

SHEETS STILL FIGHTING HARD

Files a Plea to Jurisdiction And A Motion to Dismiss.

IS BASED ON TWO GROUNDS.

Motion Sets Forth Reasons for Justice Bishop Not Having Legal Power To Hold Hearing.

Former Chief of Police George Sheets did not enter his plea to the charge of receiving a bribe in Judge Morse's court today, as scheduled, but as was expected, he filed a plea to the jurisdiction of the court and a motion to dismiss the information. Accordingly the motion to dismiss and the objections to the jurisdiction of the court will be heard by Judge Morse next Friday morning at 10 o'clock, and the time for entering a plea to the charge was continued until next Saturday morning at 10 o'clock.

The motion to dismiss is based on the two following grounds: 1. That there is another action pending in this court by information against defendant, charging him with an offense based on the same alleged acts, circumstances and facts as those set out, alleged and relied upon by this state in this information. 2. Defendant further objects to the jurisdiction of this court in this case and moves the court for a dismissal of the action for want of jurisdiction for the reason that the examining magistrate, to-wit, P. M. Bishop, before whom the preliminary examination was had in this case and who assumed to bind the defendant over to this court, was without jurisdiction to hold said preliminary hearing or to make any order whatever in the premises and the information filed herein, based upon said unwarranted proceedings, is void and of no effect.

REASON RECITED.

The motion then recites the reason for Justice Bishop not having jurisdiction in the case, which is practically because Justice Bishop had already bound the defendant over on another criminal charge, and facts as set out in the complaint filed in Bishop's court. The motion recites further that the defense objected to the jurisdiction of Justice Bishop at the time the preliminary hearing was held but that the justice overruled the objection and bound the defendant over and in so doing it is claimed that he acted beyond his jurisdiction.

It is therefore asked that the information be dismissed and that the defendant be not compelled to plead to the charge contained therein. Sheets was in court during the proceedings this morning and was accompanied by Soren X. Christensen, one of his attorneys. Dist. Atty. Leffeborg and County Atty. Hansen were present in behalf of the state.

CRIMINAL COURT.

Jap Arraigned Before Judge Armstrong on the Charge of Murder.

Juso Tsukuda, a Japanese, was arraigned before Judge Armstrong yesterday afternoon upon the charge of murder in the first degree and was given until next Thursday to enter his plea. He is charged with murdering a fellow countryman at Garfield early in July. Horace S. Ensign acted as interpreter during the proceedings yesterday.

James McVearney was arraigned upon the charge of robbery and was given until Monday to plead. He is charged with being implicated in the Oxyx Bank robbery last May and was arrested at McCammon, Ida.

A plea of not guilty to the charge of immoral conduct with a young girl was entered by Martin F. Hobbs of Bingham. His case was set for trial for Oct. 7.

S. B. Dobbs, a negro, was up for arraignment upon the charge of assault with a deadly weapon with intent to do bodily harm, but as he had no attorney his case was postponed until Monday. The court appointed Harry S. Harper to defend him.

SKIRLIS NOT A PARTNER.

In the case of the Salt Lake & Jordan Mill & Elevator company against W. Caravella & Company, Judge Armstrong yesterday afternoon rendered judgment in favor of defendants. Plaintiff endeavored to prove that E. G. Skirlis was a partner of defendant but failed in that respect as well as losing the case.

COURT NOTES.

An attachment suit was filed in the district court today by White's Dressed Meat company against L. John Tolman to recover \$340.30 alleged to be due for meat sold to defendant.

Suit was filed in the district court today by the Gruffy Wheel company of Illinois against Margaret Howard Haslam and about 30 other defendants to quiet title to a part of block 97, plat C, Salt Lake City survey.

Judge Armstrong today appointed Sarah Jones as administratrix of the estate of Frank Jones, deceased, and fixed her bond at \$2,200. He also appointed John S. Garrison as administrator of the estate of John Brewer, deceased, under bonds in the sum of \$500.

Gruda Ahlquist filed suit for divorce.

People are eating more candy because more people are learning the goodness of SWEET'S GARNATION CHOCOLATES

The kind that meets the popular taste.

Sweet Candy Co., Manufacturing Confectioners.

In the district court today against George A. Ahlquist on the ground of failure to support. They were married in Sweden in 1880 and have three children. Mrs. Ahlquist alleges that even since February of this year her husband has failed to support her and she asks a divorce, the custody of the children and \$20 per month alimony.

Judge Morse today rendered a decree of foreclosure of mortgage in favor of plaintiff in the case of the Pacific States Savings & Loan company against Christina D. Cummings, M. L. Cummings, Lorenzo Snow and the Elgin Creamery company. The property foreclosed is part of lot 4, block 73, plat D, Salt Lake City survey, and the amount of the judgment is \$2,422.41 and 57 1/2 cts. attorney's fees.

The case of Susan Erickson, vs. the Utah Consolidated Mining company, was today transferred from the district court to the federal court, at the instance of the defendant company. The action is brought by complaint to recover damages in the sum of \$25,000 for personal injuries alleged to have been sustained by him on the premises of the Highland Boy smelter, owned and operated by the defendant.

AMUSEMENTS.

Theater—The regular season opened in brilliant fashion last night. The immense improvements in the house appeared more striking than ever when the beautiful auditorium was filled with the most fashionable audience, as it was last evening.

"The Prince of Pilsen" was on its third presentation here, yet it never secured an audience as that which assembled last night. It was an audience too, thoroughly bent on having a good time and the beauty of the music, the charm of the costumes, and the perfection of the fun, never met with heartier responses. The presentation on the whole, remains one of the merriest and brightest entertainments which the theater has ever presented. Some of the characters fall a notch below the originals, still there was so much that was good, that one could not find fault with the difference.

The best singing of the night was done by Miss Stanley, who has a ringing soprano voice and a manner full of charm. Miss Dale as the widow made a dazzling appearance in her numerous gowns, and noted the role well—rather better than she sang it. Miss Brooks made a thoroughly beautiful Vassar girl, and the other ladies did capable work. The brewer, Mr. Mason, was a very humorous character, though perhaps, in "The Prince of Pilsen" hardly as telling as those only Jess Dandy. The show was excellent, the "Heidelberg" her and the "Song of the City," which the "Baltimore Girl," made a beautiful picture, and the "Salt Lake Girl" came in for the usual rounds of applause from the galleries, were both excellent to the end.

The appointments, scenery and orchestral work were all of a high grade, and the rendition is sure to do capacity business this afternoon and evening.

Lyric—The new vaudeville bill at the Lyric will commence this afternoon with the "Song of the City," which the "Baltimore Girl," made a beautiful picture, and the "Salt Lake Girl" came in for the usual rounds of applause from the galleries, were both excellent to the end.

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MUNICIPAL FARGE ENDS PEACEFULLY

Poll Tax Ordinance Nullified by Shopmen, Who Offered to Work Out Assessment.

LABOR DAY IN THE GATE CITY.

Pocatello School Teachers—District Court—School Election—Government Sued—M. I. A. Reorganized.

Special Correspondence.

Pocatello, Idaho, Sept. 6.—The greatest municipal farge of the season terminated peacefully Monday morning, when Mayor C. E. M. Loux addressed the 400 shopmen assembled at the city hall, waiting to go to work on the streets of the city, as per poll tax ordinance.

The mayor requested the men to return to the shops, and receipts would be issued in the evening, giving credit in full for two days' work. The council had calculated to collect the cost of the city with about \$4,000, expecting that the men would pay cash, but at the last moment the tables were turned on the council with about \$4,000.

The situation Saturday was most ridiculous, all system was abandoned, and the city was in a state of chaos. A squad of three men without tools were sent to attack a cluster of weeds, a stump pulling stunt was shown, the mayor's speech was a piece of work to the wind, and two men hauled it away.

The men scattered all over the town, as soon as a "water bug" was seen, as "thin," the boys ordered beer by the keg, eight kegs were consumed Saturday. The men were in a playful mood, yet the mayor ordered the schools closed, which was finally done. At one stage of the game, a movement was made to have the band out, but that was finally abandoned. The Greek contingent, offered to foot the bill for the latter luxury. The railroad officials feel much annoyed over the affair, as it tied up the shop force for the greater part of four days. There is a loss in wages of about \$4,000.

LABOR DAY DEMONSTRATION.

The Labor day was duly observed in Pocatello, a big parade was given, which started at the court house, at 10 o'clock, headed by the Citizen band of 20 pieces. Several attractive floats representing the different trades, were seen, representing the blacksmiths, boiler-makers, carmen, barbers, and retail clerks. Two dances were given. The Greek contingent, offered to foot the bill for the latter luxury. The railroad officials feel much annoyed over the affair, as it tied up the shop force for the greater part of four days. There is a loss in wages of about \$4,000.

DISTRICT COURT.

The September term of the Fifth judicial district opened Tuesday with a grind of divorces. A divorce was granted to Ida Crane, vs. Mackay, charged by default. The case of Elmer Crawford vs. Mary J. Crawford was heard today, and a decree granted.

M. I. A.'S REORGANIZED.

The local ward associations of the Young Men's and Young Ladies' Mutuals were reorganized Sunday evening at the L. D. S. church.

The personnel of the Young Men's M. I. A. follows: L. F. Zundel, president; Chas. S. Green, first counselor; Hugh Roberts, second counselor; Ray McClellan, secretary and treasurer; John Walton, assistant secretary; treasurer, George O. Crockett; William, William Crockett; Albert Nymen, Moses Pannin and Finn H. Berg, class leaders and city missionaries.

The officers of the Young Ladies' Mutual are: Mrs. Annie P. Kuttner, president; Mrs. Dora H. Mortensen, and Miss Annie Edgley, counselors; Miss Lillian Spillman, secretary; Ethel T. Foley, treasurer; Miss Amy Owens, librarian; Miss Edith Harrison, class leader of the junior class; Mrs. Alice L. Hogstrom, organist; Mrs. Amy E. Dalton, agent for the Young Women's Journal.

All the retiring officers were honorably released with a vote of thanks.

The annual convention of the Mutual Improvement associations of the Pocatello stake will convene here next Sunday.

The first annual conference of the Second quorum of the elders of the Pocatello stake, convened here last Sunday with two services held at the L. D. S. amusement hall. President Thomas Oliva presided.

GOVERNMENT SUE.

John Stansbury, Esq., a solicitor for the Indian office at Washington, filed deposition last Saturday, in a suit against the government for \$24,250 in behalf of the widow and children of the late Charles Sorrelle, a well known Panuelo Indian near Inkow. The case is one of damages committed by Shoshoni Indians in 1887, when it is alleged, a number of horses and cattle were stolen from Sorrelle, which was never made good.

WEDDING BELLS.

Fred. J. Barnes of the jewelry firm of L. F. Mollinell & Co. was united in marriage at Boise yesterday to Mrs. Marie Mollinell.

The first baby to arrive in the home of Mr. and Mrs. Arthur C. Naylor, came Saturday night, a daughter. Chief of Police John E. McMahon, has rendered his resignation to the city council to take effect on the fifteenth instant.

The Police bakery and confectionary store in the District block, operated by Mr. and Mrs. John B. Bannock, was closed Tuesday morning on a writ of attachment instituted by Robert Bradley against the concern, valued at \$1,150, alleged to be due Bradley from Kansas.

SCHOOL ELECTION.

The annual school election was held last Tuesday and only a light vote was cast. One ticket only was in the field, to-wit, the ticket headed by John J. Hall, to-wit, for three years. John J. Hall was elected in succession of F. S. Dietrich. The board of trustees now consists of Dr. C. B. Stover, J. B. Blaine, John Worthington, George H. Olmstead, Lyman Farge, and John J. Hall.

POCATELLO SCHOOL TEACHERS.

The following teachers will instruct in the Pocatello public schools this term, which begins Monday. Principal of the high school, Therswald S. Riser, graduate of the Iowa college, Grinnell, Iowa, and a post-graduate at the University of Iowa. This is not the same Mr. Riser who was here before.

Alvin J. M. Robertson, teacher of science in the high school, a graduate of the University of Minnesota; Miss Grace MacMillan, teacher of Latin and English, a graduate of the University of Nebraska, and a post-graduate of the University of Missouri; Miss Cora Ross, teacher of mathematics.

The first grade teachers are: Mrs. Anna Harmer, in the east school, Mrs. Blanche Sloan, Miss Bertha Shortt, and Miss Harriette Galt, in the west school. Teachers in the grammar grades are: Sarah Keener, Martha Boulger, Florence I. Rae, Mary F. Zoy, Mrs. C. W. Pomeroy, Marian Halliwell, Olive Agnew, Florence Maine, Anna Howard, Mary Calder, Mary Koppel, Adeline Hander, Martha Jones—also principal of east school—Vera Phelps, Beulah Russell, Josephine Sletto, and Myrtle Clark. Teacher of ungraded school, Benjamin Hordan.

CANAL SOLD.

The canal belonging to the Hancock Land and Irrigation company, which P. W. Banks is sitting for \$30, was sold this morning under the sheriff's hammer. The property was bid in for the amount of the claim by judgment creditor, through his attorney.

HAND INCIDENT.

MAY MAKE TROUBLE

State Department Expects to Hear from the British Ambassador on the Matter.

Washington, Sept. 6.—While no information of an official character has reached the state department as yet concerning the summary and violent expulsion of Hindus from Bellingham, Wash., yesterday, it is confidently expected that if the facts are as represented in the press, Ambassador Bryce will soon be heard from. The British government takes pride above all things in protecting the lives and property of its subjects, so it is expected that as soon as the British consul at Port Townsend, as being probably the nearest consular officer to the scene of the incident, the state department is always embarrassed in dealing with incidents of this character, owing to the fact that the attention of Congress has often been called, that the national government, and even the United States, are not allowed to interfere with the authority to enter the confines of a state even to protect foreigners in their treaty rights. All that the state department can do in such a case is to advise the British government, if the aggrieved individuals care to do so, they may bring civil actions against the municipal authorities at Bellingham in the local courts, just as the Japanese have done in San Francisco, and undoubtedly the state department would very much prefer that this course be followed. If, however, owing to local animosity on the part of white people of Bellingham to the Hindu colony, it should be found impossible to secure justice at the hands of the local judiciary, and a case done in the case of numerous attacks upon the Chinese at Rock Springs, Wyo., and upon the Italians in New Orleans, some years ago, the executive will recommend to Congress that indemnity be paid to the victims. The British government, for its part, is likely to find itself embarrassed in dealing with the Bellingham incident, because of the ever-present danger of similar attacks upon the East Indians, who are numerous in British Columbia. So that if this case is pressed, the president established in the country some to the imperial officials were they in turn called upon to pay damages for injuries to persons and property sustained by the Hindus who are British subjects at the hands of British colonists.

EXPULSED HINDUS SCATTER.

Seattle, Wash., Sept. 6.—Practically all of the Hindus who were driven from Bellingham have sought new locations. About 30 arrived in Seattle today. A large party left for Los Angeles and other southern cities and others sought protection in British Columbia. Advice from Bellingham states that the town does not contain a solitary Hindu at this time. Bernard Kelly, British vice consul at Seattle, with jurisdiction over the entire state, has not yet been officially notified of the hostilities toward these British subjects demonstrated at Bellingham. He stated today that he did not intend to even inquire into the affair unless formal complaint is lodged with him.

Considering the method adopted by the people of Bellingham toward the subjects of their own country is expressed here that the matter has not been referred even indirectly to the British vice consul.

"All that I have heard of the Bellingham incident is what I read in the newspapers," said Mr. Kelly. "The party that arrived in Seattle today did not make charges of violence against the Bellingham people, but merely stated that they were given to understand that they would be driven from there in competition with white labor in the mills."

PERSONALS.

Joseph A. Sliver goes east tomorrow for the purpose of looking up additional machinery for the new plant.

Dean Brewster has returned from his vacation in Colorado, and resumes his ministerial duties tomorrow, at St. Mark's cathedral.

President Angus M. Cannon who recently suffered a slight stroke of paralysis, is now able to sit up, and his convalescence now seems sure.

T. M. Potter of Peabody, Kansas, is in this city to make large purchases in cattle for eastern shipment. He is stopping at the Hotel New Britain, and speaks encouragingly about crop conditions back east.

APPLE BEIT OF SOUTHERN IDAHO.

In the Snake River valley under the great Twin Falls canal system, 150,000 acres on the warm south slope of the valley will be opened to entry October 1st, 1907. The cost is low and payments will extend over period of ten years. Write today for details. TWIN FALLS NORTH SIDE LAND & WATER COMPANY, Milner, Idaho.

WAS IT MURDER AND SUICIDE?

Wife of Wealthy Retired Broker Of Evanston, Ill. Found Dead in Her Home.

HUSBAND'S THROAT WAS CUT.

Cause of the Tragedy Unknown—Neighbors Say They Heard a Violent Altercation Last Night.

Chicago, Sept. 7.—Mrs. Fred M. Fish, wife of a wealthy retired broker,