

# CONSPIRACY CASE GIVEN TO JURY

Judge Marshall Delivers Remarkable Charge Before Talesmen Retire.

CREATES INTENSE INTEREST.

Limits to Which Corporations May Go in Eliminating Competition Defined.

Attorney for Defense Visibly Affected When Arising to Except to the Wording of the Charge.

At 3 o'clock the jury is still out and no indication is at this time apparent either regarding the time a verdict may be expected or its purport.

## THE DEFENDANTS.

The Union Pacific Coal Company.  
The Union Pacific Railroad Company.  
The Oregon Short Line Railroad Company.  
J. M. Moore, Sales Agent, Union Pacific Coal Co.  
Everett Buckingham, formerly general superintendent, O. S. L. Railroad company.

From the Charge to the Jury—You jurors will find on the forms furnished you a space on which you can write "not" after the names of any of these defendants before the word "guilty." You need only to find any two of them guilty to prove the charge, and may find any of them not guilty without affecting the guilt of the others.

In a remarkable charge to the jury which is to decide to what limits a corporation or combination of corporations may go in eliminating competition from retail trade, United States Judge John A. Marshall this morning spoke for half an hour in the federal court.

## ATTY. VARIAN EXCEPTS.

As he proceeded in his charge the interest increased in tenseness, and when he finished Atty. Varian for the defense arose to take exception to the wording of the charge, but did it in a quiet, unobtrusive way. He said that the charge was a combination of conspiracy and conspiracy in restraint of interstate trade.

## STATUTE DEFINED.

"By a reasonable doubt is not meant 'every doubt,' said Judge Marshall in cautioning the jury as to how it was to proceed in finding its verdict. 'The statute is defined by the law, and declares every combination or conspiracy in restraint of trade between states to be illegal. The first thing then to consider is the meaning of the term 'trade between states.' The admitted facts are that the Union Pacific Coal company, in Wyoming sold to D. J. Sharp in Salt Lake City, coal in bulk to be sold by him at retail, this coal coming over the lines of the Union Pacific railroad, a common carrier.

## SALVADORAN CONSPIRATORS ARE FRUSTRATED

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## REPORTING RAILROAD WRECK.

Guthrie, Okla., Dec. 3.—An unusual order in regard to the reporting of railroad wrecks and accidents to the railroad commission has been issued by the state corporation commission. All railroad and street railways are required to report by telegraph all accidents resulting in loss of life or limb or serious injury to passengers or employees; all derailments of passenger trains; all collisions involving freight or passenger trains, whether resulting in loss of life or not; all explosions of boilers and accidents to locomotive boilers resulting in death or serious injury to any person; all bridge failures. These reports must include the time, date and place of the accident and the number killed or injured.

## RELATION OF COMPANIES.

Now the more fact that the Union Pacific coal company's stock is owned by the Union Pacific Railroad Company. The two companies are identical. But if the Union Pacific railroad's officers have had jurisdiction over the offices of the coal

# TARIFF BILL FOR SPECIAL SESSION

Will Not be Reported Before March but Revision Will be The Principal Issue.

## HEARINGS MAY BE CONTINUED

Members of Ways and Means Committee Feel That Interested Parties Should Have Opportunities.

Washington, Dec. 3.—Although it is not proposed to report the new tariff bill which will be framed by the house ways and means committee to Congress until the special session which President-elect Taft will call in March, it is evident that the question of tariff revision will be the principal one under the discussion during the winter. While the ways and means committee has not determined whether to continue the present hearings, the general feeling among its members is that there should be further opportunities for interested parties to appear before the committee and present their views on the proposed revision.

## EFFECT OF THE CHARGE.

The effect of the charge was noticeable on both jury and lawyers, as the case of the defense had been built on the supposition that Moore alone was responsible for the refusal to sell coal to Mr. Sharp and that no one else entered into this matter. Dist. Atty. Booth in attacking this view called attention to the power of Mr. Moore, known not only to the jury but to the public, and that after this conference there was expressed approval by Buckingham of Moore's action, and to the further fact that an order "suspending" shipments of coal to Sharp made by Moore immediately became an order to stop such shipments altogether.

## CLOSING ARGUMENTS.

The entire morning session of the court was consumed in listening to the closing arguments of Atty. S. Varian for the defense and to Mr. Booth for the government. Mr. Varian in opening the testimony, declaring that Mr. Moore stopped the shipments of coal to Mr. Sharp, a combination with anyone, and in fact before the conference at which a combination was alleged to have its origin. "Beginning with these facts the prosecution has built up a case of conspiracy," he declared, "in which they seek by financial arguments to show that a conspiracy existed when the facts are that parties other than Mr. Moore knew nothing about this order to stop Sharp's coal except that it had been made.

## MR. BOOTH ANSWERS.

Mr. Booth in answering these arguments denied all intention to deal in financial pretexts, and exhibited the railroad circular advertising the 50-cent reduction on coal, and the existence of facts on which to proceed. He declared that Sharp's action in appealing to Mr. Bancroft was exactly the proper action since he appealed to Mr. Moore, who was the one who issued the circular under which he had sold his coal. Mr. Buckingham's interest was not merely that of an official in charge of transportation, he urged, as Mr. Buckingham admitted, but of a man who was in a position to control the coal trade.

## BLOODHOUNDS FOR POLICE.

Washington, Dec. 3.—Satisfied that bloodhounds can be of valuable assistance to the police force of a large city, Maj. Sylvester, chief of police of the metropolis police force, has decided on the use of this city and its police dogs will be more useful than in the city proper.

## SHIPBUILDING STATISTICS.

Washington, Dec. 3.—Forty-two steam and 13 sailing vessels were built in the United States and officially numbered during the month of November, last, according to the report of the bureau of navigation of the department of commerce and labor. All of the steam and sailing vessels of the month were of steel construction. The total gross tonnage of the 55 vessels was 31,986 tons. Twenty-three of the steam and seven of the wood vessels are for use in the Atlantic and gulf, eight for service in the Pacific, eight for the great lakes, and nine for western rivers. The United States revenue cutter has been renamed the Terry, and added to the merchant fleet.

## MEDALS FOR PANAMA EMPLOYEES.

Washington, Dec. 3.—The design for medals for employees who serve two years on the Panama canal has been completed, and the dies for them are now being cut. The medal will be of bronze and will be an inch and a half in diameter. On one side there will be a portrait of President Roosevelt, and on the reverse side there will be a birdseye view of the Culebra cut in the finished canal with steamers passing through it. The medal will hang from a suspension bar and for each international year another bar will be added.

## HARRIMAN BUYS OIL LANDS.

City of Mexico, Dec. 3.—It is reported here on what is considered good authority that agents of E. H. Harriman have bought 20,000 acres of oil lands in the Tuxpan district. Oil has been discovered on property surrounding the entire tract purchased by the Harriman interests.

# BOARD ADOPTS PAY SCHEDULE

Members of Public School Teaching Force Get Higher Salaries.

## COMMITTEE REPORT PASSES.

Bronze Lincoln Memorial to be Presented to Lincoln School on One Hundredth Anniversary.

The new salary schedule for principals and teachers of the city schools was adopted by the board of education at a resumed session of that body last evening. Eight members were present, and the report of the committee recommending the raise was confirmed by a vote of six to two.

An amendment to the schedule was offered by Mr. Glaque, to the effect that the salary of C. C. Spooner, instructor of physics in the high school be placed at \$132.50, instead of \$145. The amendment caused considerable debate. Mr. Glaque was supported by Moyle and Newman, and when his amendment was lost he voted for the schedule in which Moyle and Newman voting negatively.

Mr. Moyle stated that an impression was current that Mr. Spooner was the head of the department, but the raise of salary of no persons were under his direction. Superintendent Christensen explained that he had not made the statement that Mr. Spooner was at the head of the department, but the raise of salary of the ordinary had been asked for because of Mr. Spooner's ability and from the fact that he had been offered "flattering inducements" by the other side.

## DISTRIBUTION OF INCREASE.

The schedule will add to the payroll for each month of the school year, beginning Jan. 1, \$7,235. The only principals and teachers who will not be benefited by the increase are those already receiving as high as \$200 a month. The extra money will be distributed as follows: One hundred and twenty-five teachers receiving from \$45 to \$59 a month will get \$3 a month more, beginning the second semester, amounting to \$2,225.50; 26 receiving from \$60 to \$64 a month, to get \$4.50 a month more, amounting to \$887.75; 40 getting from \$75 to \$79 a month, to receive \$3 a month more, amounting to \$1,200; and 178 teachers including both high school and elementary principals and supervisors getting \$20 a month and above to receive \$2.50 more each, amounting to \$1,942.50.

The report of Treasurer S. A. Whitney showed a balance on hand, Dec. 1, of \$23,920. The balance on Nov. 1, was \$24,016.30, and during that month the sum of \$28,123.33 was received and \$35,628.63 disbursed.

The senatorial favor, amending the pending bill to embody these ideas and other members of the sub-committee express themselves as favorable to the plan.

## TRIED TO BE A GENTLEMAN.

John Gill Failed and So He Committed Suicide.

Jackson, Miss., Dec. 3.—"I have tried to be a gentleman and failed." After penning these words, John Gill, turkey hunter, was being impaled by himself last night. No motive other than that assigned in the note is known. Gill was about 55 years of age, and came here from Albany, N. Y.

## WHEN CARD PARTIES BECOME LOTTERIES

Chicago, Dec. 3.—Bridge parties when prizes are offered are lotteries, according to a ruling of the United States postoffice department, as given in a decision to the Tribune from Hartford, Conn., which says: According to a decision received yesterday from the postoffice department, at Washington it is illegal to send invitations through the mail to bridge parties or to card parties where prizes are given.

A conscientious Hartford man has been reading the papers about card parties at which prizes were awarded, and where money has been won and lost at bridge.

## ARMED HOLDUP MEN.

New York, Dec. 3.—Loaded with arms and ammunition supposedly for the use of the revolutionists in Haiti, the swift schooner, Alice, has left her moorings in Long Island harbor and is now well on her way. According to rumor along the water front, the schooner was formerly known as the Gloucester, having charge of the convoyance of river funds. He resisted fiercely and his assailants were put to rout.

## BOULD HOLDUP MEN.

New York, Dec. 3.—Bould holdup men attacked Mark Aron, a cafe proprietor, on the platform of a trolley car in Fifty-ninth street last night. While three men led the attack, a fourth tried to snatch Aron's diamond shirt stud. He resisted fiercely and his assailants were put to rout.

## CHARLES A. YOUNG, A GROCER IN BROOKLYN, WAS BLACKJACKED IN HIS STORE JUST BEFORE CLOSING UP FOR THE NIGHT BY A YOUNG MAN WHO ENGAGED HIM IN CONVERSATION ON THE PRETEXT OF PURCHASING

# GENERAL SHAKEUP IN GOULD SYSTEM

Stories Afloat in Denver That Sweeping Changes Will Be Made Jan. 1.

## STENGER TO BE PROMOTED.

Martin or Valley Sited for General Managership, Vice A. C. Ridgeway, Who Goes to Western Pacific.

(Special to the "News.") Denver, Dec. 3.—It is persistently rumored here that sweeping changes on the Denver & Rio Grande railroad will go into effect Jan. 1, which will involve, in a measure, a change in policy following several resignations among those at the head.

While none will be quoted it is stated that there will be a new general manager and that Ernest Stenger, superintendent at Salt Lake, will be promoted to general superintendent with headquarters at Denver.

Among the stories is one to the effect that either W. S. Martin, assistant general manager, or George Valley, general manager of the Colorado Midland, will be appointed general manager of the Denver & Rio Grande, vice A. C. Ridgeway. There is another involving Vice President C. H. Schlacks to the effect that both he and Mr. Ridgeway will hand in their resignations effective Jan. 1. Again the name of George Valley is mentioned as the vice president of the Denver & Rio Grande to succeed Mr. Schlacks.

Mr. Valley who is a son-in-law of W. L. Pickard of Salt Lake, stands high with the Denver & Rio Grande as an official of executive ability, and he was chosen as general manager of the Colorado Midland by the Colorado & Southern and the Denver & Rio Grande.

An effort was made this morning to secure a statement from Ernest Stenger, general superintendent of the Utah lines of the Denver & Rio Grande railroad with offices in this city, but Mr. Stenger is absent from the city, making a tour of the Marysville branch of the road and could not be seen. Mr. Stenger is not expected to return for two or three days, and could not be located this morning.

## TEN THOUSAND TONS OF COAL DESTROYED

(Special to the "News.") Eureka, Dec. 3.—Over 10,000 tons of coal belonging to the Salt Lake Route, which was piled up along the track at Eureka, yesterday morning, was blown up and destroyed by a fire which broke out, and will be almost a total loss. Steam shovels were sent out by the railroad company to be used in moving the coal, but the fire spread so rapidly that there seems to be no effort now to save the coal, the burning of which will mean a loss of about \$50,000. The fire presents a pretty spectacle at night.

## HATED HIS BROTHER.

So Max Klein Made Unsuccessful Attempt at Suicide.

New York, Dec. 3.—Because he "hated" his brother, it became known today that Max Klein, a 16-year-old boy, tried to end his life by inhaling gas at his home in Harlem last night. He had lost consciousness when he was discovered by his elder brother, the object of his wrath, and the cause of the attempt on his life. The youth, who has been wayward, a confirmed cigarette smoker and a reader of sensational cheap literature, was turned over to the police. When he was asked why he tried to end his life, he replied sullenly: "I didn't like my brother Louis."

## A KING'S MESSENGER ARRIVES IN NEW YORK

New York, Dec. 3.—There has arrived at the Plaza the first king's messenger who has come to this country in many years. He is the Hon. Frederick Curzon-Howe, brother and second heir of the present Lord Howe. Mr. Curzon-Howe is also a cousin of Lord Curzon of Kildare, at one time viceroy of India, whose late wife was Miss Mary Leiter, of Chicago.

There are 20 king's messengers, of whom Mr. Curzon-Howe heads the list in point of rank. These messengers have charge of the convoyance of river funds, and this city and its environs are important state papers between London and other capitals and in the past the post of king's messenger frequently meant a position difficult and surrounded by many dangers.

In Mr. Curzon-Howe's possession when he arrived was a small leather bag resembling a mail pouch, which he would not suffer to be taken out of his sight. This was said to contain an important paper sent by the British war office to the war department at Washington.

## ARMED FOR HAYTIAN REBELS.

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Charles A. Young, a grocer in Brooklyn, was blackjacked in his store just before closing up for the night by a young man who engaged him in conversation on the pretext of purchasing

# ENRAGED POPULACE OF PORT AU PRINCE ABANDON THEMSELVES TO LAWLESSNESS.

Twelve Men Were Killed. Locks of Doors That Barred Progress Were Broken With Rifle Bullets.

## GOODS TAKEN INTO STREETS AND DIVIDED

Among Mob—Gen. Simon Informed Of Trouble—Order Restored.

(Special to the "News.") Port au Prince, Dec. 3.—Order had been completely restored in Port au Prince by 11 o'clock this morning.

The committee of public safety has made an appeal to the moderation and wisdom of the populace for the purpose of avoiding foreign intervention. A number of the pillagers of last night have been arrested.

## A NIGHT OF PILLAGE.

Port au Prince, Dec. 3.—The stirring events of an exciting and historical day that saw President Nord Alexis driven from his capital with an infuriated mob at his heels were followed by a night of looting and pillaging in Port au Prince.

The passions of the populace had been aroused, and after being defeated in their endeavors to do bodily harm to Alexis, they turned their attention to well stocked storerooms and the residences of the supporters of their late president.

They were rapidly getting out of hand when the authorities succeeded in controlling the situation. Twelve men were killed before order was restored.

The trouble began shortly after the president had been escorted to the French minister, M. Trouin by M. Carteron, the French minister.

People from the Belair and Salines sections of the city invaded the business quarter and lost no time in turning the stores into a scene of pillage. They divided into bands and worked their way down one street and up another, breaking into the stores that offered the best chance of loot.

The pillage was well under way by 8 o'clock, and by 10 o'clock 11 stores had been completely looted, nine of which were owned by Syrians and two by Haitians.

## PILLAGERS FIRED ON.

The pillagers were unaware of the approach and the first intimation that they were being attacked came to them in the shape of a volley from Gen. Pidevin's command. Eight of the looters fell at the first fire. This onslaught broke the spirit of the mob and as the situation grew more threatening, the looters were increasing rapidly in numbers and it was feared that the disorder would spread over the whole of the city.

The people were rapidly getting out of hand when General Pidevin appeared on the scene and saved the situation. He went first to police headquarters and ordered a detachment of 200 men to follow him to the scene of the trouble. The police, however, refused. The general then got together a number of courageous citizens to whom he issued arms and rounded up also a small detachment of loyal soldiers, and at the head of this body of men he marched against the looters.

## ITALIANS ROUTED THE AUSTRIANS

Reno, Nev., Dec. 3.—News has just reached here of a race war in the Western Pacific construction camp at the north fork of the Feather river in Northern California, early in the week in which Peter Stykuck, a killed and Sam Radich was fatally wounded, the victim being among a party of five Austrians who were attacked by a gang of 20 Italians. The Italians were armed with iron bars, pistols and knives and fearfully beat the Austrians who had only clubs. It is claimed that the Italians would have killed all the Austrians had not other Western Pacific laborers interfered.

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Second—A. N. Merrill, (R) has a majority of 77 over Robert Anderson (D).

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