

SHOCKLEY JURY DODGES DECREE.

It Recommends Life Imprisonment at Hard Labor for Notorious Murderer.

AVOIDS CAPITAL PUNISHMENT.

Verdict a Surprise to the Public—Prisoner Greatly Pleased—Sentence Set for Friday Next.

At 5:06 o'clock yesterday afternoon the jury in the case of the State of Utah against James M. Shockley returned into Judge Armstrong's court with a verdict of guilty of murder in the first degree as charged in the information but with the recommendation that the defendant be sentenced to life imprisonment at hard labor instead of being executed. Notwithstanding this recommendation it is within the discretion of Judge Armstrong to disregard it and sentence the defendant to be executed should he so desire. It has, however, been the custom with other judges as well as Judge Armstrong to heed the recommendation of the jury and it is believed that this case will be no exception to the rule.

PRISONER GOT NERVOUS.
During the hours that Shockley was awaiting his fate he showed considerable nervousness and was exceedingly pale. He spent part of the time reading a newspaper, part in talking with the deputy sheriffs who had him in charge, and with newspaper men and part in staring wildly at the blank wall ahead of him. When the jurors filed into the court room he gave them each a searching look and then settled back in his seat with a firm determination to receive the news as firmly as possible. When the verdict was read by Clerk Howard A. King, Shockley gave a sigh of relief and plainly showed his satisfaction at the result of his second trial.

PRISONER WAS GLAD.
In speaking of the verdict Shockley said that he was extremely glad especially for his mother's sake. He believed that the verdict meant that he would end his days in the state prison but he thought that the ends of justice would be met as well that way as though he had been executed. He said that he would not conduct himself that the jurors would never have occasion to regret their verdict. He praised very highly the efforts of his attorney and also spoke of the fairness of the district attorney in his prosecution of the case and of Judge Armstrong in his rulings.

SENTENCE ON FRIDAY.
After the court had set the time for passing sentence for Friday morning at 10 o'clock, Shockley was handcuffed and led out into the corridor and as the jurors filed out he thanked them and shook hands with each one. On his way back to the county jail he was permitted to stop at a telephone office, where he sent the following brief messages to his mother:

"Better luck this time, better will follow."
He was then taken to his cell and locked up to remain until the court passes sentence on him on Friday morning.

TRAGEDY RECALLED.
On the night of Jan. 8, 1904, Shockley attempted to hold up Mortimer Amasa L. Gleason and conductor Thomas Brighton in their car at the end of the east first south street line, near the University, when the men started and with drawn revolvers endeavored to capture him. Shockley shot and killed both men and made his escape from the car. Information which resulted in Shockley's arrest was given to the police by his room-mate, Percy L. Prothro. A few days after his arrest and after being taken to the state prison to prevent mob violence, Shockley made a complete confession, in which he said that he shot Gleason in self-defense and shot Brighton intentionally. His testimony on the witness stand was in line with his confession. He was first tried for the murder of Gleason, over a year ago and was found guilty of murder in the first degree and was sentenced by Judge Morse to be executed. The case was appealed to the supreme court, which granted him a new trial. The second trial has just been concluded with the result given above. Should the court give Shockley a life sentence it is probable that Earl A. Luntzow will try the prisoner for the Brighton murder.

JURORS EXCUSED.
After the verdict had been returned yesterday afternoon Judge Armstrong thanked the jurors for their services and excused them for the term.

THIS WAS THE JURY.
The following six men who tried and recommended life imprisonment for Shockley:

J. L. Hunt, Edward Rushton, Joseph J. LaRue, E. S. Case, William G. Shoup, Frank O. Kelly, Charles H. Huxton, John Powell, John K. Nicholson, Joseph R. Lindquist, G. A. Ahlberg, Edward Whittemore.

SNOOT PARTY RETURNING.

Will be Back From Grand Canyon Party on Saturday—Had Fine Time.

(Special to the "News.")
Kanab, Utah, via Modena, Utah, Sept. 27.—Senator Smoot and party have returned to civilization, after two weeks' absence on Klondike plateau. The party failed to meet Delegate Smith and party of Arizona, the rest across the canyon being impossible by recent rains. The Utah party had some thrilling experiences and brought three fine horses. A delegation of Klondike Indians called on the senator today. The party will arrive home Saturday evening.

DENNIS COMES BACK.

Painter Who Went Away From Federal Building Has Been to the Coast.

W. H. Dennis, the paint contractor whose unexplained absence at two weeks' absence from the Federal building, and considerable trouble for General Contractor Campbell, and which resulted in latter from attaching his paint work and Mr. Campbell being obliged to do the painting himself, returned this morning. He says he merely went on a trip to the coast with his wife, and professes inability to understand why any and should have been made over his absence. He says he have summer time, an order covering the amount of his trucking, and complains that the nature of the publicity given his movements has greatly injured his business. Mr. Dennis claims to be entirely innocent of anything which could justify any rise to suspicion.

AFFIDAVIT OF WIDOW SMITH.

Affirms that She Became the Plural Wife of Prophet's Brother in 1843.

JOSEPH PERFORMED CEREMONY.

Vain Efforts of Members of the Reorganized Church to Get the Decree to Revert Her Testimony.

The funeral of Mrs. Catherine Phillips Smith, widow of the late Patriarch Hyrum Smith, will be held at the East Jordan meetinghouse Friday, Sept. 29, at 10:30 a. m. Friends are invited to attend.

The passing of Mrs. Smith removes from activity a woman who left a notable message in the form of an affidavit made something over two years ago. Her affidavit is to the effect that she was the plural wife of Patriarch Hyrum Smith, and that the ceremony that made her such was performed by the Prophet Joseph, his brother. There have been efforts made to persuade her to make a denial of this fact. But always and everywhere she refused to do so. She was most positive in her position on this point. In a mind that was remarkably clear and strong to the very last she maintained the accuracy of her statements.

WOULDN'T RECALL.
Some time during the present month certain members of the Reorganized church called on Catherine Phillips Smith at her home in West Jordan with the object in view of having her testify regarding her marriage to the Patriarch Hyrum Smith, which she resolutely refused to do. In a statement given on Sunday last, Sept. 24, in which she was speaking of the event, she said:

"They tried to get me to tell a lie and deny that I was married to the Patriarch Hyrum Smith, but I would not do it. I never have lied and will not now; my affidavit is true. They asked me if my mother knew of my marriage, and I told them that the Patriarch first asked my mother if she was willing for him to marry her daughter, and she said she could ask the daughter and she could do as she pleased. I told them that the Prophet Joseph sealed me to the Patriarch Hyrum Smith as his wife for time and for all eternity, and they tried to get me to deny it, and I would not do it, for it is true. I told them the truth. They annoyed me very much, and I finally told them to leave my house, and never enter it again."

HERE AFFIDAVIT.

Her affidavit in relation to her marriage to the Patriarch Hyrum Smith, made on Jan. 28, 1903, is as follows: "United States of America, State of Utah, County of Salt Lake.

Catherine Phillips Smith, being first duly sworn, says:

I am the daughter of Thomas Denney and Sarah Goddard Phillips and was born in Philadelphia, state of Pennsylvania, on the first day of August, 1819. My present residence is East Jordan, Salt Lake county, Utah.

I was married to Hyrum Smith, brother of the Prophet Joseph Smith, as his plural wife, and lived with him as his wife.

The sealing was performed by the Prophet Joseph Smith himself in Nauvoo, state of Illinois, in August, 1843, in the brick office belonging to my husband, and occupied at the time as a dwelling by Brother and Sister Robt. and Julia Stone, and was witnessed by my mother, Sister Stone and her daughter Hettie.

In consequence of the strong feeling manifested at the time against my marriage and those suspected of having entered into it, I, with my mother, moved to St. Louis near the close of the year, where I was living when the Prophet Joseph and my husband were martyred.

The purpose of this affidavit is that my testimony to the truthfulness and divinity of plural marriage may live after I shall have passed away; and in further proof I commend it to all to whom it may come.

CATHERINE PHILLIPS SMITH.
Subscribed and sworn to before me this 28th day of January, 1903.

L. JOHN NUTTALL,
(Seal) Notary Public.
My commission expires March 30, 1904.

"AMERICAN" TICKET.

Full List of Candidates Named Before Convention Adjourned.

When the curtain finally fell over the "Mormon" eating "American" party convention in the Grand theater late yesterday afternoon, and when the last convention had told to his satisfaction just how punk Salt Lake is, and how dead its outlook and business interests, the ticket stood complete with the following nominees:

For Mayor—Eva Thompson, Republican, Fifth ward.
City Attorney—Ogden Hiles, Democrat, Fifth ward.
City Recorder—John B. Moreton, Republican, Fifth ward.
City Auditor—Knudolph Alf. Republican, First ward.
City Treasurer—Frank Svensen, Republican, Fourth ward.

POOR JUDGE McDOWELL.

An interesting interludic address came about 4:30, when Judge Samuel McDowell got to the point that he had lost just five years of his life and \$8,000 in cash fighting the "hierarch" and was asked to make a "show" of his "show." The shaking towards of "Gentiles," who would come out in the open, won't employ me and I am going to show them. They are afraid of offending the "Mormons."

The chairman called him down for it, and tried to break him down for it, but he persisted and went right on to the end, saying it was a farrow he was taking out of a place he had lived \$8,000 and five precious years of his life, without the slightest return.

Judge Hiles came in for the sop with a dry his exordium tears of the morning, when it came to the city attorneyship. Charles Monty Owsen liked the style of Judge Hiles, and hesitated to second his nomination after S. P. Armstrong had made it. He further moved a unanimous nomination, and it carried with the wisest of the day.

The rest of the state went through the only threatened breach coming when M. H. Walker was put for city treasurer. He stopped the digression, however, by pulling in his name.

P. J. Daly, who was watchdog of the convention, and who flashed a section of the Thos. Kearns pressuring at the last convention, springing to the stage as a final act, and moved that the city committee be empowered to fill all vacancies on the ticket, caused by death, resignation, removal or otherwise.

A three-cornered debate followed in which S. P. Armstrong, C. M. Ball, and P. J. Daly held down the corners. The original motion passed, however, and the convention adjourned at 4 o'clock.

SEN. REYBURN IN WASHINGTON.

(Special to the "News.")
Washington, D. C., Sept. 27.—Senator Reyburn of Idaho arrived in Washington this morning from New York, where he has been on legal business. The senator said he came to Washington to attend to a few minor matters before the departments and expects to start for Wallace, Ida., Thursday night.

DEMOCRATS TOMORROW.

Will Meet in Grand Theater at 10 O'Clock—Morris for Mayor.

The Democratic city convention will meet at 10 o'clock tomorrow morning in the Grand theater. A general ticket is to be nominated. It is known to a definite certainty that Mayor Morris will be nominated by acclamation and that Recorder Critchlow will doubtless be named to succeed himself. For the remainder of the offices there will be some scripping according to the present outlook.

Chairman Mat Thomas will call the convention to order and H. W. Sloan will act as temporary presiding officer and either Elmer Love or Rollin W. Dole will be named as temporary secretary.

MARTINEAU CHOSEN.
The Democratic city campaign is likely to go forward under the leadership of Lyman H. Martineau, who was last night chosen chairman of the city committee to fill a vacancy caused by the resignation of Nathaniel Thomas. The new chairman is well known in business circles and in the Democratic councils, and was nominated Monday night for the city council from the First municipal ward. His active work will doubtless begin immediately after the city convention, when the Democratic campaign will commence in earnest.

Mr. Martineau when seen by a "News" man today declared that his selection as chairman of the Democratic party came as a great surprise to him. The first intimation he had of the matter was when he picked up a morning paper at his breakfast table. Accordingly he is taken entirely unawares and is in doubt about the acceptance of the position. He says he is a very busy man and not closely in touch with politics and that he does not care for the work of conducting a campaign. He is simply desirous of the city getting the best possible business men to administer its affairs. If he were in the council he declared that he would assist in this direction in every way possible. But the conducting of a campaign is quite another thing. However, he is being urged by his leaders as to whether he can so arrange his affairs as to accept the chairmanship which Mr. Thomas will vacate in the convention.

NOTICE TO ADVERTISERS.

Owing to pressure on our columns, News advertisers are requested to hand in their advertisements for the Saturday News as early as possible to secure insertion in all editions. Classified advertisements cannot be assured publication in all the editions, and in proper classification, unless received in this office before noon on Saturdays.

INFORMATION WANTED.

Elder W. LeRoy Nuttall, writing to President Smith from Laramie, Wyoming, states that a lady of that place named Elsie Olsen is very anxious to ascertain the address of Martha Bascom, late of Katmy Mark, Hosenstet St., Denmark, who emigrated to Utah about twenty years ago.

AMUSEMENTS.

It was a large and merry-mood audience that witnessed the opening performance of the return engagement of the "Ballet of Salt Lake" at the Salt Lake Theater last night. This afternoon another audience of ample proportions enjoyed the picturesquely portrayed experiences of the good natured Kl-Jam whose role was in the hands of Albert Mahar, who moved among the thieves, natives and slaveholders like a real sultan and always with a humor that comforted well with the audience that dropped, shot and scintillated in every scene of the two huge acts. The manner in which he took to and assimilated the big doses of civilization that came to him in the form of a comedy, music, mime and red cherry cocktails, made of him a genuine comic opera character even if his singing was not of the thrilling kind. He was a real sultan and always with a humor that comforted well with the audience that dropped, shot and scintillated in every scene of the two huge acts. 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