

## SUPREME COURT OPINION TODAY

Reversal Order in Case of Estate of Thomas Miller.

AND NEW TRIAL IS GRANTED.

Children by First Wife Were "Cut Off" and They Promptly Contested the Will.

The supreme court today handed down an opinion reversing the decision of the lower court in the matter of the estate of Thomas Miller, deceased, Margaret Miller et al., appellants, vs. Elizabeth Livingston, administratrix of the estate of Thomas Miller, and granting a new trial. The case involves a contest of the will of Thomas Miller which was filed in the district court for this county by Margaret Miller and four brothers and sisters who asked that the will of their father be revoked and declared null and void for the reason that it was executed by him while acting under the undue influence of his second wife. The will bequeathed all of the testator's estate, valued at about \$20,000, to his second wife, and out of the children by the first wife only \$1 each. The lower court upheld the will and an appeal was taken by the children by the first wife.

### RECORD OF CASE.

According to the record in the case, Miller's first wife died in New York in 1885, and during the same year he married his second wife, with whom he is claimed to have been in love years ago in Scotland, and who had secured a divorce from her first husband. After their marriage they came to Utah and left the children in New York. Miller's will was executed in 1890 and he died in September, 1901. His second wife died in March, 1904, but Miller's will was not admitted to probate until May 12, 1904, when letters testamentary were issued to Elizabeth Livingston, the sister and only heir of the second Mrs. Miller. The evidence at the contest showed that Mrs. Miller had dictated the will and fixed its terms to suit herself and that she compelled her husband to sign it. The will was drawn up by B. H. Schettler at the request of Mrs. Miller, who came alone and dictated it. Miller afterwards went to the office of Mr. Schettler and signed the will at the same time saying that he did not want to cut off his children but supposed he would have to sign it to keep peace with his wife.

### EVIDENCE OFFERED.

Evidence was offered by the contestants showing the feeling of Mrs. Miller towards the children of her husband and also showing what great influence she had over him. This evidence was excluded by the lower court and the supreme court now holds that the court erred in excluding it. Because of those errors the supreme court reverses the decision of the lower court and grants a new trial. Justice Straup wrote the opinion of the court, which is concurred in by Justice Frick. Chief Justice McCarty wrote an opinion in the case in which he dissents in part from the majority opinion.

### HAD MANY NAMES.

Peculiar State of Affairs Brought to Attention of Court. According to a complaint filed in the district court today Peter Jensen married a woman of many names when he was supposedly united in marriage to Emma Johnson in Summit county on Aug. 25, 1906. It is alleged that the woman was also known as Emma Jensen, Emma Pierson, Emma Olson and

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Emma Brown. At any rate Jensen alleges that at the time he married her she had a husband living and undivorced and hence was not eligible to enter upon another contract of marriage with him. He did not discover that Mrs. Jensen, Johnson, Pierson, Olson or Brown, as the case might be, was an undivorced woman until some time after the ceremony. He now repudiates her and asks that their marriage be declared null and void and also that she be restrained from asserting any rights by reason of said marriage and particularly from using his name.

### DINWOODEY ESTATE.

The estate of Henry Dinwoodey, deceased, was today closed by Judge Armstrong, who signed a final decree of distribution. The estate is valued at about \$20,000 and the court made an order today allowing an attorney's fee in the case of \$7,500.

### WILFRED E. SCHOPPE HERE.

After an absence of Five Years at Mines of Peru.

After an absence of five years from Salt Lake, Wilfred E. Schoppe, who left here in 1901 to go to the Cerro de Pasco mines in Peru, is again in the city.

Since going away, Mr. Schoppe has spent three years in Peru and two years in London and on the continent. He comes to Salt Lake in response to a cable message telling him his mother was not well, and his stay here will be indefinite, pending her recovery.

Mr. Schoppe is a young man, and was formerly a member of the Jas. A. Garfield Lyceum, in which he won debating and oratorical honors eight and nine years ago. In 1901 he became associated with A. W. McCune in the Cerro de Pasco region, and went to Peru. The altitude of the mines is over 15,000 feet, which makes it difficult to live after being attacked with sickness. Mr. Schoppe says it should be stated to the credit of Mr. McCune that whenever his employees were caught with pneumonia one night, he was hurried onto a special train and rushed to a lower altitude, where it is possible to breathe with less difficulty. Pneumonia patients, he says, who are forced to remain on the mountain, never recover, as the lungs become stepped up in the early stages of the disease.

Mr. Schoppe is still interested in Peru, and says that he intends to return as soon as he can get away from home again. He is now stopping with his mother, at 65 east Fifth South street. Last night a number of the boys who have been to the Peru mines foregathered to welcome Mr. Schoppe back with an informal banquet at the Wilson hotel. Among those present were Ray C. Naylor, John Q. Critchlow, Gus Johnson, and a number of others.

## SETTING OF CASES.

Those to be Heard in Federal Court Beginning Jan. 15.

On Monday, Dec. 24, a new setting of jury cases will be made in the federal court, trials to begin on Tuesday, Jan. 15, 1907.

The following cases are subject to a setting:

Alex Gillis vs. Daly Judge Mining company, Thomas Werry vs. Daly Judge Mining company, William Nelson vs. Bingham C. & G. M. company, Neils S. Nelson vs. U. S. Smelting company, W. L. Turner vs. U. S. Smelting company, Neils S. Nelson vs. Bingham Con. & G. M. company, W. D. Williams vs. U. S. Smelting company, Ira Beckstead vs. U. S. Smelting company, Joseph Churness vs. Utah Cons. Mining company, Arvid Johnson vs. Minn. S. & M. company, Forest Gibson vs. Bingham Con. & G. M. company, Alex. Asphalt Paving company vs. Salt Lake City, J. M. Anderson vs. Southern Pacific company, Ella M. Sheets vs. Pratt, Acott, Ins. company, Enos A. Wall et al. vs. Telluride Power & T. company.

## FUR SALE

Manufacturer's consignment of Russian Fox fur, collars, scarfs and muffs, 50 per cent off, all handsome pieces.

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## FELL IN A FIT.

Unfortunate Man Stricken While on Way to Work.

Charles Tuckin, a clerk in the employ of the Lion drug store, while walking to work this morning fell in a fit on Fourth South near Fifth East. While he was writhing on the icy sidewalk the Fourth South street car bound uptown came howling along loaded to the fender with passengers. The car was stopped and a number of gentlemen rushed to the aid of the stricken man. As it was impossible to place him on the car, the policeman commenced to ring his gong. Tuckin was picked up in short order and carried to the porch of an adjacent residence. Somebody pushed the electric bell button and then all hands stamped back to the car and the car faded into the distance. The inference is that the resident summoned to the front door received someone of a shock when the nature of the surprise became manifest. Undoubtedly no time was lost in telephoning for a physician, and the doctor, with the patrol wagon reached the scene neither the house nor the man in a fit could be located. All information regarding the sequel was refused on inquiry at the drug store.

## HANDKERCHIEF SALE

\$1.00 Initial Silk Handkerchiefs... \$50  
75c Initial Silk Handkerchiefs... \$40  
Gents' Handkerchiefs of all kinds delayed shipment, great values.

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## GIRLS IN THE LEAD.

Report of City Board of Health for Week Ending Dec. 22.

Thirty-nine births were reported during the week; 18 males and 21 females; 25 deaths were reported during the week; 12 males and 13 females; 7 were shipped here for burial. All information regarding the sequel was refused on inquiry at the drug store.

## COAT SALE

\$11.75 Ladies' coats for... \$7.50  
\$12.50 Ladies' coats for... \$8.75  
\$15.00 Ladies' coats for... \$11.75  
\$20.00 Ladies' coats for... \$12.50  
A delayed shipment just received. Immense values.

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Even if you do give an elaborate gift to a lady, it is far more to accompany it with a box of candy, and the finer the candy the more acceptable the gift.

Select the candy, the quality of which carries sentiments of the highest character



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**SWEET CANDY CO.,**  
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## LATE LOCALS.

**Bonds Fixed.**—The district court today fixed the bond of the county commissioners at \$5,000 each. The law requires that the bond of the commissioners shall be fixed by the court.

**Snow Expected.**—The low barometric area which was threatening to drop down into these latitudes, has, since yesterday, extended south so as to cover everything west of the one hundred and fifth meridian, and so unsettled weather, with possibly snow, is threatened for tomorrow.

**Vags Rounded Up.**—A raid was made upon the Eagle Gate saloon on First South and Commercial streets by Police Officers Burton and Olson, about 2:40 this morning. As a result 40 vagrants and drunks are now languishing in the city jail awaiting trial. Only one had money on his person when searched at the station. The remainder was released on \$20 bail while the vags were detained and sent before Judge Diehl.

**Stage Hands "Afflicted."**—Through the courtesy of Manager Phil S. O'Mara of the Auditorium, the employees of the Orpheum and friends will adjourn to the big floor after the evening performance and don their skates and skate the old year out and the New Year in. Admittance will be by invitation only for the occasion. Cards entitling those wishing to participate in the carnival will be issued at the Orpheum box office commencing tomorrow.

**New Auto Garage.**—Ground will be broken on Jan. 1 for another automobile garage for Salt Lake. The building will be erected on a strip of land just south of the Social hall on State street. A. F. Savage and A. E. White, the latter of Murray, have leased a plot of ground with a frontage of 40 feet and a depth of 150 feet at this location. Their intention is to erect one of the most complete automobile depots in the west, equipped to handle every department of the automobile business. Mr. Savage is a son of C. R. Savage of this city.

**Real Estate Deals.**—The following realty transfers were recorded yesterday afternoon: Mary O'Donohue to H. A. Leach, 48½x116 feet, north of the Collegiate Institute on Second East street, \$12,000; Robert Howard to E. F. Scoville, 48½x89 feet, 879 east Third South street, \$5,000; H. A. Nordhall to Rose G. Etten, 3x10 rods, on Thirteenth East street, between Third and Fourth South streets. The Deere-Lichtenstein and Macey-Goodman sales already mentioned, were filed for record also yesterday afternoon.

Capt. Shoup Hero—Capt. Walter

Shoup, son of the late Idaho senator, and during the Spanish war, captain of D troop, Second United States volunteer cavalry, is in the city, and stopping at University club of which he is a member. The captain left a lucrative law practice here to remove to Salmon City, Idaho, to take charge of his father's business interests there. His many friends are glad to see him back again, though but for a short time, and the captain's right hand is quite lame in consequence from the hand shaking.

**The Reason Why.**—The uninitiated have wondered why the mornings at this end of the season, do not shorten at the same time as the evenings, after Dec. 21. The local weather office calls attention to the fact that the reverse happens immediately after the summer solstice which occurs June 21, when the morning began to shorten immediately, while the evenings remain unchanged for a couple of weeks, and explains that the phenomenon is due to the declination of the earth's axis with reference to the plane of the ecliptic. This position at the time of the winter solstice is the reverse of that held at the time of the summer solstice.

**Annual Salt Harvest.**—The Inland Crystal Salt company will complete its annual harvest next week, when the harvest will amount to 40,000 tons, about the same as last year. The substitution of the cyanide and concentrating processes for chlorination has greatly reduced the demand for salt from the reduction companies, and hence there is less salt sold.

## HOME STUDY.

Grand Jury Would Stop it and Lengthen School Hours.

New York, Dec. 22.—The December grand jury of Kings county, after the examination of several members of the board of education and the principals of the Brooklyn high schools, handed in a presentment to County Judge Aspinwall yesterday condemning certain school methods. The presentment demands that home study by the pupils cease, and that instead the daily hours at school be increased by one hour each day and the curriculum be changed so that a large part of this additional hour be devoted to supervised study. The grand jury finds that the curriculum for 15-year-old pupils is much harder than it was a few years ago, and that students are being forced far beyond their capacity to assimilate knowledge. Such a system, it declares, can result only in weakened memories and physical disability.

## PROHIBITION VOTES.

Not Enough in Concord, N. H., to Get On the Regular Ticket.

Concord, N. H., Dec. 22.—Eight votes are lacking to place the prohibition party upon the regular ballot at the next state election as a result of the conclusion of the inspection of ballots in the recent gubernatorial contest. Rev. Edmond Telle, the prohibition candidate, gained 171 votes as a result of the inspection but this was not quite enough to give the party the necessary 5 per cent of the vote cast.

## TO TIE-UP OF CHRISTMAS FREIGHT IN N. Y. YARDS.

New York, Dec. 22.—Whether there will be a tie up of Christmas freight in the yards of eight of the big railroads having terminals in New York and Jersey City was dependent on the outcome of a conference which was held today at the office of the Central Railroad of New Jersey in this city. The eight roads concerned were the Pennsylvania, Erie, Lehigh Valley, Central of New Jersey, Long Island, Baltimore and Ohio, Lackawanna and Staten Island Rapid Transit. The yard men employed on those roads gave the managers until today to decide whether to grant them an increase of five cents an hour in wages. Most of the roads had agreed to an in-

crease of four cents an hour. Although the railroad officials admitted today the situation seemed acute, there was no talk of yielding on either side before the conference, although P. H. Morrissey, grand master of the Railroad trainmen had said there was no reason to suppose that the men would strike.

## DIVORCES GRANTED.

Judge Armstrong has granted John W. Geiger a divorce from Edith T. Geiger on the ground of desertion. The parties were married in Park City and have one child. The decree provides that the child shall be sent to a private boarding school and that the father shall pay \$30 per month for its expenses. During vacations it may spend the time with the father and mother alternately.

Edna Shafer was granted a divorce from Claude E. Shafer on the ground of non-support. Plaintiff's maiden name, Edna Hays, is restored to her by the decree.

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## TODAY'S MONEY MARKET.

New York, Dec. 22.—Money on call, nominal, no loans. Time loans, steady; 60 days, 8@9 per cent; 90 days, 8@8½ per cent; six months, 6½@7 per cent.

## DIED.

**TARGHETTI.**—In Salt Lake City, Dec. 20, 1906, Felice G. Targhetti, aged 25 years. Funeral cortege will leave O'Donnell & Co.'s funeral chapel at 1:30 p. m., Sunday, Dec. 23, for St. Mary's cathedral, where services will be held at 2 p. m. Interment Calvary cemetery. Friends invited.

**WADE.**—In this city, Dec. 20, 1906, of typhoid fever, Hazel B. daughter of Alexander B. and Martha Hollington Wade, aged 12 years, 5 months and 5 days. Funeral services, Saturday, at 2 p. m. from the funeral chapel of John Wm. Taylor, 21 south West Temple street. Friends are invited to attend.

**LUNDSTROM.**—In this city, Dec. 21, William M. Lundstrom, in his 5th year, son of Mr. and Mrs. A. W. Lundstrom. Funeral services will be held from 2 p. m. from the funeral chapel of John Wm. Taylor, 21 south West Temple street, Monday, Dec. 24, at 2 p. m. Interment city cemetery.

**BAILEY.**—In this city, on Dec. 15, Mary Ann Wardell Bailey, of strangled hernia, in the 50th year of her age. Funeral Sunday at 10 a. m. from the funeral chapel of Joseph E. Taylor, 23 east First South street. Friends invited.

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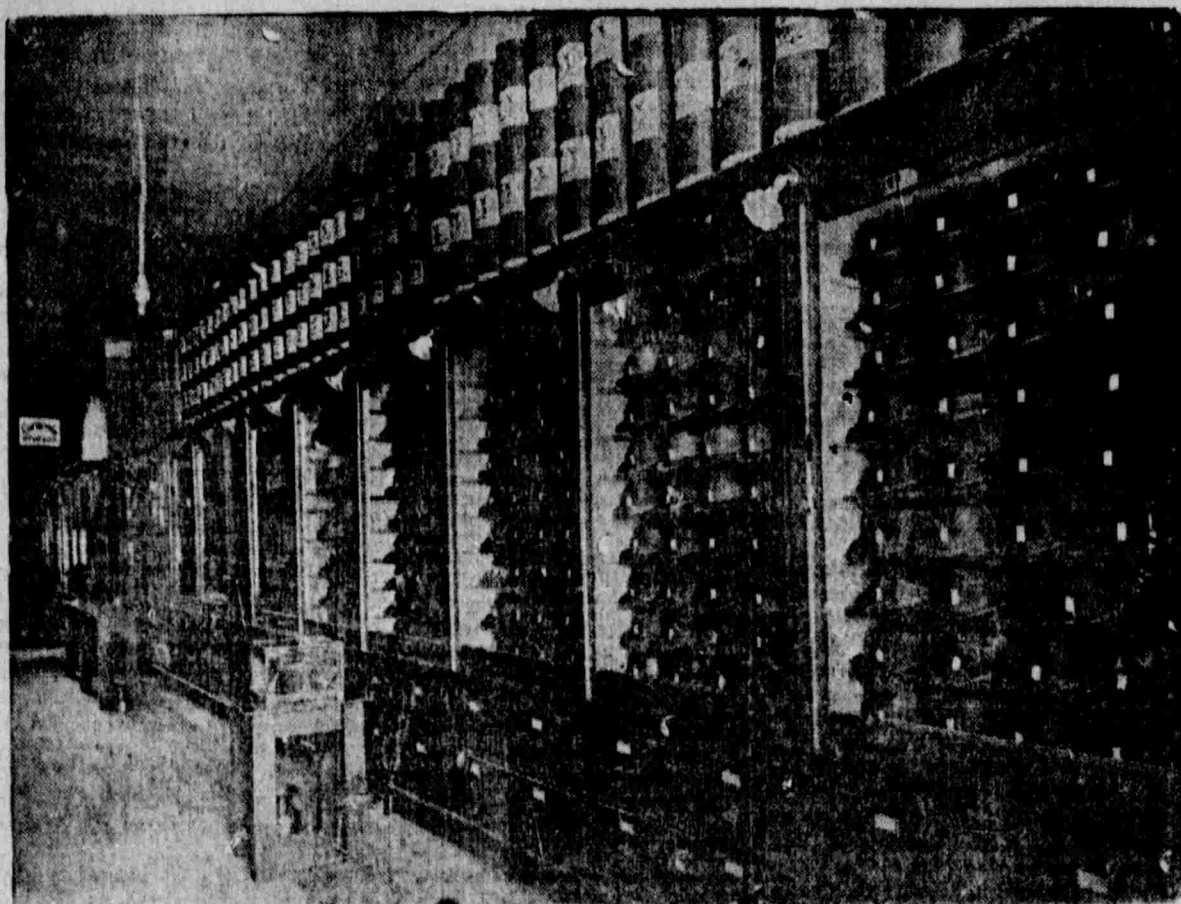
## SUGGESTIONS of SMART THINGS

Silk Hosiery,  
Imported Novelties,  
Lace Head Scarfs,  
Chiffon Drapes,  
Handsome Belts  
and Buckles,  
Exquisite Neckwear.

Ostrich Feathers, Boas  
and Muffs,  
Fur Scarfs and Muffs,  
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Opera Coats and  
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CORRECT DRESS FOR WOMEN.  
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The selections by the time this store closes tonight will not be as good as they are this morning, and Monday is a mighty good day to have to yourself to think over those you've forgotten.



It will interest you to know that in our Furnishing Goods Department, a cut of which is shown here, you will find everything that men wear. Needless to say that you will find anything that they wish for Christmas. Neckwear, Hosiery, Handkerchiefs, Fancy Vests, Shirt Buttons, Cuff Buttons, various Goods in Leather.

The Hat Department, even at this late day, is filled with the shapes which made Knox, Stetson and RICHARDSON & ADAMS famous.

Way down at the lower end you will find the greatest collection of Bathrobes you or any man you know ever saw.

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Even if it is a Suit of Clothes you had better buy it here. For the clothes we sell are Hart Shaffner & Marx. The best clothes made which are ready to put on.

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