

The trial court in passing sentence

ndard Oi company of Indiana was but the nom-inal defendant, the Standard Oil company of New Jersey, being the real defendant and every word, almost, of the trial court, in arriving at its con-clusion respecting the sentence, related to the Standard Oil company of New Jersey and not to the Standard Oil of Indiana, including the state-ment that the revenues of the 'offend-er and the character of the crime, show-ed that they had a peculiar relation to each other—the revenues referred obviously-40 per cent on \$100,000,000 —no revenues of the Standard Oil company of Indiana, being in the re-cord at all. And counsel for the gov-ernment plant their justification of the fine upon the showing of the revenues. he trial court, in arriving at its con upon the showing of the revenue not of the Standard Oil company of Indiana, but of the Standard Oil com-pany of New Jersey. But as a sug-gestion that that line is the text of the opinion be changed, the suggestion will be accepted, and the opinion so simplified that while the language used to express the noint is changed the simplified that while the language used to express the point is changed the substance of the principal involved will be more clearly brought out. "The petition for a re-hearing also questions the correctness of the text of that portion of the opinion in which, dealing with the question whether a shipper is guilty of accepting a con-cession, even though it is shown that the shipper at the time of accepting such concession, did not know what the lawfully published rate actually was, the view taken by the trial court was, the view taken by the trial court is said to be a view of the law that is, embodied in the charge, and carried out in the rulings,' excluding certain preferred testimony, including that of one Edward Bogardus—the point of the complaint being that the testimony of Bogardus, as to whether he knew or did not know of an 18 cent rate over the Alton word ware not enclosed Alton road was not excluded Now as a matter as to what physic-y went into the record, Bogardus' timony was admitted and went to the jury on the issue adopted by the court whether he had made 'diligent indeavor' to ascertain the rate—an is-sue wholly different from the one upon which it was offered, viz: Whether or not defendant had knowledge of what iawfully established rate was latter issue, the testimony of dus was as effectually excluded by the charge to the jury as if it had been physically expunged from the record.

garded as unlikely to permit his name to be used in opposition to the speaker, both because of his loyalty to Mr. Cannon, and because of his logarity to all characteristic and because of his interest in the revision of the tairff, on which he is an expert. Also mentioned for speakership tion for the speaker is taken as certain to prevent the use of his name against his colleague. The candidacy of Representative Charles N. Fowler of New Jersey for speaker is not taken seriously by Mr. Cannon's friends. They say that Mr. Fowler will do well to retain the chairmanship of the committee on banking and currency and that his course as chairman of that committee during the last session was such as would defeat him in a speakership contest.

represent them." The other federation officials decline to discuss the matter, but many labor leaders in Denver declare that the action of the president is simply a part of a plan to divide the forces of organized labor so they would not be effective in future contests. John Mitchell, James Duncan and Deniel L Kaefe who were invited by Daniel J. Keefe, who were invited by the president, said they expected to be in Denver at the convention session next Tuesday, but would decide whether to accept or reject the invitation when they received the president's letlolumbia

only two statements while in the physician's office last night. One was a request to his father to give up his pistol and in the other he said: "I'm sorry the shooting occurred." In Columbia, the boyhood home of the former senator, the news shocked the people aimost beyond measure. Business there will be suspended until after the funeral. Duncan Cooper also is a native of dispatch from Columbia to the Chattanooga Times says the general sentiment at Columbia is "that the shorting was inspired by the political forces dominant in Tennessee and many express the opinion that it will promote

accompany him to Salt Lake she con-sented, quictly left home and came with him. The authorities at Burley

changed to facilitate furthing hand-ling. A complete line of furniture will be carried. About \$50,000 has been in-vested in the company. Mr. Madsen expects to open up business not later then Ech. 1

The twenty-second anniversary of the founding of the Latter-day Saints

CASABLANCA INCIDENT.

French Foreign Office Regards it as Virtually Closed.

Virtually Closed. Tails, Nov. 10.—The foreign office re-sords the Casablanca incident, the case the German deserters from the for-that disturbed the relations between Tance and Germany for some 10 days mate as virtually closed, and expects that an agreement will be signed today. Thatmethons have been telegraphed M. Tambon, the French ambassador in Ber-in to accept the proposals submitted by Bairon von Warehter of the Germany for some to the approval of the Emperor William. It is consequently to satt to The Hagye for arbitration. While there is no disposition to crow wer the Spressed that Germany finally has recognized the justice of the French word of the acts of French arbitra-tion of the acts of French arbitra-to the special of the reports concerning the action of the reports concerning the built series in by the agents of France and Germany respectively.

NORTH DAKOTA LAUNCHED.

First American War Vessel of the Dreadnought Class.

Quincy, Mass., Nov. 10.—The battle-ship North Dakota, the first Ameri-can war vessel of the Dreadnought class, was launched at the yards of the Fore River Shipbuilding company at Quincy Point today. The launching took place at 12:27 p. m. When the great prov of the new bat-

When the great prow of the new battleship North Dakota struck the wa-ters of Fore river, where she was launched today, the United States navy received formally the bulky body of the Dreadnought class. As the massive hull of the North Da-

kota stood upon the ways ready for launching it presented none of the war-like appearance of the finished battleship. Save for a few temporary fit-tings, the decks were bare and lacked the martial aspect supplied by the which are to be installed later. Even the great boilers of the ship had not been installed

The armament is to consist of 10 12-inch breech loading rifles, 14 5-inch rapid-fire guns; four 3-pound and a like number of 1-pound semi-automatic guns; two 3-inch field pieces; two machine guns of 50 caliber and two 21-inch

submerged torpedo tubes. The battleship will have a displace-ment of 20,000 tons, 2,000 in excess of the original British Dreadnought. It is estimated that a speed of more than 21 knots will be attained on her trial and that the battleship's horse power will exceed 25,000.

Including officers, the crew will number more than 900 men. It is estimated that when formally taken over by the government the North Dakota will have cost at least \$7,000,000.

To Capt. Charles J. Badger, U. S. N., recently superintendent of the Naval academy at Annapolis, will go the honof heing the first commanding officer of the premier Dreadnought of the U S. navy.

A MONTANA MURDER.

Billings, Mont., Nov. 9.-H. W. Ma-hanry, residing in the northern part of Yellowstone county, was murdered at his home late Saturday night, and of-his home laten are the trail of Elmer ficers are now on the trail of Elmer Hinton, who, it is believed, killed Ma hanry, using a neck yoke as his weap-

hanry, using a more a finite or a quarrel or, It is supposed that during a quarrel over money said to be due Hinton for work done for Mahanry, Hinton grab-bed the neck yoke, and felled Mahanry, afterwards, it is said Hinton saddled a horse and rode to the Farrel ranch, 10 miles away, secured a rifle and a revolver, and then fied into the hills.

JAPANESE BUDGET.

Native Financiers Consider it a Very Sound Apportionment.

Tokio, Nov. 10.---A preliminary out-line of the budget for the fiscal-year

the exact amount of the appropriations for each department of the government, but among Japanese financiers it is considered the soundest apportion-ment of funds ever prepared for Ja-pan. While the outline does not define exactly the proportion of military

expenditures postponed in accordance with the new policy, Premier Katsura has assured the Associated Press that has absolved the absolved press that the larger precentage of postponements belong to the army and navy. Partic-ular stress is laid upon the amount of the decrease in expenditures, amounting *~ \$37,000,000 yen (\$18,500,-

Premier Katsura, in an address before the business men of Osaka to-night said that the reduction in na-tional expenditures had fallen largely upon non-productive improvements and issues. He expressed a hope that careful economy would enable the gov-ernment to lessen materially the period of postponement in the case of had of possible insues, including river and harbor improvements and the construc-tion and extension of iron works. In this manner, he said, the development of national resources might speedily be brought about. more

In the forthcoming budget the appropriations for railroads are placed in in account entirely separte.

haustively covered in the issue.

In Magazine form 25 cents.

carly.

best style known to the art of newspaper printing.

the passage of temperance legislation." INDIANA ELECTION.

Official Count Shows Democrats Elect-

ed Governor and Lieut. Governor. Indianapolis, Nov. 10.—The count of the official returns at the secretary of state's office for governor was com-pleted yesterday. Thomas R. Marshall, Democratic candidate for governor, re-ceived a total vote of 348,849, and James E. Watson, his Republican opponent, 334,049, a plurality for Marshall of 14,-50

E. Walson, his nepublican opponent, 334,040, a plurality for Marshall of 14. 899. The Socialist party candidate for rovernor received 11.948, an increase of 557 over four years ago. The Independ-ence candidate polled but 383 votes and the People's party of four years ago. S54 from the vote of four years ago. Felix T. McWhirter, Prohibitionst can-didate for governor, obtained 15.925 votes, a loss of 6.564 votes from that polled in 1904. Late tonight the secretary of state's office completed the totals of five addi-tional state offices. Frank G. Hall, Democrat for lieutenant governor, re-ceived a plurality of 1.572; Fred A. Sims, Republican, for secretary of state, was successful by a plurality of 758; Oscar Hadley, Republican, for reftorney general, received a plurality of 758; Oscar Hadley, Republican, for ressurer of state, won by a blurality of 758. The official count so far pluga the Democrats, the grovernor and lieutenant governor. The Republicans have the secretary of state, attorney general, auditor and treasurer.

THE CHRISTMAS NEWS.

Our Mines and Smelters, our Real Estate, Agricultural, Livestock, Mercantile, Manufacturing

The magazine sections will picture our artistic, literary, musical, and dramatic status in the

The Christmas News will have a world wide circulation, and the issue is sure to be exhausted

Agents are requested to begin their canvass immediately. The price will be 15 cents per copy.

so many other cities, will be fully narrated, with appropriate illustrations.

and Educational interests will be fairly and conservatively represented.

have been notified of the arrest Bates and Miss Walker and they will be taken back to that place as soon as an officer arrives to take charge of

Calcutta, Nov. 10 .- The city is terrorized by an outbreak of political crimes. The attempt made three days age on the life of Sir Andrew H. L. Fraser, the lieutenant governor of Bengal, was followed by a murder last evening. ABengal detective who had been active in trailing the revolutionists was show in trailing the revolutionists was shot down on a crowded street by three men who riddled his body with bullets. The people fear to give information concerning the criminals lest ven-geance be visited upon them. The po-lice are powerless. One of the natives who was found guilty of murdering a man named Gossans last summer was barred today. Cossans was was hanged today. Gossans was a native who turned state's evidence against a number of fellow conspira-tors and was killed in a cell of the

Allour jail by two fellow prisoners. Al the police reserves of the city have been ordered on duty to prevent sympathetic demonstrations.

U. S. MARSHAL MERRIFIED. Information Filed Against Him for

Illegal Voting.

Kalispell, Mont., Nov. 10.—County Atty. McKeown has filed an informa-tion against T. W. Merrified, United States marshal for Montana, charging him with illegal voting. It is alleged that Merrified registered and voted in a precinct wherein he had never resided. Merrified is expected to come here from Helena at once to answer the charges.

than Feb. 1. OTHER CHANGES.

The Margetts book store, which is now occupying 7 south Main street, will remove to a location farther down Main street, the exact location not yet hav-ing been decided. The McIntire building, the excava-

tions for which are in the course of completion, next north of the McCor-nick building, and which will be rushed to early completion, has not yet been fully contracted for. The greater part of the office space, however, has been taken. J. E. Devine, who for many

years conducted a jewelry business on the old site of the McIntire building, has acquired one of the ground floor stores where he will continue in the ewelry business. Hubbert & Denn Jewelry company

will have their business thoroughly es-tablished by the first of the year in their new store in Third South street between State and Main streets on the north side of the street.

The stores and apartments in front of the Colonial theater are being contracted for no definite arrangements ye

The upper two stories of the Callo-way-Hoock building are being built for a hotel. It will be called the New Raymond, and will be under the management of W. M. Raymond, an eastern man who expects to operate in Salt Lake. It will be run on the European lan and will contain 57 rooms, includ-ing all modern improvements. The rooms will also be furnished with vanishing beds. The New Raymond will open about the first of the year.

CANVASSING RETURNS.

In 11 Districts No Material Changes Are Found in Salt Lake County.

The work of canvassing the returns for this county of the vote cast in the ecent election was resumed by the county commissioners this morning. At the hour of noon 11 districts had been completed, and in each of them the re-sults were practically, if not entirely, the same as announced the day after election. election. Assisting the commissioners were a number of other county officials, the work of checking being done in a sys-tematic manner. Among those helping to canvass the returns were C. M. Brown, county assessor; J. Parley White, deputy sheriff; Eber Case, depu-ty recorder, and others. It is expected that it will be two or three days be-fore the count is finished.

MUSIC STUDENTS COMBINE.

This afternoon the State University Glee club, Mandolin club, choir, orches-tra and band will meet and organize a combined musical organization of the nusic students of the University of music students of the University of Utah. Heretofore none of these socie-ties have had representatives on the student representative committee as there were too many individual socie-ties for each to have a representative. This combination of the smaller musi-cal cliques will insure them a repre-sentative on the general student repre-sentative on mittee and bring their in-terests in harmony which will pave the road for greater accomplishments than have been made in the past. The University course in the art of yelling properly is making forward atrides. Yell practise is being well at-tended.

university will be marked by fitting exercises. The day, Nov. 15, will be celebrated, Friday, Nov. 13, at the University by exercises, athletic fea-tures, and a ball at Odeon hall in the evening. At 10 a. m., in Barratt hall, a program will be rendered. Band sélections, remarks by President Smith, plan solo by Spencer Clawson, and piccolo solo by Prof. Kellersberger will be some of the features. J.H. Evans will deliver a resume of the history of the University. In the afternoon a basketball game

between the present "S" team and the "Has-beens," former star players of the university will come off. In the field sports chief interest centers in the relay race between the benedicts and bachelors of the faculty. Other events scheduled are the tug-of-war

events scheduled are the tug-of-war between 10 instructors and 10 stu-dents, girls' relay race from all classes, and the men's high jump. In the evening a ball will be given in Odeon hall. Friends and former stu-dents are cordially invited to attend and participate in the celebration of the day. the day.

VIENESE STUDENTS.

Encounter Between Warring Factions Results in Injury to About 100.

Vienna, Nov. 10.-An encounter be-ween two warring factions of students tween two warring factions of students attending the university of Vienna re-sulted this morning in injury to about 100 of the young men. The cause of the conflict is to be found in the smouldering antagonism between the pan-German and the Jewish students. This bitter feeling broke out today and led to a sanguinary encounter which culminated in the collapse of the bal-conv in the university and the precision ony in the university and the precipitation of many of the combatants to the floor below. The Hebrew students turned up at the university at an early hour, determined to keep the pan-Germans out

Three hundred of the Hebrews block-aded one of the main starcases. Ap-prised of the situation, the pan-Germans gathered in force and stormed the staircase which leads to a balcony. The fighting for a few moments was flerce, but in the midst of it a portion. of the balcony collapsed and over 100 students crashed to the ground. Most of them were injured and some seriously.

ON TWEED'S TRAIL.

H. F. Tainter, Who Secured Evidence Against N. Y. Boss, Dead.

New York, Nov. 10,-There has just died at New Foundland, N. J., a man died at New Foundiand, N. J., a man who spent six years in gathering evi-dence against William M. Tweed and was the chief witness in the public in-vestigation of the "Tweed ring" looting of the New York treasury. The man was Henry F. Tainter, president of the H. M. Tainter Manufacturing company. Sud of the American Whiting and Put-It all tainfer Manufacturing company, and of the American Whiting and Put-ty Manufacturing company. Mr. Tajnt-er was also a friend of Samuel J. Tli-den, with whom he was associated in the financial management of western railroads.

When the Tweed regime came under suspicion Mr. Tainter was engaged as an expert by the department of finance and he materially helped to unearth the accounts of the notorious board of credit. He adjusted claims aggregating \$25,000,000.

Appear on Saturday, December 19, 1908. Our sister state, Idaho, and its wonderful strides in the march of progress, will be fully and ex-Salt Lake's astonishing building record during the year 1908, a year of partial stagnation in

The Great Industrial and Financial Annual of the State of Utah, Will

them. CALCUTTA TERRORIZED BY POLITICAL CRIMES