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TRUTH AND LIBERTY

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FRIDAY, NOVEMBER 20, 1903. SALT LAKE CITY, UTAH.

FIFTY-THIRD YEAR.

PETER MORTENSEN SHOT TO DEATH FOR MURDER OF "JIMMY" HAY

Peter Mortensen, the assassin of James R. Hay, his friend and neighbor, is dead. He has given life for life. So far as the infliction of man's punishment is concerned the end has come. The penalty can go no further. The demands of law have been satisfied. His prison cell is empty and his remains are now for the grave.

To the very end Mortensen proved himself to be a most remarkable man. That his conscience was seared, his heart cruel and his nerve marvelous, his whole conduct proved. Hope was ever his guide. No matter how dark the clouds were, how close they drew about him, or how unpropitious this or that development in his case was, he hoped on. Even to the last night of life, when Governor Wells told him he believed him guilty and that there could be no reprieve he apparently believed he had a chance. Accordingly he fought for it with all the force and enigmatical mystery of strange make-up. But the governor's visit and reply that he could do nothing for him chilled him to the very marrow. Still there was no evidence of his weakening. He maintained his incomprehensible stoicism just as before except that he was even more firm and fixed. He went to bed at two o'clock this morning and slept "like a log," to use the expression of the "Death Watch." When he awoke it was 6:30 o'clock. Then he arose unconcernedly and prepared himself for breakfast and partook of that meal as heartily as though he was about to start off on a hunting expedition.

He was not very talkative. On the contrary he was moody and thoughtful. What was passing through his mind he did not disclose to the guards. There was much speculation as to whether he was going to make an ante death statement, or whether he would "die game," as he put it. "That is what I want to do," he said, "and that is what I shall try to do. But of course it is a tough proposition to face and a fellow can never tell what he is going to do until he is up against it and I will soon be there and will soon know more about it." Thus he reasoned, calmly, philosophically. That he spoke the truth in this instance there is no doubt, as he has given many evidences during his term of imprisonment that he despised cowardice.

The scene was a most lamentable and never-to-be forgotten affair. Every eye of the nearly four score spectators was upon him and he felt their gaze keenly. But his self-composure remained in wonderful degree and it was evident he was making a mighty struggle as he walked between the guards to the death chair into which he was strapped. The sweat stood out in great beads upon his bared forehead as he steeled himself for the final test, and tears welled up in his eyes as he took his last farewell of his brother. But he if said to his credit, if there can be any credit due him, he died as he wanted to—game.

SIGNAL TO FIRE WAS GIVEN AT 10.31

Was Led Into the Enclosure at 10:27, When a Piece of White Paper Was Placed Over His Heart for the Executioners' Bullets, All Five of Which Took Effect.

The condemned man was blindfolded by Deputy Sheriffs Smith and Cowan and led into the prison enclosure from his cell at 10:27, followed by Guard Briggs, Sheriff Emery, and Drs. Mayo, Odell and Wilcox. Smith and Cowan strapped him to the chair, securely binding his shoulders, wrists and ankles. The prisoner was dressed in overalls, and had on a black and white shirt. He wore no coat or vest. A white piece of paper was pinned over his heart, and after he had shaken hands with Dr. Young and other officials, the enclosure was cleared and at 10:31 Sheriff Emery gave the signal to fire and all five guns rang out simultaneously, all the shots taking effect.

When the shots were fired the body twitched slightly, his head dropped forward, his hands trembled for a second, then his head dropped back, and he was declared dead.

Detailed Story of the Execution.

Shortly after 8 o'clock this morning a closed carriage, containing the five riflemen selected for the deadly work, drove up to the entrance of the prison and then drove around to the south of the prison wall and then inside the wall to the blacksmith shop. No one saw them. They were hurried into the blacksmith shop and remained there until the crowd disappeared after the execution. The carriage then drove inside and the marksmen were hurried away. Shortly after the arrival of the carriage, Sheriff Emery, accompanied by Deputy Irvine, drove out in a buggy. They were closely followed by Deputies Smith and Cowan.

Ed Naylor, one of the guards comprising the death watch, said to the "News" immediately after the execution:

"I never saw such nerve in my life. He maintained his innocence up to the very last. Last night when I was with him he said that the only request he had to make was that there would be no ceremony over his remains, but that if possible he would like his body taken to Ogden and placed alongside of his mother, who was buried there."

Immediately after the body was taken to the morgue, Sheriff Emery and his deputies began the journey back to the city. The sheriff was asked what would be done with the body, and replied:

"I know nothing about it. My work is finished and the case is now out of my hands. Come on, boys," he added to his deputies, "and let's get away from here as soon as possible."

LARGE CROWD PRESENT.

As early as 9 o'clock this morning there was a large crowd at the entrance of the prison, all eagerly waiting to gain entrance. Those who had been given the privilege to witness the execution came in twos and threes, and not all were on the scene until just a few moments before the fatal volley was fired. As nearly as could be determined there were 98 witnesses, including the officers and guards. The names of all those present could not be learned. The physicians who were in attendance were Drs. Mayo, Wilcox, Odell, Young (prison physician), Plummer, Benedict, Beer, Witcher, Harrison, Wright.

SOME OF THE WITNESSES.

Among the other witnesses were J. C. Sharp, Rev. Simpkins, Father Kiley, E. B. Rich, Arthur F. Barnes, Andrew Jensen, W. W. Hall, County Clerk James, Sheriff Bailey of Ogden, Andrew Burt, Captain Burbridge, Sergeants Smith and Roberts, and Officers J. D. Brown, Carlson, Gulbransen, Burt and Johnson. Two representatives from each paper were present.

At 10:10 o'clock the spectators were all present within the prison wall. About one-third of them were stationed on the south wall and remained there until Mortensen's body was taken from the death chair. The others were stationed at the north end of the blacksmith shop and a wire was stretched from the east wall to the blacksmith shop to keep the spectators back. Two tables were placed on a line with the death chair, for the newspaper men. The chair was placed against the east wall. Behind the chair were boards to receive the bullets after they had done their deadly work. In front of the chair, facing west, a distance of 35 feet, was the entrance of the blacksmith shop. Over the opening was stretched some blue denim in which were six holes. Through five of the holes protruded five rifles. Before Mortensen was led out, Sheriff Emery entered the shop and gave his final instructions to the marksmen. The guns were thrust through the openings and the riflemen took aim at the empty chair. This was done to test their aim.

LED OUT TO DIE.

At 10:27 o'clock, Peter Mortensen was led around from the south end of the blacksmith shop. Deputy Sheriffs Smith and Cowan held him by the hands and arms. Mortensen was attired in gray prison trousers, which he put on just before leaving the cell, black shoes and a striped shirt. His head was bare, but over his eyes was fastened a white handkerchief. He looked pale but walked with a firm step and did not falter a second when ordered to seat himself and face his executioners. Prison Physician A. C. Young had previously prepared a target. It was made from a piece of white paper on which was drawn a circle indicating the point to shoot at. This was pinned directly over the doomed man's heart.

BOUND THE PRISONER.

Deputies Smith and Cowan then bound Mortensen's wrists, shoulders and ankles to the chair. Those in the immediate vicinity were Sheriff Emery, the two deputies mentioned, Drs. Mayo, Wilcox, Young and Odell and Guard Briggs. At 10:30 he shook hands with them all. His last words were in response to a question from Sheriff Emery:

"Have you anything to say?" asked the sheriff.

NOTHING TO SAY.

"Nothing at all," replied Mortensen, "only I want to thank the officials here for their kind treatment. I shall never forget it in the next world. I am an innocent man."

THE FATAL SHOTS.

After this statement, the officials and physicians stepped quickly to the south of the blacksmith shop. The spectators removed their hats and all became silent as death. The guns were then put through the openings, the marksmen's eyes were glancing along the sights and before any command was given they were aiming truly at the target. Their fingers were on the triggers. There was a brief pause, but it seemed an age to those in waiting. Mortensen's head was dropped slightly but there was not the slightest indication of nervousness. His fingers rested lightly on the arms of the chair. There was but one word spoken in the command. Aird a death-like silence. Sheriff Emery spoke in a low tone of voice the word:

"Fire!"

Instantly the rifles belched forth their deadly volley.

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THE DEATH WARRANT THAT WAS READ TO MORTENSEN.

Following is the full text of the death warrant that was read to the prisoner by Sheriff Emery, in whose hands the work of the execution was placed:

The State of Utah sends greeting to the Sheriff of Salt Lake County:

Whereas, On the sixth day of February, A. D. 1902, the defendant Peter Mortensen was charged by the district attorney of the Third judicial district of the state of Utah, by information duly filed on that date, of the crime of murder in the first degree; and

Whereas, The said defendant Peter Mortensen was tried by a jury of said court in the manner provided by law, at the April, A. D. 1902, term of said court, and a verdict of guilty of murder in the first degree was found and declared against said defendant by said jury on the 14th day of June, A. D. 1902; and

Whereas, Said court having fixed and appointed the second day of September, A. D. 1902, as the time for pronouncing judgment on said verdict, the defendant's motion for a new trial, and the defendant's motion in arrest of judgment having been theretofore overruled, upon motion of Dennis C. Eichnor, district attorney, for judgment upon the verdict, the court asked the defendant, Peter Mortensen to stand up, and the said defendant having stood up in open court, the court informed him of the nature of the charge against him, and asked the said defendant whether he had any legal cause to show why judgment should not be pronounced against him; to which the defendant replied that he was innocent of the crime with which he was charged, and that all legal reasons which he had to present had theretofore been presented to the court, and by the court passed upon, and that he had nothing further to say.

Whereupon the court said to the defendant: "The penalty provided by the statute of this state for murder in the first degree is death, to be inflicted either by hanging you by the neck until dead, or by shooting you, at your election; you may now make the election as to which mode of death shall be inflicted upon you."

Whereupon the defendant said that he elected to be executed by shooting.

Thereupon the court pronounced judgment upon the defendant as follows: "It is the judgment of the court that you, Peter Mortensen, be taken hence to some safe and secure place of confinement, and that you there be kept until Friday the 17th day of October, A. D. 1902, and between the hours of 10 o'clock in the forenoon and 2 o'clock in the afternoon of said 17th day of October, A. D. 1902, within the exterior walls of the State prison of the State of Utah, you be shot until you are dead." And

Whereas, An appeal was granted in said cause from said Third Judicial District court of the State of Utah to the Supreme court of said state; and

Whereas, On the 19th day of September, A. D. 1902, a stay of proceedings on said judgment was granted until said appeal should be disposed of; and

Whereas, The judgment and sentence of said Third Judicial District court, so appealed from, were on the 12th day of August, 1903, affirmed by the Supreme court of the State of Utah, as duly appears in the remittitur of the Supreme court of said state on file in this court, and which remittitur directs that the judgment and sentence of said district court be carried into effect in conformity with law; and

Whereas, On the 3rd day of October, A. D. 1903, the defendant's motion for a new trial having been submitted to the court and by the court overruled, upon motion of Dennis C. Eichnor, Esquire, district attorney for the Third judicial district of the State of Utah, for a judgment pursuant to the mandate and remittitur of the Supreme court of the state, the court asked the defendant Peter Mortensen to stand up, and the defendant having stood up in open court, the court inquired of him whether he had anything to say why the judgment of the court as heretofore pronounced against him should not be carried into execution, pursuant to the mandate of the Supreme court, to which the defendant replied he was innocent of the crime with which he was charged.

Whereupon the court said to the defendant: "At the time the judgment of the court was pronounced against you on the 2nd day of September, A. D. 1902, you were informed what the law of this state is with reference to the different modes of punishment; at that time you elected to be shot; do you now desire to make any change in that election?" to which the defendant responded, "No, sir."

Thereupon the court pronounced the following judgment, to wit: "Pursuant to the election you made at that time and the mandate of the Supreme court of this state, it is the judgment of this court that you be taken hence to a place of safe and secure confinement, and that you be kept there in confinement until Friday, the 20th day of November, A. D. 1903, and that between the hours of 10 o'clock in the forenoon and 2 o'clock in the afternoon of said 20th day of November, A. D. 1903, within the exterior walls of the State prison of the State of Utah, you be shot until you are dead."

Now, therefore, you, the said sheriff of Salt Lake county, Utah, are hereby commanded and required to take into your custody the said defendant, Peter Mortensen, and that within five days from this date you convey him, the said Peter Mortensen, to the State prison of the State of Utah, and deliver him, to the warden thereof, there to be held in confinement until Friday, the 20th day of November, A. D. 1903, and between the hours of 10 o'clock in the forenoon and 2 o'clock in the afternoon of the last-named day, within the exterior walls of the said State prison of the State of Utah, you do shoot him, the said Peter Mortensen, until he is dead, and make due return of your doings hereunder.

Witness my hand this fifth day of October, A. D. 1903.

CHARLES W. MOESE,

Attest: Judge of the Third Judicial District, State of Utah.

(Seal.) JOHN JAMES, County Clerk

MAKES STATEMENT; SAYS GOOD-BY

Proclaimed His Innocence to the Very Last and Thanked all Who Had Been Kind to Him—Affecting Scene with His Brother And His Farewell to His Fellow-Murderers.

Before being led to the scene of execution, he sent for a representative of each of the papers and made a long statement to them, thanking the guards, the officials who had him in charge, his attorneys, and all of his friends for the kindnesses shown him during his incarceration. He emphatically proclaimed his innocence of the murder of his best friend.

Just before the newspapermen arrived, he bade farewell to his father, brothers, David and Henry, his sister-in-law, Mrs. Henry Mortensen, and his little son, David Mortensen was the last to bid his brother good bye. He threw his arms around the condemned man's neck, kissed him, and wept bitterly. During the parting tears were in the eyes of the condemned man all the time, and the guards and the others who were around at the time, were visibly affected by the scene. Henry and David Mortensen were not in the enclosure when the execution took place. They waited in the office, and will take charge of the remains of their brother. On being led out of the cell room, Mortensen bid good bye to Nick Haworth, James Lynch, and Charles Botha, all of whom are under sentence of death for murder. He said he hoped that they would have better luck than he had.

There were about 75 persons who witnessed the execution, including about half a dozen or more physicians, a large number of county, state and city officials, and visiting officials from the surrounding counties. The execution went off without a hitch or delay.

Mortensen's Message to the Public

At 9 o'clock this morning Sheriff Emery went to the condemned man's cell and read to him the death warrant. Mortensen did not flinch but his head was slightly bowed and he listened respectfully to the reading of the warrant. The only statement made was that he was innocent.

A few moments later his attorneys, C. B. and B. J. Stewart, bade him a last farewell. Mortensen was visibly affected when he shook hands with them, and turning to C. B. Stewart said:

"I want to tell you C. B., that you and your brother have defended an innocent man. What I have said about you boys in your defense of me is true, every word of it. I want to thank you. You have ably defended me and I can not thank you enough."

After the Stewarts departed, Mortensen's father, M. F. Mortensen, Henry Mortensen's wife, and David, a brother of the condemned man, visited him in his cell. He looked them straight in the face and again protested his innocence. His relatives could hardly bear up under the terrible strain and were almost powerless to speak a last farewell. At 9:30 o'clock they left the prison to return to Mortensen's former home in Forest Dale. Henry Mortensen did not see Peter this morning. He could not stand the ordeal of saying a last good-bye.

Mortensen was asked, after his relatives departed, if he wanted any spiritual advisers with him. He emphatically declared that he did not want any ministers with him.

At 9:40, a representative from each of the daily papers was admitted to his cell for the purpose of taking from him the statement that he announced last night he would give. The statement consumed considerable time and within a few moments after he concluded his remarkable statement, he was shot to death.

MORTENSEN'S MESSAGE TO THE PEOPLE.

The newspaper men whom he sent for were then greeted with a hearty handshake by the condemned man, after which he commenced his statement to the public. During his statement, Mortensen was attired in the black and white shirt, in which he was executed, and wore a black pair of trousers, a black vest and slippers. He stood in the doorway of his cell and leaned against it. He spoke in a slow and clear voice, stopping occasionally to think or to allow the newspaper men an opportunity to get every word which he uttered. A number of times when he spoke of relatives or dear friends tears came to his eyes and he was very much affected, but would recover immediately and proceed in his usual firm voice. Several times he smiled and laughed outright at remarks which were made during his interview.

"I HAVE SENT FOR YOU."

The statement follows in full: "Boys, I have sent for you to come out because I could not finish the letter I started. I had a number of visitors yesterday the governor and others, and I did not have time to finish it. My object is to give you a few words in compliment to the officers. In the first place I wish you would say through your papers that I desire to particularly mention two names of witnesses who testified in my case. The first man who deserves special recognition by all lovers of justice and who have by their actions proven that they are entitled to the kindest consideration of the people. They are officers who talked to me more in the beginning. (Here he stopped and remarked to the reporters: Tell me if I talk too fast) concerning my case and asked me more questions than any others.

"Mr. Janney is the officer who was guarding me at the city prison during my stay there. When he was called upon the stand at the preliminary hearing to testify with reference to what he saw at the grave of James R. Hay, (Here tears came to his eyes and he stopped a second) and heard more conversation with friends and other officers than any other man, and upon the witness stand he was satisfied with speaking the truth. Had he desired to have inserted little words and misrepresented any statement he had that chance. But he would not deviate from the truth. God bless him for it."

MAY HEAVEN BLESS HIM.

"The next man who comes under a similar heading with that of Mr. Janney is Deputy Sheriff John B. Cummock. The truth was good enough for him. May heaven remember him and his!

"After I was confined in the county jail I received the kindly consideration of every officer there. Every reasonable request which they could consistently grant was extended to me. I desire especially to thank Mr. Thomas F. Thomas for the many kindnesses which he gave me and for his desire to see only justice done. When they came to identify me while in the county jail he was kind enough to turn out the prisoners and me among them and required those who came to identify me to pick me out from among those prisoners. That is but one example of his fairness and kindness to me."

ALL WERE KIND.

"Since my confinement in the state prison, the officers and guards, one and all, have been kindness personified. I desire to especially name those who have had my case particularly in hand.

"What was that last?" he asked. The last sentence was repeated to him and he proceeded with his statement.)

(Continued on page two.)