WEATHER TODAY.
Fair Friday and Saturday.

Salt Lake Metal Prices:
.....62½c
.....$4.35
.....$17.524
St. Louis), dull.....$7.15

The Salt Lake Tribune.

GREAT
The Tribune will issue its great business edition next Sunday.

LXXXVI., NO. 74. SALT LAKE CITY, FRIDAY MORNING, DECEMBER 27, 1912. 12 PAGES—FIVE CENTS.

AMITE CASE EN TO JURY; NG WAIT SEEN

Adjourns Until 9:30 Morning, Precluding rn of Verdicts for or ainst Before Then.

IS SEVERELY SCORED BY MILLER

ctions of Judge Ander- Unbiased; Jurors Told Carefully Weigh All the Evidence.

APOLIS, Ind., Dec. 26.— ver is to be the outcome of three-months' "dynamite con- y" trial, in which forty la- officials are accused of com- the McNamara plots to de- operty, including the wreck- Los Angeles Times building, enty-one people were killed, with the jury.

Judge Anderson, a few min- 5 o'clock tonight, instructed and ordered it to retire. The adjourned until 9:30 a. m. thus precluding the return of ts before that time, should heard. All the verdicts, while as to each defendant, are to at one time.

long will the jury be out?" question asked as the jurors A basis for a belief that would not be reached when tomorrow, was found in instructions "carefully to the evidence in the case." required about twelve weeks the evidence.

Defendants.

fendants who await the out- Frank M. Ryan, presi- International Association and Structural Ironworkers, John J. McNamara, the con- amiter, was once secretary; executive board members of Herbert S. Hockin, accused complice of Ortie E. McMani- confessed dynamiter; Olaf secretary of the Califor- trades council; E. A. Clan- Francisco, and J. E. Munsey, City, Utah. The three last charged with promoting the explosion.

men are not charged under the laws with personally causing plosion. They are charged with to violate federal laws and in the illegal transporta- dynamite and nitro-glycerine ger trains.

Closing Words.

his argument to the jury Attorney Miller again referred gument of United States Sen- counsel for the defendants. had left the city, say- going to Washington. Angeles Times building ex- called the crime of the cen- Miller said, "but the real the century was this damnable It would be an everlast- to our country and to our if these forty conspirators convicted. Gentlemen of the United States senator, sworn the laws of his country, has stand before you in defense enemies of the republic. You these conspirators guilty your seal of condemnation upon by a United States sena-

Instructions.

stating the substance of the charged and mention- nation-wide strike of the iron- union, which the government was the motive for 100 explo- the work of contractors who to recognize the union, Judge in his instructions said:

was not unlawful for the struc- workers to organize the union they belong. It is not un- for the defendants to be mem- that or any other labor organ- Men have the right to use combined power through such or- to advance their interests lawful ways, but they have no use this power in the viola- the law. Organized labor is trial here nor is the right of organize an issue, but mem- labor organizations owe the allegiance to the law and are lia- the same punishment for its as persons who are not mem- such organizations.

defendants are not on trial

(Continued on Page Six.)

MANILA BAY HERO AS HE LOOKS TODAY

ADMIRAL DEWEY.

ADMIRAL DEWEY, 75, GIVES HEALTH TALK

Thinks Riding Is Best Exercise; Escapes All Banquets He Can.

By International News Service.

WASHINGTON, Dec. 26.—Admiral George Dewey is 75 years old today and "young as an ensign." The hero of Manila bay didn't make use of the occasion to take it easy around the house—didn't put on his slippers and doze before the fire—didn't live in the past. He paddled through the slushy street to his office and tried his best to do a full day's work—tried to, but a steady stream of admiring acquaintances would not let him.

Men old in the services, clerks and civilians by the score "dropped in" to chat with him and do him honor. For though the admiral can look back on three-quarters of a century he is still the master mind of the navy. As chairman of the general naval board he has much to say in shaping policies of the naval department. When they try out a new airship, new armor or a new projectile, it is his province to keep informed of the conclusions.

In questions pertaining to construction, Admiral Dewey is particularly well advised, as he was at one time chief of ordnance of the navy department. On account of his wide knowledge and his long experience, he is the dominant factor in the naval board's discussions.

It amused the admiral today to be told that his friends said he "looked like an ensign."

"I certainly feel like one. I never in my whole life felt any better than I do today. I should say that any man who begins to ride early and continues with it throughout his early years will find in the end that he has invested in a form of physical exercise that will be a great asset to him in his later years. Driving is splendid, too. Getting lots of air is the principal thing. I learned to ride in my own state of Vermont.

"Another thing that has helped me has been keeping away from banquets. I don't go to any more of them than I possibly can help. I remember the time when we used to go to banquets that laid us up for two or three days afterward, but I abandoned that long ago, and so should any man that wants to feel as young as I do when he is seventy-five."

By way of celebrating his birthday anniversary, the admiral took a long drive late this afternoon with Mrs. Dewey and then he entertained a small party informally at dinner.

DIED POSSESSED OF MUCH MONEY

Two Miserly Sisters Become Victims of Pneumonia After Refusing to Call Doctor.

ST. LOUIS, Mo., Dec. 26.—Examination of the body of Mrs. Sarah Johnson, who, with her sister, Miss Mary Scott, died Christmas eve, of pneumonia, apparently in want, revealed that a bag around her waist contained $5604 in cash and three gold watches. In Miss Scott's effects were found deeds and papers showing bank deposits.

Little is known of the sisters. They arrived at the address at which death occurred about two weeks ago. Both suffered from colds which developed into pneumonia. They refused to have medical attention because of the cost, and even declined to go to a free hospital.

Although living in the same room, they slept in single beds and used separate tables, dishes and silverware for eating.

In the delirium preceding death, Mrs. Johnson spoke of a daughter living in New Mexico and of a sister in Pueblo, Colo. The elder woman was about 50 years old and Miss Scott had remarked that she was "more than 40."

DOCTOR KEEPS WILSON IN BED ONE MORE DAY

President-Elect Is Recovering From Indisposition, but Complies With Orders and Remains in Room.

GOES TO STAUNTON, VIRGINIA, TODAY

Town Filling Up With People in Anticipation of Celebration of the Governor's Birthday Saturday.

PRINCETON, N. J., Dec. 26.—Propped up in bed, President-elect Wilson sat for two hours today talking about currency reform with Representative Carter Glass of Virginia, chairman of the subcommittee on banking and currency reform, and Dr. H. P. Willis, a New York financial writer.

"The conference concerned generalities," Mr. Glass said afterward. "The governor has some positive ideas about currency reform and expressed them more decisively and more clearly than anyone I have ever met."

Mr. Glass said he was not at liberty to disclose what was discussed in the conference.

"That's what he talked about," he said, as he exhibited with a smile a handful of five-dollar gold pieces. He remarked, however, that none of the bills supposed to be before his committee in congress was authentic and the committee had not yet drafted any measure. He added that public hearings would begin in January.

Spends Day in Bed.

The governor had almost entirely recovered tonight from his attack of la grippe, but in compliance with the physician's orders he remained in bed and saw no one but Messrs. Glass and Willis.

He will leave at 10:30 a. m. tomorrow for Staunton, Va., his birthplace, there to celebrate with the townsfolk his fifty-sixth birthday anniversary on Saturday. The train will reach Washington at 3:15 p. m. and will be there for fifteen minutes while the two special cars carrying the governor and a party of Virginians living in New York will be switched from the Pennsylvania railroad to the Chesapeake & Ohio.

It will be the first time, however, that the president-elect will have stopped in the national capital since election.

A coincidence of the journey is that Richard H. Taylor, one of the secret service men detailed with the governor since election, also hails from Staunton, from which place as a boy he ran away to sea and won a medal of honor from congress for safely navigating an American war vessel and saving it from destruction in a hurricane off the Samoan islands in 1889.

Wife Goes Along.

Mrs. Wilson will go with the president-elect. She said tonight that while his health had improved, she had thought it a bit risky for him to make the trip to Staunton, on account of the cold weather.

Dr. J. M. Carnochan, the family physician, saw the governor for a few minutes early in the day, but did not think another visit necessary until early tomorrow. It is unlikely that the governor will make any more automobile trips to and from Trenton in the cold weather, though his indisposition is believed to be as much the result of the quick change from the warm Bermuda climate to frigid longitudes as to exposure.

His digestion has not been of the best, either, since his return, and, coupled with the effect of his long hours at the state house, it was feared at first that he was on the road to a severe breakdown.

CROWD GATHERING AT STAUNTON, VA.

STAUNTON, Va., Dec. 26.—Visitors from various parts of the country began to arrive here today for the celebration in honor of the homecoming of President-elect Wilson, which will begin on his arrival in Staunton tomorrow night and conclude Saturday night. The arrival of every train augmented the crowd of visitors and by tomorrow it is expected the city will be thronged.

Committees having in charge the Wilson celebration were busy today completing final arrangements for the event and providing accommodations for the visitors. The city is now ready for the arrival of its distinguished son and is prepared to accord him a hearty welcome.

Every precaution has been taken to safeguard the president-elect. A large detective force is here and policemen from other cities will assist in maintaining order. Word was received from Washington today that twenty policemen from that city will be here tomorrow.

Precautions have been taken to prevent Governor Wilson from catching cold during the big parade which he will review on Saturday. The reviewing stand will be enclosed with glass, and heated. Mrs. Wilson will be tendered a reception Saturday by the Daughters of the Confederacy.

Plans were completed at Alexandria,

(Continued on Page Six.)

SUIT IS FILED AGAINST CORN FLAKE CONCERN

Attorney General Wickersham Accuses the Kellogg Company of Violating Anti-Trust Law.

PATENTED CARTON MERE SUBTERFUGE

Government Asks for an Injunction to Prevent Breakfast Food Manufacturers Controlling Prices.

DETROIT, Mich., Dec. 26.—The Kellogg Toasted Corn Flake company is alleged to be violating the Sherman law in a petition in equity filed in the district court here today by order of Attorney General Wickersham to settle for all time the extent to which a manufacturer may control retail prices.

The company and its officers, engaged in the manufacture of Kellogg's toasted corn flakes, are charged with fixing prices at which the flakes are sold to retailer and consumer, preventing competition which would reduce the price to the public, and creating a monopoly by concentrating the entire interstate traffic in this commodity in the hands of jobbers and retailers who abide by price agreements exacted by the defendants. It is alleged that the defendants have invoked the patent laws through the use of a patented carton in which the flakes are packed as a "mere subterfuge and device" to escape the provisions of the Sherman law. The government asks for injunctions to prevent the company, its officers and agents from controlling the price of the breakfast food after it leaves the hands of the manufacturer.

List of Defendants.

The following are named as defendants:

Kellogg Toasted Corn Flakes company and Will K. Kellogg, Wilfred C. Kellogg and Andrew Rose, respectively president, secretary and general manager of the company, all of Battle Creek, Mich.

The suit is regarded by the government as of vast importance because of its bearing on the right of a manufacturer to control prices to the consumer.

It is alleged that the company sells only to jobbers, refusing absolutely to deal directly with consumers or with the retail trade. The commodity, according to the petition, is sold to jobbers at a uniform price under an agreement that the jobbers will sell to retailers at a price fixed by the defendants. The defendants are charged with strictly enforcing the agreement of sale by absolutely refusing to deal with any jobber who fails to maintain the specified price.

Attempt to Fix Prices.

It is pointed out that a notice signed by the Kellogg Corn Flake company is printed on a flap of the carton in which the flakes are packed, stating that the package and its contents are sold conditionally with the distinct understanding that they will not be retailed at less than 10 cents per package. For selling at less than that price the vendor is warned by the notice that he is liable to prosecution as an infringer of patent rights.

The government insists that the patented carton can afford no protection in attempting to fix resale prices by retailers because it is alleged:

The carton was not in fact patentable as all of its material features had long been in use before the patent was issued; the value of the carton is negligible, the contents alone being desired by the purchaser, the defendants having sold the cartons and contents to jobbers, have parted with all title to the commodities and have no legal right to fix prices at which the retail purchaser from the jobber shall be required to sell; and lastly, "its use is resorted to as a mere subterfuge and device to avoid the provisions" of the antitrust law and the provisions of the common law controlling such contracts.

Will Determine Legality.

WASHINGTON, Dec. 26.—The result of the anti-trust suit today against the Kellogg Toasted Corn Flake company, if the government's allegations are proven, will determine the legality of the business methods of many manufacturers who dictate the price at which their product shall be sold to the public, according to government officials.

The department of justice has received many complaints against manufacturing concerns which control railroad prices by stipulating that the commodity they place on the market shall be sold at a specified figure. The custom is said to be widespread and the suit filed today is expected to operate as a test. The principle involved is regarded by the department as among the most important questions ever dealt with under the Sherman law.

Archduke Plans to Make Servia Independent Kingdom Under Empire of Austria

Archduke Franz Ferdinand and morganatic wife.

Heir to Throne of Franz Josef Plans Extraordinary Coup d'Etat.

PARIS, Dec. 27.—According to the Vienna correspondent of the Journal, a friend of Archduke Franz Ferdinand is authority for the disclosure of an ambitious plan which the archduke has conceived and is now actively endeavoring to make effective. If the plan is successful, it is expected to have the effect of completely breaking up at one stroke the political forms and the system of alliances of Europe of today.

In a word, the archduke aims at the creation of a vast Slav empire of the south under the crown of the Hapsburg. He is now preparing a coup d'etat in Austria-Hungary to clear the way for the first part of his programme, which is the liberation of the discontented and ill-assorted peoples who form the empire. Having thus made a clean sweep of existing political conditions, he will proceed with the work of building up by restoring the ancient and historical kingdoms and founding new principalities.

The new confederation, according to the same authority, is to include the autonomous kingdoms of Hungary, Bohemia and Poland, each with its own personal ruler; Servia, with its frontiers extended by recent victories and still further increased by the inclusion of Slavonia; Montenegro, enlarged by a part of Dalmatia and part of Herzogovina and the other Balkan states.

Poland is said to have been quick to grasp the plan and has signified unanimous adhesion. Bulgaria is favorably disposed, and active pourparlers are now going on between Emperor Ferdinand and Archduke Franz Ferdinand. Servia, it is said, is beginning to realize the advantage of the scheme.

DIVIDED FORCE FIGHTS ITSELF

Mexican Federals Attack Colonia Juarez From Opposite Sides of Town.

EL PASO, Tex., Dec. 26.—"A house divided" resulted in federal fighting federal at Colonia Juarez, in the Casas Grandes district, last Sunday. Persons arriving here tonight from the American colony relate how the federal column of General Jose Blanco attacked itself last Sunday while seeking the rebels.

Hearing that the Salazar rebels were at Colonia Juarez, travelers relate, the federal commander divided his force of 600 men and attacked the town from opposite directions. The inhabitants hugged the floors of their houses until the firing stopped. After fighting four hours—against each other—and expending about 2000 rounds of ammunition, the federals learned that they were fighting one another and that the rebels never had been in the town. Several soldiers were wounded, but none killed.

In the meantime Salazar was evacuating Ascencion and moving toward Casas Grandes, neatly avoiding Colonia Juarez. The reported victory of Blanco against the rebels may have been the "attack" on Colonia Juarez. Official advices insist that Casas Grandes remains in federal hands.

DARING ROBBER GETS VERY LITTLE PLUNDER

KANSAS CITY, Mo., Dec. 26.—To obtain $80 worth of jewelry, a robber early today climbed a fire escape six floors to the top of a building at 1023 Main street, made a perilous passage down a greasy rope in an elevator shaft to the fifth floor and squeezed himself through the transom of Ray Bengert's jewelry shop. The building was locked and in order to get away safely the robber returned the way he entered. The jeweler's more valuable stock, worth $50,000, had been locked in a safe, which the robber did not attempt to open.

SACRIFICES HORSES TO RAVENOUS WOLVES

Victor Corn, Utah Cattleman, Has Thrilling Experience on Way to Grand Junction.

Special to The Tribune.

GRAND JUNCTION, Colo., Dec. 26.—Sacrificing five horses to wolves in order to save his own life, Victor Corn, a cattleman, finally reached Grand Junction in safety last night. Corn walked over forty miles with his fifty-pound saddle on his back before he reached safety.

The cattleman started from the range in Utah with five horses. His first night's camp was made thirty-five miles from Grand Junction. Corn had no thought of wolves the first night, but when he arose in the morning he found that three of his horses had been killed and practically devoured by the animals. Frightened, he started on with the remaining two horses, with the wolves in pursuit. The fourth horse was killed when Corn camped for the second night.

On the third night he built a big fire, hoping to save his one remaining horse, but when he arose in the morning the fire was still smoldering, but his horse had been taken away. He followed marks of blood for half a mile and then found the remains of his last horse.

Corn then started on the last leg of his journey, fighting wolves all the way. He walked thirty miles before arriving at Thompson Springs, carrying his saddle on his back. He arrived here today for new horses and equipment.

Claims Self-Defense.

CHICAGO, Dec. 26.—James Conway, an official of the United Steamfitters and Helpers' union, local No. 520, was shot and killed today by Thomas Freer, secretary of the organization. A dispute over the possession of an automobile owned by the union is said to have caused the shooting, which occurred in the headquarters of the union. Freer, when arrested, declared that he fired in self defense.

GROUND BROKEN FOR BEAUTIFUL STATE CAPITOL

Big Steam Shovel Scoops Up Cubic Yard of Earth and Then Speeches Are Made.

GOVERNOR AND MAYOR DELIVER ADDRESSES

Commission Holds Meeting, Discusses Plans and Specifications, but Delays Contract for Building.

THE big steam shovel of P. J. Moran at 1:47 o'clock yesterday afternoon scooped up the first shovelful of earth from the exact center of the grounds on which Utah's state capitol will be built. The ceremony of ground-breaking for the state house was informal. Members of the capitol commission, state and city officials and several hundred others gathered at the capitol grounds a little after 1 o'clock. Short and informal addresses were made by Gov. William Spry and Mayor Samuel C. Park. Then the great steam shovel was started and in a twinkling it had swooped down and gulped up an even cubic yard of earth.

With considerable satisfaction the officials and other citizens viewed the commencement of the construction work. For many years the people of Utah have been waiting for this. The anticipation of years was realized yesterday afternoon.

Nothing Special.

No preparations had been made for any special celebration. The corner-stone laying, about three months hence, will be the big celebration, and for that event preparations are being made. The ground-breaking was merely an official observance of the commencement of work and not really a celebration.

Mayor Park spoke briefly of the history of the capitol project, of the presentation of the capitol site on Capitol hill by the city to the state and the various efforts for many years looking to the construction of the capitol. He congratulated the people of the city on the realization of their dream.

Governor Speaks.

Governor Spry in his address declared that every effort would be made to have the construction work pushed as rapidly as possible with a view to having at least a portion of the building completed by January 1, 1915, that the legislature of 1915 may meet in the building. He added that the commission would endeavor to have the beautiful new structure entirely completed by the summer of 1915, that it might be viewed by the hundreds of thousands of visitors who will stop in Salt Lake that year en route to the Panama-Pacific exposition.

With reference to the movement having for its object the specification of only Utah materials, so far as practicable, in the new capitol, Governor Spry said the members of the state capitol commission were a unit on the question and that so far as reasonably possible only Utah materials and Utah labor would be employed in the construction of the new capitol.

Hardy Presides.

John K. Hardy, acting secretary of the state capitol commission, presided at the informal ground-breaking ceremonies. He introduced Mayor Park, who said:

We are about to realize the hope of decades and the fruition of the efforts of patriotic citizens for a quarter of a century. Here, today, we break ground for the material edifice that shall house the offices of our chief executive, our legislative and judicial bodies. The time has been long and we have waited and labored in patience, but the reward is now certain, for the means are available and the people have decreed that in this place a house shall be built which, for its purpose, shall be one of the most beautiful as well as one of the most modern of public buildings in the world.

In a rapidly growing commonwealth such as Utah, our greatest problem is to provide means so that the governmental functions may keep pace with the growth of our population and business enterprises. It has long been the regret of the inhabitants of this state that we have had no adequate place of this kind.

Donated by City.

On the 6th day of March, 1855, the territorial legislature accepted the twenty-acre tract of land upon which we stand as a donation from Salt Lake City, under suitable restrictions, for the erection of the capitol building in this city. Since that time the problem has received careful consideration and small appropriations have been made from time to time for the purpose of grading, fencing, improving and beautifying this site.

Due to our scanty population during the early period and a consequent lack of funds, nothing was done looking to the erection of a permanent edifice until our present execu-

(Continued on Page Two.)