

BORDWELL RULES AGAINST DEFENSE

Judge Accuses Attorneys in McNamara Case of Trying to Circumvent His Decision.

HE REJECTS TWO CHALLENGES

Disbelief in Circumstantial Evidence Available to State.

THREE MORE PASSED FOR CAUSE

Darrow Takes Exception to Both of Court's Rulings.

INVESTIGATOR FACES TALESMAN

Attorney in Employ of Defense Confronts Ventreman Who Had Said He Had Not Told Any One of Opinion.

LOS ANGELES, Cal., Oct. 30.—Judge Walter Bordwell accused the defense in the McNamara murder case today of trying to circumvent his decision and rejected two challenges against talesmen which formed the basis of his suspension. He also refused to the defense the privilege of challenge against a juror who said he would not convict a prisoner in a capital case on circumstantial evidence alone and holding that this challenge was available only to the state.

Under these rulings the jury box contained at the close of court tonight three men passed for cause by both sides, in addition to the four qualified when the day's session opened. To both of the court's main rulings today Attorney Clarence S. Darrow took exception in behalf of his client, James B. McNamara, who is on trial for the murder of Charles J. Haggerty, a victim of the Los Angeles Times explosion a year ago.

For the first time since the trial began, the defense brought into court today one of its investigators to confront a talesman. S. R. H. Fitzgerald, an attorney, took the stand after George W. Johnson, a retired superintendent of an iron and brass foundry, had said he had not told anyone it was his belief that the Times was blown up by union men and had not talked to anyone about the case. Fitzgerald testified that he visited Johnson to obtain some statistical information.

In making his decision the judge declared the defense's second challenge were with intent to get rid of the man for grounds other than those made in the challenge. He said that if the defense had opposed the challenge presented Saturday by the state against Talesman T. J. Lee, under somewhat similar conditions, he would have disallowed the challenge also.

The decision destroyed the hope of the defense to get rid of Winter and Frampton without using two of their precious peremptory challenges.

Winter, in his examination, said he had an opinion which it would require evidence to remove that James B. McNamara, on trial for the murder of Charles J. Haggerty, a machinist killed in the Los Angeles Times explosion, was guilty. Frampton's statements were still more positive. Under the law the court is the sole judge of whether a man can give a fair trial.

RESTRICTIONS PLACED ON STATE QUARANTINE LAWS

WASHINGTON, Oct. 30.—Restrictions were today placed on the enforcement of the quarantine regulations of the Department of Agriculture when the supreme court of the United States held that a railroad which receives sheep under quarantine in a state other than that in which they are quarantined does not violate the laws authorizing the quarantine. In so holding the court affirmed the decision of the Ohio federal court, which quashed an indictment against the Baltimore & Ohio and Southwestern on charges of having violated the quarantine against Kentucky sheep in 1910.

PRICE OF REFINED SUGAR IS REDUCED TEN CENTS

NEW YORK, Oct. 30.—All grades of refined sugar were reduced 10 cents per 100 pounds today.

The Weather

For Nebraska—Fair; colder in eastern portion.
For Iowa—Generally fair weather, except rain in eastern portion; colder.
Temperature at Omaha Yesterday.

Hours.	Temp.
5 a. m.	38
6 a. m.	38
7 a. m.	38
8 a. m.	38
9 a. m.	38
10 a. m.	38
11 a. m.	38
12 m.	38
1 p. m.	38
2 p. m.	38
3 p. m.	38
4 p. m.	38
5 p. m.	38
6 p. m.	38
7 p. m.	38
8 p. m.	38

Comparative Local Record.			
1911.	1910.	1909.	1908.
Highest yesterday	45	50	45
Lowest yesterday	28	35	25
Mean temperature	42	45	35
Precipitation	12.09	0.00	0.00
Temperature and precipitation departures from the normal:			
Normal temperature	44		
Deficiency for this day	2		
Total excess since March 1	735		
Normal precipitation	67.7		
Excess for the day	12.09		
Total rainfall since March 1	12.09		
Deficiency since March 1	14.34		
Deficiency for year, period, 1899, 18.51 inches			
Deficiency for year, period, 1909, 2.23 inches			
Reports from Stations at 7 P. M.			
Station and State	Temp.	High.	Rain.
Omaha, Neb.	38	45	0.00
Chicago, Ill.	38	45	0.00
St. Louis, Mo.	38	45	0.00
Indianapolis, Ind.	38	45	0.00
Philadelphia, Pa.	38	45	0.00
New York, N. Y.	38	45	0.00
Boston, Mass.	38	45	0.00
San Francisco, Cal.	38	45	0.00
Portland, Ore.	38	45	0.00
Seattle, Wash.	38	45	0.00
Albany, N. Y.	38	45	0.00
Syracuse, N. Y.	38	45	0.00
Pittsburgh, Pa.	38	45	0.00
Cleveland, Ohio	38	45	0.00
Buffalo, N. Y.	38	45	0.00
Rochester, N. Y.	38	45	0.00
Salt Lake City, Utah	38	45	0.00
Denver, Colo.	38	45	0.00
Phoenix, Ariz.	38	45	0.00
San Antonio, Tex.	38	45	0.00
Fort Worth, Tex.	38	45	0.00
Dallas, Tex.	38	45	0.00
Houston, Tex.	38	45	0.00
San Diego, Cal.	38	45	0.00
Los Angeles, Cal.	38	45	0.00
San Jose, Cal.	38	45	0.00
San Francisco, Cal.	38	45	0.00
Albany, N. Y.	38	45	0.00
Syracuse, N. Y.	38	45	0.00
Pittsburgh, Pa.	38	45	0.00
Cleveland, Ohio	38	45	0.00
Buffalo, N. Y.	38	45	0.00
Rochester, N. Y.	38	45	0.00
Salt Lake City, Utah	38	45	0.00
Denver, Colo.	38	45	0.00
Phoenix, Ariz.	38	45	0.00
San Antonio, Tex.	38	45	0.00
Fort Worth, Tex.	38	45	0.00
Dallas, Tex.	38	45	0.00
Houston, Tex.	38	45	0.00
San Diego, Cal.	38	45	0.00
Los Angeles, Cal.	38	45	0.00
San Jose, Cal.	38	45	0.00
San Francisco, Cal.	38	45	0.00

Congressman Copley Tells of Conversation With Lorimer

CHICAGO, Oct. 30.—Congressman Ira C. Copley of Aurora, Ill., today testified before the committee of United States senators investigating the Lorimer case that he told Lorimer in December, 1908, that Lorimer could be elected United States senator on a non-partisan basis.

Copley also said that Lee O'Neil

Brown several weeks before Lorimer's election predicted that the senatorial deadlock would be broken with the reelection of Senator Hopkins by democratic votes. Brown later, however, shifted to Lorimer, said the witness.

"The interpretation of the primary

law was such that it gave an opportunity for individual action. Although instructed for Senator Hopkins, many members of the legislature voted for him only once and then turned to other candidates. Hopkins personally was not popular," the witness said.

Copley said that after Senator Hop-

kins' majority had been broken, he (Copley) was for Governor Deneen, until he finally refused to be a candidate.

The witness said he talked from Springfield with Roger C. Sullivan in Chicago when it was reported that Senator Hopkins had pledged from a number of democratic members.

"Mr. Sullivan came to Springfield and told his democratic followers they must not vote for Hopkins," the witness said.

"Did you believe there was money used in that session in a jacket or other form to corrupt legislation?" asked Senator Kenyon.

"I wouldn't like to answer that question. I have not a knowledge personally to back up such an assertion."

Congressman Copley said he considered that there was no possible opportunity for the election of a democratic United States senator.

Copley said that he spent \$5,000 or \$6,000 as expenses in the primary campaign against Senator Hopkins in the congressional campaign and in the campaign for Senator Lorimer.

He denied that any of this sum was used corruptly.

Copley asked permission to correct a statement by James Keeley of the Chicago Tribune on the witness stand in Washington last summer.

"Mr. Keeley told as a fact that I said Fred Blount was in Springfield with a bag of money," he said. "Now I heard that story simply as a rumor and I so told Keeley. I did not see Blount any time that session."

Edward D. Shurtleff of Marengo, Ill., former speaker of the house in the Illinois legislature, was the next witness.

Shurtleff said that he had served three terms as speaker and that his candidacy for the speakership in the forty-sixth general assembly was announced immediately after the November election in 1908.

Girl Dies of Burns After Five Days of Awful Suffering

MITCHELL, S. D., Oct. 30.—(Special.)—Death resulted in the case of Miss Eva Hutchinson Sunday. She was burned severely five days ago from the attempt to make a fire in the kitchen stove, in which she caught fire and the interior of the kitchen was in flames, all in a second. The girl made her escape from the house by running through the wall of flame and threw herself to the ground, rolling over and over, trying to extinguish the fire. Unsuccessful in this, she ran to a water tank standing near the burn and threw water on her clothes, but to no avail. With the exception of the upper part of her waist every stitch of clothing was burned. She secured a piece of carpet from the barn and, wrapping it around her body, she walked a quarter of a mile to a near neighbor, where she was cared for. From her arms down she was burned nearly to a crisp and there was not the slightest chance for her recovery. She was 17 years old. Neighbors hurried to the farm house, which was eleven miles northeast of this city, and saved a small portion of the household goods, the parents being away at the time of the fire.

New Clue in Dr. Knabe Murder Case

INDIANAPOLIS, Ind., Oct. 30.—That a man was seen to emerge from a passage-way at the side of the apartment house in which Dr. Helen Knabe was killed by a knife blow at 11:30 o'clock last Monday night, the night Dr. Knabe met her death, was reported to the police today by H. W. Haskell, proprietor of a tobacco shop.

Haskell said that the man walked hurriedly in the opposite direction. He was tall, well dressed and wore a dark mustache.

In taking up this clue for investigation the police said that though the hour at which Dr. Knabe was slain apparently had been set at 12:10 o'clock, there was a possibility the man Haskell saw was the murderer and that he lurked about the neighborhood awaiting his chance to enter the apartment house.

Coroner C. O. Durham today announced that examination of the many surgical instruments in Dr. Knabe's apartment showed that none of them was used by the slayer of the physician.

NORTHWESTERN OPENS NEW SHOPS BUILT AT BOONE

BOONE, Ia., Oct. 30.—(Special.)—The Northwestern's new improvements here consisting of shops, round house, heating system, power plant and water works, costing a million dollars, were thrown open this morning. Men were formally transferred from the old shops. The new yards, covering many miles of track, were thrown open some time ago.

Man Crushed in Rock Springs Mine.

ROCK SPRINGS, Wyo., Oct. 29.—(Special.)—Harry Boudlow was crushed by a trip train in No. 2 coal mine yesterday and died a few hours later. The trip had just been hauled up, but the cable broke and the cars rushed back down the incline, catching Boudlow before he could step out of the way.

CHINESE THRONE GRANTS DEMANDS

Edict Provides for Full Constitutional Government and Pardon for All Political Offenders.

CONCESSION COMES TO

Belief in Peking that Surrender Will Not Save Manchu Dynasty.

CITY OF HANKOW IS BURNING

Imperial Troops Deliberately Set Fire to Native Quarter.

CANTON JOINS THE REPUBLICANS

Gigantic Mass Meeting Passes Resolution and New Flags Are Hoisted Over Households Despite the Viceroy's Protests.

PEKING, Oct. 30.—The throne has acceded to the demand of the national assembly for a complete constitutional government. In an imperial edict issued today the throne humbly apologized for its past neglect and grants an immediate constitution, with a cabinet from which nobles shall be excluded and a free pardon for the rebels and all political offenders.

The government has received reports that the rebels from Tai Yuan Fu, the capital of Shan-Si province, have marched eastward and cut off General Yin Chang's railway communication with Peking. Tai Yuan Fu is 250 miles southwest of Peking and has been reported before as having joined the rebellion.

The government is preparing for the defense of Peking. Terror has now seized the highest officials, many of whom are deserting their posts and fleeing to Tien Tsin.

It is feared that today's surrender on the part of the throne has come too late to save the situation.

SHANGHAI, Oct. 30.—A wireless message from the British warships at Harbin says that the imperialists are burning the native city of Hankow and that the entire advance of the government forces is marked with hideous brutality.

The complete surrender of the throne to the demands of the revolutionists is considered here to have been an outcome of the negotiations between the latter and Yuan Shai Kai.

LONDON, Oct. 30.—A dispatch from Shanghai says that after the hard fought capture of Hankow the imperialists deliberately set fire to the native city. Hundreds of wounded revolutionists perished.

Reverses of Rebels Not Serious.

TOKIO, Oct. 30.—The reverses of the Chinese rebels at Hankow are not considered here as serious. Strategically the city is valuable and its possession would heavily handicap the rebels. It is probable that they will strongly fortify Wu Chang and make that city their headquarters.

The request of the Chinese government for a loan having been made through Sheng-Hsuan the then minister of posts and communications, fell through as a result of the minister's disgrace. As a result of the general chaos in China the Manchurian loan has been definitely refused.

SAN FRANCISCO, Oct. 30.—A cablegram received here today by the Chung Shai Tat Po says the city of Canton voted at a gigantic mass meeting yesterday, at which a majority of its citizens were present, to join the revolutionists. Formal resolutions were passed, recognizing the revolutionary government and notifying the viceroy of the action. The republican flag was immediately afterward hoisted on all the households of the city, in spite of opposition by the viceroy.

Dispatch from Hongkong says the city of Fui Chow has been taken by the revolutionists.

WASHINGTON, Oct. 30.—A republican named Kwang Tung has been established by the people of Canton, Kwang Tung province, China. Consul General Zerkow cabled to the state department today. The Manchu garrison of the city has been guaranteed protection.

Scope of Safety Appliance Act is Greatly Broadened

WASHINGTON, Oct. 29.—A sweeping interpretation was given today by the supreme court of the United States to the federal safety appliance acts when it held that the law is violated by shipments by one point in a state to another point in the same state, if carried in a car not properly equipped, but which is used on a railway that is a highway for interstate commerce.

This holding of the court was announced by Justice Vandevanter in a case brought by the government against the Southern Railway company. It was alleged that couplers were out of repair on cars which carried five shipments. The three shipments which originated within the state of Alabama and which were destined also to points within the state afforded the principal contest.

HUGO BROWN OF KANSAS CITY KILLS WIFE AND HIMSELF

KANSAS CITY, Oct. 30.—Hugo Brown, aged 46, agent for a barbers' supply company, this afternoon shot and killed his wife, Margaret, aged 35, then shot himself to death. The tragedy took place in the parlor of the Brown home in this city, where the couple was found a few minutes after the shooting, looked in each other's arms. No cause for Brown's deed is known.

ST. LOUIS SCHOOLMASTER IS GUILTY OF LARCENY

ST. LOUIS, Oct. 30.—Allan P. Richardson, former superintendent of the City Industrial school, was found guilty of grand larceny of city funds by a jury in the circuit court here today and his punishment fixed at two years imprisonment in the penitentiary. Two indictments charging some offenses against Richardson are still pending.

That Fall Feeling



From the Cleveland Plain Dealer.

Taft Proves Philosopher

Says Hopes People Have Only Chastened Republican Party.

WEARIED BY HIS LONG TOUR

Address at Hamilton Club Follows Laying the Cornerstone of New Building and Trip Through Stock Yards.

CHICAGO, Oct. 30.—President Taft surprised a large audience at the dinner of the Hamilton club today by a statement in connection with the coming national election. He was speaking to an audience of republicans.

Republicans present hastened to ascribe the president's utterances to weariness after his long tour of speechmaking and especially after the three days' hard "campaign" in Chicago. It was his last public utterance in Chicago before leaving for Pittsburgh tonight. He said:

"Now we are at some people think—the crisis in the republican party with respect to its continuance in the guidance of the nation. I am hopeful that the good people of the country, who know a good thing when they see it, have only chastened us in an off year in order that we may be better hereafter, but with no intention of shifting from shoulders that are fitted to bear the burdens of the present problems and carry them to a successful solution to those which are untied and which have new theories of action that we do not believe in and we do not believe the people believe in. However, if so be it that they desire to make a change, we shall loyally support the new government under any conditions with the hope it will insure to the benefit of the country, but with the conviction that if after one trial the people think they ought to go back to the old party that has served them so well in the progressive days they will do so—we can bear that, my friends, that is all."

After his address the president retired in seclusion at his hotel for rest. Though he professed no weariness the three days' steady strain had told on him and it was a tired man who led the presidential party out of Chicago at 5:30 o'clock over the Pennsylvania railroad for Pittsburgh.

The address before the Hamilton club, in which the possibility of defeat found expression, followed the laying of the cornerstone of the new home of the Hamilton club, one of the leading republican clubs of the middle west. A singing crowd in the street strove so energetically for a glimpse of the president that he was unable to speak for more than a few minutes preceding the actual laying of the stone.

The cornerstone ceremony followed a trip through the stock yards and a visit to the national dairy show at the Dexter pavilion. The remainder of his day was spent at his hotel in receiving politicians and friends.

Three New American Cardinals Will Start for Rome Next Week

WASHINGTON, Oct. 30.—Mgr. Diomedes Falconio, the apostolic delegate to the United States, and Archbishop O'Connell of Boston and Farley of New York, official notice of whose selection as additional members of the college of cardinals was received here today, probably will sail for Rome not later than November 10.

Mgr. Falconio received his summons today to attend the consistory at Rome November 27. He does not expect to return to America, as his position will be advisory to the pope. Rev. Bonaventura Cerretti, the auditor of the papal delegation, will act as charge d'affaires until the appointment of an ablegate to succeed Mr. Falconio.

Mgr. Falconio said he hoped to be able to sail by the date mentioned. He expressed his appreciation for the uniform kindness of the American people since he came to Washington. "I have become greatly attached to the American people, because I am an American," said he. "My work in Washington as representative of the Vatican has been most pleasant. I leave here with many regrets, but must obey the call to other fields."

ROME, Oct. 30.—Comments on the approaching consistory when seventeen cardinals, including three from the United States, will be created continue to emphasize the great significance of Pope Pius' decision to grant America four representatives in the Sacred college. By some it is asserted that the way is being paved for the advent of an American pope.

It is pointed out that the largest body of Catholics in the world is to be found in the United States and its possessions, the Philippine Islands, Hawaii, Porto Rico and Guam. Not only are the Catholics of America superior in number, but in deep religious feel, loyalty to the holy see, in wealth and generosity. An Irish-American pope is suggested for the day when it shall be considered no longer necessary for the papacy to be held by an Italian.

The American college faculty and students are rejoicing especially over the elevation of Archbishop Farley of New York and Archbishop O'Connell of Boston, as they are alumni of the college. The former was one of the original thirteen students when the college was founded by Pope Pius IX.

Provision Company Wins Point in Suit Against Armour's

PHILADELPHIA, Oct. 30.—The Eastern Provision company of this city, which charged that the Armour company of Chicago was trying to force it out of business, won a victory in the United States district court here today when Judge McPherson dismissed a petition in bankruptcy that had been filed against the concern by several creditors. An attorney representing creditors stated that an examination of the books of the company did not show it was insolvent.

Aged Woman Burns to Death in Home

NEBRASKA CITY, Neb., Oct. 30.—(Special.)—A small frame building on South Third street, occupied by Mrs. Catherine Ricker, aged 77, was burned this evening. After the fire the body of the aged woman was found in the embers. The house was looked when discovered by neighbors to be on fire. Mrs. Ricker has lived here for many years and has lived alone. Her only son resides at Elgin. The cause of the fire is unknown.

SPREADING RAILS CAUSE WRECK ON ROCK ISLAND

BEATRICE, Neb., Oct. 30.—(Special Telegram.)—Eastbound Rock Island passenger No. 34 was wrecked near Dubois, Pawnee county, this morning. Two coaches jumped the track and were hurled in the roadbed up to the axle before the train was stopped.

No one was injured. Traffic on the line has been blocked all day, as it was impossible to get a wrecker on the scene until late. Spreading rails caused the wreck.

Radicals Win in Switzerland

BERNE, Switzerland, Oct. 30.—Yesterday's elections returned a radical majority to the National council. Of 179 seats filled, 119 are radical, 44 conservative, 9 socialists and 7 independent. Elections to the National council are held every three years.

TOBACCO TRUST PLANS IN COURT

Hearing on Proposed Scheme of Reorganization Begins in New York Before Full Bench.

GOVERNMENT FILES ITS BRIEF

It Says Separation of New Companies Must Be Complete.

OBJECTION TO JOINT OFFICER

There Must Also Be No Joint Officers or Joint Employees.

LEDYARD OPENS FOR COMPANY

He Asks Court That Plan Submitted Be Approved—Attorneys for Two Associations of Bondholders Make Similar Pleas.

NEW YORK, Oct. 30.—Before a notable gathering of distinguished counsel in the United States district court for the southern district of New York hearings began today to devise some plan of dissolution and reorganization of the Tobacco trust ordered by the supreme court of the United States.

Attorney General Wickham filed his government's answer to the reorganization plan proposed by the American Tobacco company and co-defendants in its anti-trust suit.

Sitting on the bench were Judges L. C. Cooke, Charles Ward and Noyes. At his counsel Judge Lacey announced that the American Tobacco company as proponent of the dissolution plan would first be heard, Lewis Case Ledyard, a counsel for the defendant companies making the opening statement.

Following the opening representatives of the groups of bondholders and outside interests will be heard. Then the government will be heard.

Brief of Government Filed.

The attorney general, after referring to the directions of the supreme court to devise competitive conditions, said:

"Obviously the effect of any plan of disintegration submitted to the consideration of the court must be more or less a matter of conjecture, and it is impossible for the court to determine in advance whether or not a plan which proposed to restore competitive condition will actually accomplish the purpose intended. Any decree ascertaining and determining upon a plan should therefore reserve to the government the right, at any time within five years from date of entry, to apply to the court for other or further relief upon a showing that, as a matter of fact, such plan has not resulted in creating a new condition which shall be honestly in harmony with and not repugnant to the law. To that end, as well as for the other purposes hereinafter expressed, each and every one of the new corporations proposed to be organized for the purpose of carrying out the plan should be brought in as a party to this suit in order to be subjected to the jurisdiction of the court and bound by its decree."

Democratic Tactics in the Third District Come to the Surface

NORFOLK, Neb., Oct. 30.—(Special Telegram.)—An investigation of the estate of P. E. McKillip, bankrupt, discloses that in his campaign for congress in the Third congressional district in 1904, against J. J. McCarthy, he gave checks for campaign purposes amounting to \$26,667.25, and spent in addition to the amount represented by checks the sum of \$15,000, making a total expenditure in that campaign of \$41,667.25. This enormous use of funds undoubtedly contributed largely to McKillip's financial downfall.

Dan V. Stephens, the present democratic candidate for congress, was his chairman and political manager.

IDAHO MAN REMARRIES HIS WIFE TO INHERIT \$10,000

(From a Staff Correspondent.)

DES MOINES, Ia., Oct. 29.—(Special Telegram.)—In order to inherit \$10,000 left by his father, Franklin J. Reiley, who was married twelve years ago by a Catholic priest, remarried his wife, Cora Reiley, today, not thus complying with the wishes of his father, who had never recognized the former marriage.

The situation was so peculiar that the couple had difficulty in securing a marriage license from the county clerk. As Reiley and his wife had not been divorced and had lived together since their original marriage, the state recognized the couple as man and wife and the county officials saw no reason why a second ceremony should be performed.

As