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FRIDAY, JANUARY 8, 1904. SALT LAKE CITY, UTAH.

FIFTY-FOURTH YEAR.

WANTED TO LYNCH MURDER SUSPECT.

Fellow Employes of the Dead Car Men Demand Prisoner Of Police.

TOOK A ROPE WITH THEM.

But the Object of Their Vengeance Had Been Spirited Away And Taken To The Penitentiary.

BRIGHTON DIED AT MIDNIGHT.

Funerals of the Assassin's Victims Will Be Held on Sunday—Inquests Take Place Tomorrow.

While the police were vigorously "sweating" a young fellow known as "Jack" Shockley, in whom they believe they have the murderer of Gleason and Brighton, the companions of the dead men stood in excited groups around the police station, awaiting some definite word from the inside. They wanted to know if Shockley was really the right man, and had they learned so, only heroic measures would have prevented lynchings. The carmen were gathered yesterday afternoon from 3:30 on until 10 last night. As they stepped into the crowd, invariably they removed the numbers from their hats, but that was the only method taken to conceal their identity. The police were uncomfortably cognizant of the feeling on the outside and with a number of deputy sheriffs were ready to resist any onslaught. At the same time, some of the employees of the company, as it later developed, had perfected an organization, and were ready to make a determined fight for the possession of the prisoner. A delegation of them quietly visited the Armory, having in view the seizing of the guns stored there when the hour arrived. It was understood that no attempt should be made until the night shift was on. In the meantime the men continued to congregate and as an indication that they meant business, a rope was exhibited.

RUSHED TO THE PEN.
The police heard of these ominous preparations and determined that only a strategic move would defeat the intentions of the car men without serious trouble. At about 8:30, having closed the front door of the station against the crowd, the officers spirited Shockley and his partner, Percy Prothero, through the rear door and into a waiting carriage. The vehicle moved swiftly from the alley behind the jail and made no stop until it reached the penitentiary.

GUARD REMOVED.
Once the prisoners were safely within the state prison's walls, the officers breathed more freely. The doors of the police station were thrown open for the first time in several hours, there were no policemen on guard in the hall or at the door and every other precaution was removed. The street car men wondered, and prepared to act quick.

DEMAND THE PRISONER.
A party of 20 entered the station and demanded that Shockley be turned over to them. They were assured that the prisoner was no longer in the jail; that he had been taken to the penitentiary for safe keeping. The men would not believe this until the officers had allowed a delegation of five to go through the prison and look at every prisoner. The disappointed mob then dispersed slowly, vowing vengeance at some other time.

BOW SHOCKLEY WAS TRICKED.
Jack M. Shockley, the suspect, according to claims made today, owes his arrest to the fear of him entertained by his companion, Percy Prothero, and not to the latter's avarice, as was at first reported. Prothero did not know of the reward when he decided to hand the police the "tip" that Shockley committed the murders.

OTHER ARRESTS.
There had been two or three arrests up to 2 o'clock in the afternoon, but in each case the suspect had no difficulty in establishing an alibi. The most hopeful event of the day had been the report of a boy employed as a caller at the Rio Grande, H. D. Moler by name, who said that about one hour after the murders were committed a bareheaded man appeared in the railroad yards and inquired concerning the first train out. It was the sheriff's office that got this clue and there was jubilation even over this.

PROTHERO APPEARS.
But the later and more important development was the appearance of Prothero at the police station. He asked to see the chief of police and the chief readily admitted him. He obtained a promise of protection and immunity, then said he could put the officers on the right track in the street car murder. He said that his roommate had been out Wednesday night from 10 o'clock until after 12:30 and upon his return had told him (Prothero) that he had held up a car and "done some shooting," afterwards describing the murders of the motorman and conductor.

SUSPECT IS NABBED.
"Come with me," said Prothero, "and

DEVELOPMENTS IN MURDER CASE.

Thomas Brighton, the second victim of the street car assassin, died at 11:45 o'clock last night. The police have in custody a man accused by his companion, of the murders, who claims that a confession was made to him. The street car men demanded the prisoner and would have lynched him had it been possible. The funerals of the two victims will take place Sunday. The coroner's inquest will take place tomorrow. The police officers have been closeted with street car employes much of the day. Chief Lynch and Capt. Burbridge are to visit the suspected murderer at the state prison this afternoon.

arrest the man you see with me." It was arranged that Prothero should leave the station first and find the man he had in mind. He was closely followed by Chief Lynch, Capt. Burbridge and two detectives, all in plain clothes. When he reached the Occidental lodging house at 14 east First South street, Prothero went up stairs. The officers took up positions commanding the locality, and waited. In a few minutes their informant came down stairs, accompanied by Shockley. The two of them walked west along First South street to Richards street, shadowed by the officers, and were arrested as they reached the old Equitable Co-op.

BOTH UNDER ARREST.
Both men were quickly taken to the station and placed under guard in separate rooms; the suspect being in the chief's office. He was closely questioned, the authorities having his companion's story as a basis, and on several occasions flatly contradicted himself. He was somewhat excited when arrested and very nervous throughout the interview. He admitted being out of his room between the hours mentioned by Prothero but claimed to have been loafing in various saloons. The police became more and more certain that they had the right man, but would not let one word of their evidence escape. They sent to the saloons mentioned by the prisoner and while nobody remembered seeing him Wednesday night, it was admitted that he might have been in without being noticed.

EXAMINATIONS MADE.
Prothero was examined in the sergeant's room across the hall from the chief's office. He said that he came to Salt Lake with Shockley last Saturday from Butte, which is about all that is known of the two men.

The police visited the rooming house in which the men lived mainly for the purpose of securing some trace of the gun with which the murders were committed, and to connect the light, soft hat worn by the bandit with the suspect. In both, they were unsuccessful. Nothing but an old black suit of clothes was found. It has been impossible thus far to find out who sold the hat.

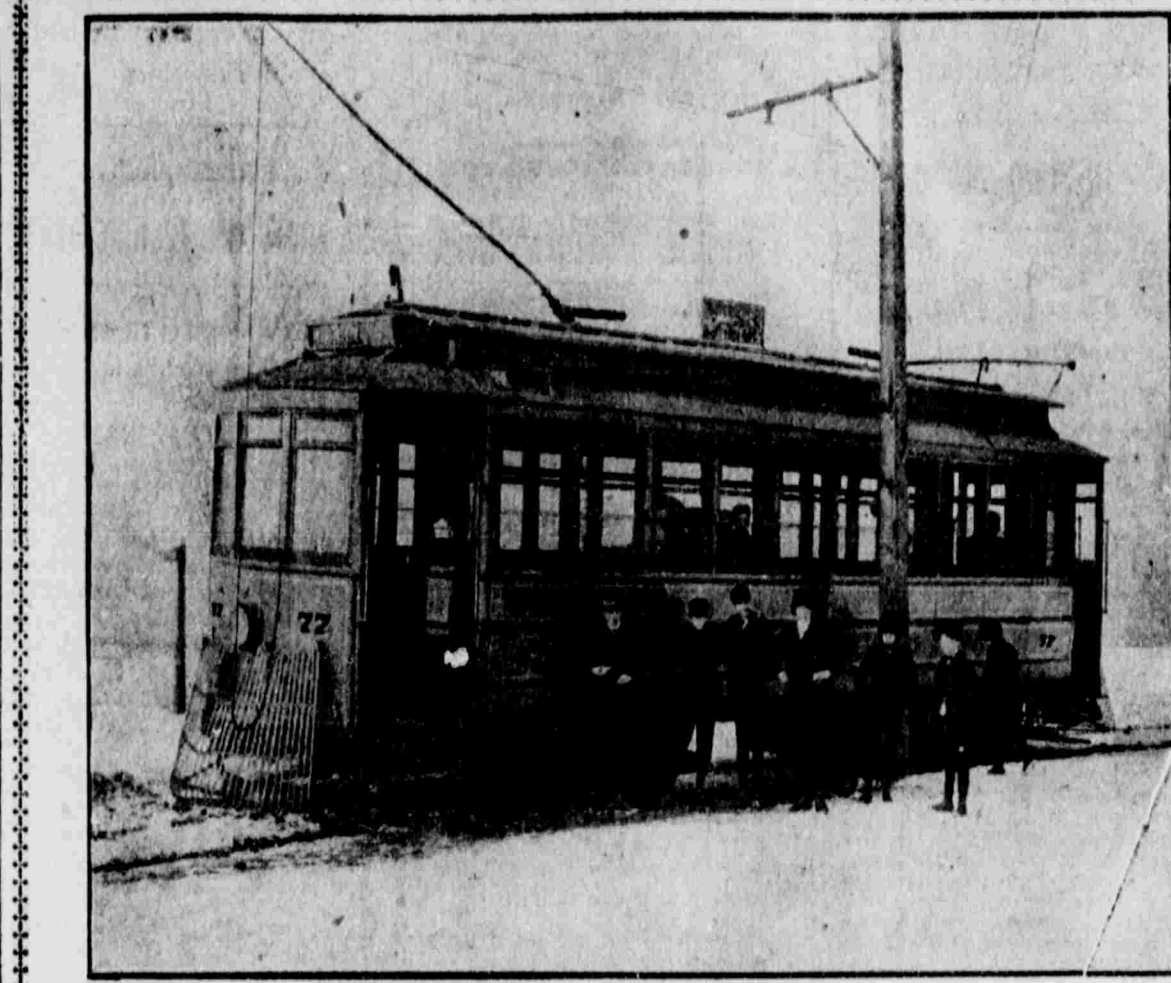
HERE LAST JUNE.
The landlady of the Occidental remembers that Shockley was here last June, and broke. Last Wednesday night, she says, one of the men Shockley, she thinks, left the house about 10 o'clock, saying he was going to get supper. The other stood in the hall conversing with some young women. She believes that Shockley returned very soon afterwards. One of the men, she declares, wore a light, Fedora hat at times, although the hats they had on when arrested were the same as they were when they arrived from Butte and engaged the room.

GLEASON AUTOPSY.
An autopsy performed yesterday shows that the bullet which caused Gleason's death entered the back of the left hip, penetrated it and went through the forward part of the right thigh, nicking the femoral artery. There is scarcely a doubt that death was due to loss of blood. Had those who heard the shots hurried to the car immediately, there was a prospect of saving his life. Death was not instantaneous. In the opinion of County Physician Mayo, Gleason was struggling with his murderous assailant when shot and lived perhaps for five or ten minutes.

BRIGHTON'S DEATH.
As was feared from the start, Thomas Brighton could not survive the wound inflicted by the murderer's bullet. He died at the Holy Cross hospital before midnight, just twenty-four hours after the shooting. At no time did the surgeons hold out hope of his recovery. About 8 o'clock the dying man asked for a drink of water and that was his last utterance. In his death, the best, perhaps the only, chance of identifying the bandit was lost. Brighton's remains are in charge of Joseph E. Taylor.

MURDERER'S HAT.

The hat, which is still a clue of great importance, is of the shade known as pearl gray, Fedora pattern, and most new. The size is unusual, 7 1/2. Part of the band, which evidently bore the trade mark of the maker, is cut out. A hatter's union label still remains and a paper bearing the following: "Order No. 38,254. Block 627. Lot 2," and the price mark "50" also appears on the band.



Photographed for the "News" by Fries.

THE ILL-FATED CAR AT THE SCENE OF THE MURDER.

slouch in his walk. He looks to be about 28 years of age. Prothero is perhaps five years younger, about medium height and light complexioned. Neither man would attract unusual attention in a crowd.

INQUEST TOMORROW.
A coroner's jury was impaneled by Justice of the Peace Frank Clark, the members being Charles Crane, M. Chaffin and L. R. Chamberlain. The inquest was to have taken place at 10 o'clock this morning, but the county attorney's office is so engrossed with other features of the case that an adjournment was asked for until tomorrow.

FUND FOR THE STRICKEN.
Besides the money that will come from the subscription lists now open, the families of the murdered car men will receive \$250 each from the Street-Car Employes Mutual Aid association.

FUNERALS SUNDAY.
The funeral of Amasa L. Gleason will be held at the Third ward meeting-house on Sunday at 11 o'clock. The funeral of Thomas Brighton will be held at the Eleventh ward meeting-house on the same day at 2 o'clock.

SHOCKLEY OR PROTHERO? Not Quite Clear to Police or Public Which is the Guilty Man.

The police department is not playing any favorite as between Shockley and Prothero. They claim that the latter is as likely to be the guilty party as Shockley, and it would not surprise any of the officers if it developed that both men were in the deal. In fact, according to the statement of one of the officers, the description given of the bandit fits Prothero more perfectly than it does Shockley, and they argue that a man who would betray his partner, even though a partner in crime, as Prothero did, is capable of the murder. They consider Prothero's statement that he was "afraid" of the other man as anything but reasonable.

Another circumstance that is damaging to Prothero's case occurs in the statement of the landlady of their lodging house. She says that on the night of the murder, when both men went out to get supper at about 10:30, Shockley demurred, and had to be coaxed to some extent by Prothero before he would consent to leave the house. When he did finally put on his things, he made the remark: "It strikes me that you always want to eat. You're the 'hungriest' man I ever saw."

CLOSETED WITH POLICE.
Motorman William Beck, and Conductor M. E. Andrus, the street car men who were robbed by a masked highwayman a few nights ago at the point where the double murder was committed, were closeted with the police for several hours today. They gave a minute description of the lone robber, and this afternoon they are going out to the state prison for the purpose of identifying one of the two men now in custody. Special Officer Brown of the street car company will accompany them.

DAMAGING EVIDENCE. "Broke" on Night of First Holdup—Money on Morning of Next Day.

One of the strongest bits of evidence against the men now in custody for the streetcar murders is furnished by Mrs. E. B. Burns, who conducts the Occidental rooming house at 14 east First South street, where Shockley and Prothero lived.

Last July Shockley was a roomer at



THE MURDERER'S HAT. Found on the Scene of the Tragedy.

this house. It was just at the time that several streetcar hold-ups occurred, one within a very short distance of the scene of the double murder. He disappeared soon after the series of robberies ended and the next time he was seen by Mrs. Burns was when he entered her house last Saturday night, with Prothero, saying he had just got in from Butte.

"I am broke," he said, "and can't pay you tonight, but I'll give you some money the first thing tomorrow. Here's a new suit"—laying a bundle on the dresser—"that you can take in your room if you like."

Mrs. Burns did not consider it necessary to guard the clothing, and said if he would pay her in the morning it would be all right. The landlady does not remember what the two men did that night, but is quite positive that one of them was in the room most of the evening.

On this same night of their arrival, the streetcar holdups began again. The conductor of an east South Temple streetcar gave up \$20 to a robber who answered the description of the murdered. The next morning Shockley cheerfully handed out a \$5 gold piece to the landlady and received \$2 in change, with a receipt for one week's room rent.

ALMOST A RECORD SALE.

Daily Edition of "News" Exhausted, Thousands of "Semis" Sold.

Few events in the history of Salt Lake have created such excitement and been followed with such an absorbing interest as this double murder. How deep the interest was, is well evinced by the sales of the "Evening News," which ran ahead of the sales of the day President McKinley was shot, and came close to equalling those on the night of Peter Mortensen's execution. The Daily News was exhausted early in the evening, and as the News press then had to print the Semi-weekly, no more copies of the daily could be struck off. It takes till 10 o'clock at night to print the Semi-weekly issue, and up to that hour newshyves poured into the pressroom, buying that edition, containing the news of the arrest of the suspect, and they sold that issue of the paper on the street up till midnight. It was the first time in the history of the "News" that the big country edition had a circulation of several thousand on the streets of the city.

"SWEATING" SHOCKLEY. Chief, Captain and Detectives Have Him Under Examination.

Chief Lynch, Capt. Burbridge and Detectives Raleigh and Chase went out to the state prison this afternoon accompanied by County Atty. Westervelt and on entering the place secured a private room into which Shockley was brought. There they commenced a most rigid examination of the prisoner and are doing all they can to get him to at least admit complicity in the crime they feel certain he is guilty of.

SENATOR DIETRICH FOUND NOT GUILTY

Court Instructed the Jury to Bring In a Verdict of Not Guilty of Charge of Bribery.

OTHER CASES WERE NOLLED.

Opinion Finds That He Was Not a U. S. Senator at Time Acts Charged Were Committed.

Omaha, Jan. 8.—United States Senator Charles H. Dietrich and Jacob Fisher, postmaster at Hastings, Neb., were released from custody today, Judge Vandever in the circuit court instructing the jury to bring in a verdict of not guilty of the charges of bribery, etc., and the district attorney entered a nolle in the indictments recently returned against them. Immediately after convening court this forenoon Judge Vandever handed down a decision sustaining the demurrer interposed by counsel for Senator Dietrich which had been made on the ground that Dietrich was not actually a member of the senate when the alleged bribery took place. The effect of the decision is that a man is not an actual member of Congress until he shall have taken the oath at the bar of the house to which he is elected, and that he is not amenable to the law as a member of Congress and an officer of the United States government.

JURY INSTRUCTED.
Judge Vandever, after delivering his opinion, instructed the jury to bring in a verdict of not guilty, and the district attorney immediately entered a nolle in the other cases against the senator. A nolle was then entered in each of the indictments against Postmaster Fisher and both were given their liberty.

THE OPINION.
In delivering the opinion of the court Judge Vandever said: "The court has given as careful and exhaustive attention to the demurrer as time would permit and we have arrived at a conclusion in which we are both quite agreed."

"This defendant is charged with receiving and agreeing to receive while a member of the United States senate or a part of the United States Congress, valuable consideration from one Fisher for procuring or aiding to procure for him the appointment of postmaster at Hastings, Neb. Section 1781 of the revised statutes under which the act is brought contains two distinct and separate prohibitions. The first paragraph under which this indictment

MAYOR AGAINST MOB VIOLENCE.

During yesterday and today Mayor Morris called at the police station a number of times in order that he could keep posted on the developments in the murder case. Last evening he heard of the rumors of lynching and visited the office of the chief and advised with him against allowing violence in any form. Dreadful as the crime was that had been committed and strong as the evidence appeared against the suspected murderer, he said that there must be no lynching under any circumstances; that the law must be enforced at all hazards. And it was under the impression that a hanging might be attempted that Chief Lynch and Captain Burbridge had the prisoner and his pal spirited away to the state prison.

is brought provides that every member of Congress, officer or agent of the government, who commits any act shall be guilty of a misdemeanor and provides for certain punishment. The other paragraph provides that every member of Congress, officer or agent of the government, after his election, etc., shall be liable to the penalty provided for the commission of such acts."

WHAT IS A MEMBER OF CONGRESS.

The opinion then defines the difference of meaning between the two paragraphs, and is to the effect that a man elected to Congress does not actually become a member of the body until he has qualified and taken the oath at the bar of the house to which he has been elected. Judge Vandever said that the court was unable to find a single instance, nor had counsel cited any statute where a member of Congress, after his election and prior to his qualification before the administering of the oath by that body, had enjoyed greater privileges than any other person, by means of the election, although they often enjoyed much greater influence.

The last paragraph, said the court, refers to acts which may be committed by members of Congress, after their qualification and acceptance of the duties of their office.

CONGRESS DECLARES CRIME.

Continuing, he said: "Under the law therefore there is no crime except where Congress so declares. This court does not make this law or say what it should like to have it to be. Congress makes the law and the court construes it. Here Congress has said that members of that body who take bribes shall be punished. It might, perhaps, be competent for Congress to enact a law which would make it a penal offense for any person to attempt to secure for another an office under the United States government but such a suggestion is not included in this statute."

"Instead of saying every person, it is confined to members of Congress, officers and agents of the United States. The two houses of Congress under the Constitution are the only judges of who shall sit as members of their respective bodies. The district attorney has admitted that there was no session of Congress from March 28, the date of the election of Senator Dietrich, and Dec. 2, the date of the convening of Congress. Until the latter date there could be no question raised as to his actual membership in the senate nor could he qualify before the body until that time. Until then, it was not known whether he would be permitted to enter upon his duties as a United States senator and as a representative of the people of Nebraska in that body."

MEMBERS-ELECT.

The opinion then defines the meaning of members-elect, ex-members and members of Congress, and closes with: "Our opinion, therefore, is that this defendant was not a United States senator at the time of the acts charged in this indictment, within the inhibition of this statute. The jury is instructed to find a verdict of not guilty."

AFTER THE VERDICT.

Immediately after the verdict was ordered for defendant, Dist. Atty. Summers announced that he wished to enter a nolle in the case of Jacob Fisher, postmaster at Hastings, explaining his motion by saying: "If Charles H. Dietrich was not a member of Congress until after Dec. 2, 1901, and the court has held that he was not then, then Jacob Fisher cannot be put upon trial for or on account of agreeing to pay or paying certain sums of money to him during the months from July to October, 1901, under a contract made with him as a member of Congress whereby Jacob Fisher was to be appointed postmaster."

The court made the order and then called up the case against Senator Dietrich in which he is charged with having received and agreeing to receive a bribe from Jacob Fisher, postmaster at Hastings, explaining his motion by saying: "If Charles H. Dietrich was not a member of Congress until after Dec. 2, 1901, and the court has held that he was not then, then Jacob Fisher cannot be put upon trial for or on account of agreeing to pay or paying certain sums of money to him during the months from July to October, 1901, under a contract made with him as a member of Congress whereby Jacob Fisher was to be appointed postmaster."

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DECISION AFFECTS DRIGGS CASE.

New York, Jan. 8.—Former Congressman Driggs, who was convicted here yesterday of receiving compensation for aiding in the procurement of a contract with the government in his defense said that although he had been elected a congressman he had not taken from his seat at the time of the alleged transaction. Mr. Driggs' attorney contended throughout that his client was not a congressman until he had actually taken the oath of office but the prosecuting attorney pointed out that the defendant was a member of Congress from March 4 when the preceding house of representatives adjourned. Judge Thomas left it to the jury to decide whether the term, as congressman has actually begun at the time in question, and the jury brought in a verdict of guilty.

HOPE FOR PEACE GROWS FAINTER.

Russia's Reply Utterly Opposed in The Main to Japan's Contentions.

THE NEGOTIATIONS CONTINUE.

Washington Cabinet Discusses the Far Eastern Situation, Emphasizing Need of Neutrality.

A TENDER OF GOOD OFFICES.

Resolution Introduced in the House Requesting the President to Make One.

London, Jan. 8.—A special dispatch from Tokio under today's date, after recording the arrival of the Russian reply, adds:

"Diplomacy has not said its last word and there are still hopes that hostilities may be averted. From the Russian legation it is announced that the negotiations continue."

The text of the Russian reply to Japan's last note has been received at the Japanese legation here. It will be presented to the foreign office later in the day by Minister Hayashi.

At the legation, the opinion is held that the reply is useful. It shows the main Japanese contentions and it is thought that negotiations will be broken off.

Minister Hayashi said to a representative of the Associated Press: "After reading the reply, all I can say is that hope for a peaceful settlement is growing less and less. Conditions are very grave."

Japan has decided not to buy the Chilean warships for which negotiations had been started. At the legation it is said that the ships bought recently from Argentina are expected to sail today for the far east by way of the Suez canal.

Wheat advanced a further shilling per quarter today in some of the provincial markets on the prospect of war. About 115,000 tons of coal were shipped from Cardiff, Wales, during this week, 16,000 to Japan, and 40,000 to Port Arthur and 59,000 to Hongkong.

MIKADO REVIEWS GUARDS.

Tokio, Jan. 8.—The emperor inspected and reviewed the imperial guards, constituting the first division of the army, together with some independent cavalry regiments and brigades of artillery, numbering in all some 26,000 men on the Aoyama field today. It is expected that these troops will constitute the third contingent in the event of war being declared. The occasion was regarded as a possible leave-taking between the emperor and his soldiers, the scene being most impressive. Emperor crown lined the route from the palace and surrounded the grounds. The emperor rode to the Aoyama field in the state coach, but was on horseback when inspecting and reviewing the troops. The staff included all the foreign attaches.

CABINET DISCUSSES SITUATION.

Washington, Jan. 8.—The far eastern situation was discussed at the cabinet meeting today, special consideration being given the movement of the Asiatic squadron, which it is desired shall be so shaped as to emphasize the absolute neutrality of this country in the event of hostilities between Russia and Japan. After the meeting it was announced that orders would be cabled Rear Admiral Evans upon his arrival at Guam tomorrow to proceed thence to Subic Bay, it being desired that the American navy shall observe "good manners" but not go to Japanese or Russian waters just now.

Representative Slayden (Dem., Texas) introduced a resolution in the house requesting the president to tender the good offices or mediation of the United States to Russia and Japan. The resolution follows: "Whereas by the provisions of the Hague peace convention of 1899, a tender of good offices or mediation by a nation, stranger to a dispute, cannot be regarded as an unfriendly act; and

"Whereas, by said convention it is made the duty of signatory powers, if a serious dispute threatens to break out between two or more of them, to remind these latter that the permanent court of arbitration is open to them, and such reminder is only to be regarded as a friendly action; and

"Whereas, warlike difficulties are now threatened between Russia and Japan, which countries, as well as the United States are signatories to the Hague peace convention;

"Resolved, by the senate and house of the United States of America, in Congress assembled, that the president be requested to tender the good offices or mediation of the United States to Russia and Japan with relation to their present dispute and remind them, in accordance with the Hague peace convention, that the permanent court of arbitration is open to them."

JAPAN CENSURED.

New York, Jan. 8.—Nearly all persons here take the view that Japan's conduct toward Russia is that of a naughty child, unless the St. Petersburg correspondent of the Herald. She is constantly being told in the press not to be so foolish, not to waste money in the impossible task of fighting Russia, and so on. In a long article upon the alleged folly of Japan's pretensions, the Gazette says:

"What can she do to hurt Russia? She must take one of her strong fortresses, say Port Arthur; but she would require 10 times more military force than she could ever bring to bear, to accomplish such a feat."

"We think, however, England and America will intervene to prevent Japan from taking any such mad step as that of making war upon us."

WARNED TO BE READY.

Hongkong, Jan. 8.—A detachment of 250 men of the Sherwood Foresters (Nottinghamshire and Derbyshire regiments) coming part of the garrison of Hongkong, has suddenly been warned to be in readiness for active service. The destination of the troops has not been divulged. The authorities refuse all information on the subject but it is presumed the troops are going to Peking or Seoul. The detachment is ready and their transport arrangements have been completed.