

FIFTY-THIRD YEAR

Brown Wins Case No. Three.

Daily Block Charge Falls to the Ground Unproved—Central Case Now in Issue—What Miss O'Connell, Testified to in Her Deposition Taken at Hospital Last Night—Both Saw and Heard Brown and Bradley Woman.

The second case against ex-Senator Arthur Brown was taken up in Judge Dyer's court for preliminary hearing this morning beginning at 9 o'clock. The third case, known as the Daily Block case, was dismissed by Judge Dyer on the ground that the plaintiff, Miss O'Connell, had failed to prove her case. The matter on hearing this morning was the Central block case, and the time alleged in the complaint for the commission of the crime, is Feb. 19, 1902. The case was taken up at 11:30 and the arguments will be heard this afternoon beginning at 2 o'clock. Judge Dyer said that if counsel desired to argue the matter this morning he would limit them to seven and a half minutes each, but this arrangement did not suit Mr. Brown's counsel, and he asked for a continuance until this afternoon. Judge Dyer granted the request.

Mr. Westervelt stated the purpose was to show that some of Mrs. Bradley's clothes were found in the room, and that also some of Mr. Brown's effects were there at the same time. Judge Dyer held that while the purpose was material the time was too remote and he would not change his ruling.

On cross-examination, answering Attorney Sam King, Radke admitted his duty at the Central block was merely to look after the building and had nothing to do with the rooms or the occupants.

"Can you mention the names of any persons who occupied rooms in the building?" "Witness mentioned the names of 11 persons. Mr. King then asked witness if he remembered seeing any of the tenants "coming down the hall" in February, 1902.

Radke said he could not remember. He said he spent more time in the building some days than others. "How do you remember that you saw Mr. Brown there in January or February?" "Because it was cold."

"It was cold in July, was it not?" "Yes."

"So you don't know when it was, do you?" "No, sir. I saw him one morning but don't know just when. It was during the trial of a mining case at Nephi."

"I don't know, but I know it was a year ago."

"You didn't make a note of it, did you?" "No, sir."

"Then you don't pretend to say you saw him there at any particular time?" "Yes, sir, and I know it was about a year ago at about 9 o'clock."

"Might it not have been 12 o'clock?" "It was between 9 and 10 o'clock."

"You don't know why or when he went there or who he went to see?" "No, sir."

"Your business did not call you into the room?" "No, sir."

"Who occupied the room in May?" "The room was vacant for several weeks, but during the summer of 1901, up to December the rooms were occupied."

"You say you saw Mrs. Bradley there?" "Yes, sir."

"What were you doing when she entered the building?" "I don't remember."

"You don't know where she went?" "No, sir."

"You don't know if she remained there?" "No, sir."

"You never saw her come out or go into those rooms, did you?" "No, sir."

"Now, then, if you looked out of the doors of 32 or 33, could you not see a person coming out of room 34, could you?" "No, sir."

"Where was Miss O'Connell's room?" "Across the hall."

"Her room was 29, was it not?" "Yes, sir."

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