

HEARD APPEAL FOR SHOCKLEY

Case Argued in State Supreme Court.

Defense Relies Upon Fifteen Alleged Errors for New Trial.

Attorney-General Breen Replies for the State—Court Takes Case Under Adversement.

COURT CALENDAR.

Cases Set for Today.

SUPREME COURT.

State vs. S. J. Kelley.

State vs. A. P. Hibbs.

Red Wing Gold Mining Company vs. William D. Clays.

DISTRICT COURT.

Division No. 1—Judge Hall.

Wells, Fargo & Co. vs. Mary J. All.

Division No. 2—Judge Stewart.

No court.

Division No. 3—Judge Morse.

No setting.

Division No. 2—Judge Lewis.

No court.

CITY COURT.

Civil Division—Judge Tanner.

Rose vs. Nielsen.

James M. Shockley's appeal from the decision of the District court was argued before the Supreme court yesterday, and his case has been taken under advisement by the court. Shockley was convicted of murder in the first degree and sentenced to death for killing Amasa Gleason and Thomas Brighton in an attempted street car hold-up last January. His case was argued by his attorney, H. A. Smith, and the State was represented in the morning by Deputy Attorney-General M. R. White, and in the afternoon by Attorney-General Breen.

Attorney Smith depends upon fifteen assignments of error. The three most important were argued yesterday. The first of these is the refusal of the District court to instruct the jury with regard to the testimony to show that Shockley no longer intended to rob the men when he began shooting, and had also refused to instruct the jury as to the defendant's rights in self-defense once he had abandoned such purpose. The second error assigned is the action of the District Attorney in compelling the prisoner to show the jury, with his hat and mask on and with his gun in his hand, how he had entered the car to hold the men up. His attorney at the time of the trial had objected to the course of the District Attorney, and he now claims that this was done to prejudice the jury.

Another error was the introduction of testimony regarding the defendant's desertion from the army. This was done in cross-examination, and it is claimed, was in prejudice to the defendant.

Attorney-General Breen, in the afternoon, argued the case for the State. He maintained that the defendant had had a perfectly fair trial, and had been convicted by a jury on the face of evidence that was not and could not be controverted by the defense. The objections of the prisoner's attorney, he claimed, were purely technical. The guilt of Shockley had been fully established, and in view of the evidence, the jury could have returned no other verdict, and the court could have imposed no other sentence.

Register today. Delays are hazardous. No one who is not registered anew can vote this year at the general election or at the December school election.

Supreme Court Admits Lawyer.

The Supreme court yesterday admitted several lawyers to practice at the bar of the State of Utah. Upon the recommendation of the court, the following were admitted: Frank Pierce and George F. Goodwin, the following were admitted: Israel Emerson Willey, Stephen L. Richards, Otto C. Nelson, George Christensen, John E. Jordan. On the motion of N. V. Jones, Samuel Russell, an attorney of the Supreme court bar of the State of Virginia, was admitted to practice in Utah. The question of the admission of Edward James Pithen was taken under advisement.

The appeal of Victor Petersen from the sentence passed upon him by Judge

It is a matter of health

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Morse was dismissed, as the left hand had not been perfected. Petersen was charged with involuntary manslaughter. He was riding a horse in the main street of Bingham and rode down a young girl named Florence Hicks on September 4, 1903. She sustained injuries from which she died, and Petersen was indicted. He was convicted by the jury with a recommendation to mercy, and received a sentence of two months imprisonment in the county jail.

The petition of J. H. Clark for a writ of habeas corpus was also argued before the Supreme court yesterday. The petition was denied by Judge Morse in the District court, and an appeal was taken to the higher court. His case was argued by his attorney, D. S. Truman.

Court Notes.

The jury in the case of Crane & Co. vs. Geo. Morrow et al. brought in a verdict for the defendant. A. T. Lawrence, yesterday, on the ground that there was no cause of action. This case was brought up before Judge Stewart. There were two suits, each to recover \$500 on a promissory note, and with the consent of both parties the two suits were consolidated. On the second trial of the case John W. Meyers was awarded a verdict for \$2000 damages yesterday morning. The case was tried before Judge Hall and a jury, who returned a sealed verdict on Saturday. The damages were for personal injuries sustained by the plaintiff in the company's employ. He fell through one of the coal bins and broke his leg.

In the case of the State Bank of Utah vs. Aaron Garstide et al., the defendant waived his right of trial by jury. The case was tried by Judge Morse and the bank awarded judgment for \$315.50 and \$35 attorney's fees. The suit was to recover for money loaned on a promissory note for \$750 with interest.

Henry E. Hansen was granted judgment for \$700 and costs from Aaron Garstide by Judge Morse yesterday. The two parties are neighbors in the southwestern suburbs of Salt Lake and Hansen complained that Garstide's sheep, horses and cattle trespassed on his land, eating his hay, grain and pasture and otherwise doing damage in the sum of \$700. He was awarded \$700.

Judge Stewart adjourned court yesterday until Saturday, October 15.

Judge Lewis adjourned court yesterday until Thursday, October 13.

James C. Jensen, late of Denmark, now of Bluff Dale, in Salt Lake county, was admitted to citizenship in the United States by Judge Hall yesterday.

RECKLESS AUTO DRIVING.

Chicago to Hold Up People Who Think They Own Earth.

CHICAGO, Oct. 10.—Reckless automobile driving is to be stopped by the authorities of Chicago. Warned by the appalling increase in accidents, many of them fatalities, City Electrician Elliott tomorrow will take up with the West Park commissioners the matter of enforcing the speed limit ordinance and after securing their co-operation will draft fifty special policemen as a "scorching squadron" to arrest the drivers of all machines that run faster than ten miles an hour on the West side.

All the park boards have been asked to co-operate. The South Park commissioners have agreed to work in collaboration with the city authorities in the suppression of mad driving. The West park board has decided to take up the matter at its meeting tomorrow when it will confer with the city officials. The Lincoln Park commissioners are expected to come in later, though the police of the North Shore boulevard system alone have been extremely active in stopping the evil.

A list of accidents compiled by Mr. Elliott shows that since January 1, 1904, eighty mishaps have occurred in Chicago. Nearly every one is attributed to reckless scorching. In some cases the machines that maimed or injured persons in their course were speeding at the rate of thirty and forty miles an hour.

Three fatalities are included in the list.

Unless you register today or November 1 or 2 you cannot vote on November 8 or in the school election in December. It is important to register early.

Have your name registered the first day. Then rustle your friends.

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Sold strictly on their merit. Whittaker & Dallas, manufacturers.

Bad Tenants Evicted

and rent collected. Merchants' Protective Association, Francis G. Luke, General Manager, Top Floor Commercial Block.

Public Long-Distance Telephones.

With sound-proof booths. Telephone building, State street, city.

Burton Coal & Lumber Co.

Coal, lumber, cement. Telephone 508.

If you don't know who the registration officer is of your district or where to find the place, apply at headquarters of the American party, Atlas Block, Bell 'Phone, 444, Independent, 278.

WYNNE APPOINTED.

President Announces Successor to the Late Postmaster-General.

WASHINGTON, Oct. 10.—President Roosevelt today announced the appointment of Robert J. Wynne, acting Postmaster-General, as Postmaster-General. He took the oath of office this afternoon. How long Mr. Wynne may continue as Postmaster-General has not been determined. Beyond the statement that the appointment is temporary in character nothing is known. The probability is that Mr. Wynne will be succeeded by George Bruce Cortisyo about January 1.

The County Justice and Old Age.

I well remember one case before a Justice in which I acted as respondent's counsel in a criminal action, and in which an older and well-known attorney was my opponent. As I thought then, and as I know now, the law and the evidence He took the oath of office this afternoon. He took the oath of office this afternoon. He took the oath of office this afternoon.

Young Idahoan Shot by Watchman

Mortally Wounded in Office of Brewery Belonging to an Uncle.

WALLACE, Ida., Oct. 10.—Paul Graff, one of the best known young men in the Coeur d'Aleneas, was shot through the stomach and probably mortally wounded at 1:30 this morning, while in the office of the Sunset brewery, the property of his uncle.

Shot by Watchman.

James Murphy, the night watchman, and engineer, did the shooting through a window, not recognizing the young man and suspecting burglars were at work, as there was another man with young Graff. What business Graff had in the brewery office is not known as he was not in the employ of the brewery. Graff is unconscious and his side of the shooting may never be known.

Murphy's Story.

Murphy, who fired the shot, says: "I heard a noise in the brewery office and went around to investigate. I looked through the window and saw two men crouched down underneath the desk. I called on them to throw up their hands and as they rose up, thinking they might shoot me, I fired at them through the window. One of them cried out and then both ran to the rear of the building. I fired three more shots to attract attention and when the officers came I found Graff at the rear of the building, shot through the stomach."

Was Former Employee.

Graff was formerly an employee of the brewery, but a month ago he quit. He has since been tending bar in the Wallace hotel. The only thing found in the office near where the two men were seen was a box containing a number of packs of playing cards.

Registration Days.

Five days are set apart for registration days this year. They are October 11, 12 and 13, November 1 and 2. No one can vote unless he registers. Old registration is void. Complete new books will be made up. Register early.

Bad Tenants Evicted

and rent collected. Merchants' Protective Association, Francis G. Luke, General Manager, Top Floor Commercial Block.

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CITY SCHOOLS.

Principals' Meetings Will Be Held Hereafter on Wednesdays.

The regular principals' meetings have begun for the year and will be held hereafter on Wednesday afternoons instead of Thursdays, as per last year's programme. The proposal series of talks before that body was inaugurated by Supt. Christensen at the last session. He discussed, "The Weak Teacher" from the standpoints of (a) Evidences of the weak teacher, (b) Standards by which to judge her. Principals were asked to gather data on the condition of their corps and to be able to discuss at the next session the last half of the superintendent's talk, which will be, "How is the weak teacher to be helped?"

The West Side High school will continue its publication, "The Red and Black," under the management of Arthur Morison, who is now preparing his list of students who will compose the staff of that bright little journal.

The seniors have appointed the following officers, who will steer the usual class-day programme and keep up the graduation spirit during the year: President, Royal Martineau, vice-president, Warner Thompson, secretary, Edna Evans; treasurer, Harvey Alley.

Miss Corbin paid a visit to the West Side High school last Tuesday. The lady was connected with the West Side for many years, but accepted a position in the English department at Howland Hall this year.

Ephraim teachers, under the principal, Mr. Duman, visited at the Lowell and Lafayette this week.

Mr. Shinatsu, a subject of the Mikado, who is studying the local school system, was a visitor at the Fremont last Thursday.

Miss Watson of Rexburg, Ida., and

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ENERGIZES THE WHOLE BODY, starts the circulation, and leaves a glow equal to a Turkish bath.

ALL GROCERS AND DRUGGISTS.

the Misses Bigler and Carter of Nephi were among last week's school visitors.

Miss Hahn of the Fremont has returned to school after having had a siege at the hospital, as a result of an operation performed on her feet.

The committee on buildings has installed some very neat cabinets in the Fremont. A basement room is to be utilized as a library. The principal considers this one of the most convenient school library rooms in the city.

The staccato High school yells resounded along the corridors and in the assembly room of the East Side last Tuesday on the occasion of their football session. Lester Wire gave a piano solo, after which rousing speeches were made by two members of the athletic association, Teaseader and Moon. George Hedge will coach the team and the first battle will be fought with the U. of U. Prep's next Wednesday.

If Principal McCoy's plans materialize, there will soon be in existence at the Bryant a girls' physical culture club. Already a room is in preparation to furnish the girls with all necessary apparatus.

V. Grant is the captain and Russell Sande the manager of the East Side's second football team.

Friday next at 4 p. m. the teachers' German class will hold its initial meeting in room 11, West Side High school.

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Out of town folks and others will profit by looking into this Range proposition. We have a few Acorn Ranges we are selling at cost, just to make floor space. Come in and save the \$20.

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He dared us to fit him with a suit. He weighed about 200 pounds, and said he'd like us to produce his size. Tough proposition for most clothiers, but not for us. In ten minutes one of our salesmen had him in one of our swellest suits and was accepting his thanks. No matter how much you weigh, or whether you want a suit or overcoat or pair of trousers, we can give you the correct thing at a reasonable price. Come in, Mr. Heavyweight, you're next.

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