DESERET EVENING NEWS MONDAY FEBRUARY 18 1907



# Taken Under Advisement. District Judge Howell now has under advisement the application of Atty, Ma-ginnis for a writ of habeas corpus in the case of the state against Roy Schwartzfager, who was found over to the district court recently from Morgan county on the charge of murder in the second degree. The hearing on the ap-plication for a writ was called by Judge Howell Saturday afternoon. The appli-cant argued that the writ should be granted on the grounds that the justice of the peace of Morgan county, before whom Schwartzfoger had preliminary hearing had no jurisdiction in the case because defendant is but 17 years of age, therefore the attorney argued the only legal act the justice could have taken would have been to remand him to the district judge, who should hear the case sitting as a juvenile court judge, and therefore the sheriff of Mor-gan county has no right to hold Swartzfager or his bondsmen for his appearance, and that if he should fall to appear for trial the \$5,000 bond could not be collected.

nor Stunenberg. "Whereas, These three men were "Whereas, These three disproves it-alleged crime, the charge disproves it-self, and the accurses should be dealt with according to the laws they have violated; and, "Whereas, Labor's experience in the states of Idaho and Colorado has de-veloped the fact that courts and public officials are the servants of the mine owners, and are ever ready to trample on the constitution and to dishonor the flag, at their master's bidding; there-fore the supreme court of the United States was called upon for its decision. And the supreme court of the United States was called upon for its decision. And the supreme court of the United States in the dawn of the twentieth century has virtually declared that 'po-session is nine points of the law' in the following extracts from its decision: "A circuit court of the United States, when asked upon a habeas corpus to discharge a person held in actual cus-tody by a state for trial in one of its courts under an indiciment charging a crime against its laws cannot properly be collected. Dist. Atty. Halverson represented the state in the arguments and expressed a hope that the court would grant the writ so that an appeal could be taken to the supreme court for a decision. The matter was taken under advisement.

to the supreme court for a decision. The matter was taken under advisement. Function against its laws cannot properly take into account the methods whereby the state through their officers are the offenders. No individual or individuals could have accomplished was fully occupied yesterday afternoon, at the funeral services over the remains of Simeon LeRoy Farley, who died two arrests of prominent citizens by invaling their nomes: could have made the resources of jails, armed guards and special trains; could have to prevent inquiry and judicial interfer-

dent C. F. Middleton, Bishop James Taylor and Elder George Barker eulo-sized the excellent traits of character possessed by the deceased, and dwelt upon the sadness of his being called from mortality when just budding into manhood. Many beautiful floral tri-butes were laid on his bier. Interment took place in the city cemetery, Bish-op's Counselor John L. Wilson dedicat-ing the grave.

# DEATH FOLLOWS OPERATION.

DEATH FOLLOWS OPERATION. At the Ogden general hospital, Miss Mary Cecil McCardle, the 21-year-old daughter of Mr, and Mrs. H. P. Mc-Cardle died Saturday as the result of an operation for appendicitis performed Thursday. She was a trained nurse at the hospital when taken sick with the affliction, and every attention was given her, but the case was too far gone for her to recover from the operation. She was born at Brookfield, Mo., Sept. 9, 1886, but has lived in Ogden with her parents since she was a little girl, and was educated in this city, being a graduate of the Sacred Heart academy. REDUCTION IN INSURANCE REDUCTION IN INSURANCE RATES.

RATES. Insurance agents and the public in general are rejoicing over the an-nouncement from the offlee of Karl A. Schied, district insurance manager, of a reduction of 25 per cent in the insur-ance rates, which have been in effect in Ogden since the fire of last sum-mer, which destroyed \$250,000 worth of business blocks. Since that time there has been a war between the local agents and the board of fire underwriters of the Pacific coast, over the matter, which seems to have terminated in favor of the former. The reduction will affect all policies written since Jan. 1, upon which a rebate will be granted. It is expected that on ac-count of the increased fire protection in this city a still greater reduction will be forthcoming within a short time. ATTRACTIONS AT THE GRAND.

# ATTRACTIONS AT THE GRAND.

This week the Grand Opera House has many good things in store for the public. Tonight the Olga Nethersole company will present "Sapho;" tomor-row night, "The Second Mrs. Tan-

# King of All Cough Medicines



Mr. E. G. Case, a mail carrier of Canton Center, Conn., who has been in the U.S. service for about sixteen years, says: "We have tried many cough medicines for croup, but

# Chamber ain's Cough Remedy

is king of all and one to be relied upon every time. We alalso find it is the best remedy for coughs and colds, giving certain results and leaving no bad after effects. We are never without it in the house

### **^^^^^**^^^^^^^^^^^^^^^^^^^ theaters and dancing. An adjourned meeting of citizens is called for next Monday at 3 p. m. to further consider the proposition. son went over to Heber Wednesday, and concluded they would take each other for better or worse, will present "Mr. Bob," in the opera house. The Lehi home dramatic will present aptain Rackett," under the manage-nt of Mr. M. W. Ingalis, in the near Annual M. I. A. conference of the Alpine stake will be held in the new tabernacle in Lehl next Sunday, Feb. PAYSON.

FILLMORE. DEATH OF LEFFELL CROFT.

District Court Session-Civil and Crim-Work on the pumps at the head of Jordan is being pushed. Two cars of lumber and other repair material have inal Cases Heard.

Special Correspondence, Fillmore, Millard Co., Feb. 15.-Judge Greenwood has been holding court here for the past ten days, during which time George Peterson of Scipto was con-victed of a statutory offense. The de-fendant gave notice of appeal, which will be heard at the next term. The case of the state against Axel M. Thompson of Oasis, charged with a criminal offense, has been in progress of trial for the past week. The jury was given the case this morning and affer being out all day, were unable to agree, and the court discharged them from the case, and the case was set for retrial for next term of court. The case of W. L. Fuller against the San Pedro, Los Angeles and Salt Lake Raliroad company, is now on trial. The plaintiff is suing for \$50,000 as alleged damages against the company for the death of this two oblights reserved. Special Correspondence. Special Correspondence. Payson, Utah Co., Feb. 15.—Mr., and and Mrs. George A. Peery were called to mourn the loss of their 3-year-old daughter Irma, last evening from pneumonia. The postoffice department is ar-ranging to establish a rural delivery mail route for ranchers and farmers living west of town and Spring Lake villa. More than 50 families have al-ready made application, and it is ex-

# PRESTON. IDAHO.

HIGH WATERS IN BEAR RIVER

Commercial Club Officers Want Change In County Boundary. pecial Correspondence

Preston, Oneida Co., Idaho, Feb. 15,--lenuine spring weather prevails; the now is all gone in the valley and the low hills are fast becoming sun-browned. The Bear river is higher now than at any time in the last twenty ears at this time of the year.

COMMERCIAL CLUB OFFICERS At a meeting of the Preston Com-mercial club, held in the club rooms take work, the following officers were elect-ed for the ensuing year: President, W. P. Monson; vice president, Wil-ford Chatterton; secretary, A. C. Smith; treasurer, Jacob N. Larson; executive committee, Hugh S. Geddes, Clinton Meeham and F. W. R. Nelson. Al-ready this organization has proved a

ready this organization has proved a potent factor in the development of this thriving municipality. The Cache Valley News has under-

me Cache Vaney News has under gone another change, Mr. Walter Roe becoming the editor, and J. David Lar-son acting as business manager. Messrs, Clinton Mecham, T. W. R. Nelson and W. P. Monson are at Bolse

this week lobbying in the interest of a new boundary line for Onelda county. The plan on foot is to annex American Falls, Arbon and Rockland to Bannock

county, and absorb in Oneida county the towns of Oxford, Swan Lake and Treasureton, now lying wholly in Ban-

ACADEMY NOTES.

The academy gave a swell dancing social Friday night. A debating society was organized Thursday at a meeting of the student body.

body. A very amusing Valentine dancing

A very amusing Valentine dancing party was given in the opera house Thursday night. Monday night, Mr. John McQueen, manager of the skating rink, donated the proceeds of the evening's enter-tainment to Mr. Frank Manning's, eve-ry member of whose large family is ill or has been ill of typhold fever. Mr. and Mrs. Manning have had a hard slebe, and the sympathy of the entire community goes out to them.

BLACKFOOT, IDAHO.

MURDER AND SUICIDE.

Mrs. Maude Leslie is Slain by Roy Merrill, Who Kills Himself.

Blackfoot, Bingham Co., Ida., Feb. 17.—One of the most sensational trag-cdies in this county's history occurred last night, when Roy Merrill shot and killed Mrs. Maude Leslie and then kill-

killed Mrs. Maude Leslie and then kill-cd himself. The shooting occurred four miles northeast of this city, at the ranch of Jacob W. Keeney, father of the young woman, who was a widow, 32 years of age, Roy Merrill is a son of Jacob Merrill, and was employed by Keeney as ranch foreman. The shocking affair is shrouded in mystery, there being no known mo-tive for the crime, unless it was unre-quited love. For some time past, it is said, Merrill has been paying atten-tions to the young widow, but his suit has been many times refused. His offer, of marriage have been spurned and h was in a rase. He called upon Mrs. A the, and it is presumed that he agal wasked her to marry him, and that beit befused he shot her through the hear. He then turned his revolv-er upon uself, shooting himself through h white soft termel,

whit temple, which the ranch house and were awakened shots. They rush-cause and discov-oman both dead.

J. W. Keeney, is o, and was one the county. If of south-

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when it included castern Idabo. He proprietor of the Pa catello and is well k

respected all over the

All printing specially attended to at the Deseret News Office. Estimates promptly furnished. Rush orders a specialty.

lock county.

# PROVO DEPARTMENT

The "News" is delivery by carrier every night (Sunday excepted) at 76 cents per month. All payments and complaints should be made to R. J. Dugdale, agent for Dally, Saturday and Semi-Weekly News. Orders taken for Church Works. Reeidence, 372 Fourth North St. 'Phone Ind. %-M.

### EDUCATIONAL INTERESTS.

### At B. Y. U .--- Utah County Teachers' Institute-Jury List-News Notes.

Special Correspondence.

Provo, Feb. 18.-W. L. Wanlass and Miss Beatrice Melloor, both of the commercial school of the Brigham Young university, have been elected to represent George and Martha Wash-lighton at the White and Blue ball to be given on the evening of Feb. 22. Some liven on the evening of Feb. 22. Some liven on the evening of Feb. 22. Some liven on the enthusiasm attending the election may be formed from the fact that votes were charged for at the rate of one out, next, and and the rate each, and the election

of one cent each, and the election brought in \$98.47. Elder Heber J. Grant having sent a little book entitled "Great Truths," by Jorian, to Prof. N. L. Nelson of the Brigham Young university, the latter tead some of the essays contained in the book before the university Sunday school. Such a desire, was created for the book before the university Sunday school. Such a desire was created for the book that over 100 subscriptions were taken and an order for the book was sent to the London publishers: They have written that the entire edi-tion has been hought by the Latter-day Saints' office in Liverpool and the books will be ordered from that office. The advance class in houttouture is tooss will be ordered from that office. The advance class in horticulture is how taking practical lessons in pruning, and is also considering landscape gar-dening. The members are competing for a prize of \$10, offered by a Provo clizen, for the best design for his grounds.

clized, for the best design for his rounds. The preparatory school devoted the belogical hour, last Friday, to mem-orial exercises in honor of the late President A, O. Smoot, whose birthday antiversary was yesterday. President Smoot was one of the original trustees of the Erigham Young academy, and the chief supporters in the days of its financial adversity.

U. C. T. A. INSTITUTE.

U. C. T. A. INSTITUTE. The following were the speakers and a subjects treated at the Utah County exchers' Institute held here Saturday: mf. Fairbanks, art: Prof. Weizel, mu-is, Prof. Hartrauft, librariest. In-factions in school topics were given by County Superintendent Eggertsen, M a class drill was conducted by Placipal J. B. Walton. RECKLESS DRIVING.

RECKLESS DRIVING.

Three young ladies, Miss Fern Monk,



Miss Ruth Jones and Miss Ruth Matley narrowly escaped from a serious acci-dent, while riding in a buggy south of the city Friday evening. Some Spring-ville Young men, who were driving in the same direction, in passing ran into the buggy occupied by the girls and broke one of its hind wheels. This threw the girls to the ground under the horses driven by the boys; but fortu-nately the victims of the accident es-caped with some painful bruises and a severe fright. The boys continued on nately the victims of the accident es-caped with some painful bruises and a severe.fright. The boys continued on their way without stopping to render assistance. They will be brought to Provo to answer the charge of reckless driving. Their names are given as Bert Wharthen and James Rockwell.

ERNEST OSTERLOH'S FUNERAL.

Funeral services over the remains of Ernest Osterloh, held Saturday in the Fourth ward meetinghouse, were well attended by relatives and friends. The following were the speakers: El-der Andrew Watson, Judge A. A. Noon, Elder E. H. Smart and Bishop A. L. Booth.

DOXFORD-NIELSON WEDDING.

A marriage license has been issued to Leon Nielson of Elsinore, and Zella Doxford, of Monroe, the couple were married by Deputy County Clerk Kartchner Kartchner.

JURORS FOR FEBRUARY COURT.

The following jurors for the Fourth The following jurors for the Fourth district court, venire returnable Feb. 20, have been drawn; Joshua Graves, Lake Shore; James O. Bullock, Joseph D. Wadley, Pleasant Grove; Albert Roundy, Mapleton; Albert Adams, Al-pine; Samuel Roland, Springville; R. C. Watkins, Provo; Thomas Russon, Labd Lehi

The case of Joseph E. Jensen vs Utah Association of Credit Men is be-ing heard in the Fourth district court. Plaintiff is suing for \$153.53 alleged to lue him for services as manager of American Fork Farmers' Union, due him for the assigned.

The case of George R. vs William A Hudson has been continued till April

Abstract of judgment from Justice Abstract of Judgment From Justice Hunter's court of American Fork in the case of E. H. Boley vs Mrs. E. Mc-Donald has been filed in the Fourth district court. Judgment is given in favor of plaintiff for \$237.80, princi-pal, and \$18.50 costs.

GARDEN CITY NOTES.

William M. Roylance of this city has purchased the business of the Martin-Hillam company, on west Second South street, Salt Lake City, which he will operate in order to better take care of his Salt Lake trade in the fruit and produce business. Mr. Roylance will still conduct his big fruit and produce business in this city. Jesse Knight & Sons mining business

in a secondary as the second of a

row night, "The Second Mrs. Tan-queray;" Thursday night, Creston Clarke comes in "The Ragged Mes-senger." The Elks' minstrels will hold the boards Friday and Saturday even-

is assuming such large proportions that the firm is doubling its office room in the Knight block by adding two rooms to its suite of office rooms. P. C. Peterson of the university facul-ty has grown such on university facul-

The first carload of material for the manufacture of carriages and buggies has been received by the Ahlander Car-riage factory.

The speakers at the tabernacle yes-The speakers at the tabernacle yes-terday were Elders Alfred Osmond and John E. Booth. John D. Jones has returned from a trip to San Bernardino, where he went to visit relatives

trip to San Bernardino, where he went to visit relatives. Sixty thousand envelopes are now be-ing printed in this city with advertise-ment for the United Commercial Trav-elers' outing here on June 21 and 22. Interesting memorial services were given last night in the Methodist church, by the W. C. T. U., in commem-oration of Miss Frances Willard, the day being her birthday anniversary.



HOLMES CREEK IRRIGATION CO. Elects Directors-Socials-Proposition To Erect Amusement Hall.

Special Correspondence. Layton, Davis Co., Feb. 14.—The following directors for the Holmes Creek Irrigation company were se-lected at the blennial meeting of the stockholders on the 11th inst: Ellas Adams, E. T. Morgan, C. T. Bennett, John A. Wabster and E. M. White-sides; Frank Hyde was elected secre-tary and treasurer. Special Correspondence.

sides; Frank right was elected secre-tary and treasurer. The directors and sharcholders will meet next Saturday at 10 o'clock at the company's reservoir to consider the question of putting a core in the dirt dam.

The Ladies' Independent club gave

The Ladies' Independent club gave a character ball last night in the Union hall, Mr. W. J. Cowley and Miss Lou Sandall took the prizes. The people of West Layton ward will give a valentine social in their meetinghouse tonight. Traffic on the S. L. & O. between Kaysville and Layton was resumed today. The rains and thaw had im-paired the track to the extent of mak-ing it unsafe.

There is a move on foot to build a hall in Layton that can be used for

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\* PERFECT FOOD 1 That's Grape=Nuts And Trial Ten Days Proves. "THERE'S A REASON."

Read "The Road to Wellville," in

\*

made applie cation, and it is expected arrangements will soon be completed to give the rural people this service.

WANT RURAL DELIVERY.

Death of Little Child-Home From the

Navy.

Special Correspondence

The farmers are already preparing

The farmers are already preparing to put in grain and if this good weather continues for two weeks most of the spring grain will be in. The goal question refuses to down, one car in three weeks is the record for Payson and vicinity. People are chopping down their old orchard trees to get fuel. Frank Barnett who has been serv-ing Uncle Sam in the name for the

ing Uncle Sam in the navy for the past four years, has just returned home, with an honorable discharage. He was engaged entirely on the Pa cific coast.

### BRIGHAM CITY.

YOUTHFUL BUGRLARS CAUGHT.

### Held to District Court for Breaking Into Freight Cars.

Special Correspondence.

Brigham City, Feb. 16.-Three boys F. E. Fox, J. L. Wilson and J. L. Thurs ton have been arrested and are now under bonds in the sum of \$500 each, for breaking into a freight car at this place. One morning the latter part of the week it was discovered that the seal of week it was discovered that the seal of a car had been broken and some of the goods were missing. The trio, whose ages are 19, 20 and 19, respective-ly, were suspected. They strenuously denied being guilty, but to Special Agent Jones of the Short Line they made a full confession and told where they had cached the booty. A case of cove oysters, a box of crackers, a case of corn, and other edibles were found carefully hidden in the fields mear by the station. The boys said they had re-sorted to stealing only because they were hungry, but Mr. Jones asked if they intended eating the consignment of ladies' watsts and other feminine apparel, which was dug from the hid. which was dug from the hidpparel,

ing place. When arraigned before the justice of the peace, the boys pleaded guilty, and were bound over to the district court in the amount named.

### PARK CITY.

### WEDDING BELLS.

### High School Ball-Austrian is Fined For Assault.

Special Correspondence.

Special Correspondence. Park City, Summit Co., Feb. 16.— The Park City High school pupils gave a grand ball in Maple hall on the 14th The warm weather which we have had now for a few days is meiting the shedges will have to be abandoned and wagons used for hauling ore. Frank Alben an Austrian working at the Park City sampler, Wednesday, got after a fellow employe named Jake Sorensen, and threatening him, was arrested and brought before Jus-tice of the Pecke H. M. Sperry who fined him \$10 and costs. Twenty-two men were laid off Wed-nesday at the Unitah Tresure Hill mine.

### WEDDING BELLS.

Mr. C. S. Redell of this city and Miss Edith A. Wright a popular young lady of Coalville, were married in Sait Lake yesterday. Both are well known in this city. Known in this elly. Mr. G. Burns and Miss Libby Gib-

damages against the company for the death of his two children, who were some two years ago scalded to death while riding on a construction train at Oasis. The sudden stopping of the train by the alleged too quick applica-tion of the air brakes, threw a can of bolling water on the children, which resulted in their death. A large num-ber of expert witnesses are here to ex-plain the action of air brakes. The case will consume some time in its trial. lamages against the company for the

Special Corresponden

LEFFELL CROFT DEAD

Leffell Croft of Oasis was found dead yesterday morning in an outhouse in Fillmore. It appears that he had died in a fit, as he was subject to apopiexy. The deceased was 27 years of age, of sober and industrious habits and a son of one of the pioneers of Millard coun-ty. He is to be buried here tomorrow.

trial.

### SMALLPOX CASES.

Several cases of smallpox have been quarantined by the board of health. The school was closed for ten days, while the schoolhouse was fumigated and disinfected. The school is now open and attended by the greater part of the scholars who have not been ex-maged to the disease.

The body of James Peterson, son of Hans and Isabel Peterson, was brought home from Ely, Nevada, where he died on the 6th of pneumonis, leaving a wife here in Fillmore. The funera will be held on the 16th.

### LEHI.

TURNER ART EXHIBIT. M. I. A. Conference Next Sunday-

Regular Tabernacle Services.

Special Correspondence

Special Correspondence. Lehi, Utah Co., Feb. 16.—The Turner art exhibit, consisting of copies of 200 famous paintings, has been in the pri-mary senool building the past three days and has been largely patronized. Thursday and Friday evenings the pu-pils gave programs, and this evening the teachers held the boards. The Utah County Light & Power

The Utah County Light & Power Co, has all the brick work done on its new power plant up American Fork canyon, and will soon install the ma-

canyon, and will soon install the ma-chinery. A number of citizens here who own iand in Cedar valley have formed a company, and have arranged to buy a steam plow, etc., to get their land in shupe for planting next spring. The four wards of Lehi, instead of meeting separately in ward capacity in the afternoon, now meet together in the new tabernacle. Sunday evening a sacred concert was

Sunday evening a sacred concert was

Vernal, Uintah Co., Feb. 13.-On Feb-uary 5, The shareholders of the Dry Guich Irigation company, met at Roose-velt and elected Ward E. Pack, Jr., sec-

VERNAL.

BRIDGE WASHED OUT.

Traffic Over White and Green Rivers Made Over the Icc.

velt and elected Ward E. Pack, Jr., sec-retary and treasurer of the company. Joseph H. Hardy has resigned his position at the Ashley Co-op, and has been made manager of the Roosevelt Mercantile company at Roosevelt, the heart of the Dry Gulch farming dis-trict. Vernal's loss is Duchesne ward's gain. Mr. Hardy has taken a prominent part in business and church affairs in Vernal since his return from the south-ern states. His many friends wish him prosperity in his new field. RRIDGE WASHED OUT.

BRIDGE WASHED OUT.

BRIDGE WASHED OUT. On Feb. 6 the White River bridge went out before a huge ice jam. Mail and passengers were temporarily de-layed through the mishap. The Unitah Railway company runs the stage from Dragon to White River, the mail is transferred over the river by carriers, and the passengers cross

the mail is transferred over the river by carriers, and the passengers cross on the ice. The same feat is performed at Green river, after coming by a sec-ond stage from White river. Some passengers say the experience of cross-ing the river on blocks of ice reminds them of Eliza's daring venture in Uncle Tom's Cabin. With all the trouble, the Vernalites are glad to see the third stage with its "royal four" come bound-ing into town at dusk. Freight, of course, is again delayed. The floating stage with its "royal four come bound-ing into town at dusk. Freight, of course, is again delayed. The floating ice is exceptionally bad this year, mak-ling fording difficult, and it will be some time before a new bridge can be built. County Superintendent of Schools N. G. Sowards has completed his visits to the schools of the county and reports good work belag done.

G, sowards has completed ins visits to the schools of the county and reports good work being done. Frank M. Young has resigned his position as principal of the Naples school, to go into the Ashley Co-op. Mr. Warren Colton succeeds Mr. Young as principal at Naples. The anow is going rapidly, cattle and sheep men are similing, and the early spring hustle is observed among the farmers. Ab Swain has undergone another complicated operation for appendicitis. This is the fifth or sixth time he has been operated upon. He will recover from an operation and seem well when suddenly he is stricken again.

### -BEAVER CITY.

### STAKE S. S. CONFERENCE. Funeral of James B. Hoopes, a Victim

### Of Heart Trouble.

Of Heart Trouble. Special Correspondence. Beaver City, Beaver Co., Feb. 14.-A very interesting and successful Sunday school stake conference was held in Mineraville on Studay, the 12th inst. El-der George M. Cannon of the general Sun-day School Union was present, and gave foreible and timely instructions. On Sat-urday evening the people of Mineraville-tondered a social and balaquet to the vis-turder a social and balaquet to the vis-stake, which was highly eniosed and was a fitting prelude to the conference exer-sizes of the following day. — All the Sunday schools in the stake were represented except one, some travelous a distance of 49 miles to attend the con-ference.

FUNERAL OF JAMES B. HOOPES. Sunday evening a sacred concert was given in the new tabernacle in honor of Enoch Russon, who has gone to Eng-land on a mission. Mrs. N. G. Whipple is quite sick. Sons have been born to Mrs. Chas. Moffett and Mrs. Jonas Holdsworth, Mrs. Harriet Jacobs, who has been very sick, was operated on Thursday for an affiliation of the ear, and is reported progressing nicely. Next Saturday afternoon and evening the University of Utah Dramatic club