

NO VERDICT IN TRIBUNE CASE.

Up to a Late Hour This Afternoon Jury Had Not Made Its Report.

MAY BE A DISAGREEMENT.

Judge Powers Concludes Argument And Judge Frick Closes for The Plaintiff.

Up to a late hour this afternoon no verdict had been reached in the libel suit of William H. Jones, Jr., against the Salt Lake Tribune, although it was expected that the jury would be prepared with its announcement at almost any time.

JUDGE POWERS CONTINUES.

At 2 p. m. yesterday afternoon Judge Powers resumed his argument for the defense in the Jones-Tribune libel case, speaking until 3:40 o'clock. He referred to the testimony of Mrs. Berry, the cook. She was a friend of Mr. Jones, came upon the stand without prejudice and gave her testimony with reluctance; she testified to having cooked bad meat at the instance of Mr. Jones; also that some of this meat which had been served on plaintiff's table was returned; small mutton roasts had also been served to Mr. Jones, but none of this meat was given to the inmates. Mr. McFarland's testimony must stand, as he testified that Miss Telford and Mrs. Wilkinson both saw the meat infected with maggots; he would not have named these witnesses had he been testifying falsely. The evidence proved, and it was admitted by plaintiff's counsel, that skim milk mixed with water had been given the inmates. A man who would feed inmates of an infirmary as Mr. Jones had fed those of the Salt Lake county infirmary, would not hesitate to swear to claim not justly due.

COUNSEL SUSTAINS CHARGES.

Any claim above a man's salary is an illegal claim. The charge of perjury, double pay because he chooses to work during his vacation. The pay roll allowing extra pay for services rendered by employees during their vacation and signed by Mr. Jones was a padded pay roll, and the allegation that he padded the payroll is sustained. Referring to the charge of perjury, the judge said it was made in the popular sense of false swearing. Jones swore falsely to claims not legally due; he was therefore guilty of perjury in the sense stated; he swore to a claim for \$18.35 due him for five days' services rendered during his vacation; this was not a legal claim, and Mr. Jones' affidavit constituted the offense of perjury, as it was a sworn oath to a claim not legally due.

PERJURY DEFINED.

The judge laid special stress on this definition of the term perjury, and declared the Tribune used the word synonymously with the term false swearing in all the articles complained of. He declared that under this definition of the term it was not necessary to prove corrupt intent. This would be necessary were the charge of perjury preferred as the term is known and understood in the criminal code. Counsel for defendant closed his argument by saying that from the evidence disclosed the defendant is entitled to a verdict of "no cause of action." Mr. Jones' character as brought to light in the hearing was such that he was not entitled to a single cent for damages. If either Mr. Lippman or Mr. Seftel collected a single cent for damages in this case, the freedom of the press will be ended forever in Utah.

JUDGE FRICK CLOSES.

At 3:55 p. m. Judge Frick began the closing argument for the plaintiff. He spoke until nearly 6 o'clock. He admitted certain irregularities on the part of Mr. Jones but declared they did not involve criminal action. The arrangement with Mr. Jones' books before irregular, was not criminal and the evidence showed that goods obtained for Mr. Jones' personal use were charged to him on Mr. Sherwood's books. When Salt Lake county paid Mr. Jones \$55 for a cow there is no question but the county got the best of that bargain. To be regular, it is true, Mr. Jones should have turned the money in received from the sale of a cow to Mr. Wimmer and received from the county its warrant for the payment of his own cow. Value was given, however, for the money kept by Mr. Jones, and no theft was committed as counsel for defendant would have you believe.

NOT JONES' FAULT.

Salt Lake county received \$55.06 for hogs which it sold to Mr. Smith. That the latter had failed to give proper credit on his books for the payment was no fault of Mr. Jones; that he had his own enter the proper credit before bringing the books in court was his own affair for which Mr. Jones was in no sense responsible. Yet defendant's counsel would have you believe he had deducted the books of Mr. Smith in order to cover up a theft. Commissioner Horne testified that a contingent fund was given to Mr. Jones for use in making special purchases. Expenditures from this fund were made by Mr. Jones under direct authority from the board of county commissioners and an accounting of these expenditures to the county auditor was not required.

SHERWOOD'S TESTIMONY.

Judge Powers availed himself of every opportunity to extol the virtues of Sherwood as a man of high holding a sacred ecclesiastical position in the Church to which plaintiff belongs. Far be it from me to detract from this commendation, but one thing I wish you to know—the bad meat complained of, the rotten mutton they say was bought, was, at the very time the charge is made, purchased from Miss Sherwood. The testimony of the witnesses regarding the bad meat used should be squared with the conduct of said witnesses. Why, if such notorious meat was served time after time did these witnesses, who were employed at the institution, remain there month after month. You would think from their testimony they could not endure to live under such conditions. Mrs. Miller, who testified to bad meat being used, did not leave the institution voluntarily. She did not wish to leave the place. Mr. McFarland only left after a controversy with Mr. Jones. Their conduct belied their statements.

TRIBUNE COMPLAINED FIRST.

Commissioner Harker testified that no complaint ever came to him of the treatment of inmates at the infirmary. The Tribune was the first to make any

complaint; a campaign was on, a change in administration was desired for political reasons, so someone had to be blamed for something. The forgers of these articles were bought, some parts of these are not of the first class, therefore the whole is characterized as dog meat. Mr. McFarland milked the cows and took the milk every day to the cellar. He said he saw meat in the cellar covered with maggots; he saw the meat every time he went to the cellar and he must have seen it before it became infected and known that it was not so infected when bought.

EXTRA STEAK STORY.

Mrs. Miller testified to extra beef-steak being served on Mr. Jones' table. If there is anything wrong in providing extra meat now and again for visitors and for the help then let the adum fall on Mr. Jones. There is no question but the infirmary was conducted about as well as such an institution can be conducted. Not only poor unfortunate inmates but also worthless, lazy fellows, some of whom, as adduced in the testimony, were chronic kickers.

Complaint is made that Mr. Jones kept some cows at the infirmary. The commissioners knew this and regarded it profitable to the institution. A large part of the milk was supplied to inmates and the value to the county more than offset the cost of keeping the cows.

MR. JONES HAS RIGHTS.

According to counsel for defendant, Mr. Jones and his family have no rights which Mr. Seftel was asked to respect—the public weal had to be subserved. This is not the law; the individual has rights which must be protected.

Judge Powers has endeavored to convince you that they did not intend to charge Mr. Jones with perjury after all. It is a serious thing to charge a man with perjury, and they found themselves in a hole. They only meant to charge him with false swearing. The truth is that defendant's counsel after examining the affidavit in claim for five days' services performed by Mr. Jones at vacation time, amounting to \$18.35, decided to prefer a charge of perjury against him. The county board allowed a ten days' vacation to the employees, and their salaries were graduated with respect to this allowance. This time belonged to the employee; if they worked for the county at such time they were entitled to extra pay, and the board allowed six days' extra pay for ten days' services. Mr. Jones demurred to this, as he thought ten days' pay should be allowed. The board, however, allowed only six days' pay as they did not wish to incur the displeasure of other employees.

WILFUL PERJURY ALLEGED.

Defendants' counsel, while addressing the jury, sought to leave the impression that wilful and corrupt perjury had not been alleged against plaintiff, but only a charge of false swearing. It is set forth in the complaint that defendant admits it alleged, and intended to allege, that wilful and corrupt perjury had been committed by plaintiff. They cannot escape this fact and they have utterly failed to establish the charge; they have proven no criminal intent on the part of plaintiff. They are therefore liable for damage for libel.

A good name is the best of all possessions. Whoever attacked Mr. Jones before the Tribune did? Did they show that Mr. Jones' previous character was not good? No; they could not do it. They did not bring any evidence to show treatment of the inmates; they could not. Mr. Jones never spoke a harsh word to any of them, yet you would expect harsh treatment from a man who would be guilty of the charges sought to be established against Mr. Jones.

CLOSING ADMONITION.

The judge closed by urging the jury to deal with the press as they would have others deal with them, to remember that newspapers consisted of men like themselves—they could make mistakes and did make mistakes, and when they trespassed on the rights of the individual they were liable. Damage had been done to plaintiff in substance, and he was entitled to a verdict awarding substantial indemnity. A travesty on justice to individual rights would be committed if a verdict awarding a nominal sum were rendered.

COURT NOTES.

Adolph Benson has filed suit in the district court against James Davidson and George E. Chandler to foreclose a mechanic's lien filed against defendant's property in Bingham to secure the payment of \$86.50, alleged to be due for the construction of a building on the same.

Suit has been filed in the district court by Mrs. Ann O. Burr against the Utah Savings & Trust company, executor of the estate of Andrew J. Burr, deceased, to recover \$240, alleged to be due for board, nursing and laundry work done for her son during his last illness. She also asks judgment for the additional sum of \$23.25 being the monthly allowance bequeathed her by the testator, and which his executor has failed and refused to pay for the month of December.

If Traveling in Japan.

Or any civilized country, you can procure Laxative Bromo Quinine from any druggist. All nations use it. E. W. Groves' signature on box.

ASSESSORS WILL HOLD CONVENTION.

The state board of equalization is in receipt of an invitation to attend the county assessors and deputy assessors' convention, to be held at Brigham City, Dec. 18 next, at 10 a. m. in the Boxelder county court house. A 20 minutes' address is asked from some one of the members of the board on "Instructions and Suggestions on Assessment Work." It is believed that this convention will be of service not only to the workers in this department, but also to taxpayers in the state generally. The program to be observed will be as follows:

MORNING SESSION.

The Object of the Convention and A Welcome Greeting by County Assessor, Elias Jensen of Brigham, 10 minutes. Practical Hints Preliminary to Assessment Work, by D. P. Burr of Brigham City, 10 minutes. Qualifications and Equipments of Deputies, by H. N. Holler of Tremonton, 10 minutes. Who Should Fix the Valuation of Real Estate? By John B. Finn of Willard, 10 minutes. Should Indebtedness be Deducted

Dyspeptics

Give instant relief in Sour Stomach, Heartburn, Nausea, all discomforts of indigestion and dyspepsia. Pleasant and economical. Medium size, 20c.; Large, \$1; handsome aluminum bonbonniere, 10c. Druggists or mail.

Cataracts

Relieve Nodular Catarrh, allay inflammation, soothe and heal the mucous membrane, sweeten and purify the blood, get rid of Sore Throat, 50c. or \$1. Druggists or mail. **HOOD'S** It's Good.

Always Remember the Full Name
Laxative Bromo Quinine
Cures a Cold in One Day, Grip in 2 Days

E. W. Groves on every box 25c.

from the Value of Real Estate? By Chas. E. Foxley, county attorney, 5 minutes. Suggestions on How to Assess Transient Hotels, by A. O. Hall of Kelton, and C. C. Toynce of Grouse Creek, 15 minutes.

AFTERNOON PROGRAM.

The Best Method of Assessment of Property from Observation, by E. A. Box of Brigham City, 10 minutes. Instructions and Suggestions on Assessment Work, by state board of equalization, 20 minutes.

How to Apportion in the Various Prescriptions, the Surveys and Branches of Railroads, Telephone Lines, etc., by E. H. Jones of Kelton, 10 minutes.

How Can We Assess to Avoid Trouble Collecting Taxes on Mortgages, by S. N. Cole of Corinne, 5 minutes.

In What Shape Shall the "Blotters" and "Statements" of the Assessor Go to His Deputies, and How Shall They be Extended? by J. W. Palmer of Park Valley, 10 minutes.

What are the Relative Duties of the Recorder, the Surveyor and the Assessor in Perfecting Plats, Transfers of Real Estate, etc., by J. N. Holdaway of Deweyville, 10 minutes.

Questions and answers will be allowed on each and every subject of this program, and also resolutions will be passed at the close of the meeting covering the various subjects to be spoken upon, and the county attorney is expected to be present to answer all legal questions.

A GUARANTEED CURE FOR PILES. Itching, Blind Bleeding, Protruding Piles. Druggists are authorized to refund money if PAIN OINTMENT fails to cure in 6 to 14 days. 50c.

COAL SHORTAGE MAY SOON BE OVERCOME.

The Utah Fuel company with an eye single to the welfare of the people of this state, rather than to making business outside the state, has ordered that no more coal be shipped beyond the state boundaries until further orders. All the coal that can be mined at the four great camps of the Fuel company will be distributed among consumers in Utah, while the stringency lasts. The railroads are consuming more coal than ever, with the remarkable increase during the current year in number of locomotives and the number of trains of all kinds; and the rapid increase of population, particularly in Idaho and eastern parts of the coast states has enormously increased the demand for coal. Veterans in the business say the only way to avoid trouble in the future is to stock up during the summer at the city yards, so that when cold weather comes there will be found an abundant emergency source from which to draw on. The recent explosion in the Wyoming mines has proven a factor in shortening the output from that quarter.

ANOTHER APPEAL.

The Manufacturers' association, by its executive committee, has addressed the following letter to the companies named:

Dec. 15, 1905.
Utah Fuel Co., Union Pacific Coal Co., Kemmerer Coal Co., Salt Lake City, Utah.
Gentlemen: In view of the present coal shortage and apparently no immediate relief in sight, the Manufacturers' and Merchants' association of Utah feels that some step should be taken at once in order to avoid the suffering to citizens and the check to business which will surely follow if present conditions continue.

We understand it is not so much a question of railroad equipment as it is of your mine output, but most probably both.

We urgently implore you to arrange in some manner to relieve the situation as quickly as possible and also arrange to furnish an adequate supply in the future.

This condition existing at the present time will certainly reflect on this association's efforts to build up this state as we will find it very hard to establish manufacturing enterprises in view, if there is to be no dependency on our coal supply.

Trusting you will fully appreciate the situation and find some means of bringing about the desired change without delay, we beg to remain, yours truly,
O. H. HEWLETT,
LEON SWEET,
GEO. WHITAKER,
C. O. HARRIS,
Executive Committee.

PERSONALS.

City Engineer George Ritter is confined to his room by illness.

Miss Lesley D. Woodruff will be home next week from the Duff school of San Diego to spend the holiday vacation with her parents, Dr. and Mrs. E. D. Woodruff.

Capt. Arthur T. Marx of the marine corps and bride are visiting with relatives in this city, while en route to the coast. The captain is a brother of Mrs. Marx and Mrs. D. S. Murray and Mrs. W. W. Flagg.

WEATHER REPORT.

Record at the local office of the weather bureau for the 24 hours ending at 6 a. m. today:
Barometer reading at 6 a. m., 29.75 inches; temperature at 6 a. m., 24 degrees; maximum, 32; minimum, 20; which is 4 degrees below normal.
Relative humidity at 6 a. m., 77 per cent.
FORECAST till 6 P. M. SATURDAY.
Local forecast for Salt Lake City and vicinity:
Fair tonight and Saturday.
Temperature in charge.

TODAY'S TEMPERATURE.

6 a. m. 24
9 a. m. 28
12 m. 32
3 p. m. 32
6 p. m. 28
9 p. m. 24
12 m. 20
3 a. m. 16
6 a. m. 12
9 a. m. 18
12 m. 22
3 p. m. 28
6 p. m. 24
9 p. m. 20
12 m. 16
3 a. m. 12
6 a. m. 12

YESTERDAY'S TEMPERATURE.

Highest 32
Lowest 12
Average 24

WHY Do we advertise FIRE INSURANCE? BECAUSE People want absolute Security. AND that we guarantee. ASSETS of our companies \$100,000,000.00 BE WISE Insure with **SMEDLEY-WAKELING Fire Insurance Agency?** No. 204 Atlas Block, Salt Lake City

DEDICATION OF NEW NURSES HOME.

At the new nurse's home recently completed for use in connection with the L. D. S. hospital, the dedication service is being carried out this afternoon. A large number of guests invited from among those interested in the hospital and its welfare are present, and the services are in charge of the Presiding Bishop of the Church. President Joe F. Smith will offer the dedicatory prayer, in addition to which a number of speeches and other numbers will be given.

THE MONEY MARKET.

New York, Dec. 15.—Money on call strong, 7 1/2, ruling rate 9, closing bid, 8, offered, 9. Time money strong, 60, 90 days and six months 6 per cent. For short periods 5 per cent and commission, making the net rate 7 to 8 per cent. Prime mercantile paper 5 1/2 per cent. Sterling exchange firm with actual business in bankers' bills, at 43.50/44.50 for demand, and at 43.20/44.20 for 60 day bills. Posted rates, 43.20/43.50 and 43.50/43.80. Commercial bills, 43.20. Mexican dollars, 50 1/2. Bonds—Governments, steady; railroads, irregular.

Dancing Carnival.
American Fork, Dec. 19th. Rate, \$1.00. Special train leaves via "Salt Lake Route," 7:30 p. m.

DIED.
CURTIS.—At 619 south Second West street, this city after a lingering illness, Flora Le Ship Curtis, in her 81st year.

Funeral at 2 p. m. Sunday from the Fourth ward mortuary. Friends are invited.

R. E. Evans, Florist, 36 S. Main St. Floral Designs a Specialty. Phones 561.

LOST.
ONE BLACK MARE, FIVE YEARS old, with white star in forehead, left hind foot a little crooked, weight about 1,600 pounds. Return to L. L. Furniture & Carpet Installation House and receive reward.

HELP WANTED.
A GIRL IN SMALL FAMILY, @ FIRST Street.

NOTICE OF FORECLOSURE OF LIEN.

In the Third Judicial District Court, in and for Salt Lake County, State of Utah, Adolph Benson, Plaintiff, vs. James Davidson and George E. Chandler, Defendants. Notice is hereby given to all persons holding or claiming liens on the premises of the above named defendants, situated in the City of Salt Lake, Utah, to wit: Lot 4, Block 8, plat "A," Bingham Townsite Survey, Salt Lake County, Utah, under the provisions of Chapter 1, Title 20, Revised Statutes of Utah, 1898, to be and appear before said Court on Wednesday, the 18th day of January, 1906, at 10 a. m., to exhibit there and then the proof of such liens.

ADOLPH BENSON, Plaintiff.
O. H. Backman, Attorney for Plaintiff.
Dated December 14th, 1905.

UNION DENTAL CO.,
235 South Main.

HONEST WORK.
HONEST PRICES.

Painless Extraction of Teeth or No Pay. Work Guaranteed. Guaranteed. Phone: Bell, 1125-X; Ind., 1125.

DR. LOY B. DUNCAN,
DENTIST.

Over Walker Bros. Dry Goods Store. Ind. Phone 3270. Bell Phone 1017. ALL WORK GUARANTEED.

The 13th Ward Store,

The Place of
Honest Treatment
72 South Main.

We still have left a very handsome assortment of HAND PAINTED CHINA. ALSO JEWELRY which we are selling at half the regular price, come now and make your CHRISTMAS selections.

It is just the time, too, for fixing up that Christmas dinner, etc., getting your CANDIES and NUTS, Lemon and Citron peel, mince meat etc., etc.

Revolutionary GLOVE SALE.

\$1.50 Dent's Gloves only 98c \$2.00 Trefousse \$1.13

No other word describes it. The purchase made by the Hummer people from the New York Cash and Lace House, has simply revolutionized "Kid Glove" selling in Salt Lake. We congratulate the expert buyer of the New York Cash on making such good selections, and buying from such reputable foreign makers.

Think of buying **\$2.00 Trefousse Glove \$1.13**
at
And **\$1.50 Dents Gloves 98c**
at

In this sale you will find all shades and styles for street use, as well as evening wear.

ALL \$1.25 gloves reduced to 69c our \$2.00 glove reduced to \$1.13, our \$3.00 glove to \$1.69. These gloves we place on sale in the morning, Saturday, at 8:30. They are worthy of our guarantee and we are pricing them at one-third you would pay under ordinary conditions for a glove of equal value. If you purchase a pair of these gloves. It will leave a lasting impression.

THE Hummer Cash Store

228-230 SOUTH MAIN. NO GLOVES EXCHANGED, NO TRY ON'S.

Amazing Sale
of \$7.95

CHILDREN'S COATS AT \$2.48

BUT for the All-Eclipsing Sale of COATS, at \$2.48, this sale stands pre-eminent as THE COAT EVENT OF THE SEASON. This gigantic purchase of over Seven Hundred Coats at less than the price of material. The purchase was astounding in its proportions—Amazing in its values—Comprehensive in its assortment—Ultra-fashionable in the correctness of style. They come in all colors, with large cape and coat collar handsomely trimmed, large sleeves and back strap. Your choice instead of \$7.95, The Hummer's price, only \$2.48. Ages 4 to 14 years

THE HUMMER CASH STORE

228-230 MAIN STREET.
ORCHESTRA Every Saturday Ev'g, from 7 to 10 p. m.