

JUDGE POWERS AND HIS HARP.

Model for Jury Taken for a Musical Instrument

MARY FRITZ VS. SHORT LINE

Colored Man on Trial for Assault—Republic Case Goes Over—Other Court Items

Trial of Mary Fritz's \$20,000 damage suit against the Western Union Telegraph company and the Rio Grande Western Railway company was commenced before Judge Morse and a jury this morning. Plaintiff is represented by Powers, Stroup & Lipman, Attorney E. M. Allison, the new member of the Bennett, Hower, Suteland & Van Cott law firm, represents the railroad company, and Lindsay Rogers being called to town, his assistant, M. E. Wilson, is looking after the interests of the telegraph company.

Judge Powers has had a model constructed, with a miniature miniature telegraph poles, with strings to represent the wires. When the judge was coming down to court this morning carrying his model a jury member asked him if he had any harp with him.

"I am going to play it to the jury," he said, and he played the harp to the jury.

The history of this case is that on October 21, 1898, George E. Sikkert was acting as a line man at Sugar, helping to stretch and string wires for the Western Union company. Sikkert was working at the wire reel when the wire came in contact with the live wire of the Rio Grande Western Railway. Sikkert received a severe shock which caused his death.

Was it Self Defense? Oliver Hamilton, a colored man, is being tried before Judge Stewart and a jury today on a charge of assault with a deadly weapon. The alleged assault is said to have taken place at a dance at Jennings hall on the Utah National bank on Thanksgiving night. Hamilton was taking drinks at the door when Allen Miller appeared about 8:30 o'clock, and expressed a wish to enter the dance hall. Miller who is a coal black negro, testified today that he saw Hamilton with a deadly weapon, and that he was about to strike him.

Continued Till Monday. Further hearing of Ah Sing's suit against the National Bank of the Republic to recover \$12, which he has on deposit in the bank has been continued till Monday morning. The Chinaman was robbed last February by Tillie Williams, a notorious woman, serving a two-years' term in the State prison, and she secured Sing's certificates of deposit. The bank, which it admits helped the Chinaman's money, wants the \$12, which he has on deposit in the bank, and the Chinaman is now suing the bank for \$12,000.

COURT NOTES. The jury yesterday afternoon awarded Lucy Herron \$1,000 damages in her suit against the Salt Lake City railway company.

The case of J. H. E. Webster vs. Morgan Rutherford, Jr., has been settled and dismissed.

E. M. Reynolds is suing John T. Helman for \$250 on a note secured by a mortgage.

Margaret C. Eckman has obtained a divorce from John E. Eckman and the custody of their eight children.

The inventory of the estate of the late John C. Griffiths shows a valuation of \$112,737.75, of which \$11,145.20 is in cash; \$10,000 in real estate, \$1,000 in stocks and bonds; \$1,000 in cash and \$2,000 in realty.

E. POWERS WANTS DIVORCE. Charges Failure to Provide and Cruelty—Manager Ives Discharged.

(Special to the "News.") Ogden, Utah, Dec. 18.—Edna Powers has filed a suit for divorce from her husband, J. H. Powers, charging failure to provide and cruelty. She also asks for the custody of the one child, and a restraining order preventing Powers from disposing of his property. Judge Robb has granted the order.

The Powers were married in Ogden in 1898.

CANDY MAN PULLS GUN. Harry Ives has been discharged from his position as manager of Rolfe's candy kitchen. Ives was charged with getting into with E. L. Thompson, a candy maker of the concern. Ives also asked for the custody of the one child, and a restraining order preventing Powers from disposing of his property. Judge Robb has granted the order.

O'Kelly Gets Two Months. Castlebar, Ireland, Dec. 18.—The hearing of the charges of holding meetings in defiance of the police against Conner O'Kelly, M. P., chairman of the Mayo county, and several other defendants was continued to four o'clock this morning.

The court refused the demand of the defendants for leave to appeal from the refusal of the court was refused. The fact that the defendants refused to promise not to speak publicly in the interim.

JAMES R. HAY MURDERED AND ROBBED

(Continued from page one.)

live boarded the patrol wagon and started for the scene. The patrol wagon was purchased for the department to realize the situation and almost from the start ran at full speed.

The wagon tore down to Seventh south where it was stopped. The patrol wagon was stopped at the intersection of Fifth and Seventh south where it was stopped. The patrol wagon was stopped at the intersection of Fifth and Seventh south where it was stopped.

FIRST PERSONS MET. The first persons the officers met were Frank Lindquist the young man who made the gruesome discovery, and Peter Mortensen the man whom the police strongly believe is responsible for the murder.

The body is down there," said young Lindquist pointing west along the railroad track. A mound of dirt freshly moved could be seen from the road. All of the party with the exception of the patrol driver ran down the track to the point where the tracks in the snow led into the field.

BLOOD STAINS. Before an examination of the field was made, the tracks were examined and a search made for blood stains. On the south side of the track at the foot of the road was a blotch of blood about the size of an ordinary saucer. A little nearer the south rail were several drops of blood and some rocks were stained. On the rail itself there was blood and some hair. It indicated that the unfortunate young man had been dragged or carried to the spot and his head beaten upon the rail.

LIFTED OVER FENCE. From that point across the track down the embankment on the other side blood stains were easily traced to the barbed-wire fence enclosing the field. The body was found lying on the ground, and the head was lifted over the fence.

When the hole in which Hay's body lay was reached, Detective Sheets told Officer Brown to uncover the body. The officer seized a shovel and went to work quickly, but carefully. In less than five seconds one of the dead man's feet was uncovered. Then the dirt, which was very loose, was removed from the head and shoulders. Hay's face was covered with a portion of his overcoat.

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on each side of the coat it would have fallen to the ground.

After making this discovery, Sheets conferred with Sergeant Janney and Officer Brown and Officer Brown was ordered to keep a watch on Mortensen.

The body was then placed on the wagon and taken out to the street. As soon as possible, a telephone message was sent to the County Attorney's office and Mr. Looftbour was informed of the discovery. He replied that he would be there at once and gave instructions to the patrol wagon to wait until he reached the scene.

In a short time Officers Davies and Sperry arrived in a carriage and were quickly followed by Mr. Looftbour, Chief, Hiltner, and several other officers.

MR. SHARP'S GRIEF. As soon as Mr. Sharp reached the scene he ran to the spot of the wagon and gazed intently into the dead man's face.

"My God!" he exclaimed. "Oh! It is my son, poor boy."

Later when taken to the place where Hay was buried he said:

"It is a great grave but we will give him a better one, and then we want the man who committed this deed."

There is a spot on the road from the place where the body was found, where it is evident the body was held while the murderer dug the hole to hide his victim. There was a large quantity of blood there, and the snow bore the imprint of a man's foot.

MORTENSEN ARRESTED. While the investigation was going on, Mortensen started to go away, and was stopped by the officers. He was taken to the station and held for further investigation.

When told he was under arrest he simply said: "All right." He appeared to be unconcerned as to his own position, but kept muttering: "Poor Hay. This is awful."

After consulting with the chief of police, Mr. Looftbour gave instructions to have the body removed to Joseph E. Taylor's undertaking establishment. He said that no inquest would be held, that it was not necessary, but that an autopsy would be held probably this afternoon.

THEORIES OF POLICE. There are many theories as to how the crime was committed. The police are working to solve the mystery.

In the opinion of the police, Hay had not proceeded far from the yard where Mortensen's place when he was struck on the head with a club and knocked unconscious. They believe he was then carried down the R. G. W. tracks to the point where the body was found.

The officers and men went down several yards from this point so as not to disturb the scene there, and climbed over the fence.

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ered in the slightly dug grave this morning. There were in the house that Monday evening, only his brother-in-law, and his wife and four children, although Harry Rice, a neighbor, did come in previously to Hay's appearance for a few moments. I did not see any stranger or suspicious character near the house.

"The first indication that something might be wrong was at 3 o'clock the next morning, when Mrs. Hay came over and woke me up to ask if I knew where her husband had gone. I told her the circumstances and she told me to see her home and be of any assistance she might suggest, but she said no, and went back home. I was under the impression that her husband was spending the night at Ernest Romney's house. This morning as I was about to board a north bound car with David E. Tompkins, Miss Hattie Cannon told me that her husband, Mr. Romney and myself went over to the Romney house to see if we could find out where he had been. I told her that I had not seen him, and she said that she had not seen him either. I then went back to my home and found that my wife had been killed by a bullet in the head. I was very much shocked, and I have not been able to get over it since."

When asked again if Mr. Hay's appearance and conduct did not warrant extended inquiry before paying that he was requested, Mr. Mortensen replied that he had not seen the deceased so long and had such unbounded confidence in him that he did not question very much, but let him have the money.

He also stated that he saw his sister-in-law home after he had left, but immediately returned, going nowhere else.

GEO. E. ROMNEY TALKS. Says He Ordered Mr. Hay Not to Get Money Till Morning.

When seen this afternoon and interviewed by hand, an appalling murder was committed by a man named E. Romney of the Pacific Lumber company was at his home, 339 Third street, and he stated to a "News" reporter that he had no recollection of the crime. He said that he had not seen Mr. Hay for some time, and that he had not seen him on the day of the murder. He said that he had not seen him on the day of the murder.

James Hendry of Forest Dale told Detective Sheets that yesterday morning a tramp entered his store and purchased some crackers and cheese. He said that he had not seen Mr. Hay for some time, and that he had not seen him on the day of the murder. He said that he had not seen him on the day of the murder.

A number of Forest Dale people believe the murder and robbery was committed by a man named E. Romney of the Pacific Lumber company. They believe he was the man who killed Mr. Hay and robbed him.

Neither do they believe there were two men. They argue that Hay was a small man and would not be a heavy load for a strong man to carry. They believe that the man who killed him was the same man who robbed him.

The whole police force and the sheriff's force combined are working diligently on the case, and it is said the police are in possession of a clue. If they can find it, they will certainly get the man who killed Mr. Hay.

Mortensen was first to speak: "You say this is a poor Hay. 'Poor boy,' he's done for," he said.

"This is awful," exclaimed Sheets. "The murder of a young man, and to cover his face, but what a crime!"

UNDER FIVE INCHES OF DIRT. The body was covered with not over five inches of dirt, and one of the feet was seen as clearly as the other. The man's hands were folded across his breast, his face was turned slightly to the south.

The head and face was covered with blood and the hair was matted together. The lower part of the face was partly covered with a black handkerchief. This was carefully removed. There was a slight bruise just under the ear, and the face was not otherwise marked.

FACE WAS PEACEFUL. Officer Brown and Sergeant Janney reached the body and placed it on a stretcher. Then all gazed for a moment in silent sorrow at the dead man, the victim of a foul murder as ever found in human form committed, and away he went to the place where he was to be buried.

STARTLING DISCOVERY. There were no side pockets to the coat, and it was not until Mr. Mortensen said when he got the money he placed it in his overcoat pocket. He made that statement again today. But there are no side pockets at all. Had the money been dropped into the holes in the coat?

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said that this was clearly their mission and calling, and just as certain as death could not escape the responsibility of the mission God had placed upon it, neither could the young Latter-day Saints today avoid his responsibility, or honorably fill any other mission than that to which the Lord had called them.

HOTEL ARRIVALS.

The Knutsford—M. A. Cohen, New York; Wm. Jacobus, New York; Robt. M. Stuart, Chicago; Wayne Darlington, Mackay, Idaho; C. P. Lindley, Spokane; E. J. Harris, Sandusky; Dr. W. P. Lemmy and wife, St. Louis; W. C. Brice, Denver; W. M. Morse, Chicago; A. Singer, Chicago; H. S. Winans, Denver; Judd Stewart, Denver; W. G. Durt, Chicago.

Kenyon—H. J. Stocker, Los Angeles, Cal.; E. W. Clark and wife, Ogden; A. J. Pollock, Chicago; A. W. L. Brandon, Springfield, Utah; S. L. Blitt, Denver; Roy S. Parker, Cincinnati; J. W. Burroughs, Denver; S. F. Ferguson, St. Louis; Harry Springer, New York; Abe Mecklenburg, New York; C. E. Moore, St. Joe, Mo.

Cullen—R. W. Hawley, Moapa, Nev.; F. A. Pierce, Eureka; W. T. Goshin, Grand Junction; Sven Nelson, John, Wrightman, N. L. Morbeck, Erick, Idaho; E. J. Harris, Sandusky; Dr. W. P. Lemmy and wife, St. Louis; W. C. Brice, Denver; W. M. Morse, Chicago; A. Singer, Chicago; H. S. Winans, Denver; Judd Stewart, Denver; W. G. Durt, Chicago.

James A. Pollock has gone to St. Louis on a business trip.

PERSONALS. The army officers composing the recent court-martial held at Fort Douglas have returned to their respective stations and quiet once more "broods over the face of the deep" at the post.

Major Russell, caught in the "cold" coming over the mountains, and suffered considerably while here. The findings of the court will be published from headquarters at Denver.

Anti-Anarchy Bill. Washington, Dec. 18.—Chairman Ray, of the House committee on judiciary, today introduced an anti-anarchist measure which will probably be the basis of legislation on that subject in the House.

The measure is being more elaborate and brings together features of the many propositions for dealing with the subject. It provides the death penalty for assaults on the President or other executive officers. It is made a felony to advise or to teach the overthrow of the government or any interference with government officers. The death penalty also is provided for conspirators in this country leading to the killing of a foreign king, emperor, president or other ruler.

Price of Copper Reduced. New York, Dec. 18.—It was announced in Wall street today that the United Metals Selling company which handled the output of the Amalgamated Copper company, has further reduced prices to a level of about 14 cents from the rate fixed Friday when a reduction was also made. The company is being made for lake copper, 13 1/2 for electrolytic and 12c for castings.

IN LONDON. London, Dec. 18.—Copper opened firm at 21 and weakened to 20 on selling orders, at which price it was steady. Twenty-six hundred tons were sold. The closing was quiet.

No Copper Settlement. London, Dec. 18.—No settlement has been reached in the copper situation. The Associated Press learned today on the highest authority that the officials of the copper company have failed to agree on an arrangement to be made between the Amalgamated company and the other American producers before any settlement between the European interests.

Captain and Crew Saved. New York, Dec. 18.—The Panama Railway & Steamship company