

JAP TESTIFIES IN OWN BEHALF

Tsukuda Declares That Shooting
Was Accidental and Caused
By Peacemakers.

CAUSES MUCH AMUSEMENT.

Why Subject of Mukodo Finds That
Scar on His Neck is Really
A Purple.

Tsukuda, charged with deliberate
and premeditated murder and who
is on trial for his life for having killed
Tsugio Shin at Glendale on July 1, was
a witness in his own defense again today.
He is testifying to the incidents
which occurred at the time the murder
was committed and the purpose of Mr.
Wiley, of counsel for the defense, is to
show that the killing was justifiable.
That was done when the prisoner was
in the grasp of other men and that
the shot was fired unintentionally.

Tsukuda declared that after he had
heard that Shin had struck Kamimura
on the head, inflicting a painful injury,
he left his room carrying a loaded
revolver to find out why Shin struck
his friend. He said that this quarrel
was not his fault because he was in
relation to the two men's contention.
Tsukuda said that he fired the first shot at
the side of Shin as he was in his bunk.
That was to frighten him, he declares.
Then Shin got out of the bunk and was
standing in front of it. At the same
time other Japanese had fled from Tsukuda
and they fell in a heap to the floor.
As they lay there Tsukuda saw the
gun still in the hand of the taking effect
of Shin's abdomen and inflicting the
wound from which he afterwards died
at a Salt Lake hospital.

SHIN STRUCK HIM.

Tsukuda declares that Shin struck
him a stinging blow on the left shoulder
bone and so strenuously that for a few moments he did not know
what had struck him. When he became
conscious he discovered a wound on his
shoulder. He says that though he
does not know, from the appearance of
the scars he thinks Shin might have
used some weapon other than his hands.

During the discussion concerning
Tsukuda's wounds and scars the dis-
trict attorney pointed out certain marks
on his face and neck and asked him to
tell from what injuries he received the
scars. Tsukuda caused much merriment
in the courtroom, despite the fact
that a man is showing by a trial why
he should not be required to forfeit his
life, when he drew from his pocket a
mirror, that he might look to where scars
had been made by pointing. Another
spur of sudden laughter went over
the courtroom when Tsukuda admitted
that a mark on his face, which he had
described as a scar and which he had
said was received when he was a youth,
was nothing more than a pimple.

Tsukuda testified that the pistol with
which he did the shooting was obtained
from a friend four years ago. He
said that this friend told him that he
had no further use for it and that he
gave it to him. Mr. Lebourneau sought
to show that Tsukuda had bought the
revolver new in a Salt Lake pawnshop
for \$40. Tsukuda would not admit
that. He was on the stand at the noon
adjournment and will testify further at
the afternoon session of court.

WANTS HOLMES TO PAY UP.
A complaint has been filed in the
district court against Gustavus S.
Holmes by Mrs. E. F. Dawson, in
which she seeks to collect a bill for
clothes made for Dwight L. Holmes, a
son of the defendant. The complaint
recites that goods worth \$75 were sold
to the son at the cost of the father,
and that only \$20 has been paid on
account. The firm's place of business
is in New Haven.

MCREEYS ARE PARTED.
Judge Morse Severs Bonds Which
Kept Wife from Her Mother.

Judge Morse heard Robert D. Mc-
Creery's side of the case this morning as
the preliminaries to his regular Friday sessions.
A discordant note here and there proved to the satisfaction of the court
that there was something out of harmony and a decree was entered severing
the bonds of matrimony and awarding
to the wife the custody of their
two-year-old son.

WHO KILLED THE DOG?
Belated Summer Quarrel Is to Be
Aired in Police Court.

Charles H. Titus was arrested on a
warrant this morning by Officer Moore,
the charge being that Titus killed a registered dog owned by John M. Hay.
The case seems to be one of the belated "summer cases"—a neighbor hood row. Titus declares that he
did not kill the dog but avows that
he has over the head and wounds he
has the marks of a dog's claws, and that
much intoxicating liquor to permit
peace and happiness to reign in their
home. They have been married seven
years, but as the husband is growing
worse instead of better, according to the
allegations of the complainant, she
desires herself entitled to divorce, \$50
monthly as alimony and the custody
of her children.

CROOK COMES TO GRIEF.
Pickpocket is Caught After a lively
Chase on Second South.

F. W. Franklin, a man believed by
the police to be an all-night crook,
came to grief in most tragic style
attempting the "dip act" on a cheap
jacket. The fellow is now in the city
jail charged with attempted robbery.

Franklin fell in with the shoulders
last night and proceeded to show
him the room. The stranger had more
money than common sense and last night
emptied his roll of greenbacks on
every occasion and there were many
complaints.

Franklin saw no chance to rob the
shopkeeper until they were walking
along Second Street at noon when he
boldly extended his pocketbook containing
the sum of the pocket of the herald.
The thief was very fortunately sober
enough to get away the shopkeeper and immediately
had a hard right from Franklin.
The policeman soon arrived and
ran down the street, hotly pursued
by the two clerks.

Officer Jim Williams was attracted
by the scuffle and joined in the
chase finally shooting the man. The
thief was located in a saloon at the corner
of Second and Main. The police believe
that he did not give his right name and that they have
landed a bad man behind the bars.

Peptiron Pills

reinforce the blood, feed nerves and brain,
tonic the stomach, aid digestion, give
easier sleep. Especially beneficial in
anemia and anæmia. Chocolate-
coated, pleasant to take. 50¢ and \$1.
Bottles or mail.

If
Made by
HOOD
It's Good

Hood's Act
Pills Liver and
Bowel, cure
diarrhea, constipation,
cancer and sick headache, break up
old, relieve uncomfortable stiffness
after disease. Painless antiseptic. 50¢.
U.S. Patent 192,126. Boston, Mass.

wanted the examination and were held
to answer in the district court. Each
of the defendants is charged with two
counts of burglary, and the ball bond
in each case is \$500. Unable to furnish
ball they are in the custody of the
sheriff.

MAN TAKES A FIT.

A resident of Denver court, on
Third South between Fourth and Fifth
West streets, telephoned to police
headquarters this morning that a man
was lying in the streets apparently
in the throes of death. Immediately upon
receipt of this news, policemen and
paramedics made a wild scramble for
the patrol wagon, piloted by Officer
Meyer, and a fire department truck
to the scene was made. It was neither
a case of suicide or murder, nor
was it a heart attack. The unfortunate
man was taken to police headquarters
and cared for there until he had entirely recovered.

ALLEGED SNEAK THIEVES.

A couple of alleged sneak thieves
were arrested by the police last
night. E. R. Neal is in the city jail
charged with stealing an overcoat but
from whom does not appear. He was
arrested by Officer Harris. The other
suspect is one Stanley Olsen, accused
of stealing a top robe, which is not
known. He was captured by Detectives
Chase and Dury. Both will have a
hearing before Judge Dierck tomorrow
morning.

LATE LOCALS.

TODAY'S Clearings.—Today's local
bank clearings amounted to \$355,
\$712 in against \$500,000 for the
same day last year.

Branches Reopened.—The Western
Trust reopened its branch office at
the Knobell hotel and at Fort
Douglas, today.

Shipping in Idaho.—James Lentz
returned this morning from Idaho,
where he has been busily engaged in
shipping lumber. He reports that
one load of sheep shipped out of
McCallister yards since the run began
on June 1st.

Tourists Bath in Lake.—The winter
at Saltair these days is just a little
chilly, but this does not seem to deter
tourists from going in bathing.
There is a performance of this kind
going on every day.

TO CLEAR REALTY TITLE.
Anne Steele has brought suit against
W. S. McCormick and others in quiet
title to certain real estate claimed in
be owned by her since 1885.

WANTS CUMMING TO PAY.

Eva Cummings has asked the district
court to order Charles Cummings, her
former husband to pay her \$344.95,
claimed to be due as alimony and paid
according to an order of the court
granting their divorce. An interest-
ing program has been prepared.

OGDEN WEDDING A FAILURE.
Adelaide Seybold has asked the
court to set aside the marital bonds
created at Ogden on Aug. 6, 1900,
whereby she was united with Ferdinand
Seybold as his wife. She alleges
that her husband has failed to
show that he has failed to provide
her with the necessities of life.

SUE TO QUIET TITLE.

John Mikkelson and Jane O. Alpa
have filed suit in the Third district
court against Max Brown, administrator
of the estate of his father, former
Speaker Arthur Brown, who was
murdered in Hutchinson last December.
The suit seeks to quiet title to real
estate occupied by the plaintiff for
seven years in which the defendant
claims an interest.

SAYS HUSBAND IS CRUEL.

Sarah Erickson charges her husband
with acts of unusual cruelty in a
divorce complaint filed in the
district court. The complainant recites
that the husband, Andrew Erickson,
seeks like a powder monkey, that he
hits her over the head and wounds her
so that she cannot sleep, and that he
causes much intoxicating liquor to permit
peace and happiness to reign in their
home. They have been married seven
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TWO COUNTS OF BURGLARY.
H. Taylor and Leonard Ryan Waive
Preliminary Examination.

H. Taylor and Leonard Ryan, the
two men arrested several weeks ago
after they had burglarized the residence
of E. W. Bassett and Henry Hunter,
will have to stand trial in the
Third district court on the charge of
burglary in the third degree.

The two men were recently called
for preliminary hearing before Judge
C. H. Gish in the criminal division of
the city court. There was no hearing
for the reason that Taylor and Ryan

November
first.

Now, do you think
you need an Over-
coat?

R&B

172 SOUTH MAIN STREET.

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