

## NEW TERM OF SUPREME COURT

February Cases Come up Today  
With All of the Justices on  
The Bench.

### SEVEN ATTORNEYS ADMITTED.

Among Them, Former Chief Justice  
Corn of Wyoming—Two Criminal  
And One Civil Case.

The February term of the supreme court opened this morning with all of the justices of the court present. In addition to the arguments in two criminal cases, and one civil case, the court disposed of a number of informal matters and admitted seven attorneys to the bar. Of the attorneys admitted one was admitted upon motion and six upon the recommendation of the committee of bar examiners, they having passed the required examination.

### SEVEN LAWYERS ADMITTED.

Judge Samuel T. Cern, former chief justice of the supreme court of Wyoming, was admitted upon motion of Attorney Kimball of Ogden. He will open an office in Ogden and pursue the practice of his profession. The attorneys admitted upon request of the bar committee are John T. Pope, Nephi Jensen, William L. Dunn, Lorin E. Kramer, Nathan A. Porter and Albert A. Law.

### ARGUED AND SUBMITTED.

The following cases were argued and submitted to the court: State vs. Albert McBride, convicted in Sevier county of criminal assault and sentenced to two years in the state prison; state vs. J. W. Freshwater, convicted in Utah county of adultery and sentenced to 18 months in the state prison; Oregon Short Line Railway company vs. Third District, for damages for Salt Lake county, writ of certiorari.

### OTHER ACTIONS.

The case of the state vs. J. P. Winslow, Jr., was continued until Feb. 13. The case of the Elden-Judson Drug company, appellant, vs. the Commercial National bank of Ogden was continued until the May term. Orders were made in other cases as follows: Daniel Hamer vs. J. C. Howell, election contest, continued to the foot of the calendar; in the matter of the estate of Albert Hansen, deceased, appeal dismissed upon motion of appellant; Bryant vs. Salt Lake Beach company, appeal dismissed upon motion of appellant. Motions to dismiss the appeal were made in the following cases: Honerine M. & M. company, et al., appellants, vs. Tallard Steel Pipe & Tank company et al.; Est. W. G. Owen, et al., appellants, vs. C. W. Johnson.

### FIVE YEARS IN PRISON.

Punishment imposed on Alton for Assault of Young Girl.  
Judge Armstrong today sentenced Alton to five years in the state prison for the offense of criminal assault committed upon Bessie Riley, a 13-year-old girl, on April 12, 1905. Alton was recently convicted of the same crime by a jury in the criminal division of the district court. In passing sentence upon him, Judge Armstrong stated that in his judgment Alton should be given mental treatment as he appeared to be somewhat mentally. For that reason he did not impose the full penalty of 10 years as provided by law for such an offense.

### DESERTION ALLEGED.

Suit for divorce was filed in the district court today by Elmer T. Basinger against Miltie Basinger on the grounds of desertion and infidelity. It is alleged that two or three days after their marriage which occurred on Jan. 1, 1905, plaintiff discovered that his wife was untrue to him and that she was an inmate of a house of ill fame, and it is also alleged that she deserted him and went to California about a month after their marriage. Plaintiff does not know where she resides. He therefore asks for a divorce from her.

### GRAND JURY CHARGE.

Willard C. Jensen was arraigned before Judge Armstrong in the criminal division of the district court today upon the charge of grand larceny, embezzlement, and entered a plea of not guilty to each. In the first count of the information Jensen is charged with the larceny of \$500 from A. S. Kendall on Nov. 1, 1905, and the second count he is charged with embezzling the same amount from the same party on the date mentioned above.

### WARNER ON WAR PATH.

Threatened to Kill His Wife and Was Arrested—Not Wanted in Seattle.

W. S. Warner was arrested Saturday afternoon by Deputy Sheriff Steele and Smith upon the charge of threatening to kill his wife, Violet Warner. It is claimed that Warner engaged in a quarrel with his wife at her home, 222 Third street, on Friday night and threatened to kill her. She told the officials that her husband was wanted in Seattle on a charge of embezzlement, but Sheriff Emery wired the officials of this place and was informed that the man is not wanted there.

### UNIVERSITY SUNDAY SCHOOL.

"From Sunshine to Shadow" Interestingly Dealt With.

The usual session of the University Sunday school was held in Barratt hall yesterday at 12:30 p. m. The music was rendered by Miss Edwina Parry who sang two solos, "O Dry Thine Tears" and "Resignation." Dr. Talmage delivered a most interesting and instructive lecture, which was listened to by a large and attentive audience.

The address was entitled "From Sunshine to Shadow," and dealt with the incidents immediately following the descent from the Mount of Transfiguration. A noisy crowd was observed on the plain, near the foot of the mountain—the Scribes were enjoying a temporary triumph over the disciples who had been left behind the night before, and were taking full advantage of the discomfiture of the followers of Jesus.

The cause was soon explained. A man, eager and distressed, had brought his afflicted son to Jesus, freed from the influence of an evil spirit; the disciples had failed in their attempt to bring about relief. Jesus developed faith in the fathers heart, then by the response evoked the divine power was manifested and the demon was expelled. Among the lessons drawn from the incident are these: Jesus recognized the reality of "possession" by evil spirits. Vicarious effort is acceptable; the father's faith available in behalf of the boy, as that

## For Sale!

The Leading Soda Water and Root Beer Plant Of The West.

OUR THREE CROWN BAKING POWDER, Flavoring Extract, Spice, Tea, and Fresh Roasted Coffee Beans, are sold at a very low price. We have decided to devote our entire time and attention to these lines and we now offer for sale our ENTIRE SODA WATER AND ROOT BEER PLANT, with all formulas and our good will. We have successfully conducted this business for nineteen years, and have established a splendid local business, and the most solid and largest shipping trade in the state. It is only 20 days to spring and purchaser should consider this proposition immediately so as to have everything in readiness for the big volume of Spring and Summer trade. Purchaser does not necessarily need to be an experienced Soda Water man. Any good business man can conduct the business.

### A SNAP FOR THE RIGHT PARTY.

Only those that mean business need apply.  
HEWLETT BROS. CO., 74-76 State St., Salt Lake City, Utah.

of the woman of Canaan had proved effective in the healing of her daughter. Faith to be a source of power is essentially different from passive belief. The cause of failure by the disciples was not lack of Priesthood or authority, but weakness and immaturity of faith. Faith of the kind compared to the mustard seed is living faith in its achievements for good there are no bounds. Christ's restoration of Messiahship, together with submission to the custom of the day—to avoid offense—was shown in the circumstances of the inquiry after tribute money, and the invoking of a miracle in meeting the demand.

Headaches and Neuralgia from Colds. Laxative Bromo Quinine, the world-wide Cold and Grip remedy removes the cause. Headache and Neuralgia from Colds. Laxative Bromo Quinine, the world-wide Cold and Grip remedy removes the cause. Headache and Neuralgia from Colds. Laxative Bromo Quinine, the world-wide Cold and Grip remedy removes the cause.

### YOUNG MOTHER'S DEATH.

Sad Passing of Mrs. Winifred Love Smith—Funeral Tomorrow.

Under circumstances unusually sad the life of a young and loving mother and devoted wife went out on Saturday evening, when Mrs. Winifred Love Smith died at her home in this city. Mrs. Smith is the youngest sister of State Senator Stephen A. Howell, and was exceedingly well and favorably known in Salt Lake, where she was born 27 years ago. She leaves a husband and was the mother of three children, two sons and one daughter. One son, Charles W. Penrose, died at the age of 10 years, and another son, George W. Penrose, died at the age of 10 years. The daughter, Mrs. Mary Penrose, is now residing in California.

Funeral services over the remains of S. A. Ahlberg of Murray will be held on Wednesday afternoon, beginning at 1 o'clock. The services will be held at the Murray opera house. Friends are invited.

### AHLBERG FUNERAL.

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### HORTICULTURAL SOCIETY.

Decided at Meeting to Exhibit Fruits, Flowers and Vegetables.

At the meeting of the Salt Lake Horticultural society on Saturday afternoon, it was determined to have an exhibit of fruits, flowers and vegetables next fall. A committee was appointed to work the matter up and to arrange details. A report of Inspector John P. Sorenson was read, showing that 60,000 fruit trees and 14,000 shade trees were grown in Salt Lake county in 1905. The committee was advised to patronize the home producers. During the past 15,000 worth of trees have been sold, and the sale of 50,000 was prevented as being undeveloped.

A GUARANTEED CURE FOR PILES. Itching, Blind Bleeding, Protruding Piles. Druggists are authorized to refund money if PAXO OINTMENT fails to cure in 6 to 14 days.

WILL MEET IN APRIL. County School Superintendents Will Revise Grade Work on That Date.

State Supt. of Schools Nelson has called an annual convention of the county superintendents of schools of the state to meet in this city on April 6 and 7. The purpose of the convention is to discuss the grading in the schools, the course of study and other matters of importance to school work. The program has not yet been arranged.

### Hood's Sarsaparilla

Has won success far beyond the effect of advertising only.

The secret of its wonderful popularity is explained by its unsurpassable merit.

Based upon a prescription which cured people considered incurable.

Hood's Sarsaparilla Unites the best-known vegetable remedies, by such a combination, proportion and process as to have curative power peculiar to itself.

Its cures of scrofula, eczema, psoriasis, and every kind of humor, as well as catarrh and rheumatism—prove

Hood's Sarsaparilla the best blood purifier ever produced.

Its cures of dyspepsia, loss of appetite and that tired feeling make it the greatest stomach tonic and strengthener the world has ever known.

Hood's Sarsaparilla is a thoroughly good medicine. Begin to take it TODAY. Get HOOD'S.

## OBSEQUES OF APOSTLE MERRILL

Touching Tributes of Fellow Apostles to His Work and Worth.

### STALWART PIONEER OF CACHE

Enjoyed the Unbounded Love, Respect And Confidence of All Men.

Special Correspondence.  
Richmond, Cache Co., Feb. 10.—The funeral services over the remains of President Merriner W. Merrill were held in the new stake Tabernacle at this place at 11 o'clock this morning. President Anton H. Lund and President F. M. Lyman, Rudger Clawson, Hyrum Smith, George Albert Smith and C. W. Penrose of the Council of the Twelve and Patriarchs John Smith, Angus M. Cannon, the stake presidency and a large number of prominent Elders from different points were in attendance. Bishop T. H. Merrill of the Richmond ward presided. An immense throng assembled and about 1,800 were inside the building.

The Richmond choir sang "O my Father," and Elder Samuel Rockwell offered prayer. The Logan Temple choir sang: "In the Home of My Father in Glory Above."

President Lund stated that it had been the intention of President Joseph F. Smith to attend the services but he had been prevented from doing so by sickness. Messages from Senator Reed Smoot in which he expressed sympathy to the family of President Merrill, and also from Elder John Henry Smith were read.

President Lund stated that he had known President Merrill quite intimately since they had been called to the quorum of the Twelve, 17 years ago. All of that time he had known him to be a man of great worth, a man of great faith, beloved by every member of the quorum. His constant testimony was that this was the Lord's work. He had fought the good fight, had kept the faith and had gone to his reward.

The speaker read several verses from the vision of the three glories. "Elder Merrill," he said, "was a man near to living up to the standard of the Celestial Kingdom."

Elder Charles W. Penrose said that in his 40 years' acquaintance with President Merrill he had always recognized him as a practical man, a stalwart in Israel, a man able to lead others and direct their labors. While he was always a prominent man of affairs, he was also a spiritual and religious man, and received many remarkable manifestations. The Twelve, he said, always appreciated his wisdom in council. "I rejoice that Brother Merrill is now released from the trials of this world and has entered into a wider and greater sphere of action. In a wider field to continue the work of redemption of the dead, in the spreading of truth among the myriads of the spirits of those who have died without knowledge of the Gospel. Elder Merrill's body is here with us. It will be dissolved yet it shall be quickened and rise again to an immortal and eternal life. We will associate now with the prophets and brethren who have gone before, but his joy will not be full until he receives his body again. By living the Celestial law by putting on Christ we prepare ourselves for the Celestial glory. Though our bodies crumble away we will all appear at the bar of God and be judged according to our works. We should examine our lives and be sure we are prepared to meet him on Christ so that we may be His at His coming. We should repent of wrong doing and do the works of righteousness. Jesus said: 'I know that My Redeemer Lives.'"

Elder George Albert Smith said he had visited Brother Merrill two years ago and was much impressed by his personality. On that occasion Brother Merrill had had the care of all of his sons and daughters there was not one but was true to the faith and living up to the commandments of God. Brother Merrill had come to Cache Valley as a pioneer and had been identified with its history for 44 years. He felt like saying "God Bless the memory of Brother Merrill, who had made the world better for his having lived in it."

Elder Hyrum M. Smith said he felt that there should be no remorse at his death, he had served the Lord, he had filled his mission and had gone to his reward. He hoped that his sons and daughters would emulate their father's example, for it was a sad sight to see the sons and daughters of good men seeking to destroy the work that their fathers had labored to build. Thomas sang "Rest Thee, Sad Heart."

Elder Rudger Clawson felt that the world was better for the lives of such men as Elder Merrill. He had been true to his family, true to his people and true to his God, and had laid up for himself a crown of righteousness in the Kingdom of God. The speaker related a circumstance of a visit to the home of Merrill of several years ago. President Merrill had grieved over the death of his son in the prime of life and could not understand why it should be while in the Temple his son had spoken to him and told him to stop grieving, that his death was necessary that he might labor behind the veil, in which labor he was constantly engaged.

President Francis M. Lyman referred to President Merrill's wish to be buried from the new tabernacle; that wish had been gratified. More than 1,800 people are here to pay their last respects to his memory. He has left us but his work goes on. If there ever was an all round useful man, Brother Merrill was that man. He had gone to his reward and will wait in the presence of his God, and his kingdom there shall be no end.

The Richmond choir sang a selection entitled "Somehow," and President Angus M. Cannon pronounced the benediction.

Owing to the oft-expressed wish of President Merrill to be buried from the new tabernacle, it was decided to hold the funeral at that building although the interior was far from being finished. A great deal of work was necessary to put the building in shape for the funeral but the people arose to the occasion and the work was accomplished. Cloth was tacked up at the windows, paper was laid over the temporary floor and temporary pulpits and seats were provided and stoves put up to heat the building. While it was far from comfortable the people bore the inconveniences patiently.

The floral wreaths presented by the family and friends were beautiful and artistic. The coffin was of plain workmanship and made of pine wood. Six of the sons of President Merrill acted as pallbearers, and the remains were tenderly laid to rest in the Richmond cemetery.

## INDIANS ARRESTED ON MURDER CHARGE

One of Them is the Notorious Young Ibapah Who Slew His Own Father.

### HIS COUSIN JOHN INCLUDED.

Accused Apprehended Through Efforts Of Minister Who Suspected Them—Caught In Nevada.

Readers of the "News" will doubtless remember the announcement made some time ago that a man had been murdered just across the Utah line, in Nevada, and that the body had been placed upon a pile of burning timber, where it was fast being consumed when found. It was supposed at the time that the man had been killed by tramps. It has now come to light that two Indians were guilty of the crime. One of them is young Ibapah, who was tried in the district court at Nephis for the murder of his father. The defense made in the case was that the accused killed his sire while defending his mother from the murderous attack of her spouse, and upon this showing made a verdict of not guilty was returned.

### TRACING THE MURDERERS.

Soon after the Nevada crime was committed, Dec. 28 last, Rev. Frederick R. Pruett of Montello, set about trying to trace the murderers. Acting upon a clue that Indians were the guilty parties, Mr. Pruett, after much effort, obtained clues which led to the arrest of Ibapah and his cousin John. The arrests were made by Sheriff J. E. Clark of Elko county, Nevada. Ibapah is a Goshute and John is a Shoshone. Both have confessed to the crime, and their statements follow:

### IBAPAH'S AWFUL CONFESSION.

Ibapah said to Dr. Pruett: "I went to Montello the day before Christmas, from Deep Creek. I and John, my drunk Christmas night, John and I played 'tag' in an eastern saloon two days after Christmas. We left the saloon about 8 o'clock in the evening. We went then to Mr. Lewis' store. We stayed there a while, and then we went over to the coal chutes. We then went down to the tie house and found the man that we killed. John told me the man in the house to get a bottle of whisky for him. "The man said he could not go up to the saloon, he had only one leg. Johnny told me he was going to kill that fellow. I said nothing. He took hold of the man's wrists and holding them with one hand, caught him by the hair on the back of the head and held his head back and told me to cut his throat. John felt in his pocket for money but did not find any. I cut the man's throat with a knife. John then took a knife and cut him down and I put my knife on his breast. I held his coat with my left hand and cut his throat with my right. The man did not fight. John cut off the man's shoes and then he tied the body to burn it. We returned to the Indian camp. We told Joseph what we had done, also Captain Jim. I washed my hands at the camp. I don't feel bad over the killing."

### "JOHN" TELLS HIS STORY.

John's version of the affair is not much different than that of his cousin. He said: "Ibapah told me how he killed his father and what kind of a man he was. He told me that he was a bad man, Ibapah was drunk and I was about half drunk. A hobo bought us the whisky. Ibapah asked me if I was broke. I said I had \$1.25. He said let us go find some hobo and maybe he will get more whisky for us. Then we went down to the coal chute and we found the man we killed. I told him 'hello' and he said 'hello.' Then we went into the house where he was and asked him to get us some whisky. He said he could not go. Then Ibapah started to curse him. John told me to take a knife and cut him so that he (Ibapah) could cut his throat. I caught the man by both wrists and held him. Ibapah cut his throat with a pocket knife."

### POOR HEALTH THE CAUSE.

Ogden Young Man Denies Story of Financial Troubles.

(Special to the "News.")  
Ogden, Feb. 12.—James Schmidt, the young man who, a week ago, shot himself while in the mountains, this morning sent for the "News" representative and stated that he desired to set the public right about his case. The story that he attempted suicide because of financial troubles, he denied, and stated that he became despondent because of ill health. He said that for a long time he has been suffering from stomach trouble, and for two or three months has been a nervous wreck.

### MAY FIX THINGS UP.

J. E. Bowman, the young man arrested on Saturday by the police, on the charge of passing bogus checks, is still in custody at the police station. As yet no charge has been made against him. The young man has communicated with his father at Richmond, and it is believed that the affair can be and will be settled out of court.

Edward H. Chambers, son of County Treasurer Alma D. Chambers, left on Saturday for a mission to England.

On Saturday a marriage license was issued to a Salt Lake couple. The names of the contracting parties were C. D. Campbell, aged 48, and Miss Clara Rubin, aged 38.

### SHOT GUN THEFT.

Assistant County Attorney Job P. Lyon today issued a complaint against Fred Morse, charging him with petit larceny. The complainant is Solomon Young, who charges that Morse stole a shotgun from him of the value of \$5 on Jan. 1, 1905. Morse was arrested recently by the police.

### FUNERAL OF GEORGE GRAHAM.

The funeral of George Graham, who was killed the other day by a Rio Grande switch engine, was held yesterday noon from Evans' undertaking parlors, with interment in the city cemetery. There was a large attendance, and many expressions of sympathy and sorrow on account of the sad ending of the young man's life.

### MEETING DATE CHANGED.

The announcement was officially made this afternoon that the Daughters of the Revolution had necessarily changed the date of their meeting for next Friday, the 15th, to Thursday, the 14th, morning of the 15th of the month. The change is by order of the regent, Mary A. A. Cannon.

## SOUTHERN UTAH FOR NEXT JACKET

Plans Perfected for the "Get Acquainted" Trip Into Utah County.

### WILL BE BIG EXCURSION.

First Stop Will be Made at Lehi and Last at Payson—The Itinerary In Detail.

Plans for the Southern "get acquainted" trip of the Manufacturers and Merchants' association have been mapped out in a general way, and while the date is still to be set it is practically settled upon that the first trip will run as far south as Springville, or possibly Payson. It will pass Provo on the way down, but will call there in the evening on the return trip, to spend several hours.

The outlook is that this excursion will be larger than that to the north. The unqualified success of the northern trip, and the good it has done in making support for home industries, has led to a large number of inquiries about the southern excursion. Murray has promised 50 delegates and a band. Salt Lake it is expected will furnish between 400 and 500, from present indications.

The itinerary as planned at present lists for brief stops at Lehi, then American Fork, Pleasant Grove, Springville, Payson, Spanish Fork, returning to Provo to spend the evening. Excursions of this nature are being worked up generally over the western states, and reports are being made that they are doing a great deal of good in creating a sentiment in favor of a self supporting west.

### BREAKFAST FOOD PLANT.

At the Manufacturers and Merchants' headquarters it was learned today that a letter had been received from Chel-sey, Mich., in answer to an advertisement of the M. and M. A. in an eastern paper, stating that the writer wished to establish a breakfast food plant somewhere in the west, and asking for data as to the field for one in Salt Lake. The letter was given attention by the board of directors.

### WILL MEET TOMORROW.

Tomorrow evening the board of directors will meet with the Butchers and Grocers' association, inviting them to be present at the state fair and to the business at Battle Creek, the home of breakfast foods, and has a complete plant of new machinery ready to ship, for the making of "flake food" from cereals. The matter will be given attention by the board of directors.

### LABELS HAVE ARRIVED.

Labels for Utah goods, bearing the endorsement of the Manufacturers and Merchants' association, have arrived and will be ready for distribution at once. The labels are in blue and white, about the size of a postage stamp, and in addition to the "buy all the time" design, contain the words, "We recommend all goods bearing this label." The labels are in blue and white, about the size of a postage stamp, and in addition to the "buy all the time" design, contain the words, "We recommend all goods bearing this label."

The West Temple headquarters is now fitted up with tables, and exhibit stands, so that the display of Utah goods may be put in the near future.

### AMUSEMENTS.

At the Theater the far-famed spectacular scenic production, entitled "The Sleeping Beauty and the Beast" will be seen for the first time tonight.

At the Grand the new bill now running is entitled "My Wife's Family."

The sale of seats for the Modjeska farewell will open at the Theater box office tomorrow. The repertoire is as follows: Thursday and Saturday evenings, "Macbeth"; Friday evening and Saturday matinee, "Mary Stuart."

The merit of W. B. Watson's burlesques at the Lyric came very near proving disastrous to them Saturday evening. There was trouble, and it waxed strong, till Mr. Watson himself, and a chorus of ladies were fairly driven off the stage, amid a deafening roar of laughter, while the house and the curtain dropped and Mr. Watson protested, declaring if he heard any more of it he would pack up and leave town that very night. That brought an end to the matter, as the crowd liked the show, and was storming for an encore on a previous song, which the company refused to give, sending on the next turn instead.

The burlesque company is not one of conservative lines. It is the most obscene, in places, the most meretricious in other places, and the most mediocre in still other places, of any bill yet produced.

There is no doubt as to what it is best. It is the Yamamoto act, by two Japanese on a slack and afterwards a tight wire, and finally on a balancing pole. One has but to see it to declare that Salt Lake has never before seen its equal in any line of wire and balancing work. In the company there are others of merit, but Mr. Watson himself is a grievous offender. Four out of five of his jokes, and he leads the fun makers, are off color, suggestive, or positively obscene. In the opening farce, "Miss Clover," he holds himself somewhat in check, and has enough merit to make the thing a success, but when the "Rashful Venus" comes in, he descends not only to horseplay that is vulgar, but to lines that are simply coated in smut. The local manager of the show, but to see it to declare that Salt Lake has never before seen its equal in any line of wire and balancing work. In the company there are others of merit, but Mr. Watson himself is a grievous offender. 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