

d his aged father and gazed at the wall Peter Mortensen, the condemned murderer, has commenced to write poetry. It is perhaps not exactly of the same calibre as that of the magazine arti-cle, but Mortensen calls it poetry, all the same. He was busily engaged at the task of outlings the third storms, when a bfore him with eyes which for a time

There was a large crowd of spectators present to hear sentence passed upon the prisoner, the court room being well and a number standing in the room. A great many were unable to b the court room in time to hear other to hear on the to hear outlining the third stanza when a "News" reporter appeared at the grat-ing of the death cell and requested an proceedings and kept coming in if an hour after the matter was All eyes were turned on Peter

memed ready to overflow with tears.

COURT ROOM CROWDED.

interview. "What can I say?" he ventured in reply. "I have got nothing to say and it would not do me any good if I did. No; I do not want to talk." for a friend and if the "News" would promise not to publish them he would read what he had written. Then in the sing-song voice of a re-citer in the kindergarten he read what he had written. The piece bore the ti-tle, "The Hour of Midnight." The first line ran, "Do not speak against me kind stranger," and went on to state that although the clouds were dark and he was described nevertheless he not was deserted, nevertheless he put his trust in the Savior of mankind and would finally emerge walking upon the sea of black despair into the blessed sunlight of freedom.

All efforts to change it having failed, No: I do not want to talk." "Well, Peter, you are not dead yet, anyhow," said the reporter by way of changing the conversation. At this remark the condemned man-laid aside his drawing board and pen-and came to the grating. He seemed very much disposed to talk. "Dead." he ejaculated with an uneasy laugh, "I should say not. I have got a long time to live yet." Then by degrees the conversation drifted around to poetry. Mortensen-stated that he was writing some verses for a friend and if the "News" would promise not to publish them he would this county. As the county convention mests Sept. 29 and 30, this set of pri-naries will likely be held Sept. 26, the official call, to be published perhaps tomorrow, contemplating an arrange-ment of this kind. Salt Lake county's apportionment to the state convention as follows Districts 1 2, 3, 6, 7, 9, 10, 1, 12, 13,

sweep" has been made and the result is so startling that old friends have passed him on the street all the day without recognizing him. CONVENTION WILL NOT BE CHANGED.

many years younger, a fact that is partly accounted for by the removal of his beard. It is just 27 years ago since Thomas Grogan, policeman, shot in leg and head. Policeman Healy, shot in leg. Patrick Kernan, policeman, shot in Mr. Richards permitted a razor to be plied upon his face. This time a "clean Frank Putz, policeman, shot in right

Jrank Putz, policeman, shot in right leg and thigh. W. J. Ward, policeman, shot in leg. Jeremiah Hunter, aged 7, negro, beat op head and face by police. Mrs. Jeremiah Hunter, shot in head scalp wounds and body bruised while ressing arrest.

Hunter was employed as caretaker of a large tract of land near North

Maj. Bayzlett Says Reports About it Are Greatly Exaggerated.

Albuquerque, N. M., Sept. 2.-Maj. C. W. Hayzlett, Indian agent for the Nav-ajos at Fort Defiance, is in the city. He declares with emphasis that the re-ports that have been circulated regarding suffering and famine on the reservation are absolutely baseless. He charges that the reports have been wilfully spread by trading companies for the purpose of securing a govern-ment appropriation and thus putting

GRAND CENTRAL WINS AGAIN. Suit of Mammoth Mining Company Fails in the Federal Court, Judge Marshall Refusing to Grant Temporary Injunction,

and Dissolving Temporary Restraining Order.

shall in the federal court today, the

court refusing to issue the temporary

injunction asked for by plaintiff, and

ordering dissolved the temporary re-

straining order heretofore issued. This

means a victory for the Grand Central.

The suit was brought against the

Grand Central Mining company to

oulet plaintiff's title to a certain part

of a mineral vein alleged to lie beneath

the surface of the Silveropolis and

Consort mining claims in the Tintic

listrict.

89 ys

istrict. The plaintiff also sought to njoin defendants from trespassing on

this vein, and asked an account of the damage already sustained by it

through past trespasses. The Utah corporation or Grand Central Mining company of Colorado demurred to the bill and also answered. They also in-

terposed a demurrer and at the same time a plea to the bill, to which the

plaintiff duly filed exceptions. The de-fense set up by both the answer and plea was the bar of a former adjudica-

tion in a suit between the companies

In deciding the case Judge Marshall

is the effect as a bar of the forme decree in the state court set up by th

with respect to the same premise

n and the utmost silence pre in order to catch every word of the court and the prisoner.

RELATIVES AFFECTED.

Among the more deeply interested spetators present were the father of the prisoner, his youngest brother, Jes-and Richard Watkins of Provo, the wher of Mrs. Mortensen. Only one of the jurors, who heard the evidence is the case and adjudged Peter Mortena guilty of the crime, was present to mar sentence passed, namely Henry

AN APPEAL IS CERTAIN.

There is no doubt whatever but that al will be taken to the supreme tort of this state. Attorney Bernard Stwart stated to a "News" representatte this morning that he would in a fer days ask for a stay of execution R is to give him time to perfect an ageal. He said that it would a some time to prepare the transcript on ageal and that it would be impossible ageal and that it would be supreme court He said that it would toget the case to the supreme court in time for the September term. That bdg the case, unless special arrange-met is made for hearing the case at the term, it will have to go over until the January term.

ARREST OF JUDGMENT.

The case was the first one on the doint today and when it was called by Judge Morse, Attorney Stewart stat-ed that he had filed a motion for arrest of Judgment on the usual statutary of ladgment on the usual statutary grounds, but he did not think it neces-sary to argue the same. The motion is as follows: "Comes now the defendant. Peter

Motense, in person, and by his at-index, Stewart & Stewart, and hereby mers the court to arrest judgment in the above entitled cause upon the fol-

lowing grounds, towit: 1 That the court has no jurisdiction of the offense charged in the informa-tin in the the court of the offense charged in the informaof the offense charged in the informa-tim in the above entitled cause, here-

1 That said information heretefore find does not substantially conform to the requirements of Section 4739, 4731 and 4732, Revised Statutes of Utah 1898; 1 That the facts stated in the said Internation do not stated in the said mormation do not constitute a public

MOTION OVERRULED.

odge Morse immediately overruled on, after which he turned to

the prisoner and said: Mr. Mortensen, you may stand up. Mr. Mortensen, you may stand up. Ya ate charged by this information of moder in the first degree. On Feb. 12 you matered a plea of not guilty to the charge. You have been tried by a jury and found guilty. Har you anything to say why metance should not be passed upon you

MORTENSEN MAKES A SPEACH.

en, who had listened with show of nervousness to tarks of the court, in a voice at mbling with emotion but which ards became firm and strong.

as to legal causes I believe I have far as this court is concerned, ex-and what reasons there were. It makes for masons there were three what reasons there were. It is for me to make any direct fact for that matter, statements any opinions and my views with me to the verdict. There is this, we to say, that the offer which there at this time has extended a sens to me a little more red as the string upon which they a the string upon which they a sens to the reason that I de-address to day why sentence should me. The reason that hould at today why sentence should the state today why sentence should a set today why sentence should a set of the United States, today the set of the United States, today the set of the States, today today of the States, today today of the set of the States today of the States today the set of the States today of today of the States today of today of today of today of today of today of

Had Mortensen red the lines with the feeling that he professed to have, the whole performance would have been bereft of the pitiful features. There was a hopelessness in his voice, however, that made patent to the listeners that the lines were not the sentiment of the

beart. Mortensen flushed with pride as he was informed that there was lots worse poetry than that published and that there were many editors who would be glad to reproduce it. From then on he was as talkative as the man at a club.

CONTEMPT FOR LAW.

Coming down to his trial Mortensen said with extreme disgust: "Don't talk to me about the law, it is a farce. The judge asked me the question this morn-ing whether I had anything to say why sentence should not be passed on me. I never heard such a childish question. What could I say to alter things no I never heard such a childish question. What could I say to alter things, no-body would believe me. But, the, if the people are satisfied, well, I am. That's all I have to say, Oh, these things will all be changed some day. I cannot for the life of me see, if there is such a thing as law, how that jury found me guilty. They did not prove anything. They say that they did not take into account the testimony of Sharp or Allen, at least so I was told." NOT LOSING SLEEP.

NOT LOSING SLEEP. In answer to a vehement question

is to why everyone was against him apparently, the interviewer suggested that the fact that he (Mortensen) did not go on the witness stand and testi-fy at the trial might have carried me weight.

"Why should I have done so? Why should I have gone to answer a lot of stupid foolish questions. I did not have to prove that I was innocent; it was for the law to prove me guilty. Circumstantial evidence, so-called, is no evidence. I say right here that the day will come when it will not figure in court. But if the people of Ulah can stand such law as was administered in my case, why I can. I am not losing any sleep over it."

EXPECTS NEW TRIAL.

Continuing he said that he expected to have a new trial when he would be vindicated and then the people of Utah would be very sorry for all they had done to him. Mortensen further expressed himself

Moternsen further expressed himself in very forcible terms against "that rot and stuff testified to by John Sharp and Motorman Allen," and said that if Prosecuting Atty. Elchnor were the man he thought him to be formerly, he ught to have had the two witnesses arcested for black perjury. Then Mortensen intimated that he would show them he was innocent, at the same time he ignored the remark that he had already had his chance to do all of that when the trial was no. "I will come out all right," he said but of course it would not do to say just what we intend to do at the new trial. All that is in the hands of Mr. Stewart." The condemned man said that he was not worrying or losing any sleep. He said that he was very confortable and

and 88 two delegates each. Districts 4, 5, 8, 26, 30, 33 and 41 three

delegates each. Districts 15, 36, 44, 49, 50, 55, 56, 57, 58, 60, 61, 62, 67, 75, 76, 77, 78, 79, 80, 82, 81, 84, 85, 87, 89, 90 and 92, one delegate

Districts 63, 64, 65, 69, 70 and 71 an entitled to one delegate among them. Districts 73 and 74, one delegate bu-

ween them. Districts 86 and 91, one delegate.

In combining districts not in them relves entitled to a delegate apiece, i is explained that an effort has made to join contiguous territory for the convenience of representatives who will get together on the date of the primaries to select such delegates as they are entitled to by this apportion-ment. Some portions of the city and county have outgrown other sections so that, while the delegation this year so that, while the delegation this year will be larger than it was two years ago, it has been necessary to reduce the representation. In 1900 one delegate was allowed to every 70 votes, while this year the basis is 95 votes, to keep within the number fixed by the state convention.

SOCIALIST STATE TICKET.

Matthew Wilson for Congress and Warren Foster for Supreme Judge.

At the Socialist convention yesterday afternoon John C. Hasson was retained as chairman and a majority report was adopted urging reciprocal action on the part of the respective unions, together with a resolution offered by A. B. Edler, endorsing and commending the Western Labor union for its political

action at Denver some time ago, After reports from the State secre tary and organizer showing the party to be in debt in the sum of \$22, the former tendered his resignation, at the same time assuring the convention that he was still in sympathy with the principles of the party. The resigna-tion of Mr. Woodhouse was referred to

tion of Mr. Woodnous the state quorum. The convention then proceeded with the nomination of a state ticket, the first to receive attention being repre-first to receive attention being repre-stative to Congress. Three names first to receive attention being repre-sentative to Congress. Three names were placed before the convention, these being Matthew Wilson of the Paintes' union, Chairman John C. Has-son and Dr. Schock, The former was successful, the vote being, Wilson 29, Hasson 14 and Schock 11.

For supreme judge Owen Prentiss, Warren Foster, Dr. Schock, F. H. Earles and O. B. Edler were named. Mr. Foster won out, the ballot being Foster 3, Schock 9, Prentiss 1, Edler 1. After discussing plans for organiza-tion and the raising of campaign funds the convention, at 5:10 p. m. ad-journed sine die.

POLITICAL POINTERS.

Republican headquarters in the Cen-ral block were hermetically sealed today.

Daniel Harrington, candidate for Congressman on the Republican ticket, was reported slightly indisposed today.

Judge Jacob Johnson, active Repub lican candidate for the surreme bruch will reappear in Salt Lake tomorrow,

Branch, L. I. Yesterday he saw a man digging sand worms on the property and he shot at the intruder, who ran away and told Policeman McKenna what Hunter had done. McKenna ran to Hunter's home and was shot by the negro. The police reserves were called out then, and a slege begun which last-ed until after 2 o'clock this morning. Every time a policeman moved from cover a shot would be fired. Fortunate-ly for the police, Hunter seemed to have only a shotgun. Shortly after 2 o'clock this morning Hunter set fire to the house and tried to escape. Mrs. Hunter carried an old cavalry sabre and with this she fought until powered, inflicting severe wounds on Patrolman Casidy. Hunter ran for a patch of woods near the house, but was caught and subdued after a severe struggle in which he was badly wounded

Three Engines Demolished.

Peru, Ind., Sept. 2 .- Three engines and two freight cars demolished is the re-sult of a remarkable wreck on the Wabash railroad that occurred in a dense fog three miles east of Peru early today. An east-bound passenger train drawn by two engines collided with a through freight, both going at a high speed. The enginemen escaped without a tch. One engine turned over into six scratch. the ditch and the other two locked together.

The passengers, among whom were members of the Philadelphia American league baseball club, escaped with a shaking up.

Killed by Boiler Explosion.

Fort Collins, Colo., Sept. 2 .- The explosion of the boller of a threshing machine engine on Parker's ranch southeast of this place resulted in the death of John Greger and probably fa-tal injury of his 16-year-old son Arthur Greger was employed as engineer with the outfit and his son happened to be passing near by when the explosion ocourred

No Standing Army for England.

New York, Sept. 2.-In cases of na-tional emergency England must continue to place great reliance upon volun-tary patriotism, this, in effect, cables the Tribune's London correspondent, is what Mr. Chamberlain said in his address to a Birmingham Ambulance brigade: but as his remarks were open to misconstruction he has been asked to explain them. The passage in question

more money in circulation in the regio There has been some drouth on parts of the reservation, the agent says, but no stock has died. The Indians have secured all their crops and are unusually prosperous.

Killed With Muriatic Acid.

Chicago, Sept. 2 .- Frank Klooster, 14 years old, is dead from hemorrhage of the stomach, caused by tasting muriatic acid. Young Klooster was an enthu-slastic student of chemistry, and had fitted up the basement of his home as a laboratory.

A few days ago he was making a number of tests with muriatic acid, when the whim seized him to taste the liquid. Re felt no immediate ill effects, but his mother became alarmed when learned what he had done and called in two physicians. They told him to stay in bed, but he persisted in walking about the house. Later he was seized with convulsions and grew rapidly worse until death ensued

Robbers Kill a Policeman.

Kansas City, Sept. 2.-At 3:30 this morning an attempt was made by two masked men to rob the Metropolitan street rallway car barn at Tenth and Osage streets, Armourdale, Kans, Watchman Minsker was ordered to hold up his hands and was taken inside the office, but before the robbers se-cured any booty Policeman J. W. Morris entered through the back door. ris dealt one of the robbers a heavy blow on the head with his club and blow of the head with his club and was she through the heart and in-stantly ailled by the second robber. Watchman Minsker was also shet and slightly injured. Both robbers escaped. Ike Johnson, a negro, well known to the police, is being held for investiga-

Italian Strikers Resume Work.

Florence, Italy, Sept. 2 .- With the exreption of the metal workers of the Pignone Iron works, where the strike originated, and the printers, most of the strikers resumed work today. The cabs and street cars are again running.

Seventy People Drowned.

Capetown, Sept. 2 .- It is now estimat ed that 70 persons were drowned in Algoa Bay during the storm which swept over Port Elizabeth yesterday. Among the wrecked vessels is the British ship Inchcope Rock, Capt. Ferguson, which arrived at Algoa Bay Aug. 2 from Port-land, Ore. Part of her crew was saved.



State Supreme Court Today Denied Respondent's Petition for A Rehearing of the Celebrated Allegations-Favorable to Mrs. Hilton.

term

the same.

as no testimony from the highest au-thoritieties of the "Mormon" Church as to their meaning was introduced at the trial. A number of editorials from the "News" were cited in the petition to show that the court was mistaken as to its construction of those terms. The court today denied a rehearing the opinion as heretofore rendered will stand. The estate left by Dr. Park was valued at about \$40,000, and Mrs. Hilton is now entitled to one-third of

"sealed" or "sealing ceremony,

A THOUSAND PERSONS KILLED Paris, Sept. 2-A dispatch received | Rouge and Ajoupa Bouillon during the here from Fort de France says that a recent volcanic eruption in Martin thousand persons were killed at Morne ique.

The suit of the Mammoth Mining | suits are upon the same claim or cause company vs the Grand Central Mining of action. After dealing with authorities the company was decided by Judge MarBE

all tte ear

ins nd Iu

court says: "The contention of the plaintiff is that in the former suit it sought to quiet the title to lot 38 alone. that it now seeks to quiet its title to certain adjoining claims entirely dis-tinct from lot 38; and hence, that the former decree has no forther effect as a bar than if the two suits related to inv two distinct parcels of hend. The eny two distinct parcels of land. argument, I think, is fallacious. The The owner of a mining claim owns not only all lying vertically beneath his sur-face which has not been reserved or carved out of his claim and granted which, on its dip, widely departs from his claim as delimited upon the sur-face. The vein on its dip beyond the bounding planes of his claim extended downward vertically is, by his owner-ship, severed from the estate of the owners of the strata surrounding it. It is a distinct entity, and capable of be-ing described without reference to the claim in which its apex lies. The former suit was to determine the title to a lesignated portion of this entity; not to determine the title to lot 38.

"If the plaintiff erred in the theory it advanced in the former suit, it must lear the result of that error. If the error was that of the court, it must be corrected, if at all, on appeal.

"the only matter to be considered "As the sworn answer to the plea at leges that the plaintiff has acquired Utah corporation by answer and by the Colorado corporation by plea. no right in the vein in controversy since the bringing of the former suit, and as "The plaintiff bases its right to the portion of the vein in controversy, viz: that part beneath the surface of the Silveropolis and Consort mining claims. this was not on the hearing controvert-ed by the plaintiff, it follows that the exceptions of the plaintiff to the an-swer of the Utah corporation must be on the alleged fact that the apex of this voin is found in the Jenkins Golden overruled, the plea of the Colorado corporation allowed, the temporary in-King and Bradley mining claims. There junction, asked by the plaintiff denied, and the temporary restraining order heretofore issued dissolved. And so it is ordered." was no determination as to this fact in the former suit, so that the decree in that suit is not a bar, unless the two

DENVER ENTHUSIASTIC OVER "CORIANTON."

Comments of the Two Morning Papers There, Indicate That the Aztoc Play is a Success.

(Special to the "News.")

Denver, Colo., Sept. 2, 1902 .- Corlanton's opening seems to have made a decided success in Denver. The audience last night was very large and business promises to be good for the remainder of the week, although the theater is running this week in opposition to the horse show, which is Denver's greatest carnival, and will prove a heavy counter attraction. But for this the business would be exceptional. The comments of the two morning papers are as follows:

The Republican; "'Corianton.' scribed by its author as an Aztec romance, was the dramatic novelty which opened the regular season of the Broad-way theater last night. The production is one of the most elaborate of its sort recently seen on the American stage. Last night's audience cordially received the well-known members of the large cast and applauded the numerous stir-ring climaxes with customary first night enthusiasm. Whether the play first can achieve a popular success is a question. The theater-going public of today is far from serious-minded. Its chief aim is amusement. There is little in 'Corianton' to amuse, though there is much to distract the mind and a great deal of interest. Modern audiences have a traditionary respect for the classic drama which bears the ball-mark of are, but with contemporary efforts in this field they are apt to be captious critics, perhaps with reason. 'Corian-ten' may inspire future generations of

theater-goers with admiration: whether those of the present day will accept it as the sort of distraction to their taste remains to be seen. Judging from pres-ent standards, and from its dramatic merits 'Corianton' should succeed as a remarkable stage production alone." The News: "Last night the regular season at the Broadway theater was opened by the new Mormon play by O. U. Bean, called 'Corianton.' It scored an Immense success in every particular. It is by far the generation of the second It is by far the grandest scenic production that was ever seen on any Denduction that was ever seen on any Den-ver stage, and the management have spured neither pains nor money to se-cure talent able to portray the difficult roles assigned to each. The scenery follows the ideas of the time in which the story is supposed to have been en-acted and the architecture is fitting. The costumes were superb. The ballets were finely rendered and showed the training of a master hand. The chorustraining of a master hand. The choruss were all that could be asked and drew forth a deal of enthusiasm. Joseph Haworth was heard to great advantage and responded to numerous calls. Ag-nes Rose Lane made a beautiful Isobel hes Rose Lane made a beautiful Isobel and fully kept up her good reputation with Denver audiences, whom she has invariably delighted at her appearances here. The work of Brigham Young and the other Mormon characters in the play was a revelation that elicited much enthusiasm. The clean and natural comedy of Bastol was delightfully produced by Walter St. Clair. Other act-ors who were accorded generous ap-plause were C. R. Bowers, Thomas Coleman, James H. Lewis and Miss Ma-grane."



The respondent asked for a rehearing

