

# BENDERNAGEL FREE; FIVE CONVICTED

### Government Disappointed by Result of Verdict in Sugar Weighing Frauds.

### JURY RECOMMENDS MERCY FOR GUILTY

### Other Indictments Pending; Defendants Are Paroled in Custody of Counsel.

NEW YORK, Dec. 17.—The jury tonight found guilty five of the six employees of the American Sugar Refining company, who have been on trial for the last three weeks, charged with criminal conspiracy to defraud the government of customs duties on imported raw sugar.

In the case of James F. Bordenagel, a former cashier of the company's Williamsburg plant, the jury disagreed. Mercy is recommended for all those found guilty.

**Long Deliberation.**  
The jury was out ten hours. Under the indictment, Oliver Spitzer, a dock superintendent; John H. Coyle, Thomas Kehoe, Edward A. Boyle and Patrick J. Hennessy, checkers, may be punished for the commission of two overt acts, the maximum penalty for each of which is two years' imprisonment and \$5000 fine.

The failure to convict Cashier Bordenagel is regarded by the government as a distinct disappointment. The effort of the prosecution has been to trace the customs frauds already admitted to a higher source, and Bordenagel, though not an executive of the company, was an employee coming in contact with those who shaped the company's affairs in their larger aspects.

Special emphasis was laid by Mr. Stimson in his summing up for the prosecution on such of the evidence as tended to show culpability upon the part of Bordenagel.

**More Mercy Sought.**  
As other indictments are pending against the convicted five on which they are to be tried, it was agreed by the government that they be paroled in custody of counsel, with the right to reappear when the argument for a new trial is heard.

Mr. Stimson moved that the indictment against Bordenagel be served apart from that of the other defendants. To this the court agreed.

Bordenagel put in a strong defense by the introduction of the testimony of prominent character witnesses. Tomorrow the defendants will appear and a date will be fixed for the argument on application for a new trial.

Tonight's verdict brings to a close the government's first step in criminal procedure following the vast underweighing frauds disclosed in the docks of the American Sugar Refining company.

# DENIES THAT TAFT SHOWS STATESMANSHIP

NEW YORK, Dec. 17.—President Taft, in his recent message, denied that the recent and constantly increasing cost of living is due to a protective tariff. He stated that he knows nothing so clearly as that his training as a lawyer has not made of him a statesman, still less a political economist.

John Bigelow, former ambassador to France, statesman, diplomat and author, criticizes the president in a letter written to the Civic Forum, whose annual banquet was held in New York tonight. Mentally alert, though in his ninety-second year, Mr. Bigelow gave his views by letter, because he was unable to attend.

Mr. Bigelow in his letter says: "How will he (Taft) explain the recent extraordinary impulse given to the white slave traffic except by the tariff, which compels women to abandon their proper home life and take refuge in factories of protected industries for their daily bread, or else, if not in consequence, abandon themselves to a life of shame."

# WARRINER'S PROSECUTOR TRENDS THORNY PATH

CINCINNATI, O., Dec. 17.—Another obstacle has been encountered by Prosecutor Hunt in his efforts to discover what became of the \$643,000 embezzled from the Big Four railroad by Charles L. Warriner, former local treasurer.

According to a statement given out by the prosecutor tonight, Henry Clews & Co., New York brokers, through whom Warriner claims to have lost vast sums in speculation, have refused to allow their books to be examined.

The brokers claim that a "Big Four" accountant has already received all the information they have, but according to Mr. Hunt all the railroad officials, too, could get a slip showing that Warriner lost \$17,000 on the stock market. As more than \$300,000 of the defalcation remains untraced, Mr. Warriner's losses, as reported by the Clews company, are insignificant.

# ZELAYA CANNOT PAY; HE MAY GO TO JAIL

NEW YORK, Dec. 17.—Fortune gave the Zelaya family another prod this afternoon, when a jury awarded Miss Juliette Hero \$3000 damages against Dr. Anibal Zelaya for breach of promise.

"It might as well have been \$5000," said the young relative of the Nicaraguan dictator, when he heard of the verdict. "I have no money and can't pay."

Under the law, unless Zelaya settles, he can be committed to jail for an indefinite period.

**RECOVERING AFTER WOUND IN HEART**  
ST. JOSEPH, Mo., Dec. 17.—Francis Drysdale, shot through the heart three weeks ago, is able to sit up in bed, and his complete recovery is expected.

# The Health Dept.

In your bodily system is looked after by millions of little soldiers in your blood—those corpuscles constantly fighting for you.

If this army is well fed and kept healthy and strong, by taking Hood's Sarsaparilla, it will destroy the uncountable horde of germ-enemies that are attacking you every moment of your life. Hood's Sarsaparilla will keep you free from or will cure you of scrofula, eczema, rheumatism, catarrh, anemia, that tired feeling and all such ailments.

# POSSIBLE CONTEST FOR THE THRONE

Continued From Page One.

of the situation and impressed every one by his dignified bearing.

**Cabinet in Control.**  
Under the constitution affairs of the nation are in the control of the cabinet until Prince Albert takes the oath of succession next Thursday. An official dispatch issued today lauds King Leopold's career, and declares his creation of the Congo Independent state was unique in history.

"Positively will judge Leopold a great king with a grand reign," it says.

The body of Leopold remains in the mortuary chamber of "The Palms." Tomorrow night it will be removed to the funeral home in Brussels. The face of the dead ruler will not be exposed again to public view.

The filing of the will of King Leopold today shows that he divided \$300,000 between his three daughters, Princess Louise, Princess Stephanie and Princess Clementine.

This practical disinheriting of his children signifies the beginning of a great legal battle to obtain the king's wealth, similar with that which ensued on the death of their mother, Queen Henrietta.

The exact amount of Leopold's fortune probably will be revealed by Senator Winer, the king's friend and confidential legal adviser, told the Associated Press today that Leopold turned over a large portion of it to the Baroness Vaughan and her children, and created a stock company of his estates to forestall a possible raid upon it by the Princesses Louise and Stephanie or their creditors.

**Nation May Profit.**  
Senator Winer said that later perhaps, large portions of the estate would be given to the government. The Princess Clementine, aside from bequests she will receive, is provided for by a special income from Congo property. Investigation shows that the right of the succession to the throne of a child of the king by the Baroness Vaughan is not worthy of serious attention. It is pointed out by Senator Winer that if there were only a religious economy, laws of the kingdom would prevent the accession of a child of such a union.

The senator, however, does not believe there was ever any religious marriage between the king and the Baroness Vaughan is of foreign birth, she probably will be expelled from Belgium, like the favorite of Leopold I, the Baroness Mayer, whose husband was attacked and destroyed by a mob after the king's death.

Under the Belgian law a parent is not permitted to bequeath more than a quarter of his belongings away from his children, and reports are current tonight that counsel for Princess Louise has made the first move toward a legal contest.

The court of first instance granted an injunction tonight, sought by the Baroness Mayer, restraining the authorities from affixing seals on her residence. The action of Princess Louise in attempting to have the seals affixed is due to her belief that valuable property belonging to King Leopold is in the villa of the baroness.

# PRINCESS LOUISE IS SEEKING RECONCILIATION

PARIS, Dec. 18.—A dispatch to the Matin from Budapest says that Princess Louise left Budapest for Brussels at 1 o'clock this (Saturday) morning, having telegraphed Prince Albert and Princess Clementine of her intention to visit the capital. Prior to her departure, the correspondent says, Princess Louise made the following statement to him:

"Never can I console myself over the thought that the king died without his children being able to say a last farewell.

"I know this regret is shared by the whole family. I leave here with the sincere hope of seeing all our family dissensions disappear around the bier of the king. I am ready for my part to forget all I have suffered and do all I can to effect a reconciliation with my sisters."

# SAY KING HAD UNUSUAL BUSINESS ABILITY

NEW YORK, Dec. 17.—American financiers who had dealings with King Leopold in the last ten years of his life express themselves as having been indelibly impressed with his remarkable business ability.

Thomas F. Walsh, a Colorado mine owner, who was interested with Leopold in Congo mining enterprises, is quoted as saying:

"The king was more like an American than any I met abroad, and he had a great turn for business."

J. Pierpont Morgan, who had frequent dealings with the monarch, is reported to have expressed the opinion that the king of the Belgians was the greatest business man he had ever met.

Thomas F. Ryan is another New York financier who has come to know King Leopold very well. Mr. Ryan secured from the king the exclusive right to gather rubber over a vast area in the Congo and also joined with the Guggenheims in the exploration company which is developing certain mining sections in the Free State.

# NEW KING A FRIEND OF THE LABORING MAN

PARIS, Dec. 18.—An intimate friend of Prince Albert told the Matin's Brussels correspondent that the new king's ambition would be to be useful to the workman. He is a deep student of social questions and will consult the world, according to the correspondent, with modern tolerance.

"Albert will be king of a republican monarchy," said the Matin's informant, "or, if you prefer, president of a monarchial republic."

**Passengers Carried.**  
NEW HAVEN, Conn., Dec. 17.—An official statement from the office of the New York, New Haven & Hartford Railroad company shows that on November 13, 1909, the day of the Yale-Princeton football match here, 32,226 passengers were carried by the road, and of that number 17,844 were carried from New York City. For the same date in 1907, 33,399 were carried, but this year 46,009 were carried from New York, which makes the record this year \$45,000 as compared with \$44,528 two years ago.

# UNITED STATES IS PROMPT IN ACTION

Continued From Page One.

file had not been informed that Mr. Knox had declined such an offer.

Asked if it were true if the gunboat went to Corinto to offer an asylum to President Zelaya, Minister Gamboa said:

"Any such report is without foundation. If the Guerrero goes to Corinto it will be to protect our interests."

That the Nicaraguan congress will immediately appoint Dr. Jose Madriz president, after accepting the resignation of Zelaya, is the opinion in official circles.

# ZELAYA'S RESIGNATION MAY END THE WAR

BLUEFIELDS, Nic., Dec. 17.—The news of President Zelaya's resignation contained in an Associated Press dispatch, was the first intimation here of this important development, which, it is believed, is fraught with rosy possibilities for the speedy capitulation of General Vasquez and the complete triumph of General Estrada.

The immediate effect of the news was to make it certain no battle will take place for some days, pending negotiations that General Estrada's advisers urge him to offer in assuring Vasquez that it will be useless further to resist, as Zelaya's resignation leaves him no cause to uphold.

It is considered here that this is the psychological moment for American recognition of the insurgents.

There is high hope that General Vasquez quickly will accept an offer of personal immunity when he learns of Zelaya's resignation.

Vasquez is not ambitious to become president, and he is believed to have been of Estrada and has been furnishing him with wine and camp luxuries. A combination between Estrada and Vasquez would leave Dr. Madriz the only other possible candidate for the presidency.

As this dispatch was being sent, Adolfo Diaz was telephoning Estrada at Rama of Zelaya's resignation and was urging upon the general the course outlined in this dispatch. It may be some hours before General Vasquez will be reached for a conference with Estrada, but rapid developments are expected.

# CAN PLAY POLITICS JUST LIKE YANKEES

MANAGUA, Nicaragua, Dec. 17.—The governors of the departments of Granada and Leon have been removed from office and replaced by men known to be favorable to Dr. Julian Irias, minister general, and to Dr. Madriz, both of whom have presidential aspirations.

David Arellano, who was arrested last November in a celebration at Granada in honor of President Taft's election, which the government interpreted as a demonstration in favor of American annexation, was released from the penitentiary today.

A reception committee of six has been appointed to meet Dr. Madriz on his arrival at Corinto Sunday. Heavy recruiting is going on here.

# Tightening the Grip.

BLUEFIELDS, Nicaragua, Dec. 17.—The American grip on Bluefields was tightened today when Commander Shipley of the United States navy, on the authority of Rear Admiral Kimball, commander of the American forces in Nicaragua, issued a proclamation formally stating that no fighting would be allowed at Bluefields.

The American consul here, delivered the message to Adolfo Diaz, provisional secretary of state, to be forwarded to General Estrada, leader of the revolutionists and provisional president at Rama. A copy of it, of which the general is very jealous, is prohibited because American property and the lives of Americans would be endangered.

The situation at Rama is unchanged. Everybody here is praying that the American government will recognize General Estrada's government.

# Zelaya Still Working.

SAN JUAN DEL SUR, Dec. 17.—General Zeledon, chief of the Nicaraguan forces on the Costa Rican frontier, has been hurriedly called to Managua, and left for that city today.

President Zelaya, it is reported, continues to sign all messages to military commanders.

Dr. Madriz left Punta Arenas today for Managua.

# Maybray Cases Postponed.

COUNCIL OFFICES, Dec. 17.—The criminal cases against J. C. Maybray and about eighty alleged assistants have been set for argument on the defendants' demurrers January 17, 1910.

Hearing of the civil cases against Maybray and certain citizens of this place, which were set for today, have been postponed to January 10.

# PHONES 729 BREEDEN'S OFFICE TALK TODAY

Have you ever tried to "keep office" without a calendar pad on your desk? If you did, we are sure you missed lots of things you should have attended to, and it meant a money loss.

Among your New Year resolutions should be the determination to "keep tab" on things. See us TODAY.

Almost Any Size.

Breedens Office Supply Co.

60 WEST SECOND SOUTH.

# CANINE NEWS PRODUCERS



Dogs have been playing a more or less important part in the news from the other side recently. Here are two of the canine news producers. At the left is shown a dog dressed up in a rab costume, which is used in connection with a number of other similar dogs by the Riffians in their engagements with the Spanish troops in Morocco. These dogs were sent out in advance of the tribesmen and drew the fire of the Spanish soldiers. On the right is shown a Parisian dog equipped for a joy ride, in a dog automobile, which is one of the newest fads in France.

# NOT ALL THE ASTOR PEARLS ARE GENUINE

NEW YORK, Dec. 17.—Not all the Astor pearls are genuine. The report of the transfer tax collector, as filed with the surrogate today, shows that ninety pearls in the late Caroline Webster Astor's five strand necklace were imitations. Nevertheless, the necklace is appraised at \$31,000. Mrs. Astor left diamonds and emeralds worth \$180,000 additional.

Caroline Webster Astor, who died more than a year ago, was the widow of the late William Astor and for many years resided in the city of New York society. Her husband left an estate variously estimated at between \$60,000,000 and \$70,000,000, and many persons were astonished today that the widow's total estate, including her jewels, is valued at only \$1,000,000 after all deductions.

# NEW EMBASSADOR FROM JAPAN ARRIVES

SAN FRANCISCO, Dec. 17.—Baron Yuyiyada Uchida, the new Japanese ambassador to the United States, arrived here early today on the liner Teuani Maru. He was accompanied by Baroness Uchida, who is a graduate of Bryn Mawr college.

Baron Uchida has not been in Washington since 1889, when he was an attaché of the Japanese legation there. He said today that he has always been anxious to return, and that his present appointment was the one he desired the most. He received the Washington post while he was serving as the Japanese representative in Vienna, where he spent two years. The new ambassador will immediately proceed to Washington.

# Don't overlook "LIGHTS AND SHADOWS OF MORMONISM" when selecting Xmas gifts.

You could't choose a more appropriate present for a relative or friend who is interested in Utah's history. For sale by all news-dealers and at TRIBUNE OFFICE, or sent postpaid upon receipt of price, \$1.25.

# TAFT LEAVES CAPITAL TO ATTEND FUNERAL

WASHINGTON, Dec. 17.—President Taft will leave Washington this afternoon for Watertown, Conn., where he will tomorrow attend the funeral of Mrs. Horace B. Taft, wife of his brother, Horace B. Taft.

Mrs. Taft died last night in a hospital at Baltimore. The president probably will return to Washington Sunday morning. It is probable that the president will cancel nearly all social engagements for the white house for some time to come.

The president was deeply grieved to learn of the death of his sister-in-law, although it was not entirely unexpected. For fear of earthquakes, he returns to Washington Sunday morning.

# Only One "BROMO QUININE" That's LAXATIVE BROMO QUININE. Look for the signature of E. W. GROVE Use the world over to cure a cold in one day.

Don't overlook "LIGHTS AND SHADOWS OF MORMONISM" when selecting Xmas gifts. You could't choose a more appropriate present for a relative or friend who is interested in Utah's history. For sale by all news-dealers and at TRIBUNE OFFICE, or sent postpaid upon receipt of price, \$1.25.

# AN OLD SONG—"THERE'S NO PLACE LIKE HOME."

When people ask me where I live I hate to have my name given. A name like Smithville, plain, I'd rather say, "Sir, if you please, My home is in the Hebrides, Or, 'High up in the Brecones,' Or, 'At Gibraltar, Spain.'"

"Constantinople" too, sounds fine, And "Drachenfels-upon-the-Rhine," And "Madagascar," too; And "Yokohama" sounds so great, And "Hindustan" is just first rate; I rather like even "Behring Strait," And "Cuzco" in Peru.

And yet, I would not be at night, Alone upon the "Isle of Wight," Or on the "Zuyder Zee," At "Nova Zembla," in a gale, I know that I should just turn pale; For fear of earthquakes, I should quail in "Sunny Italy."

A place that sounds nice on the map, May have a little too much snap To keep within its wall; And so, though many names I see, That sound as stylish as can be, There's no place quite so good for me, As Smithville, after all!—Elizabeth Wade, in May St. Nicholas.

# FATHER FOUND AFTER TWELVE YEARS' ABSENCE

ST. PAUL, Dec. 17.—Mrs. Louis Stensgaard and three children of St. Paul left yesterday for Pasadena, Cal., where they will spend the first Christmas in thirteen years with the husband and father, who disappeared from his real estate office here in 1897 after meeting failure in a financial wreck.

Stensgaard was located last September, after having been thought dead, by his eldest son.

Stensgaard at one time was rated as worth \$800,000.

# WEST VIRGINIAN TO BECOME A DUCHESS

Katherine Elkins It Is Said Will Become Bride of Duke of Abruzzi.

BY CLEMENT J. BARRETT. Special Cable to The Tribune.

ROME, Dec. 17.—The news that the Duke of the Abruzzi is going to America in the spring, ostensibly to lecture, has aroused interest in the Abruzzi Elkins affair and it is confidently predicted, not only in the American columns, but in royal circles as well, that the duke will bring back from America the promise of Miss Katherine Elkins to become his duchess. I understand that the last shred of opposition on the part of the royal family to the match has disappeared and that the king, queens Elena and Margherita are now prepared to welcome the fair young American to the royal circle, provided she will give her consent to come. Abruzzi has convinced his family that he will marry Miss Elkins or nobody, and even the dowager queen at last has withdrawn her opposition.

# Does Not Like to Be Worried.

Queen Elena is noted for her great self-assurance, and for the fact that she does not like to be worried with the minor details of life. These traits are, of course, well-known in Italy, and everything is naturally done to avoid her. This was promptly brought to the queen's attention the other day, when she had an amusing experience at a small wayside station, where she was met by the mayor and corporation in all the glory of their robes of honor. An elegant luncheon had been provided, but the queen, wishing to hasten on her journey, requested a member of the deputation to get her a glass of wine. This was promptly brought, but while drinking it a drop fell on her traveling dress. Her majesty at once sought for a handkerchief to remove the stain, whereupon the worthy mayor, misunderstanding her action, murmured humbly: "Ah, no, your Majesty, I assure you it's all paid for."

# Italy's Palace of Justice.

Italy has had an experience with her palace of justice which will appeal to those statesmen in the United States at Albany and the county court house in New York City. Begun in 1889, at a period of some financial depression, its original cost was determined at \$200,000, a sum which was almost at once raised to \$1,000,000 by a special economy misplaced in the case of so important an edifice. Even so, the contractors threatened to outrun the estimates, and a second commission in 1902 raised the total cost to \$1,480,000. This summer Signor Bertolini, minister of public works, informed the country that \$1,534,840 had been expended upon a building not yet fully completed. Unfortunately the heavy cost of the palace of justice is not the only reproach against it. Senator Lucchini, councillor of the court of Cassation and one of the chief law officers of Italy, has just declared that it is entirely unfit for the purpose for which it was supposed to be designed.

# Blizzard in Texas.

DALLAS, Tex., Dec. 17.—Tonight the first snow of the winter is falling in north and central Texas. In the last ten hours a blizzard of unusual severity for this early in the winter has been sweeping over the plains in the upper Panhandle.

# ASK AGENTS ABOUT REDUCED RATES FOR CHRISTMAS HOLIDAYS VIA OREGON SHORT LINE

Tickets on sale December 18, 21, 25 and 31, and January 1. Limit January 3, 1910.

# PIMPLES

And Blackheads Prevented and Cured by Cuticura. Gently smear the face with Cuticura Ointment, the great Skin Cure, but do not rub. Wash of the Ointment in the minutes with Cuticura Soap and hot water and bathe freely for some minutes. Repeat morning and evening. At other times use Cuticura Soap for bathing the face as often as agreeable.

# UNION DENTAL CO.

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The ideal family sewing machine. In every kind of sewing than any other makes quicker and better—just as efficient in operation as a complete stock, as well as repairs of all kinds. Ad as SINGER Sewing Machine Company, 43 South Main Street, Lake City, Utah.

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A positive and permanent cure for Drunkenness, Opium Habits, and all other habits. Ad as Keely Cure, 334 S. West Temple St., Lake City, Utah.

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