

The testimony in the case of the state of Utah against Al Miller, charged with criminal conduct with Irene Wray, a girl 16 years of age, was concluded in Judge Armstrong's court this morning and the arguments of the attorneys was commenced. The case will be submitted to the jury this aftermoon. Dist. Atty. Loofbourow gave Atty. Newton for the defense a very disagreeable surprise yesterday afternoon when he had the girl in the case brought into court and placed on the witness stand to testify against the man whom it is claimed ruined her. The girl in company with two others escaped from the state industrial school early last Saturday morning and was captured at Pocatello while endeavoring to beat her way to Butte. The attorney for the defendant knew that she had escaped and did not think that she could be captured and returned in time for the trial, but in this he was mis. taken and was therefore much surprised when the girl was brought into the court room yesterday afternoon by

a deputy sheriff. GIRL ON THE STAND.

She was the first witness called for the state and told of the relations with Miller from the time she first met him in July up to March 3, when she was committed to the industrial school by the juvenile court. At times she became very angry and at others she told her story between sobs. On one occasion she declared in an angry tone that she had to suffer and she was going to see that Miller suffered also and was sent to prison. She emphasized her statement by striking her fist forcibly upon the arm of the witness stand.

Her story was not shaken in the least by the rigid cross-examination of Atty. Newton. A number of objections were made by the latter to questions asked the witness on direct examination and the same were overruled by the court. The attorney excepted to the rulings of The attorney excepted to the rulings of the court in rather a gruff manner un-til he was instructed by Judge Arm-strong that he would have to address the court in a more respectful manner, after which he changed his demeanor. At the conclusion of her examina-tion her mother was called as a wit-ners out textified of the single are and ness and testified of the girl's age and conduct up to the time she met Miller.

She was followed by Judge Brown and Capt. M. M. Woods of the juvenile court who testified as to the evdence given by the girl and Miller before the juvenile court. This concluded the direct testimony in behalf of the state. Atty, Newton thereupon requested that the district attorney be compelled to call the other two witnesses whose names were on the information. The ourt refused to grant the request.

### INNING FOR DEFENSE.

The witnesses in question were Em-ma Sahlberg and Charles Baughman, who were in the room with the defend-ant and the Wray girl on the night in question. They were called to the stand this morning by the attorney for the defense. Miss Sahlberg refused to answer a number of questions on cross-examination on the ground that they

would incriminate her. At the conclusion of her testimony the defendant was called to the stand. He detendant was called to the stand. He denied ever having had criminal relations with the girl in the case. On cross-examination he was handled very severely by the district attorney and was somewhat mixed up in his testimony. The last witness called for the defense was Charles Baughnan the defense was Charles Baughman, who was with Miller on the night in question. He did not make a very satisfactory witness for the defense, Deputy Sheriff Andrew Smith was the only witness called in rebuttal by the state. At the conclusion of his testi-mony the arguments of counsel were commenced.

## NEW TRIAL GRANTED. Supreme Court Reverses Judgment of

### The District Court.

An opinion has been handed down by the supreme court reversing the judgment of the lower court in the case of Benjamin Sanford, ap-pellant, against Mark Kunkel et al, respondents, and remanding the case to the lower court for a new trial. The action was originally brought in this

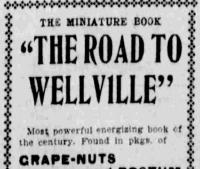
action was originally brought in this county to foreclose several mechanics' liens for services rendered in the con-struction of a house for Kunkel. The Utah Lumber company also had a claim against the house for lumber and material furnished, and one night lis agents went to Kunkel's property and moved the house off bodily, and placed it upon land belonging to the company. It was contended by some of the lien holders that the house was lable for their claims just as well as the land upon which it was situated, and the lower court so held. Justice Straup in rendering the opinion of the supreme court holds that the land is lable first, and if the proceeds from its sale are not sufficient to pay the claims, then the house may be sold, no matter whose land it is on. The de-usion of the lower court is therefore procesd.

The supreme court has denied the pe-tition of the Oregon Short Line Rall-road company for a writ of certiorari sainst the Third district court for the purpose of reviewing the decision of the lower court in the case of C. O. Carty against the railroad company. The lower court rendered a judgment asainst the defendant for \$100 for the death of a horse belonging to plaintiff, which was killed by defendant. The company petitioned for a writ of certi-orari in order that the proceedings of the lower court might be reviewed, but the supreme court, in an opinion writ-ten by Justice Straup, has denied that petition. The supreme court has denied the pe-

# DR. STEWART WON.

### Wm. E. Taylor Lost His Sult Against Local Physician.

jury in the case of William E. Taylor against Dr. Charles W. Stew-art, which has been on trial in Judge Art, which has been on trial in Judge Ritchie's court, returned a verdict in favor of defendant. Taylor sued to recover damages in the sum of \$5,250 for alleged malpractise, but after the evidence was all in it took the jury about 15 minutes to determine that the doctor was not guilty of mal-



and POSTUM \$ 

Mr. Gammon shortly recovered his senses and hastened to the woman's ns-sistance, when to his horror he found both mother and babe were dead. The two had evidently died from shock and fright. In the excitement and confu-sion, Mr. Gammon could do no more than give notification to the authori-ties of the nature of his find, as im-mediate steps to care for himself were necessary. He escaped from the hotel clad only in his night shirt, one slipper and a rain coat; and he says there must have been 200 people killed in the hotel.

