

A. W. NELSON MAY NEVER BE TRIED

Indictment Returned Against Him As Bank's Agent Is Ruled Upon.

DISTRICT ATTORNEY ADVISED

Department Says Case in Present Status Is Without Jurisdiction Of Federal Court.

Ever since A. W. Nelson was indicted in connection with the robbery of \$106,000 from the Utah National bank last January, the question has been mooted as to whether or not he could be construed to be an agent of the bank. It finally has been decided by the department of justice at Washington, D. C., that he was not an agent, under the department's construction of the law, and that therefore his case is not under the jurisdiction of the federal court.

Dist. Atty. Booth has been so advised and for this reason the case will not come to trial on Dec. 7, the date set in the federal court. Instead the defendant will be free except for a complaint by the county attorney's office. The ruling of the department is given in response to a letter of inquiry from United States Attorney Booth, enclosing an outline of the evidence, and a statement of the probable cost for expert witnesses during the trial.

At the time of the drawing of the indictment the question of young Nelson's being an agent was considered here. The federal jurisdiction over such robberies in National banks extends only to those enjoying the confidence of the bank, and in describing them in section 208 of the code the vocabulary is exhausted for terms. That of "agent" is used in connection with "director," "employee," "clerk," "teller," "cashier," and was thought to include any one given special privileges. Young Nelson, it was developed in the evidence, has used a key to the bank outside of banking hours, which key was given him with the understanding that he would lock the bank after going away with the fund placed in a safety deposit box to be taken by him to the West Jordan bank. While no salary or remuneration had been paid him as the bank's "agent," it was thought this confidential relationship would be sufficient, and the indictment was accordingly drawn to cover such a construction.

CASE OF THE DEFENSE.

In preparing the case for trial it became certain that the bulk of the first fight of the defense would be centered on the claim that young Nelson was not the bank's agent, and therefore that the court had no jurisdiction. Dist. Atty. Booth went over decisions in similar cases, and found the question was one that courts were in no sense agreed upon, and that any phase of the case could be taken as the essential one, with a possibility of a decision being given on either side.

To bring the case to trial under the indictment would prevent another trial on the plea of "once in jeopardy,"

FRAUDS IN TESTIMONIALS BY MEDICAL FIRMS

But Some Are Genuine—A Significant Case of Eczema.

How do medical firms secure the testimonials which you frequently see in print?

This is a question which no doubt every reader of the Deseret News has occasionally asked himself.

Well, testimonials are obtained in various ways. Some are undoubtedly not sincere; they are written by friends of advertisers or by employees. It is alleged that in some cases testimonials are even paid for—a species of bribery which can not be condemned too highly.

But contrary to general opinion, it is a fact that at least a large number of testimonials are genuine and sincere. They are usually given by people who feel so grateful for a cure that they allow their names to be used. We ourselves know of more than one case where a man or woman naturally averse to publicity was so overjoyed at finding the right kind of medicine that the cured patient consented to the use of his name in print.

A typical case of this kind—of special interest to eczema sufferers—is that of Robert Sussman, of Toledo, Ohio. Mr. Sussman is a well known furrier in Toledo, and for years he suffered with a severe case of eczema.

He described his case as almost unendurable. About five years ago he was induced to try the oil of wintergreen compound known as D. D. D. Prescription for eczema sufferers. He has gone out of his way to find sufferers and to tell them of this remedy. He has done this without pay, of course, and without even having been requested to do so by the D. D. D. Company. It was simply the fact that his health, his very life, had been restored that made him so enthusiastic. We have recently had another letter from Mr. Sussman in which he offers to write to any eczema sufferer and to describe his case. If any reader of this paper should write Mr. Sussman, we request that self-addressed stamped envelope be enclosed.

Speaking of his own case, Mr. Sussman says: "Six years of intense suffering from a severe case of eczema, to be given up as incurable by sixteen doctors, several of whom were specialists of skin diseases, and then to have tried every known medicine for my ailment without effect, and finally to procure absolute relief and a permanent cure from a new remedy, is an experience that justifies my action in making it known to the public; and I feel that it is my duty to give it as much publicity as possible, so that other sufferers may be relieved. My sympathy goes out to those who have to go through what I did."

D. D. D. Prescription, also D. D. D. Soap, may be had in Salt Lake City of Druehl & Franken and Z. C. M. I. Drug Store.

tered on the claim that young Nelson was not the bank's agent, and therefore that the court had no jurisdiction. Dist. Atty. Booth went over decisions in similar cases, and found the question was one that courts were in no sense agreed upon, and that any phase of the case could be taken as the essential one, with a possibility of a decision being given on either side.

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should the decision of the court be that the defendant was not the bank's "agent."

The matter accordingly was submitted to Washington with the result that a decision was rendered ordering the case dismissed for lack of jurisdiction, and this action was taken today by Dist. Atty. Booth.

What the future of the case will be it is not yet certain. It is now ten months since the case first became public, through an announcement by W. S. McCormick, president of the bank. This was given out Feb. 9, and placed the total loss at \$43,000, the figure which was the net loss after he had recovered into the bank \$50,000, and Jos. Nelson had covered in \$13,000 to re-establish the legal reserves, and keep the bank in a sound condition. The reason that this money came as a gift instead of a loan, as the national bank examiner required the bank's reserves to be owned with title free.

Shortly after this statement was given out, the fact became known that the first irregularity had been noticed on Jan. 5, and the robbery discovered Jan. 14, when the reserve vault was opened by experts, after the combination had been found to be jammed on Jan. 5. The local police were not consulted in the case, but Pinkerton detectives carried on an exhaustive investigation, in which a letter from Ogden to Mr. Adams of the bank figured conspicuously. The fact that Mr. Kitka, the San Francisco handwriting expert, declared this letter to have been written by A. W. Nelson, is thought to have largely influenced the jury in bringing in an indictment. It was written before the fact of the robbery had become known, and showed clearly, by internal evidence, that the writer knew of the robbery.

After being in session from April 22 to June 3, with a recess early in June, the jury returned an indictment against Nelson, charging him with the theft of \$106,250, with six counts to the indictment. Upon his arrest young Nelson was placed under bonds in the sum of \$10,000 and released from custody. Since then the case has rested, awaiting the date of its trial, set for Dec. 7.

INJURIES BRING DEATH.

Henry Raddon, aged 57 years, a painter, residing at 933 Second avenue, died at his home last evening from injuries he received in a fall from a building on Thirteenth East and Second avenue about noon Friday.

Mr. Raddon was painting the eaves of a new house and was standing on a short ladder, which was on a scaffold when the ladder slipped and he was thrown to the ground, a distance of about 25 feet. The injured man was taken to the emergency hospital by the police and Dr. Stewart attended him. It was found that he had a broken wrist and a fractured skull. He was taken from the emergency hospital to his home and for a time there were hopes for his recovery, but his condition grew worse until last evening when death relieved his sufferings. He is survived by a wife and a brother, Sam Raddon, editor of the Park City Record. Arrangements for the funeral will be announced later.

MIND YOUR BUSINESS!

If you don't nobody will. It is your business to keep out of all the trouble you can and you can and will keep out of liver and bowel trouble if you take Dr. King's New Life Pills. They keep biliousness, malaria and jaundice out of your system. 25c at Z. C. M. I. Drug store, 112-114 Main street.

WAS DELIRIOUS WITH ECZEMA

On Chest, Back, and Head—Pain, Heat, and Tingling Were Excruciating—Nerves in Exhausted Condition—Sleep Badly Broken.

CURE BY CUTICURA SEEMED LIKE MAGIC

"Words cannot express the gratitude I feel for what Cuticura Remedies have done for my daughter, Adelaide. She is fifteen years of age, and had never had anything the matter with her skin until four months ago, when an eruption broke out on her chest. The first symptom was a redness, and then followed thickening and blisters, which would break and run matter. I took her to a doctor, and he pronounced it to be eczema of a very bad form. He treated her, but instead of being checked, the disease spread. It showed itself on her back, and then quickly spread upwards until the whole of her head was affected, and all her hair had to be cut off. The pain she suffered was excruciating, and what with that and the heat and tingling her life was almost unbearable. She became run down in health, and at times was very feverish, languid, and drowsy, and occasionally she was delirious. Her nerves were in such a low state that she could not bear to be left alone. In spite of the cold weather she would insist on having her bedroom window open, and would lean out on the window-sill. She did not have a proper hour's sleep for many nights. The second doctor we tried afforded her just as little relief as the first, and I really do not know what we should have done if we had not read how Cuticura cured a similar case. I purchased Cuticura Soap, Cuticura Ointment, and Cuticura Pills, and before the Ointment was three-quarters finished every trace of the disease was gone. It really seemed like magic. Her hair is coming on nicely, and I still apply the Cuticura Ointment as I find it increases the growth wonderfully. Mrs. T. W. Hyde, 1, Ongar Place, Brentwood, Essex, England, Mar. 8, 1907."

Cuticura Soap (25c) to Cleanse the Skin, Cuticura Ointment (50c) to Heal the Skin, and Cuticura Pills (50c) to Purify the Blood. Sold everywhere. Put on the Skin Disease. Cuticura Soap, Boston, Mass. Cuticura Soap, Boston, Mass. Cuticura Soap, Boston, Mass.

Mail Free. Cuticura Soap on Skin Diseases.

CIVIL SERVICE.

Civil service examinations will be held at Salt Lake and Logan on Dec. 15 for a veterinarian to fill a position in the quartermaster's department at large, at Washington, D. C., at a salary of \$1,200 per year. The applicants will be examined in the subjects of veterinary anatomy and physiology, pathology, practice, and in training and experience. Age limit 20 years or over on date of examination. An examination will also be held at

Salt Lake City Jan. 6, 1909, for a gamemeter multigraph operator, to fill a vacancy in the postoffice department, at \$600 per year, and to fill a vacancy in the geological survey, at a salary of from \$150 to \$720 per year.

RA'7 LUNGS.

When the lungs are sore and inflamed, the germs of pneumonia and consumption find lodgment and multiply. Foley's Honey and Tar kills the cough germs, cures the most obstinate racking cough, heals the lungs, and prevents serious results. The genuine is in the yellow package. F. J. Hill Drug Co., "The Never Substitutors."

HUNTER'S NARROW ESCAPE.

E. C. Sneed Falls in Slough While Hunting Ducks.

E. C. Sneed, a well known and popular sportsman, trap shooter and hunter, had a narrow escape from death by drowning Sunday last. He is now at St. Mark's hospital, where he is rapidly recovering from his terrible experience, and it is expected he will be all right again in a few days.

Mr. Sneed, with a number of other hunters, were out after ducks Sunday at the Rudy Sloughs Duck club. W. S. Vincent, occupying one of the blinds while Sneed was on the opposite side in another, Vincent knocked down a duck but did not kill it. The bird fell into the water and Vincent yelled across the pond for the shooter, there being no duck. The hunter did so and Vincent walked out to get the bird. At the same time Sneed started for the same object. When the men got close enough they recognized each other and as Sneed complained that the bird was not good at his blind he was invited to accompany Vincent to the later's place of concealment. The men started for the blind when suddenly Sneed, who is a heavy man, sank into the water. Vincent made a grab for the man but was unable to keep his head out of the water. He cried for help and Mr. R. J. Hill, who was near, hastened to land aid. Others came also and Sneed was dragged unconscious from the water and laid on the shore, where he regained consciousness, but his legs were paralyzed, probably from the cold. He declared he had not been drinking and said he did not know what happened to him, that all of a sudden everything turned black and he fell into the water.

Sneed is an engineer on the Rio Grande. He stated that for some time his legs have felt queer, but he did not become alarmed over the condition of them. He was brought to town and hastened to St. Mark's hospital, and is now reported to be improving rapidly.

IF YOU ARE OVER FIFTY READ THIS.

Most people past middle-age suffer from kidney and bladder disorders which Foley's Kidney Remedy would cure. Stop the drain on the vitality and restore needed strength and vigor. Commence taking Foley's Kidney Remedy today. F. J. Hill Drug Co., "The Never Substitutors."

DEATH OF MRS. JNO. ARNOLD.

Mrs. John Arnold died this morning at her residence, 175 O. street, of blood poisoning at the age of 62 years. She is survived by her husband and one daughter, Mrs. W. E. Cole, 181 N. street, at which address the funeral will be held Thursday at an hour to be announced later. Mrs. Arnold has been a resident of this city since 1874.

Cullen Hotel Cafe—Thanksgiving dinner. Fine menu, good music, superior service. One dollar the plate.

Monuments, headstones, inscription work. Elias Morris & Sons Co., opp. south gate Temple Block.

Thanksgiving dinner—Cullen Hotel Cafe. Fine menu, good music, superior service.

We carry a complete line of high-grade Gas and Electrical Fixtures

All kinds of Repair Work and Reliable wiring attended to promptly.

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TAXES AND TURKEY MONEY

Here's another batch—and still they come. Every one of these clients turned claims to us for collection, and every one of them got their money last week. Read the list, you will know some of them.

Deseret Soda Water Co., Pierpont avenue, City.

C. P. Decker, Provo, Utah.

Irs. A. Anderson, 439 S. 24 East, City.

A. E. Poulton, grocer, City.

Idelman Bros., Cheyenne, Wyo.

Boxelder News, Brigham City, Utah.

J. T. Ogden, 141 W. 1st North, City.

Neal Capson, Calder's Station, Utah.

Bennett & Underwood, 801 W. 1st North, City.

Ernest Pappas, Parthenon Merc. Co., City.

American Fork Co-op., American Fork, Utah.

E. M. Watson, Pocatello, Ida.

Dr. J. Milhron, City.

E. L. Stevenson, cigars, 370 W. So. Temple, City.

Inter-Mountain Republican, City.

Rocky Mtn. Bell Tel. Co., City.

Sam'l Christensen, 674 So. 4th East, City.

West Jordan Mfg. & Merc. Co., West Jordan, Utah.

Stiegel Clothing Co., City.

G. E. McFall, 20 Quincy Bldg., Denver, Colo.

Wm. Driver & Sons Co., Ogden, Utah.

Salt Lake & Jordan Mills, City.

J. W. Hughes Co., bankers, Rifle, Colo.

Onelda Merc. Union, Franklin, Ida.

E. C. Bagley, Branton, Utah.

When will you turn yours in? Don't wait too long. We were collecting a bill for Mrs. Elizabeth Rowland of No. 146 South 4th West, Salt Lake City, Utah, and just after the man got started to pay he died. If she had turned the claim in sooner she would have had all her money.

Do it today. Write, telephone or see us. Red Streaks of Honesty Exist in Everybody.

Three private phone lines. Eight office rooms. Forty employees. Adversed from New York to San Francisco.

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SCIENTIFIC COLLECTORS OF HONEST DEBTS.

77 to 100 COMMERCIAL NATIONAL BANK BLDG.

SALT LAKE CITY, UTAH.

Francis G. Luke, Gen. Manager.

"Tis said 'Some People Don't Like Us.'"

(The above was contributed by the Credit Man of a leading Salt Lake institution.)



A. R. Fuller, Corlume, Utah. Clark G. Hamp, Evanston, Wyo. Mrs. Sarah Hart Harms, 595 W. 24 South, City.



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Men who are critical enough to know when they put on a coat of a Chesterfield suit that they can see, feel and know that they are superior in style, tailoring and quality to any so-called high-grade clothing, or clothes made by any tailor in Salt Lake City. If we fit you better and please you better than your tailor, then it is to your interest to buy a Chesterfield suit or overcoat.

Our salesmen are desirous of showing you the correct models of clothes, as adopted by the top class of men in New York, who originate styles.

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