

MANSLAUGHTER IS THE VERDICT

Thomas McGee Convicted For Killing Henry Johnson.

WILL BE SENTENCED MONDAY

TESTIMONY SHOWED CRIME WAS NOT PREMEDITATED.

FOR the killing of Henry Johnson, a negro who lived at Murray, Thomas McGee, a neighbor, whose trial has been in progress since Monday before Judge Johnson in the district court, was yesterday declared to be guilty of voluntary manslaughter by a jury. The crime is punishable by imprisonment in the state penitentiary for a period of from one to ten years, at the discretion of the court.

McGee's trial was begun Monday morning and witnesses have been examined during the week both by the defense and the prosecution. During the course of the trial it was shown that McGee was greatly incensed and provoked at the act of Johnson in trespassing on his premises and demolishing property which belonged to McGee. It was also shown that premeditation or intent to commit murder existed at the time of the shooting, but that the crime was committed under the heat of passion.

McGee, it was said, is an ignorant negro, who is unable to read or to write, as was shown to the jury, and did not realize the extent of his crime when it was done. He is the child of parents who were slaves before the emancipation and was raised with no effort to cherish or foster his intellect or his nature. He was born in the state of Florida and has been in the west for a comparatively short time.

These facts, which were brought out in the evidence and the apparent hostility of the man, are said to have influenced the jury to return a verdict as stated.

The verdict is regarded as satisfactory by both the attorneys for the prosecution and the defense. Sentence will be pronounced by Judge Johnson at 10 o'clock Monday morning.

EIGHT YEARS FOR POOL. Judge Disregards Jury's Recommendation For Mercy.

Harry Pool, convicted of robbery, was sentenced yesterday by Judge Johnson in the district court to eight years imprisonment in the state penitentiary.

The verdict and sentence were returned by the jury in the case recommended mercy at the hands of the court. In passing sentence yesterday Judge Johnson remarked that the prisoner was innocent and should be so declared by the jury.

"If the defendant was innocent," he said, "you should have returned a verdict of acquittal, and if you thought he was not the man who entered the house in question and shot a young man of his valuable you should have stated so in your verdict."

Pool was convicted of the crime of having entered the house of Miss Vera Higgins and at the point of a revolver forcing a young man who was calling to deliver his watch and money.

Legal Fight Ended. A legal fight for \$15,000 ended yesterday in a verdict for \$2,000. The suit was an action for damages brought by the federal government against the Diamond Coal & Coke company to recover for personal injuries. The case has been stubbornly fought and has been on trial for several days. The plaintiff was a minor.

GROWING IMPATIENCE. Colombia Must Come to Time in Canal Matter.

Washington, Dec. 12.—At the instance of Secretary Hay, Dr. Herran, Colombian chargé d'affaires, called at the state department yesterday to discuss the canal treaty negotiations, that the secretary might be able to report the exact status of the canal situation to the cabinet. Dr. Herran was unable to give the secretary any reply from the Bogota government as to the price which Colombia will accept for the lease. It was understood that in view of the many other weighty diplomatic matters pressing for attention at this time and the growing impatience at the state department in the conclusion of the canal convention, immediate action by the Bogota government was imperative. Dr. Herran today called on the foreign office at Bogota and called attention to serious complications that may arise out of the Venezuelan situation.

BANKING CONSOLIDATION. General Heavy Interests Brought Into Harmony.

New York, Dec. 12.—A banking consolidation was announced today which will bring into harmony the large financial and insurance interests of the Mutual Life Insurance company, the Equitable Life Assurance association and the Morton Trust company. This was brought about at the meeting of the directors of the National Bank of the United States, which was acquired some months ago by the interests which control the trust company and of the Western bank. The directors of the Bank of the United States voted to amalgamate with the Western and to make the combined capital of the banks \$10,000,000. The directors of the Western National, in which the Equitable is largely interested, voted to fuse with the National Bank of the United States upon a basis mutually agreed upon by the interests in control.

The new bank will continue under the management of V. P. Snyder, the president of the Western, and will carry over for the present the offices of the Western bank. The new institution will be known as the Western Bank of the United States. The vice presidents will be: Richard A. McCurdy, president of the Mutual; James E. Hyde, president of the Equitable Life; Thomas F. Ryan, president of the Morton Trust company, and Henry A. Smith, vice president of the Western National bank.

WATERWORKS CLOGGED BY ICE. Detroit, Mich., Dec. 12.—Anchor ice clogged the intake pipes of the local waterworks system in Lake St. Clair during the night and the water supply was cut off for several hours.

It was so serious during the early hours of the morning that a number of factories were compelled to suspend for the day because of lack of water. It is estimated that 2,000 or 4,000 men were compelled to be idle.

FOUR FIREMEN INJURED. Fire-story, Pa., Dec. 12.—The large five-story structure occupied by J. L. Conwell & Co., wholesale grocers, at 115 Franklin avenue, was destroyed by fire today. Four firemen were slightly injured. The loss is estimated at \$175,000; fully insured.

STRONG OPPOSITION DEVELOPED TO THE PENDING LABOR MEASURE

Washington, Dec. 12.—The senate committee on education and labor today listened to arguments for and against the eight-hour bill, James O'Connell, president of the International Association of Machinists, referred to a statement made yesterday by J. H. Hull, assistant manager at Cramp's ship yard, and by Mr. Payson, who is a member of the International Association of Machinists had tried to destroy the machinery of the battleship Alabama and the transport Thomas while they were undergoing repairs in the various Cramp's yards. Mr. O'Connell said that the statement had never been brought to his attention, and he did not believe it ever occurred.

Former Secretary of the Navy Herbert, in an argument in opposition to the bill, declared there were few men in the house of representatives willing to take the responsibility of opposing any labor measure, no matter whether they approved it or not, lest they be set down as enemies to the laboring class. "That explains why," he said, "this bill and preceding bills like it, even worse than it is, passed the house by large majorities."

Payson Was Vehement. L. E. Payson, for the Newport News Shipbuilding company, referred to the bill in an argument in opposition to it, and said that when the battleship Illinois was about to leave the yard on her trial trip word had come from the Illinois unions that she should not leave the yard until the union's terms were complied with. He vehemently exclaimed that the bill was a measure to force the United States had been at war, would have been misprision of treason. "Men have suffered the loss of their lives for less acts of culpability," he said, "than were committed against our people in June a year ago."

Samuel Gompers, president of the Federation of Labor, said he had been classed as an agitator by the "cyclonic and vehement Judge Payson," but it low exist, and without menace to our welfare. Indeed, the real danger, as I have already indicated, lies deeper than any consideration of prices charged or wages aroused. It goes to the foundations of our society as a republican people. Unless, by timely and courageous measures, we undo what has been done, we shall be judged, so far toward undoing us and our present institutions."

Continuing, and speaking with much fervor, Mr. Gompers said: "If any man was charged with the crime charged yesterday it was the duty of Mr. Cramp as a citizen of our country to make a criminal charge against him, and not to expose to the world what he implied. The charge has not been outlawed by the statute of limitation, and if the charge has been made, it is simply a matter of time when the heads of those who have made the accusation."

He declared that if the bill should fail to pass it would be a gain to the nation. "There is no ending in this demand," he said, "until it is accomplished."

JUDGE PETER GROSSCUP OF CHICAGO LECTURES ON THE "SO-CALLED TRUSTS"

Lincoln, Neb., Dec. 12.—Judge Peter Grosscup of Chicago, lectured tonight before the members of the law school at the University of Nebraska on the subject of "So-called Trusts—The Next Great Step in American Politics."

Judge Grosscup treated at length the causes and growth of so-called trusts. The desire to acquire property he declared to be the spirit and the basis of all trusts. Speaking of the Sherman anti-trust law, he said: "As interpreted by the supreme court, that act embodied a public policy, unwisely formed, I think, to deal with the so-called trusts on no basis other than that of extermination—to cut them out root and branch from the land with a decree like Herod's, that no child of consolidation should be found to have escaped."

As an evidence of the inefficiency of this law, he cited the fact that of the 112 leading trusts all but thirteen have been formed since the passage of the Sherman law. Judge Grosscup denied that trusts had made the conditions of ordinary life harder to bear. Wages have not been reduced, he asserted, and the cost of living has increased more than it would have been had no trusts existed. He added: "But, though the objections reviewed be untenable, it does not follow that the Sherman law is a failure."

The Real Danger. "But, though the objections reviewed be untenable, it does not follow that the Sherman law is a failure."

Southern Author DEAD OF CONSUMPTION. Riverside, Cal., Dec. 12.—James Harvey Mathes, a prominent southern author and newspaper man, died here last night of consumption.

Many of the Guests Escaped in Their Night Clothes. Spokane, Wash., Dec. 12.—Flames and smoke drove nearly 100 guests out of the Ridpath hotel about 1:35 o'clock this morning, some of the people fleeing in their night clothes. All escaped safely, the cooler ones having time to save valuables. The firemen succeeded in extinguishing the fire about 2:30, and the top story of the building, the latter being completely wrecked and the roof falling in. The damage to the building is estimated at from \$10,000 to \$15,000, and the damage to the contents is about the same amount, both being fully covered by insurance.

The house is owned by Colonel William Ridpath, the famous historian. He states that it will be remodeled and repaired immediately. The fire is believed to have been caused by the crossing of electric wires in the basement.

YALE STUDENTS PAID FOR THEIR LITTLE RIOT. New Haven, Conn., Dec. 12.—Bradford Ellsworth of New York, William R. Orthwein of St. Louis, William Barnum of Mammoroneck, N. Y.; Harold P. Sawyer of Bridgeport, Conn., and John A. Moorehead of Pittsburg, Yale students, were fined \$100 each for their part in a riot in the city court today on a charge of breach of the peace preferred by Sidney Treeder, a cabbie, special agent.

The alleged assault occurred on the night of Nov. 29, when a crowd of students on Yale campus took away from Treeder his tickets for the Yale-Harvard football game.

A note was entered in the case against Moorehead; Ellsworth was fined \$300, and Barnum, Sawyer and Orthwein were each fined \$100, and counsel for the men had handed in pleas of nolle contendere. The fines were immediately paid.

Excitement in Hayti. President Is to Be Elected Within a Few Days. Port au Prince, Hayti, Dec. 12.—The chamber of the communes finished the election of senators today and the national assembly will have a session within a few days in order to elect a new president of the republic.

The majority favors Senegalese Pierre, whose election is assured in case General Boulanger, the war minister, does not oppose him.

General Nord will enter the capital with his army on Sunday next. Considerable excitement prevails here. The French cruiser O'Assas has left this port for Martinique.

No Trace of Missing ATLIN MAIL CARRIERS. Seattle, Wash., Dec. 12.—A special to the Post-Intelligencer from Skagway says: Searching parties have been at work for several days without success in the bodies of McIntyre and Abbey, the Atlin mail carriers. As a last resort strapping books were used on the waters of Lake Aru, and the bodies of five men were brought up. There is now little doubt but that the two men met death in the icy waters of Lake Aru.

The body of H. M. Price, the proprietor of a road house at Lohli, was found on the Potomac trail. He had been frozen to death.

Ran Into Open Switch. Charlotte, N. C., Dec. 12.—The Atlanta express, southbound, on the Southern railway, ran into an open switch near High Point and collided with a freight car on the sidetrack. The two engines sustained broken limbs, and several passengers were slightly injured.

COMMERCIAL RECIPROCIITY DEFINITE TREATY HAS BEEN SIGNED AT HAVANA.

Details Not Made Public. SENATE HAS THE FINAL SAY IN THE MATTER.

HAVANA, Dec. 12.—A definite treaty of commercial reciprocity between Cuba and the United States was signed at 11 o'clock last night by General Bliss and Secretaries Zaldo and Montes. The treaty was signed at the residence of Secretary Hay and Secretary Quesada and the approval of the United States and Cuban senators to make it operative.

Although the treaty provides for a uniform reduction of 20 per cent from the present tariff on Cuban products entering the United States, a parallel list of products has been drawn up in which is set forth the reduction on each article of the Cuban tariff. It is impossible now to make any material change in this list.

Details Will Not Be Given Out at Present. State Department Uncertain As to the Scope of the Treaty. Washington, Dec. 12.—"Treaty signed at 11:15 last night," was the message which came to the state department today from General Bliss at Havana. The officials are puzzled to know just what the scope of the treaty is, and whether a protocol had been prepared, but General Bliss' message carries the impression that he has actually concluded a definite reciprocity treaty. It has done so the president will accept it and forward it to the senate for its action.

The state department does not feel at liberty to make public details of the arrangement; in fact, some of the officials here, for General Bliss has undoubtedly made some changes in the duties on American imports into Cuba originally proposed.

Blizzard in Nebraska. Omaha, Dec. 12.—The heaviest snow-storm yet known here began during the afternoon and continued tonight. The fall is general throughout Nebraska and western Iowa, and in this city it is estimated nearly the proportions of a blizzard.

IS NOT A CANDIDATE. Detroit, Dec. 12.—W. C. McMillan, Republican senator from Michigan, today denied the rumors that he might run against Senator Alger for election to the United States senate in the session of the state legislature to open in January.

Statute Violated and Competition Stifled. St. Paul, Minn., Dec. 12.—In the hearing today of the state suit against the Northern Securities company the state introduced testimony in support of its claim that not only is the statute violated by the consolidation of two parallel and competing lines, but that competition is stifled, contrary to public policy and the policy of Minnesota as expressed in its laws.

Private Pension Bills. All Such Measures on the Calendar Passed the House. Washington, Dec. 12.—The house devoted today to consideration of private pension bills. The calendar was cleared, 173 bills being passed. None of them was of special interest. One bill for the benefit of a soldier who died in the service of the United States was passed.

The bill to give the secretary of agriculture power to make regulations relative to the disease of cattle and other animals was made a special order for next Tuesday, with the understanding that the appropriation of \$1,000,000 be appropriated by the house on the calendar, was laid on the table.

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DRIFTED IN AN OPEN BOAT. Gloucester, Mass., Dec. 12.—Captain R. H. Somerville and crew of six men of the schooner Belle Wooster, brought here today by the schooner Patriot, which picked them up early this morning, were rescued after being adrift in a blizzard wrecked and disabled. The crew abandoned her and for hours drifted about in an open boat. When rescued they were much exhausted, but unharmed and their sufferings.

TRIAL POSTPONED. Boston, Dec. 12.—The trial of the monitor Nevada was postponed until tomorrow on account of bad weather.

Favorite Family Remedy. Frequently accidents occur in the household which cause burns, cuts, sprains and bruises; for use in such cases, Ballard's Snow Liniment has for many years been the constant favorite family remedy. 25c, 50c and \$1, at Z. C. M. I. drug department.

CALIFORNIA'S FUTURE. It Promises More to Laboring Classes Than Any Other Country. It is very difficult for one who has not looked closely at its location and its resources to appreciate the peculiar advantages of California. In latitude it extends from the southern line of South Carolina north to the southern line of Massachusetts, covering on the Pacific slope a corresponding coast line extending inland on an average about 200 miles. Take the Atlantic coast line covering the same width, examine it critically, and see what a live of industry and what an immense population is covered.

Lay a similar area in the same latitude in the Mississippi valley, running from the northern line of Louisiana to the northern line of Illinois, and see what an agricultural region it comprises. And yet California has many notable advantages over either of these tracts. In variety and fertility of soil in climatic conditions, it stands far in the lead.

It is true that some portions of the state are unfitted for the purposes of home-occupancy, but most of our regions are of the nature of great natural parks—breathing spaces for the multitudes who shall eventually find their homes in this favored state.

Nor can it be that many years will elapse before this inviting field will be occupied. No part of our country offers wider fields for good investments—investments that are entirely safe and that are sure of returning a good profit.

Far-seeing men have already secured interests there, but there are yet many thousands of acres awaiting the "coming man," whose enterprise will bring its rich reward.

A variety of California literature attractively illustrated, describing its resources, famous resorts and numerous wonders; also maps and folders showing routes, through trains and valuable information, may be obtained by addressing D. R. Gray, general agent Southern Pacific Co., 201 Main street.

Shoes At Money-Saving Prices

Boys and Youth's Good Solid School Shoes, sizes up to 6—\$1.45

Men's All Solid Working Shoes, in lace or congress, worth up to \$2.50. Saturday special—\$1.65

Ladies' Shoes, up to \$3.50 values, all sizes, stylish, up-to-date toe shapes. Saturday special—\$2.00

This wet weather has caused another rush for rubbers. We have them in—Men's sizes, 50c Ladies' sizes, 35c Misses' sizes, 30c Child's sizes, 25c

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FANCY CAKES For the Holidays. We bake to your order just what you want. Order early.

Vienna Model Bakery 19 E. 3d St.

Plenty of Gift Helps Here And you can't go amiss on anyone of them. Handy and useful presents for ladies and gentlemen. Can't begin to tell of them all. But start thinking of buying your presents before you look these over.

Pocketbook, Card Cases, Wallets, Handbags, Waist Bags, Cigar Cases, Cigarette Cases, Pens, Traveling Cases, Medicine Cases, Sterling Silver Mounted Toilet Articles.

Combs, Brushes, Scissors, Nail Files, Whisk Brooms, Cut Glass Bottles and Powder Containers, Hand, Stand and Triplicate Mirrors, Perfumes in fancy packages, Huxley's and Lowmyer's Bonbons and Chocolates.

F. C. SCHRAMM, Prescription Druggist, Where the Cars Stop, McCormick Block.

Ripans A prominent physician of New York City, discussing the merits of Ripans Tablets, said: "I have asserted that if a man wished to become a philanthropist, and do a beneficent deed—one that would help the whole human race—nothing could be better than to procure the prescription which is the basis of Ripans Tablets, and cause it to be put up in cheap form and distributed among the poor."

At Druggists. The five-cent package is enough for ordinary use. The ten-cent bottle, 60 cents, contains a supply for a year.

A Merry Christmas

WILLES-HORNE DRUG CO., Prescription Druggists, Deseret News Building. Tel. 574.

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We have gotten to move, and to avoid moving and repiling as much of our stock as possible, we are offering our stock of lumber, doors, windows, lath, shingles, cement, tar felt paper, roofing pitch, building paper, mill builders' hardware at greatly reduced prices for SPOT CASH during the next sixty days. Bring in your bills and get our prices.

Offered some coal for good advertisement in regard to this business. No part of our country offers wider fields for good investments—investments that are entirely safe and that are sure of returning a good profit.

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Special Sale Saturday Evening, 7 to 9 p. m. Steel Beaded Chatelaine Bags, \$1.25 quality. 69c See Window.

GARDNER DAILY STORE NEWS. 12 Days Till Christmas. We're willing to leave it to the boy if you are. We'll venture he'll say: "I want my Christmas Clothes from Gardner's."

This store has made itself very popular among the boys by giving them the stylish clothes they so much like—then there's the point about them you so much like—the wearing qualities. You ought to come today for your Christmas clothes for the boys 'cause the great store is getting busier each day and by next Boys' Day we'll be in a whirl. You know so many people leave everything till the last minute.

Suits at \$1.50, \$2.50, \$3.00, \$3.50, \$4.00, \$5.00, \$6.00, \$7.50. Overcoats at same prices—and such a number of styles for you to choose from. Then all the little things—Sweaters, Gloves, Neckwear, Caps, Shirts, Suspenders. Hard to tell which the boy would like most; we venture, though, Sweaters.

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MANHOOD RESTORED "CUPIDINE" This Great Vegetable Restorer of the generative organs, will cure you of all nervous diseases of the generative organs, such as Loss of Manhood, Impotence, Premature Ejaculation, Neuritis, Nervous Debility, Pimples, Leucorrhoea, Gonorrhoea, Syphilis and weakness of men. We absolutely cure Varicocele or it doesn't cost you a penny. Consultation and advice FREE, by letter or in person. CALL OR WRITE.

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