

# Death Of Wife Of Juror Ends Assault Trial

## B. F. Darbyshire Not Told Of Demise As Jury Is Dismissed By Howe.

The unexpected death, at 6:30 a. m. yesterday, of the wife of B. F. Darbyshire, one of the 12 jurors trying Chester Britton, former soldier, on a criminal assault charge, resulted in Judge W. D. Howe, 84th district court, dismissing the jury. Britton will have to face another trial.

Judge Howe said that he was called by the sheriff's department a little after 8 o'clock, and informed that Mrs. Darbyshire was critically ill. He hurriedly dressed and prepared to go to the courthouse. There was another phone call to tell Judge Howe Mrs. Darbyshire had died. Judge Howe rushed to the courthouse.

### Doesn't Mention Death.

The jury was brought into the court and jurors took their seats in the jury box. C. M. Wilchar, Britton's attorney, was in court.

Judge Howe knew that Mrs. Darbyshire was dead, but he did not mention that in his statement to the jurors.

"A wife of one of the jurors is critically ill," Judge Howe said, "and I am compelled to dismiss the jury."

## Darbyshire Funeral Service Monday

Funeral services for Mrs. B. F. Darbyshire, 74, pioneer El Paso resident, who died at the family residence, 719 North Florence street, yesterday morning, will be held at St. Clement's Episcopal church at 2 p. m. Monday, with the Rev. C. H. Horner and the Rev. B. M. G. Williams officiating. Burial will be in Evergreen cemetery. The body will lie in state at the church chapel from 9 a. m. till 2 p. m. Monday.

Mrs. Darbyshire moved to El Paso with her husband in 1880. She was an active worker in St. Clement's church, and the state and local chapters of the American War Mothers, the American Legion Auxiliary No. 36, and the Women's Pioneer association.

She is survived by her husband; two sons, Spencer and B. O. Darbyshire; two daughters, Mrs. Kenneth McCallum, and Mrs. Clifford Stephens, and three grandchildren.