

MURRAY SMELTER WILL CONTINUE

American Smelting & Refining
Company's Stipulation With
Farmers Still Holds Good.

DISCUSSION ON DECISION.

Members of Farmers' Committee Ex-
press Themselves as Being Satis-
fied With the Outcome.

The news from St. Paul to the effect
that the decision of Judge Marshall
in the noted smelter cases had been
affirmed was a subject for much dis-
cussion on the streets today. Many
predicted dire calamity and that the
findings of the appellate court would
sound the death knell to the smelting
industry in the Salt Lake valley. Others
took a more hopeful view of the
situation and expressed the belief that
some way would yet be found whereby
the several plants affected can continue
in operation.

The fact that the American Smelting
& Refining company had entered into a
stipulation with the farmers and is
carrying out its agreement with them
to provide means of arresting the de-
leterious substances contained in the
fumes, leaves no doubt that the com-
pany will be permitted to continue with
the operation of its big lead-silver
smelter at Murray.

County Commissioner Mackey was
seen today shortly after his return
from Wyoming. He said "as long as
the A. S. & R. lives up to its agree-
ment with the farmers it can operate.
The farmers' committee of which I am
a member, will visit the plant in a few
days to ascertain just what has been
done. As to the other plants it appears
to me that there is nothing left but
to close down."

Bishop O. P. Miller said the A. S. &
R. has acted very fairly with the farm-
ers and was doing everything in its
power to relieve the conditions existing in
the "smoke zone." He believed, however,
that the decision as rendered by Judge
Marshall and later sustained by the
higher court was a just one, and has
been reached with much satisfaction by
the farming community interested in
the trial of the "smoke cases."

AS VIEWED AT MURRAY.
A. E. Lee is Pleased With Decision of
Court.

Murray, Utah, Nov. 9.—A. E. Lee, one
of the farmers' committee in the smel-
ter controversy, who resides here, is
very much pleased over the decision.
He expressed himself to the "News" to
the effect that the decision would give
general satisfaction among the farmers
in the affected district. "It shows,"
said Mr. Lee, "that the rights of the
people are respected by the courts; that
justice, and not corporate influence,
prompted the decision in the smelter
case. The farmers are jubilant over the
result, yet the property of the farmers
is saved and will more than make up
the temporary loss caused by the re-
moval of the plant."

Business men at Murray take a con-
servative view of the matter. The re-
moval of the smelters will mean a loss
of population to Murray and the closing
up of some of the business houses,
but the opinion is expressed that con-
ditions will rapidly adjust themselves
and in the long run will probably be
better for the people than those exist-
ing at the present. Some plan may be
devised whereby the noxious fumes
may be done away with, thus avoiding
the necessity for removal, but in the
event that removal is inevitable, un-
doubtedly a more desirable element of
population would replace the unfavor-
able element, according to the opinion
of many. At all events, the people of
the smelter city are taking a hopeful
view with confidence in their city and
its ability to meet the situation, what-
ever the developments may be.

PROBATION OFFICER.

At a meeting of the juvenile court
commission today, held in the office
of Gov. Cutler, this morning, P. P.
Christensen was appointed a proba-
tion officer for Juab county, and James
G. Blank was named for a similar po-
sition in Washington county. Mr. Chris-
tensen is not the ex-attorney of Salt
Lake county.

SEYBOLD DISCHARGED.

Purged of Charge of Violating the
Pure Food Law.

In Judge Diehl's court this morning
Charles G. Seybold, charged with vio-
lating the pure food law, was adjudi-
cated not guilty and discharged. Seybold
was arrested several weeks ago and the
trial, which took place last week, oc-
cupied the time of the court for several
days. Judge Diehl took the matter
under advisement until this morning,
when he decided the defendant was not
guilty.

The case of the state vs. H. P.

Any man

who goes out to
meet the public in
a business, social or
professional way
must give some
thought to his dress

We are first aid to
men who want to be
well dressed and we
do not ravage his
pocketbook, either.



172 SOUTH MAIN STREET

Catarrh

Is a Constitutional Disease
Whatever organ of passage of the
body it affects, and requires a consti-
tutional remedy for its permanent cure.
It depends on an impure, impover-
ished, devitalized condition of the
blood, which keeps the mucous mem-
brane in a state of inflammation, and
causes a debilitating and generally offe-
nsive discharge; also headaches, ringing
noises, partial deafness, weak eyes.
Hood's Sarsaparilla by purifying, en-
riching and revitalizing the blood, re-
moves the cause and effects permanent
cures of all forms of catarrh.

Hood's Sarsaparilla

Is a Constitutional Remedy
In usual liquid form or chocolate tablet
known as Sarsatabs. 100 doses \$1.

Carefully charged with obtaining \$25
from R. P. Bonn, under false pretenses,
was dismissed on motion of the prose-
cution, and for the further reason that
the prosecuting witness failed to put
in an appearance.

WALKER AND LAWRENCE.

First to be Heard Dec. 3, latter to
Follow Immediately.

Ogden, Nov. 9.—Fred S. Walker and
Edward Lawrence, accused of the murder
of Dr. Boes, appeared before Judge
Hovey this morning for arraignment
on that charge. Both men entered a
plea of not guilty, and Atty. A. G. Horn
for defendants, asked that they be giv-
ing separate trials. The court agreed
to this and set the date for the trial
of Walker for Dec. 2, that of Lawrence
to be taken up immediately upon the
completion of the Walker trial.

FEDERAL GRAND JURY.

Coal Land Frauds May Again be Tak-
en Up.

The grand jury in the United States
court will be impeached Monday before
Judge Marshall. Marshal Spry's office
has been very busy for the last two
weeks serving subpoenas, many of which
are believed to be for the appearance
of witnesses before the grand jury. The
fact that many government experts
and specialists are in the city and in
Carbon county, where special investiga-
tions are being made, is believed to in-
dicate that the grand jury will again
take up the matter of coal land frauds.
There are also a number of minor of-
fenses to be considered by the grand
jury, some of the prisoners being in-
carcerated at this time awaiting the
disposition of their cases.

FEDERAL COURT TERM.

Calendar for November Includes Case
Against Notorious Dr. Payne.

The November term of the United
States court begins Monday morning
before Judge John A. Marshall. The
calendar for the term is a long one,
many involved actions being included in
the list of cases to be heard. At the
foot of the calendar are the cases
wherein the United States is the com-
plainant, among them being the cases
against the minor offenders indicted by
the last grand jury for complicity in
various ways with the coal land frauds
charged to the Utah Fuel company.

Following these cases is the one
against Dr. E. S. Payne, a notorious
physician of this city, who is charged
with the misuse of the United States
mails and the interstate express com-
panies. It is charged that he used these
agencies to carry on the practice of
medicine in ways prohibited by law.

BERRATO VS. BUCKHORN.

The case of Berrato against the
Buckhorn Consolidated Mining & Mil-
ling company will be called in the
United States court Monday, this ac-
tion being the first one on the calen-
dar for the November term.

\$1.00 A WEEK OR \$4.00 A MONTH



WE HAVE PLENTY CASH.

The present crisis cuts no figure with us
We are always ready to serve our customers
with the best made clothes for men, women
and children, and give you time to pay. In
fact, you can make terms in our house to
suit yourselves. Though owing to the warm
weather, we find we are overstocked in men's
and women's winter coats. To unload we
will give you a special discount of 25 per
cent. We also will give a discount of 25 per
cent on all furs. Also all from \$9 to \$12 skirts
you can pick them at \$6.90. Come early
and get the benefit. You don't need much
cash.

YOUR CREDIT IS GOOD

The Mercantile
Installment Co

74 W. Second South.

ESTABLISHED 1902

OFFICERS RETURN WITHOUT HOPPERS

Sheriff Black and W. P. Payne
Lose Men in Colo-
rado.

FOUGHT EXTRADITION.

Many Witnesses Said Alleged Slayers
Of Pennys Were Never
In Utah.

Sheriff Joseph S. Black of Millard
county and W. P. Payne of Fillmore
returned to Salt Lake last evening from
Denver, whither they went two weeks
ago in quest of the persons believed to
have murdered the Pennys of Kanosh
nearly nine years ago in the Wah Wah
hills.

When the bones of two human beings
were found in the mountains a few
weeks ago, believed to be the bones of
the father and son, the story of the
disappearance of the Pennys was re-
vived, and an endeavor was made to
locate the two men named Harper, one
of whom was arrested soon after the
supposed tragedy, but who was released
from lack of evidence.

Jack and George Harper, or Hopper,
as they are often called, were ar-
rested in Denver, upon information
furnished by Utah officials. Sheriff
Black went to the Colorado capital,
armed with requisition papers, for the
purpose of bringing the Harpers and a
Mrs. Sarah Armstrong, arrested upon
the same advice, to this state. With the
sheriff went Mr. Payne, at the solicita-
tion of Gov. Cutler.

FOUGHT EXTRADITION.

Arriving at Denver, the Utahians found
that the persons they wanted were pre-
pared to put up a strenuous fight to
avoid extradition. For seven days the
matter was fought in the courts as to
the Harper brothers, Mrs. Armstrong
being released early in the proceedings,
as it was made perfectly plain that she
was not the woman wanted.

The Harpers had all kinds of alibis
and numerous persons to prove them.
Three days were consumed in an attack
upon a defense of the requisition
papers, the Utah men finally winning
out. Then began the tactics of coun-
sel for the defendants to prove that
their clients were never in this state,
except that one of them had it one
time passed from border to border in an
uninterrupted journey. The Harpers
had from 50 to 75 persons to testify for
them. The court went to an unheard of
extent in the matter of identification
and alibi. Sheriff Black identified one
of the men most positively as having
at one time been in his custody charged
with the killing of the Pennys. But
witness after witness testified that they
knew that the Harpers were not in
Utah at any of the times mentioned
in the complaint. Some went so far as
to swear that on a certain day they
saw the Harpers in a barn in Colorado,
hitching up, specifically described
horses, but they were sure of nothing
previous or subsequent to that date.

HOPPERS ARE DISCHARGED.

After four days of this kind of proceed-
ure the court decided that the Harpers
should not be taken to Utah. The men
admitted that they frequently went by
the name of Harper, but stated that
their true name is Hopper.

Mr. Payne stated to the "News" to-
day that Sheriff Black and himself were
treated most kindly by the Colorado
officials. He mentioned in particular
Under Sheriff T. W. Baird and Depu-

When the World

Does not want Utah's
Gold, Silver, Lead, Cop-
per, Coal, Iron, Sugar,
Live Stock, Fruits or
Cereals.

We will Not Accept Bank
Checks, Certificates of
Deposit, or Any Other
Evidence of Credit—

But as long as there is a well
founded belief that the brain-
stormers of this glorious land
have finished we will now ex-
change

MILLINERY AND FURS

with any or all people or per-
sons for EITHER CASH,
CASHIERS' CHECKS, LOCAL
PAY ROLL CHECKS, CHECKS
signed by responsible parties on
banks of this city or state, city,
county or state warrants or
scrips.

Conclusion

The Great Architect of the
universe never planned Manhat-
tan Isle as the place where the
substantial conveniences or
necessaries of life should be
permanently stored. A wall
around "Wall street" thirty
days and millions of people
would be producing every
necessity of life and loaning the
brainstormers money to gamble
with.

Banks' Millinery

116 South Main St.

Miss A. L. Baker and Charles Burkhardt,
as having shown them every courtesy,
official and otherwise, that could
possibly be tendered. The Millard county
officers leave for home tonight.

IN

Sweet's Italian
Chocolates

You get the natural fruit fla-
vors in the sweet whipped cream
centers, and the unsweetened
chocolate flavor in the coating.
A most delicious blending.

At all first-class dealers

30c and 60c

Sweet Candy Co.

Manufacturing Confectioners.

Walker's

CORNER 2nd & 3rd MAIN

Independent phone
227 calls all
depart-
ments.

Confident that the banks and trust companies of
the country at large and of this community es-
pecially are absolutely sound, Walker Bros' Dry
Goods Co. will accept in payment for merchan-
dise, cashiers checks, local pay-roll checks,
checks signed by responsible parties on banks of
this vicinity; also savings bank books.

Walker Brothers Dry Goods Co

Bell phone
Exchange
22 calls all
depart-
ments.

We have confidence

We accept checks

Confident that the banks and trust companies of
the country at large and of this community es-
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DININNY ARGUES HIS FLIMSY PLEA

Bewhiskered City Legal Light
Tries to Have Judgment
Vacated.

HE CHARGED BAD FAITH.

Deposed and Said Mr. Ingebre-
tson Had Acted in Bad Faith—Judge
Ritchie Thinks Otherwise.

Arguments were today made before
Judge Ritchie in the case of Herndon
versus Salt Lake City. This is the
case in which Asst. City Atty. H. J.
Dininny made charges of unprofes-
sional conduct against Atty. James
Ingebretnsen in a long affidavit. On
May 21 Herndon, the client of Mr.
Ingebretnsen, obtained a decision for
\$1,455 against the city, and the de-
fense had three months in which to
lapse by Mr. Dininny, and no action
was taken until Oct. 15, when it was
found that a certain stipulation had
not been signed by Mr. Ingebretnsen.
Mr. Dininny endeavored to have the
default set aside, alleging that the
opposing counsel had broken his
word in the premises, at the same time
claiming that he himself had been too
busy to attend to the matter. He
argued the case extensively today, and
Atty. A. L. Hopwood answered on be-
half of Mr. Ingebretnsen.

Judge Ritchie said he was of the
opinion that there had been no bad
faith on the part of Mr. Ingebretnsen,
and that it was merely a letter of
law as to whether the excuse offered
by Mr. Dininny as to why he had not
taken action in time was tangible and
valid. The case was continued until
Nov. 15 to permit both sides to sub-
mit authorities.

DIED.

BRACE—In this city, Nov. 8, 1907, Miss
Maud Brace, aged 25 years, only daughter
of Mrs. Mary Brace Dodge, at 78
S. street.

Funeral will be held from the residence
Sunday, time to be announced later.

INGHAM—At 327 West Sixth South, this
city, November 8, 1907, Joseph E. son
of Charles H. and Alice Hackwall In-
gham, aged 8 years and 15 months.
Funeral services Sunday at 12:30 p. m.
from the Fifth ward meetinghouse.
Friends are invited to attend. Interment
in City cemetery.

PARKIN—At 160 Vidas avenue, Farmer's
ward, Nov. 8, 1907, of scarlet fever,
Rose H., son of George E. and Jennie
Howard Parkin, in his eighth year.
Funeral services were held this after-
noon at 1 o'clock from the family res-
idence. Interment in Mountain cemetery.

R. E. Evans, Florist, 36 S. Main St.
Floral Designs a Specialty. 'Phone 261.

UNION DENTAL CO

218 South Main.

HONEST WORK
HONEST PRICES.

Painless Extraction of Teeth or No Pay.
All Work Positively Guaranteed. 'Phones
Bell 126-2, 126-12.

HERE IS McDONALD AGAIN WITH A NEW CONFECTION CREATION

Some of the admirers of
his dainty conceptions in-
sist that this latest one is
the crowning success of
all chocolate outputs.

It is held to be better than his fam-
ous Dutch chocolates and the equal
of the exquisite Bitter-Sweets. But
it seems hardly possible that a con-
fection could equal the latter. Suffice
to say this new invention is a mas-
terpiece. It is different somehow—a
rare combination of blends that
water in the mouth—that make one
wonder where the end will be in
chocolate creations. It was thought
that McDonald had attained the high-
est perfection in chocolate making
when Bitter-Sweets appeared, and
now he comes with another marvel
of daintiness, a delicious bit that
makes one pause after the first taste
and look at the bitten morsel and
ejaculate: "My goodness, I never
tasted a chocolate as fine as this."

You can get it anywhere at 40 cents—all the
more wonder.

If once tasted the name will never slip away—
but if you haven't enjoyed this acme of con-
fection making just ask for

McDONALD'S RAINBOW CHOCO-
LATES.

In the first place it is a light colored chocolate
—you never saw a light one before—and the
light color carries a delicate, different taste that
at once appeals to the lover of choice candies.
There are six flavors, nut and caramel. The
whole is beautifully boxed and tied in pretty
ribbon—till you just seem to feel a rare treat is
in store when you start to undo the box.

Your CREDIT is Good Here!

FORCED SALE!

OF MEN'S AND WOMEN'S CLOTHES!

SOLD ON CREDIT FOR \$1.00 A WEEK OR \$4.00 PER MONTH BY

The Western Outfit Co. 266 State St.

As you know, the money market is tied up, and we overbought ourselves in goods, therefore we are compelled to make a sale for the next five days to reduce our stock and give you the benefit. As you need the clothes and you can get them on our easy terms of a small payment down, you take the clothes, wear them and pay us after.

\$1.00 A WEEK, OR \$4.00 A MONTH

Now, we will call your attention to a few of our prices. A large selection of ladies' suits, finest tailor-made goods, as-
sorted styles, in brown, blue and black values \$30 to \$35, go at this sale for \$18.

LADIES' long coats, satin lined, embroidered values \$25 to \$30, sell for \$16.

\$20 to \$25 silk and Voile Skirts, in brown, blue and black, strictly tailor-made, sell for \$13.50