

The merchant who loses heart in times of business disturbances is the merchant who falls behind in the march of progress. The one who "keeps everlastingly at it" is the one who wins. Don't be a quitter!

ARE YOU HELPING
the circulating medium of the country by paying your bills as you can? Do you know the quickest way to settle the accounts which are due? Do you know the quickest way to start the money you have on its way of debiting?

WALKER VERDICT IS "NOT GUILTY"

Defendant in Ogden Murder Trial Is Acquitted of Charge.

JUSTIFIABLE. INSTRUCTS THE COURT

Case Against Edward Lawrence, Defendant, Will Probably Be Withdrawn.

Special to the Tribune.
OGDEN, Dec. 20.—Fred Walker, defendant in the trial for the murder of Earl S. Beers September 18, became a free man Friday night at 10:15.



FRED WALKER.

When the jury returned a verdict of "not guilty." After a week which has occupied more than a week, the case went to the jury at 10 o'clock Friday afternoon. The trial began at 7 o'clock. The jury deliberated in eleven for acquittal and one for conviction. The juror voting for acquittal qualified his action later. The defendant was returned to the courtroom. The second verdict, at 9:40 o'clock, was unanimous. The verdict was reached by the jury in charge of the jury immediately. Judge Howell, who presided in the courtroom, together with the attorneys, excepting District Attorney Halverson. The latter was in the courtroom and the defendant was returned to the courtroom.

May Not Try Lawrence.

Walker then shook hands with one of the jurors and thanked them all for what he termed a "just verdict." The District Attorney was the first to congratulate the defendant.

Walker's gray-haired mother, his sister and sister, Robert Nichol and Edward Lawrence, and the latter's father were present when the verdict was read. Lawrence is still in jail. He said, however, that in view of the verdict of the Walker trial the case against Lawrence may be withdrawn.

At 4:30 o'clock Friday evening District Attorney Halverson closed his argument, and Judge Howell immediately began his charge, which covered more than a dozen typewritten pages.

The court concluded his instructions at 9:30 o'clock, and the jury fled out of the courtroom. For sixteen days the juror listened patiently to the mass of testimony offered, and the end of the trial was a great physical and mental strain.

The courtroom was crowded to stand during the entire session Friday.

Hutchinson's Argument.

R. Hutchinson, of counsel for the defense, began his argument at 9:40 o'clock in the morning, and spoke the bulk of the morning, concluding his address after the midday recess.

Hutchinson's address was a plea for the acquittal of Walker. He began by complimenting the State and the defendant upon the fairness shown throughout the trial and the jury for its part in it.

The attorney analyzed the testimony given by Walker and argued that Walker had not been convicted, according to the evidence if the jury but followed their own consciences.

Hutchinson attacked the testimony given by the State, and charged that the additional facts sworn to by Mrs. Hull were not true, and that the pecuniary gain of Mrs. Hull was not a "social leper."

Hutchinson means to wreck the home of the defendant, and charged that the defendant had been intimate with Mrs. Walker.

Hutchinson asked the jury to do without honor, and shouted, "God bless the man who has a woman for such a man."

At 1:30 o'clock Mr. Hutchinson gave his address, and District Attorney

GEORGE PENROSE IS WEARY OF HIS LIFE

Son of Apostle Charles W. Penrose Tries to Commit Suicide in Omaha.

Special to the Tribune.
OMAHA, Neb., Dec. 20.—George Penrose, a son of Charles W. Penrose, editor of the Deseret Evening News of Salt Lake City and apostle of the Mormon church, tried to kill himself in his room at 1609 Howard street last night by swallowing five grains of morphine.

Dependancy over domestic and financial troubles is assigned as the cause of Penrose's attempt to take his life. Physicians worked over Penrose's apparently lifeless body for several hours and finally announced that he would live.

Penrose is about 36 years of age and an actor by profession. Three years ago he says he married an actress whose stage name is Libby Brittain. A few weeks ago the company in which she and Penrose were appearing and which he was backing was stranded in a small Iowa town and constables attached the personal possessions of Penrose without a dollar, and on top of this trouble his wife left him.

Penrose came to Omaha determined to end his life.

FAVORABLE REPORT BY UNION PACIFIC

NEW YORK, Dec. 20.—The pamphlet report of the Union Pacific railroad for the year ending June 30 last, was made public today. The statement shows gross operating earnings of \$76,040,725, an increase of \$8,759,134, and total operating expenses of \$40,574,839, an increase of \$3,317,718. After payment of charges, including taxes, interest, sinking funds, etc., there remained \$24,538,905, an increase of \$3,155,044.

After payment of the dividends of 4 per cent on the preferred and 6 per cent on the common stock, there remained a surplus of \$8,879,953, an increase of \$3,087,090. The company received income, other than that from the operation of its own lines, amounting to \$11,587,018, an increase of \$1,257,292. Out of this a dividend of 4 per cent was paid on the common stock. After the appropriations of \$1,059,902 for betterments, etc., there remained a surplus of \$10,787,483 for the year, an increase of \$2,555,833 as compared with the preceding year.

The item of other incomes does not include dividends amounting to \$2,015,962 declared since July 1 for account of the year ended June 30. Adding this sum would make the total surplus for the year an increase of \$12,803,445 as compared with the preceding year.

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BROKER IS SHOT BY DEBTOR CUSTOMER

Man Who Got Behind on Margins Fatally Wounds Creditor and Kills Self.

NEW YORK, Dec. 20.—James H. Oliphant, senior member of the stock exchange firm of James H. Oliphant & Co., died tonight from a bullet wound inflicted in his office this afternoon by Charles A. Geiger, a customer from Beaufort, S. C., who, after firing upon Oliphant, killed himself.

Oliphant died at 2:30 Saturday morning. The men were closeted in Oliphant's private office at the time and all that is known of the incidents immediately preceding the shooting was learned from the lips of the dying broker. Oliphant said that his refusal to extend further credit to Geiger caused the tragedy. There is reason to believe, however, that Geiger had become mentally irresponsible. A notebook found upon his person contained a computation by which the writer apparently had figured that he would be worth \$20,000,000 by January 1, 1908. He actually possessed, so far as his personal effects showed, less than \$11.

Geiger owed the Oliphants \$5000 and had been asked for a settlement. He called at their office today and after explaining that he could not meet his obligation, asked that the firm advance him sufficient credit to carry 5000 shares of a certain stock until a rise in the price should yield him a profit. His proposition was refused, and the shooting followed.

The offices of James H. Oliphant & Co. are at 20 Broad street, in the central business district. The shooting caused a sensation in the street and temporarily interrupted the business of the curb traders, the scene of whose activities are overlooked from the top of the financial district. Clerks who pushed their way into Oliphant's office when they heard the shots fired, stumbled over Geiger's dead body. He had shot himself in the mouth and again in the right temple. A revolver was clutched in the right hand. Oliphant had slipped from his chair and lay half concealed under his desk. A bullet had entered the stomach, grazed the kidneys and lodged in the back.

JOHN MITCHELL HAS A SERIOUS RELAPSE

INDIANAPOLIS, Ind., Dec. 20.—John Mitchell, the United Mine Workers of America, was taken seriously ill today while attending a joint conference of the United Mine Workers of America and the Claypool hotel. He was taken to a room complaining of pains in his side where recent operations for abscess, wrist, and other ailments were performed. A physician was summoned.

The physicians attending John Mitchell tonight thought that the relapse was caused by the adhesion resulting from the recent operation. Mitchell is now in a serious condition. He is resting comfortably tonight.

THOU SHALT NOT KILL

The District Attorney was given the closest attention. He spoke for over two hours, and begged the jury to be fair and impartial in their verdict. He repeated the divine commandment, "Thou shalt not kill," and said from the facts, as shown by the evidence, Walker had no legal or moral right to take the life of Beers. He contended that Mrs. Hull and her daughter had been treated unfairly when their testimony was referred to as perjured.

Under the statute applicable in the case, Judge Howell directed the jury that a man is justifiable when he kills a fellow man who has defied or attempted to defile his wife or other female relative, provided the killing is done while the defendant is overcome with sudden heat and passion, but that if sufficient time has elapsed between the time the information of such defilement is received and the killing for the defendant to deliberate, then the killing is not justified by the statute.

HISTORY OF CRIME

The crime for which Walker has been on trial was the murder by beating of Dr. Earl S. Beers, whom the defendant claimed had been intimate with Mrs. Walker, in the rear room of the Electric Fixture and Supply company on the morning of September 18. A meeting had been arranged between Walker and Beers, and upon the arrival of the latter the fatal battle commenced. Beers died at the Ogden general hospital September 20. Walker gave himself up to the Chief of Police at Salt Lake City the same day. Edward Lawrence, who was present at the fight, was arrested a few days later and made a defendant.

The defendants were held to the District court, and their application for release on bail denied by District Judge Howell. Walker and Lawrence were given to the custody of Sheriff Seabring.

December 3 the trial was commenced. Several days were required to secure a jury, a panel of 100 being exhausted. The verdict was returned just three months from the date of Beers' death. The trial was the most sensational in Weber county.

STILL DOING BUSINESS AT THE OLD STAND



PRISONER ESCAPES, CLAD IN PAJAMAS

Feigns Injury and Is Taken to Hospital for Attendance.

Suffering from what was believed to be concussion of the brain, produced by a fall in the rotatory of the county jail, and clad only in his night clothes, Richard Deming, charged with highway robbery, escaped from the second story of the Holy Cross hospital about 5:30 o'clock Friday morning, and is still at large, despite the combined efforts of the County Sheriff's office and the police department to recapture him.

Deming, who was being held prisoner in the county jail awaiting trial for holding up Daniel Webster, negro, five weeks ago, apparently by accident slipped and fell in the rotatory about 7:30 o'clock Thursday night striking the back of his head against the heavy iron bars. He appeared to lapse into insensibility from the blow and Dr. W. R. Calderwood, County Physician, and his assistant, Dr. F. H. Riley, were called. Deming could not be revived, and about midnight appeared to grow worse. In charge of a special deputy, Alphonse Guttard of 130 South Second West street, employed at the Vienna bakery, he was rushed to the Holy Cross hospital.

Shortly after 5 o'clock Friday morning Deming seemed to be resting quietly and the guard left him for a few minutes. When he returned the prisoner was gone. Deming wore a nightgown, pajamas, a light pair of slippers and the guard's black stiff hat.

Whether Deming was snoring and had cleverly planned to escape as he did, the Sheriff's office is unaware. The physicians believed, however, that his condition really was serious and that he was suffering from concussion of the brain. He was removed from the jail, where there are no hospital accommodations to Holy Cross hospital. There is a strong suspicion in the minds of the authorities now that Deming "worked" the Sheriff's office in his escape.

Deming was arrested November 25, charged with the highway robbery of Webster, for which his pal, Thomas Parker, is serving a five-year term in the State prison. At his preliminary, before Judge Diehl, December 13, he was bound over to the District court under \$1000 bail. Edward Olsen, sentenced to serve two months in the county jail for petit larceny; Mike Lynch, Joe Donovan and his wife, Mae Donovan, were arrested with Deming for the alleged theft of grips and suitcases from Salt Lake rooming houses.

The Sheriff's office does not believe that Deming has escaped from Salt Lake, but thinks he is in hiding here. That he has been kept in concealment by friends is little reason to doubt. His recapture is a matter of hours only, the authorities say.

BUTTE LABOR UNIONS WILL FIGHT TO FINISH

Clash With Rocky Mountain Bell Company Likely to Assume Broader Phase.

BUTTE, Mont., Dec. 20.—Negotiations between the labor unions of Butte and the Rocky Mountain Bell Telephone company are apparently off, the situation tonight indicating a struggle to a finish. The labor leaders declare that the positive refusal of General Manager D. S. Murray of Salt Lake to dismiss the blanket injunction against the unions, restraining any interference with the company's affairs, means the first wedge of an attempt to make Butte an open camp.

Former Senator Clark, who acted as mediator for the unions, gave up his task this afternoon and left for New York. The non-union men are still at work.

HARAHAN AND FISH CLASH IN MEETING

CHICAGO, Dec. 20.—A warm verbal encounter took place today at the annual meeting of the Illinois Central between President Harahan and Stuyvesant Fish. In the end the latter scoured his object, and the meeting was adjourned in the manner in which Mr. Fish desired according to the order of Judge Ball, to March 2, 1908.

The arguments in the hearing before Judge Ball were continued today, Judge Farrar occupying all day with his arguments. It is believed that the closing argument of Mr. Harahan's counsel will occupy at least two days, and possibly longer. A decision is not expected before the latter part of February, 1908.

Preparing for Idaho Teachers.

BOISE, Ida., Dec. 20.—Extensive preparations are being made for the annual meeting of the State Teachers' association, to open here next Thursday. An excellent programme has been prepared.

Rifle Contest Is Scheduled.

NEW YORK, Dec. 20.—The intercollegiate and interscholastic rifle contests will be held at Grand Central palace next week at the time of the annual show of the Forest, Fish and Game society.

Index to Today's Tribune

Departments.	Page.
Editorial	6
Mines	10
Markets	11
Intermountain	11
Domestic.	
President Roosevelt orders Federal troops to leave Goldfield.	1
George Penrose, son of Apostle C. W. Penrose of Salt Lake, attempts suicide in Omaha.	1
J. H. Oliphant, New York broker, killed by customer, who then commits suicide.	1
Secretary Taft declares that Japan is firm for peace.	3
Fred Walker is acquitted of the charge of murdering Dr. Earl S. Beers at Ogden.	1
War between labor unions of Butte and Rocky Mountain Bell Telephone company will be finish fight.	1
Local.	
Edward Green survives attack by murderous thugs.	14
L. H. Harding, general agent of the Colorado Midland, says the withdrawal of troops from Goldfield will be signal for reign of terror.	14
Effort being made to establish that Thomas Vance had formerly been a member of the Board of Public Works.	14
Knock off forfeit by P. J. Moran for delay in building water main.	14
Sporting News.	
American association baseball team owners are in favor of invading Chicago.	12
Largest African elephant in the United States dies at Bridgeport.	12
Prominent Salt Lakers are arrested by Davis county warden for alleged violation of duck laws.	12

BRYAN CRITICIZES THE POLICIES OF ROOSEVELT

WICHITA, Kan., Dec. 20.—William J. Bryan spoke here tonight, devoting the greater part of his speech to criticism of President Roosevelt's policies. He was accorded a non-political reception, and the auditorium where he spoke was crowded to overflowing. He ended his speech on record as to national prohibition, saying: "I am not discussing this issue."

Prays on the Scaffold.

PEORIA, Ill., Dec. 20.—Edward Cliford, aged 25, was hanged here this morning for murdering his father November 25, 1906. Cliford walked to the scaffold with a firm step and repeated a prayer, led by Father Salmon.

SEARCHING FOR NEGRO WITH INTENT TO LYNCH

Unknown Black Brute Assaults Young White Woman in Her Home.

COLUMBUS, O., Dec. 20.—Men on foot, in buggies and automobiles and on horseback, are after an unknown negro, who today assaulted young Mrs. W. B. C. Hershey, wife of the president of the Excelsior Seat company. The crime was committed in the basement of her home on West Sixth avenue. Mounted policemen are after the culprit in hope that they will be able to get him before determined neighbors run him down.

Mrs. Hershey is still partly unconscious. She was alone in the house, and hearing something in the basement, she went down to investigate. As she stepped in she was seized and thrown to the floor by the negro, who stuffed a rag in her mouth and then deliberately took off his shoes. He remained with the unconscious woman for some time and left her more dead than alive. Sneaking out of the basement, the negro walked some distance, pulled on his shoes and disappeared. Neighbors found Mrs. Hershey lying in the cellar bleeding from blows on face and body.

The indignation is so intense, and widespread, that the authorities fear if the posse catches the negro nothing will prevent a lynching.

OKLAHOMA DEMOCRATS WILL ENTERTAIN BRYAN

GUTHRIE, Okla., Dec. 20.—The final arrangements for the Bryan day exercises tomorrow in Guthrie have been completed and indications are that many thousands of out-of-town guests will be here to hear Mr. Bryan's address before the joint session of the Legislature. A special committee will meet Mr. Bryan at Perry.

When the train bearing Mr. Bryan arrives the State officials, members of the Supreme court, Democratic central committeemen and the executive committee will meet him at the station in Guthrie.

He will be immediately driven to the Brooks Opera house, where the members of both houses of the Legislature, State officials and out-of-town guests will be assembled.

Governor George W. Bellamy will preside and Speaker Murray will introduce Mr. Bryan.

The banquet will be given in the evening. There will be 500 guests.

KILLS FORMER SWEETHEART AND BLAMES HER MOTHER

OLATHE, Kan., Dec. 20.—Olive Bartlett, daughter of J. J. Bartlett, a prominent State official, was shot and killed at her home last night by J. Frederick Kastendiek, a former sweetheart, who then killed himself. The parents of the girl were in an adjoining room when the tragedy occurred. Kastendiek and Miss Bartlett had both been married since their infatuation for each other, years ago. Miss Bartlett secured a divorce from her husband, regarding her father's money, and Kastendiek recently left his wife and came here from Colorado to resume his attentions to Miss Bartlett. In a note left by Kastendiek, he says Miss Bartlett's mother is to blame for the tragedy, having "upset our arrangements twice." Miss Bartlett was 30 years old and the man about 35.

BRYAN DECLINES TO DISCUSS OTHER CANDIDATE

KANSAS CITY, Dec. 20.—William J. Bryan, in this city today, when questioned as to Democratic presidential possibilities, particularly as to the probable candidacy of Gov. John A. Johnson of Minnesota, said in the course of an interview:

"I know Governor Johnson personally, but you must pardon me for not going into personalities. I could not discuss him or any one else as a presidential possibility, and be quoted without being misrepresented."

"If I shall not volunteer as a Democratic presidential candidate, but if I am drafted I will not desert."

Mr. Bryan, who is on a speech-making tour that will take in Kansas, Oklahoma and Texas, arrived here this morning from Lincoln, Neb., on his way to Wichita, where he is to speak tonight.

OKLAHOMA UNIVERSITY SUFFERS FROM FIRE

NORMAN, Okla., Dec. 20.—Shortly after 3 o'clock this afternoon painters at work on the dome of the main building of Oklahoma university accidentally set fire to the structure. The flames quickly spread and for a time there seemed no chance of saving any of the college halls. Vigorous work on the part of the students confined the flames to the main building. The college records, which were in vaults, are thought to have been unharmed. The loss is estimated at from \$125,000 to \$150,000, partially covered by insurance.

CASHIER DISAPPEARS; BANK IS THE LOSER

CHICAGO, Dec. 20.—Richard Noelek, adopted son of August Saehn and cashier of the private bank of August Saehn & Co., Bryn Mawr and Evans-ton avenues, this city, has disappeared. The business of the bank was halted today and Mr. Saehn is paying off depositors with checks on his personal account.

The bank had a capital of \$50,000 and a surplus of \$40,000. The deposits are \$80,000.

Noelek had been separated from his wife for a month. He disappeared a week ago last Monday.

Schooner Lost, Crew Escapes.

WESTBORO, Conn., Dec. 20.—While beating up the Sound in a heavy sea today the two-masted schooner David Currie of Hartford sprang a leak off Duck island and went down. The master and his crew of three left the craft before it sank.

PRESIDENT ORDERS TROOPS BACK HOME

Declares That Conditions in Goldfield Do Not Warrant Presence of Soldiers.

ROASTS GOVERNOR SPARKS FOR REPRESENTATIONS MADE

County Officials Will Be Called Upon to Preserve Order in the Camp.

GOLDFIELD, Nev., Dec. 20.—News of the President's order removing the Federal troops from Goldfield on December 30 has caused a sensation among the mine owners and the residents of the city generally. The news was received at noon today, and during the afternoon conferences were held between Capt. Cox, the representative of Gov. Sparks in Goldfield, and Col. Reynolds, commanding the troops here, and between the mine owners and members of President Roosevelt's commission.

President McKinnon and other officials of the Miners' union said tonight that the possibility of disorder or violence of any sort will be no greater after the removal of the troops than now, and that they shall use every endeavor to maintain peace and quiet.

Sheriff Must Keep Order.

Attorney O. N. Hilton, sent here by President Meyer of the Western Federation to assist in effecting, if possible, a compromise for the Western Federation of Miners with the Mine Owners' association, after a conference with President McKinnon, said that he was assured that no violence would be attempted. He said also that the position of the miners of the Western Federation is unchanged. Capt. Cox, who represents Gov. Sparks in Goldfield, said that the Governor will at once issue instructions to Sheriff Ingalls of this county to the effect that he shall expect the Sheriff to adopt vigorous measures to insure the safety and peace of every resident of Esmeralda county, and that he will be prepared at the first sign of trouble to declare martial law.

If violence is attempted immediately upon the removal of the troops," said Capt. Cox, "then the troops will be stopped on route to San Francisco and brought back here. Or they may be brought back to Goldfield from San Francisco at the President's very short notice. The order of withdrawal does not mean that Goldfield is to be entirely without the possibility of aid from the Federal troops in case of serious trouble."

Want Troops to Remain.

The county officials of Esmeralda county visited the Labor commission and signed a statement to the effect that it will be to the best interests of the people of Goldfield to have the Federal troops remain in Goldfield for an indefinite time. Sheriff Ingalls was one of the signers.

The civic bodies of Goldfield are holding sessions and strong statements will be forwarded to the President within the next few days. The Mine Owners' association is holding an executive session and will issue a statement later setting forth the position of the mine operators. At this meeting two extreme measures will be discussed and probably one of them decided upon definitely. One involves the closing down of all the mines of Goldfield indefinitely, the other the bringing in of a large number of strikebreakers to be on the ground by the time the troops leave. President Dawlen, before the meeting, said that he favored closing the mines.

Fear Violence and Riot.

"The mine operators will at once organize for protection," he said. "We have now here 150 men whom we are morally bound to give protection to and we have ourselves and our property. We shall take every precautionary measure possible and shall lose no time in doing so. We fear personal violence and riot when the protection of our constable men, who now has a large force of deputies, many of whom are in the employ of the Mine Owners' association as guards, states that he will at once make up several hundred blank commissions and that he will increase his force greatly and as fast as reliable men can be secured for deputies. Sheriff Ingalls declares that he sees no cause for alarm in the order for the removal of the troops and that he shall use his best endeavor to preserve peace and order in the camp."

Notwithstanding all these assurances, the people of Goldfield are tonight greatly apprehensive that trouble will come when the troops shall have departed, and there will be great pressure brought to bear upon the President to countermand his order in so far as at least a portion of the Federal troops now here is concerned. A statement issued by the Mine Owners' association in the afternoon of today, executive committee says that the absence of troops from Goldfield will in no way affect the position taken by the association.

Statement of Mine Owners.

"If we are unlawfully interfered with it is the duty of the State of Nevada to give us protection, and if the State is unable to do so, then it is the duty of the United States. We will and we are ready to do as far as possible, the duties that really belong to the State and Nation."

"If we fail, and our property is destroyed, and the lives of some of our employees, or some of our members are forfeited as a consequence, the blame cannot be laid at our door," concludes the statement.

The text of the telegram sent by Attorney O. N. Hilton to President Roosevelt today, to which no reply has been received, is as follows:

Continued on Page Two.