

"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." the proceedings and kept coming in for half an hour after the matter was

all over. All eyes were turned on Peter Mortensen and the utmost silence pre-All efforts to change it having failed, "Well, Peter, you are not dead yet, anyhow," said the reporter by way of he Democratic stat held in Provo, Sept. 16. This will neces. changing the conversation. At this remark the condemned man sitate the holding of two sets of priaid aside his drawing board and pen maries, the first of which will likely be and came to the grating. He seeme very much disposed to talk. "Dead, set for Friday, Sept. 12, when delegates to the number of 147 or one to every 95 ejaculated with an uneasy laugh, "I votes or major fraction thereof cast should say not. I have got a long time for William H. King in 1900, will be to live yet. Then by degrees the conversation drifted around to poetry. Mortensen elected to the state convention from this county. As the county convention meets Sept. 29 and 30, this set of pristated that he was writing some verses for a friend and if the "News" would promise not to publish them he would read what he had written. maries will likely be held Sept. 25, the official call, to be published perhaps temorrow, contemplating an arrange-Then in the sing-song voice of a re ment of this kind. Salt Lake county's citer in the kindergarten he read what he had written. The piece bore the ti-tle, "The Hour of Midnight." The first apportionment to the state convention as follows: Districts 1 2, 3, 6, 7, 9, 10, 1, 12, 13, 14 line ran, "Do not speak against me kind stranger," and went on to state that although the clouds were dark and he was deserted, nevertheless he put and 88 two delegates each. his trust in the Savior of mankind and Districts 4, 5, 8, 26, 30, 33 and 41 three would finally emerge walking upon the delegates each. Districts 15, 56, 44, 49, 50, 55, 56, 57, 58 sea of black despair into the blessed 60, 61, 62, 67, 75, 76, 77, 78, 79, 80, 82, 81, 84, 85, 87, 89, 90 and 92, one delegate sunlight of freedom. Had Mortensen red the lines with the feeling that he professed to have, the whole performance would have been be-Districts 63, 64, 65, 69, 70 and 71 are reft of the pitiful features. There was a hopelessness in his voice, however, entitled to one delegate among them Districts 73 and 74, one delegate be that made patent to the listeners that the lines were not the sentiment of the tween them. Districts 86 and 91, one delegate In combining districts not in themheart. Mortensen flushed with pride as h elves entitled to a delegate apiece, i 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 is explained that an effort has been 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, club. CONTEMPT FOR LAW. Coming down to his trial Mortensen said with extreme disgust: "Don't talk so that, while the delegation this yea will be larger than it was two years ago, it has been necessary to reduce the representation. In 1900 one delegate o 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. was allowed to every 70 votes, while this year the basis is 95 votes, to keep within the number fixed by the state What could I say to alter things, noconvention. body would believe me. But, the, if the people are satisfied, well, I am. That's all I have to say. Oh, these SOCIALIST STATE TICKET. That's all 1 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 guility. 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." 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. Ed-NOT LOSING SLEEP. In answer to a vehement question ler, endorsing and commending the Western Labor union for its political as to why everyone was against him apparently, the interviewer suggsted that the fact that he (Mortensen) did not go on the witness stand and testiaction at Denver some time ago. After reports from the State secre tary and organizer showing the party fy at the trial, might have carried to be in debt in the sum of \$22, the for-mer tendered his resignation, at the me weight. "Why should I have done so? Why same time assaring the convention that he was still in sympathy with the principles of the party. The resigna-tion of Mr. Woodhouse was referred to "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 Utah can stand such law as was administered in my case, why I can. I am not losing the state quorum. The convention then proceeded with the nomination of a state ticket, the first to receive attention being repre-sentative to Congress. Three names were placed before the convention these being Matthew Wilson of the my case, why I can. I am not losing any sleep over it." the Paintes' union, Chairman John C. Has-son and Dr. Schock, The former was successful, the vote being, Wilson 29, 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 Hasson 14 and Schock 11 For supresse judge Owen Prentiss, Warren Foster, Dr. Schock, F. H. Earles and O. B. Edler were named. ione to him Mortensen further expressed himself Mr. Foster won out, the ballot being Foster 37. Schock 9, Prentiss 1, Edler 1 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 After discussing plans for organization and the raising of campaign funds the convention, at 5:10 p. m. ad-journed sine die. man he thought him to be formerly, he ought to have had the two witnesses arrested 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 comfortable and POLITICAL POINTERS. Republican headquarters in the Cen-tral 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 supreme bench will reappear in Salt Lake tomorrow.

ressing arrest.

igging sand worms on the property

more money in circulation in the region.

ports that have been circulated regard-ing suffering and famine on the reser-vation are absolutely baseless. He charges that the reports have been

wilfully spread by trading companies for the purpose of securing a government appropriation and thus putting

CONVENTION WILL NOT BE CHANGED.

Hunter was employed as caretaker of a large tract of land near North Branch, L. I. Yesterday he saw a man

both the court and the prisoner.

RELATIVES AFFECTED.

Among the more deeply interested speciators present were the father of the prisoner, his youngest brother, Jes-m, and Richard Watkins of Provo, the bother of Mrs. Mortensen. Only one of the jurors, who heard the evidence the case and adjudged Peter Morten. In guilty of the crime, was present to bar sentence passed, namely Henry

AN APPEAL IS CERTAIN.

There is no doubt whatever but that as appeal will be taken to the supreme court of this state. Attorney Bernard Stewart stated to a "News" representative this morning that he would in a fer days ask for a stay of execution the days ask for a stary of extendion to as to give bim time to perfect an ageal. He said thas it would take some time to prepare the transcript on Ageal and that it would be impossible toget the case to the supreme court latine for the September term. That berg the case, unless special arrange-ment is made for hearing the case at this term, it will have to go over until the January term.

ARREST OF JUDGMENT.

The case was the first one on the done today and when it was called blace Morse, Attorney Stewart stat-ed hathe had filed a motion for arrest of jugment on the usual statutary grands, but he did not think it necesground, but he did not think it neces-sary is argue the same. The motion is as follows:

Comes now the defendant. Peter Mortenen, in person, and by his at-teriers, Stewart & Stewart, and hereby notes the court to arrest judgment in the above entitled cause upon the fol-I That the court has no jurisdiction of the offense charged in the informa-

tim in the above entitled cause, here-

1 That said information heretofore field does not substantially conform to the requirements of Section 4739, 4731 the requirements of Section 4739, 4731 and 4722, Revised Statutes of Utah 1898; 1 That the facts stated in the said formation do not constitute a public

MOTION OVERRULED.

ladge Morse immediately overruled don, after which he turned to

the risoner and said: A: Mortensen, you may stand up. To are charged by this information of maker in the first degree. On Feb. 12 yummered a plea of not guilty to the there. You have been tried by Jury and found guilty. The you anything to say why mane should not be passed upon

MORTENSEN MAKES A SPEACH.

table show had listened with show of nervousness to marks of the court, in a voice at tembling with emotion but which wards became firm and strong. legal causes I believe I have

far as this court is concerned, exwhat reasons there were. as for me to make any direc t, for that matter, statements opinions and my views with to the verdict. There is this, to the verdict. to say, that the offer which hoar at this time has extended seems to me a little more red in the string upon which they are a little more foul and me suity of this most foul and the string. The reason that I de-the string upon me is this I the a steed upon me is this, I, like on of the United States, today with a felony, the crime of offer only five litpara la support-five little children tot use the assistance and guidance of them. The other reason is, I am chapter with. They say that I am as them as your honor!" The support was rendered in a

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 lasted 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 overpowered, 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 result of a remarkable wreck on the Wa-bash 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 ch. One engine turned over into scratch. the ditch and the other two locked to

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

Killed by Boller Explosion.

Fort Collins, Colo., Sept. 2.—The ex-plosion of the boiler 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 occurred

No Standing Army for England.

New York, Sept. 2.-In cases of na-tional emergency England must continue to place great reliance upon voluntary patriotism, this, in effect, cables the Tribune's London correspondent, is what Mr. Chamberlain said in his ad-dress to a Birmingham Ambulance bri-

has been so of the reservation, the agent says, but no stock has died. The Indians have cured 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 enthusiastic 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 li-quid. Re felt no immediate ill effects, but his mother became alarmed when she 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 railway car barn at Tenth and Armourdale Osage streets. Kans. Watchman Minsker was ordered hold up his hands and was taken inside the office, but before the robbers secured any booty Policeman J. W. Mor ris entered through the back door. Morris dealt one of the robbers a heavy blow on the head with his club and was shot through the heart and in-stantly killed by the second robber. Watchman Minsker was also shot 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 Pignome 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 estimated that 70 persons were drowned in Algoa Bay during the storm which swept over Port Elizabeth yesterday. the wrecked vessels is the British ship gade: but as his remarks were open to misconstruction he has been asked to explain them. The passage in question land, Ore. Part of her crew was saved.



A Rehearing of the Celebrated Allegations-Favorable to Mrs. Hilton.

The supreme court today denied res-bondent's petition for a rehearing in the Hilton-Park case. So the opinion is sealed or "sealing ceremony." pondent's petition for a rehearing in the Hilton-Park case. So the opinion as no testimony from the highest au-thoritieties of the "Mormon" Church of that court to the effect that the "sealing ceremony" which united Dr. as to their meaning was introduced at the trial. A number of editorials from John R. Park and Mrs. Hilton, at that "News" the 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 so 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

The respondent asked for a rehearing

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 lique.

The suit of the Mammoth Mining company vs the Grand Central Mining company was decided by Judge Mar-

shall in the federal court today, the court refusing to issue the temporary injunction asked for by plaintiff, and ordering dissolved the temporary restraining 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 The plaintiff also sought to district enjoin defendants from trespassing on this vein, and asked an account of the camage 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 irterposed a demurrer and at the same time a plea to the bill, to which the plaintiff duly filed exceptions. The detense set up by both the answer and plea was the bar of a former adjudication in a suit between the companies with respect to the same premises.

In deciding the case Judge Marshall says "the only matter to be considered is the effect as a bar of the former decree in the state court set up by the Itah corporation by answer and by the Colorado corporation by plea. "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, on the alleged fact that the apex of this vein is sound in the Jenkins Golden King and Bradley mining claims. There 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

suits are upon the same claim or cause of action

and Dissolving Temporary Restraining Order.

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After dealing with authorities the 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 further effect as a bar than if the two suits related to any two distinct parcels of land. The argument, I think, is fallacious. 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 to others, but also, he may own a vein which, on its dip, widely departs from is 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 for-me, suit was to determine the title to a designated 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 hear the result of that error. If the error was that of the court, it must

corrected, if at all, on appeal. "As the sworn answer to the plea a! leges that the plaintiff has acquired no right in the vein'in controversy since the bringing of the former suit, and as this was not on the hearing controvertthe plaintiff, it follows that the

exceptions of the plaintiff to the answer of the Utah corporation must be overruled, the plea of the Colorado corporation allowed, the temporary injunction, asked by the plaintiff denied, and the temporary restraining order heretofore issued dissolved. And so it is ordered."

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 .-- Corianton'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,' described by its author as an Aztec romance, was the dramatic novelty which opened the regular season of the Broadway 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 stircast and applauded the numerous stir-ring climaxes with customary first night enthusiasm. Whether the play 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 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 hall-mark of age, but with contemporary efforts in this field they are apt to be captious within methods with began with critics, perhaps with reason. 'Corian-ten' may inspire future generations of

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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 grandest scenic pro-duction that was ever seen on any Den-ver stage, and the management have spared 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 choruses were all that could be asked and drew forth a deal of enthuslasm. Joseph Haworth was heard to great advantage and responded to numerous calls. Ag-nes 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 pro-duced 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-grans."



