DESERET EVENING NEWS THURSDAY DECEMBER 20 1906

CASE OF BROWN **GOES TO THE JURY**

Will Determine Whether or Not Young Man is Insane.

ARGUMENTS ARE PRESENTED.

Witnesses Testified for the State and Said Accused Ate Meats of All Kinds, and Not Rice.

At 11:30 o'clock this morning the jury empaneled to determine as to whether or not Arthur Brown is insane retired to consider the case. Three witnesses were examined this morning in behalf of the state, after which Dist. Atty. Loofbourow made the argument in behalf of the state and Judge Powers presented the arguments for the de-fense. The court then instructed the jury, after which it retired in charge of Deputy Sheriff Butler.

The witnesses called this morning were Raiph Sharkey, Jaller Joseph Burbidge and W. C. Orem. Mr. Shar-key told of a banquet given by Brown to some of his fellow employes when he left the Commercial National bank and stated that Brown then ate meats of all kind and other substantial food and did not adhere to his rice diet spoken of by the witnesses for the de-fendant. Mr. Sharkey, who is now a teller at the bank, identified another check which had been forged amount-ing to about \$5,000 thus increasing the ing to about \$5,000 thus increasing the amount of the forgeries to about \$14.

Jaller Burbidge stated that Brown ate meats while he was confined in the

ate means while he was confined in the county jail. W. C. Orem, whose name was forged to some of the checks by Brown, told of a talk he had with the defendant on the evening after he was arrested. In that conversation Brown told him that he committed forgeries to cover up a transaction in which he was implicat-ed while employed at the Bank of Com-merce and that he should not have gone to work for Mr. Orem with such a load on his shoulders. Tollowing his testimony the case was argued, the instructions given by the court and the jury reifred. IUDGE TESTIFIED.

JUDGE TESTIFIED.

JUDGE TESTIFIED. For the first time in the history of this state a presiding judge was called from the bench to testify in a case be-fore a jury. The incident occurred yes-terday afternoon when Judge Powers called Judg Armstrong to the stand as a witness for the defense. Judge Armstrong told of his long acquaint-ance with Brown and of his character as a business man. He then stated that while the jury was out in tha 'criminal action against Brown, the latter was in his office and seemed ab-solutely indifferent as to his position.

When the jury returned the verdict finding him guilty of forgery, Judge Armstrong said that the young man did not appear concerned about the mat-ter at all.

ter at all. The other witnesses called for the de-fense yesterday afternoon were J. D. Pardee, R. McKenzle, William Igle-heart, W. B. Andrew, Maj. H. P. My-ton, Mrs. Vetter, O. W. Powers, H. A. King, Willard Hanson, William Brown, Sr., the father of the young man, and W. H. Brown, his brother. The state called Harry Finch, Isaac Sperry and Freed Sinclair, who testified that Brown had eaten at their restau-rants frequently and are meats just the same as other customers and that he did not live on a rice diet when eat-

he did not live on a rice diet when eat-ing at their places. The jury will probably reach a ver-dict this afternoon.

STILL ON TRIAL.

The case of John L. Livingstone against the Oregon Short Line Ral-poad company is still on trial before a jury in Judge Ritchie's court. Liv-ingstone asked damages in the sum of ingstone asked damages in the sum of \$20,000 for injuries received while em-ployed in defendant's shop at Poca-tello, Ida., on June 3, 1905. Living-stone was formerly a prize fighter at Pocatello, and the defense attempted to show that he received his injury in a prize fight. Livingstone, when ques-tioned on that matter, said that dur-ing his experience in the prize ring he had only been knocked down once and had received only one decision against him, but had never been knocked out.

COURT NOTES.

Suit has been filed in the district court by Hyrum Vest, Jr., against C. J. Sullivan et al., to quiet title to part of

An action for divorce has been filed in the district court by Laura D. Giri-fin against John B. Griffin on the ground of desertion. The parties were married on June 29, 1904, and it is al-leged that defendant deserted plaintiff on the day after their marriage. They have one child, of which plaintiff asks the custody. Plaintiff also asks that her maiden name, Laura D. Steiner, be restored to her. restored to her.

restored to her. Two more actions for the recovery of wages due to laborers on the Big Cot-tonwood conduit were filed in the dis-trict court yesterday afternoon. N. N. Shapiro is plaintiff in one action, and he asks indgment against Showell Bros. & Belcher, P. J. Moran and Salt Lake City for the sum of \$405.35, al-leged to be due a number of laborers who assigned their claims to plaintiff. Edward Kiehbell is the plaintiff in the other action, and he asks judgment aganist the same defendants for \$002.50, alleged to be due laborers.

lot 4, block 70, plat C, Salt Lake City survey.
 Judge Whitaker today continued the further preliminary hearing of E. C. Henderson until Dec. 28 on account of Assistant County Attorney Hanson be-ing engaged in a case at Bingham. Henderson is charged with a criminal assault upon a deaf and dumb girl.
 An action for divorce has been filed in the district court by Laura D. Girr-fin against John B. Griffin on the ground of desertion.

If I were Santa Claus I would know exactly what to give every boy and girl. I would give then Hollister's Rocky Mountain Tea. It's, the greatest medi-cing in the world; a never-ceasing wonder, 35 cents, Z. C. M. I Drug Dept. 112-114 South Main Street.

SAVAGE DOG KILLED.

Attacked Three Persons-Taken to **Police Station and Shot.**

A dog, belonging to Mrs. Louisa Spires of South Bountiful, yesterday ran amuck in Salt Lake and as a result was shot late in the afternoon at the police station by Officer Heath. A complaint was issued by Assistanti County Altorney Job Lyon today against Hugo Bohn, charging him with assault with a deadly weapon with in-tent to do bodily harm. Bohm is an employe at the Rio Grande shops, and became engaged in a quarrel with a fellow employe named Thomas Taylor, this morning, and made an assault upon the latter with a chisel and in-flicted two cuts upon the latter's head, Several other workmen came to the as-sistance of Tayler and separated the

tion, and Heath shot the animal. The name of the other victims could not be learned, though a Manti farmer who had been attacked gave a spirited example of his running ability.

MATINEE IS POPULAR.

Enjoyable Roller Skating Party at the Auditorium Rink.

The first of the Wednesday and Satur day roller skating matinees was given yesterday afternoon at the Auditorium skating rink on Richards street and prov ed to be decidedly popular. A large crowd was present both in the afternoon and evening, and had a most enjoyable time. One of the features was the clever work of Miss Berton and Mr. Tyler and the management is congratulating itself upon securing the experts for this week's en-gagement. Since the opening of the big rink some graceful and clever skaters have been developed and the "craze" seems to be growing each day.

She worried and she fretted, And grew as homely as could be, But now she is a famous beauty, Which came by taking Rocky Mount-ain Tea. Z. C. M. Drug Dept. 112-114 South Main Street.

Your Hair it with a cruel brush and comb! Fe nourish it, save it with Ayer's Hair new improved formula. Then your has will remain at home, on your head, ju where it belongs. An elegant dressing. Bees not stain or change 2.0. Auroco the only refibe h tr. contrary?

> METCALF'S REPORT. Seey. of S. F. Board of Education San Some Statements Are Eroneous, San Francisco, Dec. 13 .- According to 12 San Francisco, per to the press by Ser. interview given to the press by Ser. E. C. Leffingwell of the board of edua.

E. C. Lerningweit of the board of educa-tion today, Secy. Metcalf made some erroneous statements in his report on its Japanese question. Mr. Leffingweil sa in part : "The report made by Secy. Metal as explained before Congress. Contain many assertions and inferences which as surprising to say the least, since they are an error and are therefore unfair. education. When 10 Seev dent Ro oling of J

dent Roosevelt and the this min was made known the boar did all in its power to equi-facts surrounding the new regard to the schooling of plis. "When Seey. Metcalf the Japanese and Korean e directed the board of edu-the miling concerning the J he utters that which we s The members of the boar were specially careful to e edin of the matter to The board acted upon its and merely proceeded to co law." to explain to Secy.

FORENOON SHOPPING That's the Solution. Then You Can Look Over the Tempting Displays Without Being Jostled. COME DOWN FRIDAY MORNING!!! COME DOWN SATURDAY MORNING!!!



Gift Gy Keith OBrien 60.

Liffle Pleasantries that Brighten the Busy Days

Lots of little things occur during the rush to brighten the day.

One of the little cash boys sitting on the bench between rushes. was overheard to say: "I could go home if I wanted." "That's nothing: so could I but my salary would stop." And the little fellow thought of Christmas.

A New York man was in the other day and noticing the black dog which comes in and noses around the candy counter whenever we advertise specials in that section, remarked:

"Do you allow dogs in here? Now in New York stores, dogs are not allowed to come in." "How are they kept out?"

"Why, there are signs up all around the store."

"Well," answered the dry joker, "the dogs out West can t read."

Friday and Saturday Sale 200 German Robe Blankets, size 72 x 84 ---\$2.50 Grade for \$1.65

\$3.00 Grade for \$1.95 \$3.50 Grade for \$2.25

500 yards German Robe Flannel, 50c Grade for 37 te yard.

25 Down Comforts. size 72-84 ---\$6.50 Grade for \$4.75 \$10.50 Grade for \$8.00

\$5,000.00 worth of Japanese Drawn work. Cluny Doilies, Battenberg Scarts. Squares. and Doilies, at a reduction of nearly One-Half price.

Special--Handmade Cluny Table Cloth Size 72272, \$75.00 grade for ... \$45.00 Size 90x90, \$125.00 grade for . . \$75.00

 Size 6x6. 25c grade for.
 124c

 Size 9x9. 35c grade for.
 25c

 Size 12x12. 50c grade for.
 35c

 Size 18x18. 95c grade for.
 50c

 Size 24x24. \$1.50 grade for.
 85c

 Size 24x24. \$1.95
 \$1.95

Size 30x30, \$2.00 grade for \$1.25 Size 18x45, \$2.00 grade for \$1.25 Size 18x54, \$2.50 grade for \$1.50

Japanese Linens

Hand Made French

Battenburg Size 9x9. 25c grade for 121c Size 12x12, 50c grade for 25c Size 18x18, 85c grade for 50c Size 30x30, \$2.75 grade for \$1.50 Size 36x36, \$4.50 grade for \$2.50



Cluny Doilies Size 6x6, 50c grade for 25c Size 9x9, 75c grade for 371c Size 12x12, \$1.00 grade for 59c Size 20x20, \$3.00 grade for \$1.75 Fine Hemstitched Huck and Damask Towels 65c grade for 50c 85c grade for 65c \$1.00 grade for 75c \$1.50 grade for \$1.00 50 Odd Clothes, Fine

Danish Double Damask

Size 2 Yards Square.

Women's fancy Swiss Handkerchiefs, three in a box, special-39c. Aftractive Presents for Men Mothers, sisters and young ladies who want to give him an appropriate remembrand

splendid offering:

will find tempting gifts in the Men's Section SMOKING JACKETS, HANDSOME CHRISTMAS NECKWEAR, FINE MUFFLERS, HANDKERCHIEFS IN ASSORTMENT, FANCY SUSPENDERS, GLOVES, FANCY SUSPENDERS. GLOVES, BATH ROBES, ETC., ETC. UMBRELLAS. HOSIERY. STICK PINS. NIGHT SHIRTS. SUIT CASES. SLIPPERS.

Special Handkerchief Sale.

Shopping we invite your attention to this

In the midst of the hurry of Christmas

Do Not Tarry--Put it off no longer! Avoid the Great Rush of Saturday and Monday! The days are drawing to a close---The Mighty Rush is On!