

NEW TRIAL FOR JAMES SHOCKLEY

Slayer of Street Car Men Granted
One by the Supreme
Court.

IS UNDER SENTENCE OF DEATH.

Short Story of the Crime, Which Was
One of the Most Atrocious in
Salt Lake's History.

The supreme court, in an opinion handed down late yesterday afternoon, has reversed the judgment of the lower court in the case of the State of Utah vs. James McPherson Shockley, and has granted the defendant a new trial. Shockley stands convicted for the murder of Anna Gleason on the night of Jan. 8, 1904, while attempting to rob him and Thomas B. Brighton, who was also shot and killed by the condemned man. He was convicted on April 19, 1904, and, on May 2, was sentenced by Judge Morse to be executed.

The men were streetcar employees and had run their car to the end of the First South street line on Thirteenth East and Second South streets, and were about to return to town, when Shockley entered the car with a revolver and undertook to rob them. The men refused to give up their money and put up a strong fight, in which both were shot by Shockley and killed. With the assistance of his roommate, who gave the officers information concerning Shockley's connection with the crime, the latter was arrested. He was taken to the police station but on account of threats of mob violence he was secretly removed to the state prison, where several days later he made a complete confession of his crime. Shockley claimed that he accidentally shot Gleason while scuffling in the car, and that he abandoned his intention of robbing the men and was trying to escape when he shot Brighton, who was upon him with revolver in hand and he thought about to shoot him. He claimed that he shot Brighton in self-defense.

GROUNDS FOR REVERSAL.

The opinion of the supreme court was written by Justice McCarthy and concurred in by Justice Stroup. Chief Justice Barth disapproves with the majority of the court on the grounds of the reversal but agrees that a new trial should be granted defendant. The ground upon which the reversal is made is a new trial granted is the error committed by the lower court in allowing Dist. Atty. Benner X. Smith to question the defendant concerning other crimes he had committed prior to the murder. Over the objections of the attorney, H. A. Smith, the defendant was compelled, in answer to the questions of the district attorney, to tell of his desertion from the army and his connection with another street-car holdup in this city in the fall of 1903, all of which the supreme court holds were crimes in no way connected with the murder of Gleason. Such questions, the opinion holds, could not be used for affecting the credibility of the defendant and were simply used to degrade him and prejudice the minds of the jurors against him.

POINT NOT SUSTAINED.

The point raised by the defense that the judges of the city court have no jurisdiction to conduct preliminary examinations in felony cases, that such

jurisdiction is placed by the Constitution in the hands of justices of the peace, was not sustained by the supreme court. The opinion on that point says: "It is plain that a construction which would lead to such mischievous and absurd results cannot be seriously considered, while, as in this case, such consequences can be avoided by giving to the language of the provision of the Constitution its ordinary meaning."

NO SELF DEFENSE.

On the question of Shockley's abandonment of his intention to rob the men, the opinion contains the following strong statement:

"The law is well settled that where a party makes an unprovoked assault on another for the purpose of committing a felony, as was done in this case, before the assailant can claim and exercise the right of self-defense he must, in good faith, abandon his criminal design and withdraw from the contest, and at the same time notify his adversary of such abandonment in such a way as to manifest his good faith and to remove all just apprehension that such withdrawal may be only a ruse for the purpose of enabling the assailant to gain some undue advantage and again renew the assault."

We have no hesitation in saying that, according to his own testimony, which we must assume to be true, from the time he entered the car and told the occupants to throw up their hands and until he killed Brighton, there was not a moment that either Gleason or Brighton would not have been justified in shooting him down, first, for the protection of their own persons, and, second, to prevent his escape.

ACT OF A CRIMINAL.

He was endeavoring to and, in fact, was in the act of robbing a couple of blameless and inoffensive men, and when he was told to put up his hands he was, in effect, placed under arrest. The killing of his men, under the circumstances as related by himself, in order to make his escape, was just as culpable and indefensible as though he had without warning shot them down when he first entered the car. At no time, from the moment he entered the car until he fired the fatal shot that killed Gleason, did he do anything that would even suggest that he intended to withdraw from the contest, much less abandon his felonious attempt of robbery, or to surrender himself as a prisoner.

True, according to his testimony, which for the purpose of this case we must accept as true, after he had shot Gleason he said to Brighton, "For God's sake, don't kill me; I will give up." When he made this statement he had already committed the crime for which he stands convicted. And even if this declaration had been made in good faith, under the circumstances, it would avail him nothing.

Chief Justice Barth, in his opinion, holds that the jury should have been allowed to determine whether or not the facts as detailed by Shockley constituted abandonment and notification as the law contemplates.

SHOCKLEY OVERJOYED.

When Shockley was notified of the action of the supreme court, he was overjoyed and said that he felt satisfied all the time that he would be granted a new trial.

BOISE NEWSPAPER ROW.

Something of the Attempt to Get an Organ for Dubois Crowd.

(Special to the "News.") Boise, Ida., April 15.—There was a lively meeting of the directors of the Capital News Publishing company held here yesterday afternoon which came as the culmination of a struggle for the whip hand in the corporation. For

some time past there have been rumors to the effect that the ownership of the paper was to be transferred from the present holders to the Republican party, the "Mormon" Church and Fred Dubois, Thomas Kearns and the Women's clubs who are making a fight on snout returning his seat in the United States senate. While these rumors were diversified every day brought a fresh one that was diametrically opposed to the one of the former day. During the past ten days considerable stock in the company has changed hands and R. S. Sheridan is reported to have taken up options on shares held by C. H. Fisher, the president, and W. J. Darcy, the vice-president of the company. This stock, together with his own, Sheridan is reported to have sold to parties who are believed to be in with Senator Fred Dubois and the anti-"Mormon" crowd under a contract that Sheridan remains as business manager of the company until the notes are all taken up. It is believed that an announcement will be forthcoming within a few days of the change of policy of the paper which it is proposed will embrace a similar course as taken by the Salt Lake Tribune.

If this should be true from this time on the Capital News, which has the largest circulation of any daily paper printed in Idaho, will be aggressively anti-"Mormon."

The action taken at the meeting yesterday was the adoption of a resolution deposing C. H. Fisher, as editor, alleging misappropriation of funds and conspiracy asserted to have been entered into between Fisher, D'Arcy, J. H. Brady of Pocatello, chairman of the Republican state committee, and several other politicians to wreck the institution and freeze Sheridan out.

It now appears that when Fisher was called upon by Sheridan to deliver the stock it was not forthcoming. The controlling stock was not up last year as collateral with a certain Mr. Townsend of Indiana, who it now appears, represented J. H. Brady. Brady holds the stock and refuses to receive payment and allow the Sheridan wing to take up a note until it falls due some two years hence.

In addition to this feature there is another article of the paper which mixed up in the three-cornered fight and the situation evolving is a most interesting one. Mr. Sheridan in an interview says that he will try to recover his own stock and also to secure that on which he has an option.

SALT-DAKING TONIGHT, 8 O'CLOCK.

COURSE OF LECTURES.

Men's Club of Congregational Church Schedules Three Entertainments.

The "Men's club" of the First Congregational church has offered a course of entertainments, which will be given during the next few weeks, and which are of exceptional merit. The course includes three numbers, two of them lectures and one a concert entertainment.

On Monday evening next the Harry T. Butterworth company appears in concert selections. The company consists of Harry T. Butterworth, basso; Miss Fay Hill, soprano; Miss Marion Wallace, reader; and Miss Lona L. Senn, violinist and accompanist.

On Friday evening, April 28, John M. Rich appears in a lecture on the Asiatic question. His specialty is the Russian system of diplomacy, which he has studied carefully, according to the promises of his press agent, for 10 years. The final number of the course is by Lee Francis Lybarger of Philadelphia, who appears on Friday May 12, in a lecture on some scientific subject, yet to be announced.

The club is selling season tickets for the three events at a nominal price.

Salt-DAKING TONIGHT, 8 O'CLOCK.

NOW A BENEDICT.

Mr. C. R. Curtis, Formerly of Salt Lake, Takes a Wife.

The many friends of Mr. C. R. Curtis, formerly a resident of Salt Lake, but now of Portland, will be interested in the announcement that Mr. Curtis has become a benedict. The Portland papers chronicle the fact that he was married Wednesday, April 5, to Mrs. Marie Dorothy Baird of San Francisco, the ceremony being performed by Rev. F. Burgette Short, pastor of Taylor Street church. The happy couple will be at home to their friends after May 1, at their handsome new residence, 59 east Sixteenth street, Portland.

Mr. Curtis will be remembered as the local manager of the Phoenix Mutual Life Insurance company, with which company he was associated for several years. He is now manager of the Germania Life Insurance company for the district embracing within the Pacific Northwestern States, with headquarters at Portland.

Salt-DAKING TONIGHT, 8 O'CLOCK.

WARD STORE BURGLARIZED

Attempt to Blow Safe Open Made Last Night—Goods Stolen.

The Twentieth ward store on South Temple and Fifth East streets, was burglarized last night and about \$15 in groceries stolen. The thieves entered the place by picking the lock of the front door.

An attempt was also made to blow the safe, but only a hole near the combination was bored. It is believed the would-be "crackers" were frightened away before they could put in a charge of nitro-glycerine. The case was reported to the police and detectives are working on it.

MISSOURI A MOTHER.

Champ Clark of Missouri, speaking of the way Missourians had spread out all over the west, said:

"There is scarcely a city, town, hamlet, ranch or mining camp from the Mississippi to the Pacific and from the British line to the Gulf in which the sentence 'I am a Missourian' would not prove an 'open sesame.' There is not a trail beyond the Father of Waters which has not been reddened with the blood of her sons in the triumphal progress of Caucasian civilization, and, contemplating the splendid states which she helped to plant in that rich wilderness, she rejoices in her sacrifices. If Virginia deserves the proud title of 'Mother of Presidents,' Missouri may without arrogance lay claim to that of 'The Mother of States.'"

TEA

The best you can do, Schilling's Best. The best you can do, Schilling's Best. Your grocer returns your money if you don't like it.

WARD ENTERTAINMENTS

Thirteenth Ward.—Broad on the Waters: a drama in two acts, will be presented by the Thirteenth ward Dramatic association in the ward meeting-house on Thursday and Friday nights, April 20 and 21. The play will be cast as follows:

Dr. Harlow, principal Greenlake Seminary.....Chas. P. Pedersen
Harry Harlow, his son.....Samuel M. Taylor
Fred Hastings.....Chas. A. Johnson
Bob Winters.....John M. Butler
Jonathan Wild Butte, the town constable.....Francis Platt
Lucy Harlow, the doctor's daughter.....Lillian Taylor
Mrs. Loring, housekeeper.....Lizzie Thomas
Dilly, picked from the streets.....Emma Morris

A farewell party in honor of Elder Peter S. Condie, who leaves Wednesday on a mission to Great Britain, will be given in the Sixth ward assembly hall Tuesday night. A good program has been prepared, and Elder Condie's friends are cordially invited to be present.

Canon Ward.—The Pioneer Stake Sunday School Dramatic company will present the beautiful play, "A Celebrated Case," in the Canon ward meeting-house, on Wednesday night, April 19. On Friday, April 21, the play will be given in the Fifth ward assembly room. Tuesday, April 25, in the Twenty-fifth ward, Wednesday, April 26, in the Seventh ward, Thursday, April 27, in the Fourth ward, and Friday, April 28, in the Sixth ward. This series of entertainments is for the benefit of the stake Sunday school board, and inasmuch as these participating have worked hard for the success of the undertaking, it is earnestly hoped that the play will be well patronized. The cast is as follows:

Adrienne.....Miss Louise Cannon
Valentine de Mornay.....Miss Nell Worthen
Duchesse d'Aubeterre.....Miss Marie Whedhouse
Chanoinesse.....Miss May Green
Julie.....Miss Hannah McLachlan
Adrienne.....Miss Nora Glenn
John Renard.....John H. Glen
Count de Mornay.....Joe A. Anderson
Duke d'Aubeterre.....Samuel Fernley
Viscount Raoul de Lankey.....William Poulton
Dennis d'Aubeterre.....Frank Stanley
The Sergeant of the Guard.....W. Arthur Sperry
Joseph.....William A. Wetzel, Jr.
Soldiers, villagers, convicts, etc., for the benefit of the stake Sunday school board, and inasmuch as these participating have worked hard for the success of the undertaking, it is earnestly hoped that the play will be well patronized. The cast is as follows:

Salt-DAKING TONIGHT, 8 O'CLOCK.

ANOTHER WONDERFUL YOUNG VIOLINIST.

The cut is from a recent photograph of Maurice A. J. Warner, a nine-year-old lad who has astonished the critics and delighted the uncritical with his precocity as a violinist. Maurice made his first public appearance in Chicago



about three years ago under the auspices of the Chicago College of Music, of which he was a pupil. His success was so unmistakable that his friends resolved to exploit him as a musical prodigy. After three years spent in fitting engagements in the west, Maurice made his way to New York. His playing made such a favorable impression in the metropolis that the members of the Eclectic club have adopted him and set aside \$50,000 to cover the expenses of the little fellow's education. He will be taught by the greatest masters of the violin.

Salt-DAKING TONIGHT, 8 O'CLOCK.

WEATHER REPORT

Record at the local office of the weather bureau for the 24 hours ending at 6 a. m. today:

Barometer reading at 6 a. m., 25.63 inches. Temperature at 6 a. m., 40 degrees; maximum, 54; minimum, 33; mean, 46; which is 4 degrees below normal. Excess of daily mean temperature since Jan. 1, 290 degrees. Precipitation since the first of the month, 61 inch, which is 50 inch below the normal. Deficiency in precipitation since Jan. 1, .76 inch.

FORECASTS TILL 6 P. M. SUNDAY.

Local forecast for Salt Lake City and vicinity: Partly cloudy tonight and Sunday with possibly showers Sunday; warmer tonight.

Utah (forecast at Denver, Colo.): Partly cloudy tonight and Sunday; warmer.

West Wyoming (forecast at Denver): Generally fair tonight and Sunday; rising temperature.

WEATHER CONDITIONS.

The barometer is highest over the Rocky Mountain slope and south Pacific coast, and lowest over the north Pacific, Gulf and Atlantic states.

Precipitation occurred over portions of Oregon, the Rocky Mountain slope, Missouri and Mississippi valleys, lake region, Atlantic, Gulf and Pacific states. It was raining this morning at Portland, Roseburg, Little Rock, Atlanta and Jacksonville; and snowing at Helena.

The barometer has fallen over the North Pacific states and risen elsewhere.

The temperature changes were generally unimportant.

R. J. HYATT, Local Forecaster.

TODAY'S TEMPERATURE.

6 a. m.40
7 a. m.40
8 a. m.45
9 a. m.47
10 a. m.54
11 a. m.58
12 m.60
1 p. m.60

YESTERDAY'S RECORD.

Highest54
Lowest39



In League With The Devil.

SACK CLOTH and ashes are to be discarded soon, and the vanity of man and woman, after the sacrifices of forty days, will be allowed to revel. Personal adornment on Easter Sunday is an important factor of Easter worship, and knowing, from long experience, the frailty of the human mind to withstand temptations, we have arranged a little **TEMPTATION SALE** for Monday, April 17th.

Our First Temptation

will be a line of Exquisite Crush Wash Belts, some in white and some in fancy colors, fastened with gold and enamel buckles at \$3 and \$3.75 each.

Our Second Temptation

will be Silk Belts, crush effects, some with buckles only and some with back and side ornaments, all most artistic and unlike those seen elsewhere. Values \$3.25 to \$15.00.

Our Third Temptation

will be more belts, made in soft crush leather, of all colors, widths and style of mounting. We cannot even approach a description of these leather novelties. Values from \$3.50 to \$12.

Our Fourth Temptation

Is a line of ornamental Combs. One's belt may not be seen, but the only one who doesn't see the back of one's head is the owner of it. Our Combs make the back of some people's head more attractive than the front—values \$2 to \$13.

Our Fifth Temptation

Is a grand array of Lavaliers and probably the swiftest novelties in the market are these festoons for the neck. Any neck becomes graceful when adorned by one of them—values \$5 to \$12 and \$25 to \$500.

Our Sixth Temptation

Is our very best and is a line of dainty hand bags, purses and card cases in all leathers and colors, just received direct from Germany—Bags to match any color suit and any size lady—values \$5 to \$12.50.

We know there is some scripture which cautions one against tempting another, but we find sufficient excuse for tempting others for we believe the scriptures also say, "Be not slothful in business," and we are extremely anxious not to be found neglecting this last admonition. Phone 65 (either phone) for the correct time.

Leysons
JEWELERS.
236 MAIN ST.
SALT LAKE CITY.

UTAHNA THEATER.

WEEK COMMENCING APRIL 17th,

A Father's Devotion,

BY THE UTAHNA STOCK COMPANY.

Matinee Every Afternoon at 3 o'clock.

PAUMIE PARISIAN

DYE WORKS

NEXT WEEK ONLY!

We will give 25 PER CENT OFF on all Walsels

French Dry Cleaned.

SEE US FOR HOUSECLEANING.

Portieres French Dry Cleaned \$1.50

Remember we guarantee all our work.

Office 55 West First South.

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GARDNER DAILY STORE NEWS—GARDNER DAILY STORE NEWS

What are you reading This little Advertisement for? Thought you couldn't Spare time to Bother with small "Ads." But Now you're at it Try the regular "Want Ad" pages That's where the Good Little Ones are.

Some Splendid School Suits \$2.50 \$3.00 and \$3.50

You'll agree with us that there really is no necessity of paying more than \$2.50, \$3 or \$3.50 for school suits. After you've seen the ones we offer at these prices. Fancy chevrons, worsteds and homespuns in neat, serviceable patterns. Made in the double-breasted jacket and knee pants style. With no value given to unnecessary fancy work, but all the quality put in the materials and trimmings. Sizes, 8 to 15 years.

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WHAT IS YOUR MOTIVE POWER? We can furnish that—if your business has merit. TRY THE "NEWS."