Gave a False Alarm. "He's coming down! He's coming down!" He didn't come down, though.

Throughout the entire flight not a single explosion of the engine was missed. Each of the four cylinders did its work without a single omission, and in the even flood of exhausts there was not a break. Considering the length of the flight, such a flawless performance of the engine alone is remarkable.

The hour mark was passed on the sixty-fourth round. The machine was flying even and true, and more than fifteen feet above the level of the trees in Arlington Cemetery and the top of the starting derrick. As the flyer passed down the north end of the field at the end of the round, and it was known that the sixty minutes were up, and the endurance requirement of the government contract had been fully complied with, the crowd stepped forward in a surging line and gave forth a cheer after cheer.

Over in the President's tent, the Chief Executive, Gen. Clarence R. Edwards, the President's military aid, Capt. A. W. Butt, and a party of distinguished guests

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applauded heartily. Others in the assemblage who joined in the tribute were Secretary of War Dickinson, Secretary of the Treasury MacVeagh, Secretary of Commerce and Labor Nagle, Postmaster General Hitchcock, Senator Root, former Secretary of State Bacon, and Representative and Mrs. Nicholas Longworth. In a group beside the starting derrick stood Wilbur Wright and the members of the board of judges, Maj. George O. Squier, of the Signal Corps, chairman; Maj. Saltzman, Lieut. Lahm and Foulds, of the Signal Corps; Lieut. Humphreys, of the Engineer Corps, temporarily detailed to duty with the Signal Corps, and Lieut. Sweet, of the navy.

UNABLE TO GIVE BAIL. McNulty and Van Vleet Will Get Hearing on August 9. Langushing in jail through failure to obtain \$2,000 bond, J. A. McNulty and H. Van Vleet, erstwhile president and secretary of the American Civil Service Institute, Inc., were yesterday assigned a hearing before the Commissioner Taylor for 9 o'clock on August 9.

Advertisement for White Rock. Text: "White Rock THE WORLD'S BEST TABLE WATER." "As supplied to His Most Particular Highness The American Citizen King of Connoisseurs and Prince of Good Fellows sorry—not imported"