DESERET EVENING NEWS: MONDAY, OCTOBER 5, 1903.



Peter Mortensen to be Executed never use Ayer's In the Utah State Prison on Friday, November 20.

TONC TALK AVAILED NOTHING.

Made a Rambling Disclaimer But Convinced Nobody-Very Bitter Towards the Newspapers,

At 2 o'clock sharp on Saturday afterpoon the officers brought in Peter Mortensen through the side entrance to the court room and removed his handcuffs. In appearance he seemed to be about 5 feet 6 inches in height and to weigh about 150 pounds. He is 38 years of age. He wore a tailor-made cut-away coat, somewhat solled, and his face had not been shaved for a couple of days. He took his seat beside his counsel and between the officers who had brought him in. He seemed to be in a pleasant frame of mind and chatted with his counsel and frequently smiled. He seemed to be the most unconcerned person in the court room.

Atty. Gen. Breeden entered soon after and shook hands with him and took a seat beside Dist. Atty. Eichnor. Mortensen's incarceration of 22 months does not seem to have affected him any nor to have in any manner subdued his nerve. No one could regard the pris-oner without a certain amount of distrust and inward shudder. The animal trust and inward shudder. The Ammai predominates strongly in him. He has a stocky neck, a receding forehead, a very restless eye and a weak chin. His hands are large and every movement body indicates vitality and

strength. When he arose to speak his voice was clear and steady. He was thoroughly selfpossessed and seemed to be more oblivious to the seriousness of his ac-cusation and his impending fate than any man in the court room. He be-gan by thanking the court for its fairess and the district attorney for his ness and the district attorney for his consideration and his zeal. He never geemed at a loss for a word. Some-times he repeated himself but when he did so it was for the purpose of em-phasizing what he had said before. He reminded one forcibly of of Eugene Aram in that masterplace of Bulwer-Lytton. He went over the testimony carefully and showed where the prosecation had been weak and had not proved his guilt beyond a reasonable

Notwithstanding his complimentary remaks at the opening, concerning Dist. Atty. Eichnor, he addressed him-self principally to him, except when he alluded to the press. Then he turned to the press table, where there were only two representatives present and with a glowering scowl and a look of ferocity he denounced them and the papers roundly. His manner was in-tense. He wanted to use some stronger language against them than would have been permissable in a court room, but checked himself in time. No nervy reporter even, would have felt safe in meeting him in a dark alley unless he was well armed while the man was in this frame of mind. He talked for an hour and five minutes. His pleas, like that of Eugene Aram's, in Lytton's famous work, was a special plea and did not help him any. It was not con-vincing. Only once did his voice falter and that was when he spoke of his wife and five little children. That was the only time when he betrayed evidences of having the milk of human kindness In him. He made frequent gestures and at times his brawny fist would hit the table causing it to resound throughout the court room.

\$30. Mr. Elchnor, \$30; could not raise, a man contracting, having money, could not raise \$30, thirty-odd dollars and the not raise \$30, thirty-odd dollars and the expenses of the court. Oh yes, that is a proof that I didn't have the money, isn't it? Fair proof, when a man'e life is at stake. Did the district attorney intro-duce anybody to say that I had not col-lected other moneys? Not for a mo-ment, not one. Did he even attempt to prove that I had collected money be-tween the 2nd of September, or the 5th of September and the 16th of December? Not a voice. Homely people Not a voice EVIDENCE INSUFFICIENT. We take Mr. Dana-oh, that beautiful

We take Mr. Dana—oh, that be utiful name. Smith—we put him on the stand and he will prove it. That is the idea. They wish to hang a man's life upon such testimony. Was it proven, did they prove it in any degree? I think not. I think not. I know this court would not give a judgment for \$25 on such evi-dence as that. Little further on that. Mr. Elchnor introduced another man Hair Vigor. Ever think of that? Le Ayercon

dence as that. Little further on that. Mr. Eichnor introduced another man who was wise, and he had, of course, a record. Mr. Earnest Romney. He gets on the stand with his little note book, pulls it out, and he says he has such and such items before him that I had collected. Mr. Romney reading from his own book could not even get the date. Mr. Elchnor-oh, excuse me, I will take the blame for that. I intro-duced that. It is only little things, if your honor pleuse, but I propose to show by those little things that I have not had a fair trial. It was intimated not had a fair trial. It was intimated by that same witness that I had given him names and amounts for these col-lections, and it was fund in one or two cases where the amounts were con-

two cases where the amounts were con-siderably less. I think that was the status of that conclusion. In the first place Mr. Romney goes to work and he finds out I have a contract calling for three hundred, three hundred and thir-ty five dollars. I think it was; some over \$300 anyway, and I happened to collect a check, get a check for \$198, and there-fore I did not have it coming to me. Mr. Eichnor, I had it, and I had more than that. I had \$298 coming to me from the I ask your honor to look into your own I ask your honor to look into your own heart and see if it is possible that you could then have been —(two or three words inaudible). No. I ask you again to follow that jury, the impaneling of that jury. Just think of that panora-ma that took place in this court room, 1,400 veniremen before 12 could be had, who would even grant mean field that 1,400 veniremen before 12 could be had, who would even grant me a fair trial. More than half of them actually took those seats yonder and expressed quali-fied opinions as to my guilt or inno-cence. You say, "Oh, no, they didn't say you were guilty; they didn't say you were innocent." Who was impervious to that fact, what they meant and what they felt in their own bosoms? There that. I had \$298 coming to me from the Western Moline Plow company, and I only collected \$198. Didn't I have it coming to me? And I stand here prepared to prove I did have it. There was other cases on the same line.

SAYS HE HAD MONEY.

were innocent." Who was impervious to that fact, what they meant and what they felt in their own bosoms? There was nothing that left any doubt in their minds that heard them. A few were willing to come up and say, "I cannot believe it possible of the man;" others, "It may be possible but not probable." A few who were wiling to make these remarks. Now, I say and ask your hon-or's respectful attention to it, is that not a fact, that I could not have had, that I did not have a fair trial, and impartial one? I care not how honest men may be. I see the jurors there, some of them here, and I desire to say in their pres-ence, were they ever so honest in their hearts, they could not get around that fact. Almost from the first day—I be-lieve there were some jurors chosen the first day—almost from the very first at least, men sat there and listened to those things. Could they have been im-pervious to that fact? Could it be pos-sible that they had not been influenced? ROASTS DISTRICT ATTORNEY. Now, if your honor please, it will ap-pear to you, if you will look at this thing the way I look at it, that the disthing the way I look at it, that the dis-trict attorney wanted to hang upon my remarks or my alleged remarks, the proof of nearly all of this financial pro-position, now when it pleases Mr. Elch-nor he will take my word, when it does not please him he will throw it into the waste basket, just according to the way it suits, that is the status of the thing from any fair standpoint. I desire to say to your honor at this time that it appears today, the record of this court, soy to your honor at this time that it appears today, the record of this court, that I had no reasonable defense to make, in fact, it appears I had no de-fense to make. If your honor please, I am prepared to show you privately where I got the money, how much I had, how much my contracts were, and to whom they were, and by whom I ob-tained material and to whom I paid tained material and to whom I paid them. Now it appears to the court, probably, that I could not have done this at that trial. I don't need to lean on my own remarks at all. I can prove every word of it by other witnesses, and you understand from the status of public sentiments today—that terrible that I desire to mention is, the district attorney boasifully—excuse me, Mr. Eichnor, I intend no personal remarks, or nothing personal in any of my re-marks, I only desire to refer to things octupus, public sentiment for it is noth-ing else, when maddened by such cruel crimes as the one at bar—that it would be impossible for me to concoct or work up in any degree positive exi-dence; it would be as impossible today for me to build up a fraudulent case

marks, I only desire to refer to things that actually occurred here, and they are intended to reflect on no man-he sets up here this day, and he would be glad If all his acts throughout his life were to slt as lightly on his con-science as his conduct towards me. I shall point to two or these things per as it would for me to fly to heaven. I could not do it. Why, the information would be brought into court so quick shall point to two or three things, perit would make your hair raise. much for my financial condition. So haps, your honor may not have thought JAMES SHARP'S TESTHMONY.

If your honor will recollect there was such evidence as revelation introduced here into this court. At no time, I be-lieve, so far as I have been informed, has a similar thing occurred in this world. Now, Mr. Elchnor has stated he wanted to be fair in this thing, fair to the state and fair to me. Mr. Elch-nor is aware that there were many men



it, and he claims that I did not contradict it. Mr. Elchnor says, "Rise in holy indignation and smite such an ac-cusation." Yes, and I want to remark now if I were to live it over again I would not touch a hair of that di man's head; not a hair. If Mr. Elchman's head; not a hair. If Mr. Elch-nor had made such a declaration I might have given him a little of my bi-ceps. An old, gray-headed man, he drives me, drives me right to the wall; he drives every particle of sympathy of things that I had took from him. That is what he done, and yet this is all fair of course. all fair, of course. REPORTERS SCORED.

This all leads a man to believe that he has had a fair trial. Fourteen hundred veniremen, almost half or more than half come there as I have said before. How were they influenced? How was it that men from the different avo. cations in life could have thus made up their opinion by half a dozen-I was going to say something-I will say reporters. They have patched up all these things. They are the ones responsible for this terrible public sentiment, and this sentiment that precluded any pos-sible thing I could do, I could not in any way receive a fair trial under thos conditions, and all because a very influential and wealthy man, and a man who had been known to be honorable and upright and just in all his dealings, because he would say, "I had a revela-tion" tion

Now, if Mr. Sharp had simply said, "I believe that man guilty, and thus far I am going to prosecute him," nobody could have objected to the facts coming out there, but, I am sorry to say, the state has. The state has, with all its resources, taken and stripped a man naked and then said. "Here, defend yourself." What does the law say? My counsel has referred the court and yourself." prosecution to it. The burden is upon the state. Was that jury influenced be-cause I did not get on that stand? Oh, cause I did not get on that statut. Only it has come to my ears from too many sources, too many sources altogether. The supreme court even said: "Why, The supreme court even said: "Why, it appears if the man had been inno-cent, he would certainly have got up and said so." Why? How many crim-inal cases is there prosecuted from time to time where the defendant never attempts to get upon the stand at all? Sometimes because he cannot, other times because for certain reasons he does not want to. But the burden is on the state to prove him guilty. I main-tain today that the state failed in every instance. That beautiful chain of steel, Mr. Elchnor, is like cobwebs. And I am not left without a reasonable de-

who heard James Sharp's statement to the reason, and for no other reason, Men are not jumping around in such subterfuges as that when they could do a thing. No. There are certain officers down there who knew John Allen was lying: "There is Mortensen; is that him?" That was the statement how he came in there. And what did John Allen say there? John Allen says: "I hate to swear a man's life away on what I seen." I should judge that he would. And I tell you, Mr. Eichnor, if a day ever comes when a bullet pierces my I had rather stand in my shoes heart. than his. Now, that is not all in connection with If those things had been put that. that. If those things had been put through and the officers had actually been willing to grant me a fair trial, they would have excluded such testi-mony as that entirely. Why? In the first place, they are not left helpless entirely, even there. Mr. Elchnor says he only wanted right. Why didn't he bring four or five sentets. bring four or five reputable citizens and put them on a car and let them see? Again, the same answer must be he knew he could not do it, and I want to say, your honor, that I can prove that he didn't, that he could not, do it.

killed a man at 9:30? What was he doing Oh, of course he went home to get out of the way; get out of the way, that is the main thing; get out of the way, and then sneaked back. Mr. Eichnor, I happen to be able to prove I was not out of my house at 9 or 10:20. Yau say, "Why didn't you do it?" There is a number of reasons. First of all, because the state did not prove one thing, not one thing. That beautiful chain, as I referred to, of 54 links, I be-lieve Mr. Eichnor had, was just about such, composed of about such material as I have outlined. That is the reason. Now, I have a fair and reasonable de-fonse, as I said before, and could have put it on at that time, but for the reasons I have stated. My counsel was of my opinion. My brothers, my father, and in fact all that the the state. reasons I have stated. My counsel was of my opinion. My brothers, my father, and in fact all that I had around me were of the same opinion. The officers in whose charge I was, even, said the worst I could possibly get was a dis-agreement. Now you say, "Why didn't you do these things?" There is one man has been left rotting in that peni-lentiary up yonder for peatly three tentiary up yonder for nearly three years who today stands absolutely clear years who today stands hospittely clear of the crime of which he is accused. The state has not got the first scratch of a pen against him. He had a fair defense at the time, but for some reason or other did not happen to put it on: he let it go by default. Today he is in possession of such facts as will clear in possession of such facts as will clear him beyond any question of a doubt, Why didn't he? Now, the same reason applies to me.

HAY'S ACTION UNREASONABLE.

HAY'S ACTION UNREASONABLE. If your honor please, I desire to re-fer to another matter. Mr. Elchnor's argument is very plausible again in this instance. Mrs. Hay gets on the stand and she testifies something like this: That at \$:20 Mr. Hay reaches home; he has his supper, and after he has had his supper he tells her that he is going over to my house to collect some money, and that he will only be gone a few moments. I desire to call your attention particularly to the lo-cation. James R. Hay is living with-in a walk of two minutes, no more than that; a man can easily walk from Mr. Hay's house to mine in two minutes. I desire to call your atten-tion to this fact, that James R. Hay, notwithstanding he was living so close, notwithstanding the fact that he had told his wife he would be back in a few minutes, he dressed himself in his big overcoat and he wrapped his neck up in his handkerchief, and he goes out of the back door, locks the door, and puts the key in his pocket. The evi-dence before the court was that the overcoat was here: that big overcoat, which he had. The evidence before the court is that the key was in his pocket. Now, I askyou, Mr. Elchnor, in all reawhich he had. The evidence before the court is that the key was in his pocket. Now, I ask you, Mr. Elchnor, in all rea-son, why did he put on his overcoat? Would you have put it on, going such a little ways? I think not. Now, again, why did he lock his door if he expected to be back in a few moments? Can you answer it? No, you cannot. The rea-sonable presumption is that he came to my house with the intention of getting that money and taking it to Earnest that money and taking it to Earnest Romney's house, as he said. Now, you Romney's house, as he said. Now, you say, his wife wanted to lock the door. She could have locked it on the inside, and in a few minutes he could go back and then she could unlock it again.

HOW RECEIPT WAS SECURD.

steel, Mr. Elchnor, is like cobwebs. And I am not jeft without a reasonable de-fense, your honor, even though I fail to have utilized the chance given me.
CLAIMS ALLEN LIED.
Further, you will recollect John Allen claimed that he saw me the night of Dec. 15 within 60 or 70 feet west of the Seventh East car line, on the Rlo Grande Western track. How the state was pushed for material for a prosecu-tion was shown clearly there. Take a man standing there in a blaze of light and jooking out into the darkness of night and saying then. 'I saw a certain individual walking down the track.'' Very palpable, Mr. Elchnor: I should think you would be proud of that point; I should think so. You could not see me; I was not there. No. Further than that, to show how fair the state has been, why didn't the officers put me in among eight or ten men and let John Allen pick me out? Why didn't they do that? Because they could not, that is the reason, and for no other reason, Men are not jumping around in such



RESENTENCED TO DIE.

At the close of his remarkable plea Judge Morse said:

You may stand up, Mr. Mortensen. At the time the judgment of the court was pronounced against you on the 2nd of September, 1902, you were informed what the law of this state is with ref-erence to the different modes of punish-At that time you elected to be Do you now desire to make any ge in that election? chans

Mr. Mortensen-No, sir. The Court-Then, pursuant to the The court - Then, pursuant to the election that you made at that time, and the mandate of the supreme court of this state, it is the judgment of the rourt that you be taken hence to a place secure confinement, and you be there kept in confinement Friday, the 20th day of November, and that between the hours of 10 v'clock in the forenoon and 2 o'clock in the afternoon of Friday, the 20th day of Nobember, 1903, you be shot until you are dead, and that this execution take place within the acturior walls place within the exterior walls state prison of this state. When Mortensen sat down Mr. Stew-

with his counsel, asked for a certificate of probable cause which the court said owing to the confusion in the court room would be considered later.

MORTENSEN'S PLEA.

Mortensen's speech follows in full: our honor please, I desire to thank my counsel at this time in so public a place for the manner in which they have conducted my defense. I also thank your honor for any courtesy that R your noner for any courtesy that been extended to me; also the oth-dembers, including the district at-ey. I have remarked that I had ons to offer why I should be grant. thew trial, and it is upon this line I desire to make the remarks, ch I shall proceed to do, be best reason in the world why a

The best reason in the world why a man should be granted a new trial is because he is innocent. I have affirm-id here in some states and the states of the where in your honor's presence, and to others, many others, that I am in-bocent of this crime. That is the best reason in the world, the best that ever was urged, the best that ever will be arged why a man should be granted a bew trial, if having once been convicttrial, if having once been convict-

PRESENTS LEGAL REASONS.

I have other reasons, however. This may not be considered legal in the tense that I at the present time intro-duce it. I shall introduce one or two other things that appear to me to be le-gal reasons. In the first place I firmly Il reasons. In the first place I firmly ate to my certain knowledge that I type hot had a fair and impartial trial. here has been no time, if your honor case, when I have enjoyed the bene-of a reasonable dash. reasonable doubt. There has time during the progress of my rial when I have been blessed with the presumption of innocence-not one. It is under these three heads particularly that I derive s under these three heads particularly that I desire to direct my remarks. I isk your honor to look back from the 18th of December. 1901, the day upon which I was arrested; look at the cir-umstances that arose between that lay and the time that my trial began, the 15th of May in the following year; ook at those outrageous, slanderous, malignant, malevolent, libelous articles that appeared in the daily press from appeared in the daily press from by to day, or from time to time, were entired broadcast in the land and imong the people, almost every man a the whole state of Utah grasping or papers that they might read those litty, slanderous remediated these y to day lirty, slanderous remarks that were

haps, your honor may not have thought of, and certainly the people of this city do not know it, they have never heard it, they cannot understand it. I think they will not reflect today credit even on our honor-able prosecuting attorney. I desire to say also that it is his duty to protect me as a cltizen of this city, as much as it is to prosecute. It is your duty to find the facts, let them be against me or otherwise. That is your duty. Have you done it, Mr. Elchnor, have you done it? I think not, and I think I shall done it? I think not, and I think I shall me. Why did he want to put James Sharp on the stand at all, for it was in show you you have not. TESTIMONY AS TO MONEY.

ROASTS DISTRICT ATTORNEY.

I desire further to say a few words on some of the evidence that was in-troduced against me. The first thing

there, many of them contradicted jater on, and how bold the headlines when an affirmation is made. But how were

they contradicted when they brought it out in some little obscure corner in the damned paper, you would find this, understood that these remarks referr-ing to several things in the paper have

been wrong, one perhaps out of 10,000

JURORS WERE PREJUDICED.

seeing them.

The first thing that I desire to say, introduce, is the proof that the district attroduce, is the proof that the district at-torney introduced against me with ref-erence to my financial condition. Mr. Eichnor placed upon the stand Mr. Hij-ton, with a little memoranda, if I re-member right, with something over \$4,000, and I will say in connection with this before I go on I did not see Mr. Hilton make those notes, which he claims. He may have taken them. The facts are practiacily what I told him. I don't attempt to get around it. Mr. I don't attempt to get around it. Mr. Eichnor. I made such remarks to Mr. Hilton. Now the district attorney introduces other witnesses to prove that I had collected something like \$4,000 in cash, and he attempted to prove that I had spent most of it. I will say-no he did not, no he did not even do that, he did not, no he did not even do that, for there was something, I think, like \$1,700 deposited in the Utah National bank: that he says, "Oh he deposited this here and he drew it out again." That is all. Did he for a moment en-tertain the idea of where this money went to? I don't desire to lean on sub-terfuge or anything of the kind. I spent the money, Mr. Eichnor, drew it out of the money, Mr. Eichnor, drew it out of the bank as you presumed I did, paid

IT'S A MISTAKE

fact.

til I

Sharp on the stand at all, for it was in the paper, everybody knew James Sharp claimed it as a revelation. Why was it introduced? Oh, we cannot af-ford to lose track of the revelation, oh no, that is too strong. Mr. Eichnor introduced, I think, something like this: Peter Mortensen a poor or bad "Mormon," James R. Hay, a good "Mormon," something to that effect. Of course a bad "Mormon" could not call down God here to testify, and there-fore he could not answer the question. That is the substance. Oh, Mr. Eich-nor, if your honor please, too, don't you nor, if your honor please, too, don't you know what a tremendous influence that had? Don't you know that hun-dreds and—I was going to say thou-sands—of men have built their whole opinions upon that one man's state-ment. Now, what does it prove, what did it prove, when Mr. Sharp stood on that stand there and says, "and I will not deny it, neither here nor before my God when I am gone." Did I not see every countenance in that jury change "Mormon" and non-"Mormon" alike? They believed James Sharp, that is what they done, they believed him.

WAS NOT REVELATION. Now what did it prove? If it proved it to my men as they were working for me. I don't desire to go around it; that one solitary thing on earth it proved that James Sharp believed me guilty. is a fact. Now, your honor, the contention, I be-lieve, of the state mostly was to show that I did not have the money with which to pay this obligation. If the state proved anything aside from the fact that I had collected \$4,100 I fall to know it, but let me see what did he prove? He proved that I had \$2,400 in cold have aums of money in my posses. not another thing on earth. There are too many circumstances surrounding that to admit for a moment that it was revelation, even had it been admissible before the court. In the first place I desire to call your attention to one thing in connection with this. Mr. Sharp met me at the bank along with gold, large sums of money in my posses-sion that I did not bank, and therefore

Sharp met me at the bank along with Ernest Romney. You will remember the conversation as outlined by Mr Sharp. He met us there and Mr. Rom-ney was rather pressing the idea to Mr Sharp, should become responsible for this \$3,800. He took it that way I take it, from his remarks. He did not tell me so, but he says, "if you want your money go and get it." He says, "I am going out to see my daughter," and he went on the street car. He took his was in the habit of having large sums of money about me. Gets over it like this. I introduced Mr. Smith, I listened to that little familiar voice that sneaks into the court here, and said he told me on the 5th of September I did not have enough money to pay a bill of went on the street car. He took his daughter, he went down to what is known as Hendry's store, and while there he waited for a street car, and in walting he walked along to the in-In waiting he waited along to the in-tersection of the street car and the Rio Grande Western track, and while there he sees that vision as he pictured when he was testifying. He says, "I looked down the track and I saw the blood on the track. and I saw those bloody tracks leading to the grave." That is what he said. Now what did he do? He takes his daughter, gets on the first car that comes along and goes home. That is what he done. I say, what would any man do if he had had that vision? I know what I would have done. I would have gone there to put it to the test, you bet I would have put it to the test, and so would any oher man who was looking for the facts. Now, he goes home. He comes back out in the afternoon with officers, and it is then when he accused me of mur-dering his son, but son, how one To Attribute Coffee lils to Poor Grades To Attribute Coffee his to vote of Coffee. Many people lay all the blame for the diseases caused by coffee upon the poorer grades of coffee but this is an poorer grades of coffee but this is an tersection of the street car and the Rid error as the following proves: "I have used every kind of the best grade of tea and coffee that can be got from a first class grocer but never found one that would not upset my nervous system and it was not until I began to drink Postum Food Coffee in place of coffee and tea

that I had relief from the terrific at-tacks of nervous sick headache from which I had suffered for 30 years. "I had tried all kinds of medicines but none helped me. "Soon after I stopped drinking coffee and began to drink Postum the head-aches grew less and it was not long unit is then when he accused me of mur-dering his son, his son-in-law. was entirely cured and I have had a return of this distressing

RESPECTED SHARP'S AGE.

trouble for nowadays I never drink coffee but stick to Postum. RESPECTED SHARP'S AGE. Now, you might argue or urge that Mr. Sharp did not have time: he was too busy just then, when he was taking his daughter down; but now remember in the afternoon, some three or four hours after he had seen this vision which he claimed, he brings cut these officers, this vision could not possibly have left him like that; they must have had it and weighted on him if he had it; they must have had it. What did he do? Did he go down there with the offi-cers Oh, no; goes back home. I poss up and visits him In the evening; shakes hands with me; he never goes "As soon as my wife saw what Pos-"As soon as my wife saw what Pos-tum had done for me she gave up coffee which she had drank all her life. This was six weeks ago and she is a changed woman for sher nervousness has all disappeared her face has be-come smooth and her checks have a good rosy red color. She sleeps well too, something she could never do while she drank coffee. We consider Postum a household necessity in my house and have induced many friends while she drank coffee. We consider Postum a household necessity in my house and have induced many friends to try this wonderful food drink in place of coffee." Name given by Pos-tum Co. Battle Creek, Mich. Look in each package for a copy of the famous little book, "The Road To Wellville." shakes hands with me; he never goes near where he claims to have seen James R. Hay. Now, the whole thing in a nut shell is this: Mr. Sharp be-lieved? me guilty and he accused me of

EICHNOR'S 54 LINKS.

Now, here is another thing in concnection with that: The testimony before the court was that the ball was fired, or the pistol was fired, or gun, whatever it was, was fired at 9:30. Here comes John Allen along and he says he saw a man go down there with a shovel on his back. What was anybody doing there at 10:20 if he had

AN ABSOLUTE NECESSITY

So Thinks At Least One Traveling Man. I would as soon think of starting out without my mileage books and grip as start out on a trip without a box Stuart's Dyspepsia Tablets in my valise, said a traveling man who repre-sents a St. Louis hardware house, Why? sents a St. Louis hardware house. Why? Because I have to put up at all kinds of hotels and boarding houses. I have to eat good, bad and indifferent food at all hours of the day and night and I don't believe any man's stomach will stand that sort of thing without protest, anyway I know mine won't. It has to have something to break the fall and Stuart's Dysnessia Tablets is the

Stuart's Dyspepsia Tablets is the crutch I fall back on. My friends often "josh" me about it, tell me I'm an easy mark for patent medicine fakers, that advertised medicines are humbugs, etc., but I notice that they are nearly always complain-

ing of their aches and pains and poor digestion, while I can stand most any old kind of fare and feel good and ready for my work when it needs me, and I believe I owe my good digestion and sound health to the daily, regular use of Stuart's Dyspepsia Tablets, year in and year out, and all the "joshing" in the world will never convince me to the contrary

I used to have heartburn about three times a day and a headache about three or four times a week and after standing for this for four or five years I began to look around for a crutch and found it when my doctor told me the best in-vestment I could make would be a fifty vestment I could make would be a fifty cent box of Stuart's Dyspepsia Tablets, and I have invested about fifty cents a month for them ever since and when I stop to think that that is what I spend every day for cigars, I feel like shaking hands with myself for I can keep my stomach and digesflon in first class order for fifty cents a month. I don't care for any better life insurance. My druggist tells me they are the most popular of all stomach medicines, and that they have maintained their popularity and success because they do as advertised. They bring results, and results are what count in patent medi-cine as much as in selling barbwire.

cine as much as in selling barbwire.

posed to come around. and I did know he was coming on Monday night, Dec. 16. Wouldn't Mr. Hay have absolutely refused to go on any such fool-hardy errand as that-go and dig the

hardy errand as that go and dig the money up down in some field. "Oh," he says, "maybe you didn't do it quite that way; maybe you went out to talk matters over." I heard someto talk matters over." I heard some-thing of that; yes, we will go out and talk matters over. Where is there a man would have gone? Where is there one word even of all the rotten stories that word even of all the rotten stories that have been circulated about me? Where is there one that James R. Hay left my house with other than the most friendly feeling? Listen what Ernest Romney says. He says he said: "Christ-mas is there pretty near and we will just get a turkey for you; we will get a turkey for you on Christmas." Shows that he was worked a good deal of that he was worried a good deal, of course; showed that he was in a tre-mendously worked up state; that he had been taken, that a receipt had been taken from him, and so on, and that he was walked out behind a gun.

WHERE IS THE GUN?

I desire to call your attention to an other thing in reference to that. If Mr. Hay could have been induced to have made such an errand as that, I ask your honor to consider another matter in connection with it, and that is—I guess I won't mention that, but I desire if I

should succeed in getting a new trial finally, in introducing it then. I desire, though, to call the court's attention to the fact that in all the ef-forts of the state to show that I had in any manner purchased a gun from anyone, that I had borrowed one or otherwise. Your honor certainly must know if such had been the fact it would not have taken long to have found it. Now, there is a significant fact there in Now, there is a significant fact there in connection with that. I desire to say I had a gun in my house, but it didn't happen to be a 38-caliber. That is all the difference. Now, why if I had a gun, why didn't I use that? Why didn't I use it, Mr. Elehnor? "Oh," you say, "of course that would be known." Could not that have been buried, or thrown away, or done away with the same as the other? I guess so, but I guess it would have been just as but I guess it would have been just as effective.

NOT HIS FOOTPRINTS

Here is another thing, your honor When Mr. Hilton arrested me. I was standing, the wagon was standing, at the southwest corner of Hendry's store. I was arrested somewhere pretty clear, to 12 o'clock on the 18th of December, and they drove over almost-well, a little across, I think-the R. G. W. track leading down to the premises destrack leading down to the premises des-cribed where the grave was. Mr. Hilton took my rubbers off my fect at that time when I was sitting in the wagon, and he attempted to fit them into those tracks. I did not see it, if your honor please, but others did, and there was one clonewise fact a choose link is that please, but others did, and there was one singular fact, a strong link in that chain Mr. Elchnor has been trying to wind around my neck, if he had just thought about it; but, of course, a thing like that, such a little thing as that, of course, would not matter, would not count much. Why didn't Mr. Elchnor put Chief Hilton on the stand and in-troduce the fittings of those rubbers in-to those tracks? Do you know? It must be obvious to all he would lack—there must have been a screw loose some-where. They did not happen to fit, Mr. Elchnor, that is the reason; and so we

Elchnor, that is the reason; and so w let it go, we don't say anything. Mr. Elchnor was saying that he want Mr. Elchnor was saying that he want-ed Mr. Royal B, to speak the truth. He would not let him, not even under cross question when he was examined as a witness there; he would not let him. There is another significant fact, All the tracks did not happen to be the same size, either. Why weren't thesy things brought out, Mr. Elchnor? Why

(Continued on page nine.)

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