

sociated in the case, returns to the city we will decide what to do." "I presume," Mr. Stewart continued, "the defendant will be re-senenced to be shot, under the order of the court, as the original decision called for. But I don't know that definitely. Will it be appealed to the supreme court of the United States-can it be? I don't know whether it will be or not, but I think it can be and it may be. Of ourse, that takes money and there is none in sight at the present time that I know of. On what ground will we appeal it if we do? Well, there unusual elements in the case and I think we could secure a standing before the United States supreme court on a proper showing. What these elements are I do not care to discuss for publication at this or do I want to discuss the merits of the case or comment upon the decision of the court. I am sure its findings will be a great surprise to Mortensen who, when I last saw him, about six weeks ago, was very hepeful that he would get a new trial."

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ma.

17th.

slaver of Jame has been denied a new trial by ouri of this state. The ourf, which was written and concurred in by Justice Baskin and Justice Mc and which contains 44 pages of matter, was handed down esterday afternoon

ommitted at th in to a new trial and the lower instructed to proceed in the accordance with the law. This is the final determination of

suit and the defendant will have to

gate but that he did not see him go out After having stated the details of the transaction, and after some per-suasion by Mr. Sharp, who desired to know where the accused had last seen Mr. Hay, the defendant went to a spot, n the walk leading from the house, about 10 feet from the steps, and said wife and children retired. At I o'clock there, as near as he could remember, was the last place he say Mr. Hay. Mr. Sharp thereupon said to him "If that is the last place you saw my living son, the awoke, and, finding her husband had not returned, became alarmed. about 3 o'clock, went to the of the accused, aroused house of the accused, aroused him and inquired for her husband. that is the place where he was kiled." Thereupon an occurrence took place She says he appeared very nervous and said her husband had "gone up to between JamesSharp and the defendant, as shown by the testimony of the former as follows: "I asked him to come again and show me where my son stood Ernest's" (meaning Mr. Romney) and told her that he supposed he missed the last car home and "stopped over with Ernest." The next morning, the again and show me where my son scool -in the path, and he came with me and showed me again, and, when he put his foot there. I said there is where you killed James R. Hay; and he says how do you know he is dead; and I said the proof to you will be that within 24 hours of the time we are speaking, and within a mile of the place where yet about 10 o'clock, the defendant illed up Mr. Romney by telephone, at the office of the lumber company vanted to know if he had seen Mr. Hay, and upon receiving a reply in the nega-tive, told him that Mr. Hay left his "place last night and had not been seen within a mile of the place where year put your foot, his dead body will be dug up in one of these fields." To this accu-sation the defendant made no denial, since." Upon being invited, the de-fendant then went to the company's office and told the witness Romney, ernoon of the same day sus-. Hay came to the defendant's picion began to point to him that he had killed Mr. Hay to obtain possession house the night before for the money that after trying to persuade him not to of the receipt and note. The next morning, Dec. 18, 1901, while one take it at night, without avail, he paid the money over to "Mr. Hay in \$20 gold pleces;" that, after Mr. Hay had checked the amount and distributed it in his different real-sit Frank Torgersen, was out looking for horses, he noticed in a field, west of defendant's house, and a short distanc-north of the rallroad track, the Park him to the door, opened it, and upon Mr. Hay passing out, shut it; and that that was the last he had seen or heard City line, which, at that place, extends east and west, a little mound and several spots of blood betwen it and the fence along the railway. Seeing this, Torgersen went to defendant's house On further inquiry the accused stated o the witness, Romney, the "he had and asked him for a shovel. The de-fendant gave him a shovel. The de-round pointed one, and told him that was the only shovel he had, although been acumulating the money for some time; that he had been getting all his hecks cashed into \$20 gold ple that he had kept it loose in the cellar on a beam or cross wall." later a long handle, square pointed shovel, which had the appearance of HAY'S DISAPPEARANCE. having been cleaned, was found in his barn, and the imprints about the mound had the appearance of having been made with a square pointed hovel. Torgersen, upon returning to the mound with the shovel, discovered that a body had been buried there, and that a body had been buried there, and upon making known his discovery, a number of persons, among them the accused, went to the mound and exhum-ed the body of Mr. Hay. As the body was being taken out of the grave, a detective, standing by the side of the defendant, remarked that robbery was ing Mr. Hay's getting the money and leaving, to the chief of police. some began to surmise that Mr not the motive, as the gold watch was there, but received no reply from the accused.

The prosecution having produced a jar in evidence, produced \$3,890 in \$29 gold tending even to the present with pieces and demonstrated that they did not make one jar full. shadows that cast themselves far nto the future. With such deturs before the mind no hear With such Respecting a conversation, in regard to the payment of the money to Mr. that beat with human symmpthy could well press the demand for a public statement from one Hay, the witness Charles F. Watkins brother-in-law of defendant, testified: "I asked Peter if he could show that e cup of bitterness has over pold Mr. Hay the money. He flown as has that of Mrs. Hays', said he could, but he says my books are in such a shape that it will be necessary นี้สะในประวัตรในประวัตรในประวัตรใจประวัตรใจประวัตรในประวัตรในประวัตรในประวัตร for me to represent that you have loaned me from \$1,000 to \$1.500. I will deces, and then left the house, went be able to tell you and show you, after I am out of this trouble, that I had down off the steps toward the south the money and paid Mr. Hay the money." Upon being informed that the bank account of the witness would no permit such representations, the de-fendant said: "You and Dick (meaning brother of witness) could fix it." This conversation occurred on the 19th

of December. The same witness also testified that, during the night of the 19th, he slept at the defendant's house and while there found \$270 in a small box which was "in the attic behind the chimney," and that on the next day, upon telling him that he found that money, the defendant ordered it to . given to his wife. In addition to the testimony above

quoted and referred to, affecting the defendant's statements regarding the money and his transaction, on the fatal night, with the deceased, the prosecu-tion introduced a vist amount of evi-dence respecting the defendant's business transactions; his payment and recelpt of moneys, and his bank accounts, for several months immediate y preced ing the night of the murder, which evi dence, too voluminous to state here in detail, strongly tends to show the im posisbility of the defendant having had

court to try the cause or to pass a valid judgment. It is not very unlike the right which every one accused of, and being prosecuted for a crime, has to plead guilty and thereby waive the production of any evidence by the prosecution, and surely all agree that in such case, where a plea of guilty is en-tered, a court of competent jurisdiction has power to pass judgment and au-thorize the penalties of the law to be executed. executed.

MONEY EVIDENCE.

"The defendant in the case at bar could not only waive his right to be confronted with the witness, but it is difficult to see how statements admitted as evidence could have been prejudicial as evidence could have been prejudicial to him. The prosecution endeavored to show that the defendant had not the thoney and could not pay the \$3.800 to Mr. Hay as he claimed. How, then, could dependant be prejudiced by a stipulation showing that just prior to the homicide he had received \$2.159 from on parson? Such evidence would from one person? Such evidence would have been a strong circumstances in favor of innocence. It is thus evident that no herm resulted because of his walver of his constitutional right, and that such walver constitutes no ground or complaint.

FATHER-IN-LAW'S TESTIMONY. "The appellant also complains of the

cause for a new trial." 'So, in Bishop vs State, 9 Ga. 121, it iction of the court in admitting in evidence that portion of James Sharp's testimony relating to certain state-ments made by the witness over the deal body of his son-in-law, while the was said: "It will never do to permit a prisoner to hear lilegal testimony without objection, and then assign its introduction as error; by such indul-gence, advantage will always be takof was lying in the patiol wagon in bot of Hendry's store. The statements objected to are: "He murdered you for en of the prosecution." receipt that was on your body rep-esenting \$3,800, and you never ran of the court, respecting the evidence, way, nor he never gave you a dollar.' n answering questions as to what deendant said and done, the witness tatel: 'He didn't say anything, but tatel hung his head and looked on the ground.' What took place there was of a most material character in its bearings upon the offense and the accused, and we perceive nothing in the record, nor do we know of any rule of vidence, which under the circumtances, prevented the prosecution from introducing proof of what was said and done. It was the duty of the defend-ant to speak, and his failure to do so vas a circumstance which the jury had

dangerous of them all is the mob of organized labor. No man, I take it, can object to any kind of association, labor or other, which is organized for lawful and beneficial purposes, but organized abor as it is conducted today, stands convicted by its own leaders as a law ess organization.

"Where, as in this instance, a defend-"In that it seeks by physical force to ant, in a criminal proceeding, injects illegal evidence, or suffers inadmissible evidence to be received without object over-ride individual rights and its continually railing against the laws and tion, he cannot afterward insist upon a reversal of the case upon that ground. denouncing courts and public officials for enforcing these laws it fulfills all and if upon cross-examination, he asks questions calculated to elicit improper the requirements of the definition of mobocracy. Unlike the lynching bees and the vigliance committees, it is what might be termed a standing mob, under r inadmissible testimony, he must be Unlike the lynching bees ontent to take the answers. In such case he will not afterwards be heard to complain of that for which he was discipline by its officers and ready upon occasion to commit the overt acts of imself, responsible, and which resulted outrage and destruction which are the journage and destruction which are the journard manifestation of the mol's spirit, it declares, in effect, that its will is superior to traditions, government escalations and a superior to traditions. 'One who permits," says Mr. Bishop, "Illegal testimony to be given to the jury, as shown by his making no obwill is superior to traditions, govern-ment regulations and even the consti-tution of the country. It asserts that the andividual has no inherent rights that cannot be taken from him, and that therefore, it has the right to say that no man shall work, and that no in-dustry shall run without its consent. "In its attempt to compel a recogni-tion of its pretensions to soveroignty it relies not on reason, but upon operjary, as known by his maring in origination for it, cannot afterward claim any privilege on account of its admission.-Bishop Crim. Law, sec. 997. "In Jacobs vs Bangor, 16 Me. 187, it was held: 'Where irregular or inad-nissible testimony has been received at a trial, without objection, that it was considered by the jury affords no just

Roosevelt's conference with the mem-

bers of the sub-committee of the Sen-

ate finance committee was not conclud-

ed until the small hours of this morn-

ing. The whole subject of financial

legislation at the approaching session

of Congress was discussed thoroughly.

Aldrich, chairman; Platt, Conn.; Alli-

son and Spooner, did not even present a

tenative draft of a currency bill to the

president, although some presentations

which subsequently may be embodied

the legislation. At 7:30 this morning

the members of the committee left

Sagamore Hill, boarded their yacht, the

Virginia, and salied for Providence on

their return to Senator Aldrich's home. One fact of distinct importance was developed at the conference. While

an extraordinary session of Congress

The committee, consisting of Senators

enforced idleness and endless discom-forts of life. They are also bidding for the destruction of their most precious possession-that of industrial liberty; Their investments in moberracy are it relles not on reason, but upon oner- i mighty poor investments."

FOR FINANCIAL LEGISLATION.

bay the penalty for his horrible crime, crime the enormity of which has not en outranked in the history of this tate. It is not believed in legal circles that the case would have any tanding in the supreme court of the United States and there is nothing which could be brought up in the district court here which would delay the execution of sentence for any great length of time, so it is very possible that in the course of a short time, Peter Mortensen wil give up his life for the life which he took nearly two years ago.

JUSTICE BARTCH'S STATEMENT.

A statement of the facts connected with the crime made by Justice Bartch in the opinion is very accurate and concise. It follows in full:

"The information in this case charges the defendant with the unlawful, erate and mallelous murder, on the 16th day of December, 1901, of James R. Among other things, it appears tom the evidence, that the accused nd the deceased were both residents of Forest Dale, Salt Lake county, Utah The deceased was the secretary and treasurer of the Pacific Lumber company, a concern dealing in lumber. The defendant was a contractor and builder, and before and at the time the crime charged was committed, was indebted building materials. Having been fre-quently asked by an agent of the lumber company for money in liquidation of the indebtedness, the defendant, on the 14th of December, 1991, appeared at the office of the company in Salt Lake City, and stated to its manager, Mr. Romney, that he thought he would be able to pay the account on the 16th of December, 1901. On the afternoon of the 16th, at about 6 o'clock, he again appeared at the same office and st in the presence of the manager and the secretary, that he was ready to pay the indebtedness. They then checked over his account and found that he owed the company \$3,907. For \$107 of owed the company \$3,907. For \$107 of this he had given the company an order on another person, and the balance, or \$3,800, he said he had accumulated and was keeping at his house in Forest Dale and told Mr. Hay to make out a receipt and "fetch it along" with him. Mr. Hay made ont a receipt as request-ed, and then pinned it and a note, which the defendent had given the company the defendant had given the company as evidence of part of the indebtedness, together and put them in his inside coat pocket on left side for delivery by him to the defendant upon receiving payment of \$3,800. The manager, be-ing alarmed because of the defendant keeping so much money at his house. commanded him under no circumstances to pay over the money that night, not until the next morning, and instructed Mr. Hay not to call for or receive the same until in the morning. The defendant said he wanted to surprise them, and that was his reason for accumulating the money instead of accumulating the money instead of paying the indebtedness in partial pay-ments. The three then, it being near-ly 8 o'clock, left the office and went to-gether up South Temple to West Tem-ple street. Thence the manager congener up south Temple to West Tem-ple street. Thence the manager con-tinued on home, and Mr. Hay and the accused took the Calder's Park car for their homes at Forest Dale.

"I AM GOING OVER TO PETER'S."

It appears from the testimony of the witness Morton, that after Mr. Romney, the manager, left them, the de-fendant arranged for Mr. Hay to come

Mr. Romney and the accused then informed Mr. James Sharp, the father-in-law of the deceased, about the latter's disappearance, and related to Mr. Sharp the defendant's story, and then informed the police department and re-peated the same conservation, respect-

In the presence of the accused the cir-cumstances were also explained to others as he had related them, and, in Hay had departed with the money af-ter giving the defendant the receipt and note. Later in the day Mr. Sharp, Mr. Romney, the defendant and others went o the defendant's house at Forest Dale to the defendant's make at Forest Date, and there in his presence, upon inquiry by Mr. Sharp about them, the defend-ant's wife produced the receipt and note which Mr. Hay had taken with him from the lumber company's office. Then upon being asked by Mr. Sharp, in the presence of a detective, and others, to explain his transaction with Mr. Hay the night before, the defendant said that he had kept the money on top of the fast wall in his cellar; that part of it as loose and part in a sack; that he was loose and part in a sack, that he brought it up out of the cellar, some in his pockets and some in a sack; that Mr. Hay and he then sat down on a small settee and counted the money; and that Mr. Hay took part of it in his and part in a sack, in all one hundred and ninety twenty-dollar gold

MORTENSEN SEEN IN MURDERERS' IN MURDERERS' ROW

A "News" reporter saw Mortensen at the state prison at noon today. He was scated in his cell on "Murderer's Row" after having partaken of a hearty dinner. When to'd of what the supreme court had done he turned his head in a semi-thoughtful man-ner and then smilligly said: "Is that so?" When asked what he ing purtaken of a hearty dinner. war going to de about it he re-plied, "I don't know what I will do until I see my attorneys. I suppose I will have to try something else." Then he became non-communicative and refused to talk further. The condemued man has bot

changed much during his incarceration save, perhaps, that he has become quite gray and is if anything a little stouter, due to a good appetite. One fact was

vere untrue.

**CORTENSEN ACCUSED.** 

It was also noticed that the coat pocket on the left hand side, into which Mr. Hay hid put the receipt and note, on the evening of the 16th, at the lumber company's office, was pulled inside out. The body was then placed on a patrol wagon and taken in front of Hendry's store, where the wagon was stopped, and Mr. James Sharp and others, appeared. While there, Mr. Sharp, who had on the day previous accuzed the prisoner of killing his son, in the presence of a number of people, looking at the defendant, who stood but a few feet from him, in front, and then at the dead, said: "He murdered you or a receipt that was on your body epresenting thirty-eight hundred dol-

representing thirty-each hundred dol-lars, and you never ran away, nor he mever gave you a dollar." To this ac-cusation the defendant made no reply, but dropped his head and looked on the ground. He was finally placed un-der arrest, and thereafter made various confliction statements respecting the onflicting statements respecting manner of keeping the \$3,800 which he claimed he gave Mr. Hay on the night of the murder.

#### MONEY IN A SACK.

Before his arrest he stated he had kept the money, part in a sack and part loose, on the cast wall in his cellar. Afterwards, according to the tes-timony of the witness Penrose, the defendant, in answer to a question as to whether he kept the money in quart fruit jars, replied, "Yes, I had three jurs full of twenty-dollar gold pieces." The same witness said he had told him The same witness said be had told him on the day before, that he had kept the money in a sack. The witness Sheets said the accused stated to him that he had three glass jars full of twenty-dollar gold pieces, and had kept them in the celtar. The witness Hilton stated that the defendant told him that he had the money he paid Mr. Hay, in two glass jars in the susement on the

wall. The witness Cummock testified that he said to him "he had had the money in the three jars in the cellar, and some in one jar in the pantry." Several witnesses, it appears, exam-ined the east wall of the cellar, on the day after the homicide, and, at the trial, testified to the effect that, on the top of the wall, where the defendant claim.

in his house, on the night of the 16th and paid the deceased \$3,800, and it seems to establish beyond all reason able controversy, the fact that the de fendant's statements in that regard THE FATAL SHOT. It is further shown in evidence that at about 9:30 o'clock, on the night of the 16th, a shot was fired, and heard

from the direction of the grave, and the proof shows that after the body was exhumed, it was found that the deceased had been shot in the head four inches back of the ear, and on a with the ear, and beneath the scalp

The witness, Allen, who was the motorman on a streetcar that night, tes-tified positively that at about 10:20 o'clock on the night of the 16th, he observed, as his car was approaching the intersection of the streetcar track with the railroad track, running east and west past the grave, a man walk ing west past the grave, a man walk-ing west on the railroad track, in the direction of where the grave was after-wards found, and that, when the car got within 60 or 70 feet of the man, he recognized him as the defendant. witness stated that he saw his face in the moonlight and looked at him; that was carrying a shovel; and that the

defendant looked at the motorman. The proof further shows that before the body was exhumed, there was blood ound on the railroad track opposite the grave, and there were also spots of blood leading from the railroad track to the grave.

On cross-examination, counsel for the defendant, elicited, from the witness, James Sharp, the statement that the witness had received a revelation from God that the defendant had killed his son. The witness, upon being pressed by counsel, after stating that God had revealed it to him, said: "He told me, as proof to Peter Mortensen, he had killed my son; he was the man that killed htm; his dead body would be dug up within 24 hours within a mile of that place, buried in one of these fields."

ABOUT ALLEGED ERRORS.

The opinion of the court in part folows: "The appellant insists that the court committed error in permitting a tipulation, made in open court by the defense with the prosention, wherein the defense admitted that, if the wit-ness, J. C. Sharp, were present, he would testify that, from Nov. 2 to Dec.

6, 1901, the defendant usid him y ous sums of money amounting to \$2,150 to be received as evidence. It is urged that the admission of the evider stipulation was contrary to defendant's constitutional right "to be confronted by the witnesses against him," and that this right he could not walve. In gen eral the rights guaranteed to every ac cused person in a criminal action by the constitution, may be divided into two classes, those in which the public have an interest as well as the individual, and are jurisdictional as affect ing the power of the court to try the ause; and those in the nature privileges, which are merely personal to accused, for his benefit and do no affect the general public. The former cannot be waived, but the latter may

#### FAILURE OF OBJECTION.

Where the prisoner at the trial voluntarily consents, or sits by and fails to abject to any step taken in the proceed-ings, which does not affect the jurisdiction of the court to try the cause, he will not thereafter be heard to complain because of it, although it may tendant arranged for sit. Hay to come to his house and get the money that home about \$25 p. m. took supper and then left his house at 9:45, saying to his wife, "I am going over to Peter's (defendant) to collect some money. I will be back some." At about 10:20 the

i right to consider in determining the uestion of his guilt or innocence. QUASI-CONFESSION.

"Mr. Underhill, in his work on Crim. nal Evidence, section 122, says: "The dience of the acused as regards stateients made in his hearing which dicate him may be proved with the tatements, and from his acquiescence e jury may infer his guilt. Silence s assent as well as consent, and may, where a direct and specific accuation of crime is made, be regarded under some circumstances as a quasionfession.

#### VIEWING OF PREMISES.

"The counsel contend that the trial ourt in permitting the jury to view the premises where the homicide oc curred, without the presence of the de the endant and the court, deprived the de-endant of his constitutional rights. tendant of his constitutional rights. This, it is urged, was taking evidence in the absence of the defendant and de-prived him of the right of confronta-tion. If it were conceded that the view of the premises, by the jury, were the taking of testimoty upon the trial, there might be some force in the posl-tion of the defense but we are able on of the defense, but we are unable concede that the view was either a art of the trial or the taking of evi-ence, within the meaning of the contution or the statute. We are unable agree that the view is taking evince at the trial in the sense in which the term trial is used in the constitu-tion, or that the presence of the ac-cused at the view is essential, under our statute, although, we doubt not hat, in every such case the prisoner hould be afforded, as he was in this

should be allorded, as he was in this instance, an opportunity to be present at the view, if such he his desire. That the accused, where a view is permitted by the court , should have an oppor-tunity to be present we entertein no doubt, but when he has had such op-portunity and has declined it, then 'HIS MERE ABSENCE

annot avail him, after verdict, to re-

"At the trial on cross-examination, untel for the appellant persistently terrogated one of the witnesses for the ite about a certain revelation, which, seems, the witness channed to have id from God, respecting the murde id the perpetration of it by the ac used. The record snows a deliberate etermination on the part of the delense o have the witness state the details of that he claumed had been revealed to in from supernatural sources, al-nough there were no inquiries made respecting such revelation, by the prose-cution of direct examination. After they had knowingly and deliberately and evidently designedly, elicited such testimony upon cross-examination, the counsel for the prisoner, both sides hav-ing rested, requested the court to charge the jury that, in considering the vidence in the case, they should not ake any statements, as to a revolution, into consideration; and that such stateermining the credibility of the with ness." The court refused to instruct specially in the language requested, but charged the jury generally and quite fully in regard to their duties respect-ing all the evidence introduced upon the

forts to procure a reversal of the judgment and new trial, Nor do we concur with the conten-

any criminal case, on behalf of the defendant, to inject some matter into the record which would imperil the

verdict. Obviously, under such practile, to fix any permanency to s

to fix any permanency to a

sible

verdict

rom his own acts.

Nor do we concur with the conten-tion of the appellant that the state-ments made by prosecuting counsel, which are assigned as error, are such as to warrant a reversal. Viewed in the light of the facts and circum-stances, disclosed by the evidence, they are not of such character as to undfiv are not of such character as to justify the setting aside of the verdict of the ry. While a counsel for the prosecu-n should at all times be circumspect mer. n summing up the case for the jury, at no time should be unmindful o the fact that it is as much his duty under his oath to shield and protect the innocent as to punish the guilty, will he has a right to employ such language, in the discharge of that sacred duty, as the facts and circumstances evidence and a proper conception of right and wrong may dictate and war-

'Nor do we think the court erred in in the measure, were reduced to conoverruling the defendant's motion for a crete form. No definite conclusions as new trial, or in refusing, under the dircumstances and the practise within to the shape of the proposed legislathis jurisdiction, to permit the defense tion were reported. . The conference reintroduce oral evidence in support lated rather to methods of procedure in of that motion. the work at hand than to the form of

Other questions have been presented herein, and we have examined all of them with care, but have found no reversible error in the record. "The judgment must, therefore, be affirmed and the cause remanded for further proceedings according to law.

### M'CARTY ON REVELATION.

Justice McCarty also handed down next fall is assured, it has not been den additional opinion on the question if the revelation of witness James termined definitely whether it will be called to meet in October or in No-vember. It has been supposed that Sharp in which he concurred in the opinion of Justice Bartch and advanced other grounds for his concurrence on the extraordinary session would con-vene on Monday, Nov. 9, but the indi-cations new are that it will be called for an earlier date, perhaps several that point.

#### A NOTED TRIAL

The trial of Peter Mortensen was one the longest and most noted criminal action in the state. District Attorney Dennis C. Eichnor prosecuted the case n a very able manner and the defendant was equally as ably represented by Attorneys Charles B. and Bernard Stewart. The trial was commenced be-fore Judge Charles W. Morse on Mon-day, May 5, 1992 and on May 28, nearly month after the commencement the trial, the jury was completed, There were 1,055 jurors summoned, 905 on the regular and special venires and 159 on an open venire. Of this to-tal number, 589 passed their voir dire examination and were examined for cause by both the state and defense.

The 12 jurors finally secured to hear the triphtons many secure to pear the evidence, and who, on June H. re-turned a verdict finding defendant guilty, are: Joseph Smith, Samuel Bringhurst, H. T. Shurtliff, James M. Barlow, Sterling R. Le Roy, Henry Tribe, Michael Kopp, (now deceased) William A. Dilla Law T. discander Tribe, Michael Kopp, (now deceased) William A. Bills, John T. Alexander, Charles H. Ingham, Jr., Alma H. Rock and John R. Dalley.

On Wednesday, Aug. 27, Judge Morse overruled defendant's motion for a new trial

On Tuesday, Sept. 2, 1902, Judge Morse sentenced the defendant to be shot on Friday, Oct. 17, 1902. A stay of judgment was granted and the case appealed to the supreme court where it was argued by Attorney General Breeden and District Attorney Elchnor for the state and H. J. Stew art for the defense on May 20, 190 1903. Since that time the court has had it under advisement.

#### Mutesarief Mush Dismissed.

Constantinople, Aug. 12.-The mute-sarif of Mush, Armenia, where Kurd-The appellant, through the same ish excesses were recently alleged to have occurred, has been dismissed. counsel, now complains of the admis-

question, and the requests to charge. President's Conference With Senate Finance Committee Laster Into Wee Small Hours - No Definite Conclusions Reported -Hope to Devise a Genuinely Elastic Currency System.

Oyster Bay, L. I., Aug. 13 .- President . It can be said that the Senate finance ommittee will draft no measure formilly and conclusively until consulta-tions have been held with other memers of the senate-Demograts as well s Republicans-and with members of the house and with the best authori-ties on finance in the country. It is It is the desire of the committee to be con-stantly in touch with the president, with other senators, with members of the house, with bankers of the west as well as those of the east and with country bankers as well as city bankers, so hat some plan of legislation may be formed by the opening of the extraor-dinary session of Congress.

been fighting for is us on labor to the

"These are the words of a conserva-

tive among union labor leaders and they voice the sestiment of the agita-

ors the country over. To their mind f you deny the right of their organiza-

tion to commit illegal acts you are at-tempting to crush it. If organized labor

ias only lawless purposes it ought to be crushed.

"During the last year the attempts o force men to give allegiance to strike

bosses in their plans to set up an oli-garchy that will control industry inde-

pendent of the laws of the country have

resulted in mob conditions in many of the leading centers. Supremacy of law and order has sustained not only many

severe shocks, but the nation has also lest millions of dollars by the organized

dleness of thousands of men. This loss

must fall heavier on the man who de-

pends on his daily wage than upon those who nave something to fall back

upon. It is time that the workmen of this country were learning that for th rollions of dollars they pay in solarie

to the agitators, they are creating

It is the hope of the committee to devise a genuinely elastic currency sys-tem—a system that will expand when the necessity shall arise and contract when the necessity shall have ceased to exist

Senator Aldrich, when asked by an Associated Press representative with reference to the visit of the senators to the president, sald:

"The Republican members of the sub-committee of the senate finance com-mittee who recently met for an in-formal conference at Warwick, R. L. talked with the president about finan-cial conditions and the need of legislative changes. No bill has been drafted or agreed on, and none will be until after the fullest consultation with our Democratic associates of the sub-com-mittee and all the members of the finance committee. It is, however, our purpose to have a bill in readiness for resentation to the senate at the begin ning of the extra session if one shall be called in October or November. We are hopeful that a bill can be agreed

The primary purpose of the extraordinary session will be to enact legisla-tion making operative the Cuban reciupon and reported that will receive the approval of both houses of Congress prosity treaty, but fimancial legislation and afford prompt and efficient relief to will be pressed upon the attention the business interests of the whole of Congress soon after it convenes. - country."

SEVERAL MILLIONS OF FRANCS. Found in Apartment of the Late Pope Leo XIII When Seals Were Broken by Major Domo Mgr. Cagino-There Were Many Other Valuables.

Rome, Aug. 13 .- The pope is quite | Leo XIII this morning, breaking the well today. He took a long drive and seals put on at the time of the positiff's walk in the valican gardens and then death. They found a considerable received the Austrian ambassador who amount of money-it is stated saveral Mgr. Caglano, the major-domo, acpresented his credentials.

companied by Cardinais Rampolla and present, having left Rome on account Mocenni, opened the apartment of Pope of liness.

# A FIERCE FIGHT.

Score of Men Arrested for Inflicting Severe Injuries on Others, Chicago, Aug. 12 .- More than a score of men have been arrested for inflicting severe injuries on at least half a dozen men in a fierce fight at Whiting, Ind. The trouble was an outgrowth of a factional quarrel between members of the Slavic races, laborers for the Standard Oil company. Warrants for 14 oth-ers will be served today. The riot was the culmination of a se-

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lice cannot learn the cause of the quar-rol. They understand it originated in Europe, and that the Slavs are fighting for a principle. On one side are Servians, Bungarians and Creatians. On the other are those designated only by the generic name. Following several battles in saloons and at picnics, a party of Slavs and another of the allied races met yesterday in Schraag avenue, a street dividing

| rious injuries were sustained. The po-

the settlements. Scores engaged in hal-the and hundreds watched the fight. The police made a dozen atrests, and a number of the Servian faction were ries of battles, in several of which see | arrested later on warrants.

THE JURORS.

HISTORY OF CASE.