

JUDGE BORDWELL CALLS STEFFENS

Court Issues Public Statement that Bribery Revelations Brought Negotiations to Climax.

WRITER'S CLAIM GROUNDFLESS

Plans Were Initiated Before He Appeared on the Scene.

SOUGHT TO PROTECT JOHN J.

James B. McNameara Was Ready to Confess Long Ago.

NO COMPROMISE IS INTENDED

Duty of Court Would Have Been Unperformed had It Been Swayed by Policy Favored by Professed Anarchist.

LOS ANGELES, Cal., Dec. 5.—Judge Walter Bordwell issued a formal statement late today, giving his views as to the McNameara trial and especially as to what brought about its termination. That statement follows:

"In a spirit of indifference to everything in the McNameara case, save the facts and the law applicable thereto, I deem it due to the court and to this community that I should make a brief public statement regarding the circumstances attending the abrupt close of these cases, together with sufficient comment to indicate my views as to such circumstances. This is done in the hope of correcting, if possible, some misconceptions due to erroneous publications and particularly to an article which appeared in a local newspaper on the 23d instant, over the signature of Lincoln Steffens.

"In the first place, the claim or suggestion that the termination of the cases was due to the efforts of himself and other outsiders who undertook to influence the officers of the court—other than the judge—is without justification in fact. Claims untrue.

"I also wish to denounce the claims of that gentleman and of other persons for him that the change of plea in this case from 'not guilty' to 'guilty' was due to his effort, as groundless and untrue. He is correct in the statement that the court was not a party to any negotiations for what he termed 'a compromise' of these cases; but there is no ground for any claim that he induced the prosecution to come to an agreement in the matter. The district attorney acted entirely without regard to Mr. Steffens and on lines decided upon before the latter appeared on the scene.

"As to the developments of last week as to the bribery and attempted bribery of jurors in the James B. McNameara case were the efficient cause of the change of plea which suddenly brought these cases to an end. The district attorney could have had James B. McNameara's plea of guilty long ago if he had been willing to dismiss the case against his brother, but he refused, insisting that the latter was guilty and should suffer punishment.

"The first proposition from those interested in the defense were that James B. McNameara should change his plea from 'not guilty' to 'guilty' on condition that he should not be sentenced to death, and that his brother should go free. The district attorney would not agree.

"Attorneys' emissaries from the defense brought to the district attorney the proposition that James B. McNameara would plead guilty and be sentenced to death if the court so ordered, provided that his brother should be saved. But the district attorney still would not agree.

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THE NATIONAL CAPITAL.

Tuesday, December 5, 1911.

THE HOUSE.

President's message was read; Sugar trust inquiry resumed by special committee.

Agricultural department investigation centering on Dr. Wiley, was discussed by special committee. Report to be made within fortnight.

Tariff program conference of the members of ways and means committee called for Wednesday.

THE SENATE.

Lorimer investigation resumed with testimony for the defense.

Stephenson senatorial election investigating sub-committee probably will report to the full committee just before Christmas holiday recess.

Enforced publicity of just affairs advocated before Interstate Commerce commission by witness.

Monetary committee decided to prepare a bill carrying out its conclusions along line of the Aldrich currency plan. Senator Smith turned back to the treasury \$3,000 pay for senatorial service while governor of Georgia.

About 200 recess nominations, mostly postmasters, army and navy officers, submitted by President.

Pointdexter, (Washington) criticized court of commerce decision in Spokane rate case.

Abrogation of Russian passport treaty proposed in a bill by Culberson, (Texas) and petition presented by Martine (New Jersey).

Repeal of Canadian reciprocity proposed in bill by Heyburn, (Idaho).

Adjourned 3:10 p. m. until 2 p. m. Thursday.

Taft Sends Word of Greeting to National Irrigation Congress

CHICAGO, Dec. 5.—Experts in irrigation from many of the western states and from a dozen foreign countries, including Mexico, Canada and Central and South America, and government officials interested in the reclamation of arid and swamp lands, attended the opening today of the nineteenth annual meeting of the National Irrigation congress.

The work already done and the problems still to be overcome in the United States were presented before the congress in these figures: Twelve million acres already irrigated. Thirty-six million acres still to be irrigated. Eighty million acres of swamp lands to be reclaimed. "Drain the swamp lands and water the arid lands, and thus relieve the congested cities of their surplus population," was the burden of many speeches by experts who are to fill the program until adjournment Saturday. B. A. Fowler, president of the congress, announced the receipt of an encouraging message from President Taft.

President Taft's message to the congress was addressed to Isham Randolph, a waterway engineer, and is as follows: "I have your letter of November 20. The work you have to do in Washington at the time the nineteenth national irrigation congress is in session in Chicago, is of the greatest importance to the country. I am strongly in sympathy with the general purpose of the irrigation congress, and earnestly hope that its session this year may be fruitful of great good for the cause of irrigation."

With cordial greetings to the delegates who will be assembled, believe me, sincerely yours, WILLIAM H. TAFT.

Hotel Guests Driven from Rooms by Fire

ST. JOSEPH, Mo., Dec. 5.—Fire of unknown origin which broke out at 12:30 o'clock this morning in an unoccupied room on the second floor of the annex to the Hotel Metropole, the city's second largest hotel, for more than an hour threatened the destruction of the entire annex, but was finally placed under control after damage estimated at several thousand dollars had been done.

RAILWAY MAIL CLERKS NAMED FOR NEBRASKA

WASHINGTON, Dec. 5.—(Special Telegram.)—The following railway mail clerks have been appointed in Nebraska: H. A. Paulk, Stromsburg; G. E. Miller, Stratton; Lewis F. White, York; F. P. Rabbit, Jensen; M. E. Raiston, Lebanon; Roy Whitcomb, Fremont.

DENTIST GETS YEAR IN JAIL FOR HOLDING GIRL PRISONER

SAN BERNARDINO, Cal., Dec. 5.—Dr. A. W. McWhorter, the dentist convicted of a statutory offense in connection with the holding of Miss Jessie McDonald, a school girl, a prisoner in his office for several months, today was sentenced to one year in jail.

J. B. McNAMARA IS GIVEN LIFE TERM

His Brother, James J., Who Pleaded Guilty to Dynamiting Iron Works, Gets Fifteen Years.

DESERVES MAXIMUM PENALTY

Court Makes Some Remarks About Prisoner's Confession.

BELIEVES MURDER INTENDED

Clemency is Shown Only Because of Request of the State.

TO APPEAR BEFORE GRAND JURY

Both Men Are Expected to Give Inside History of Plot to Panel Which Will Continue Investigation.

LOS ANGELES, Cal., Dec. 5.—James B. McNameara, confessed murderer, was sentenced to life imprisonment here today by Judge Walter Bordwell. His brother, John J. McNameara, secretary of the International Association of Bridge and Structural Iron Workers, who confessed to the dynamiting of the Llewellyn iron works was sentenced to fifteen years in the penitentiary. Twenty-one persons lost their lives in the Times disaster. No one was killed in the Llewellyn iron works affair. Imprisonment will be in San Quentin penitentiary.

District Attorney John D. Fredericks appeared in court just before 10 o'clock. At that time investigator Brown was searching everybody who appeared, aided by seven policemen in uniform. Sentence was pronounced in a court room full of cherry-faced spectators, whose chatters filled the room until the prisoners entered and trailed them across the Bridge of Sighs when they left. The two brothers, side by side, received what the law and the court determined to be the just return for what they confessed to have done. The extreme penalty for James B. McNameara was death; that for his brother, life imprisonment, and District Attorney Fredericks argued that clemency be shown each man because of his plea of guilty and on account of "other services rendered the state."

Deserves Maximum Penalty.

James B. McNameara's plea that he intended to kill no one was scouted by Judge Bordwell.

"You well deserve the maximum penalty," said the court. "That that judgment does not extend is not due to any extenuating circumstances, but it is the wisdom of the court to do otherwise."

This he practically reiterated to John J. McNameara.

The sentences imposed upon them, while seemingly widely divergent, are in effect likely to be identical.

John J. McNameara is 45 years old; his sentence with allowance for good behavior will take him well on the road to the sixties. That he will have any considerable span of life after his prison years is not believed, but District Attorney John D. Fredericks, who pleaded in that as a matter of state policy, the defendants should not be forced to end their life in prison.

Twenty-four minutes was the time occupied by the court proceedings. At the end of that time, without speaking to anyone, the McNamearas were led back across the Bridge of Sighs.

"There is nothing to gloat over in this," said Fredericks afterward. "I shall have nothing to say beyond what I have already said in court."

Attorney Darrow and his assistants refused to make any statement. The McNamearas in the county jail asked Sheriff Hammel to be protected from visits from newspaper men.

It is not known today when they will be taken to San Quentin penitentiary.

The McNamearas were not served with summons to appear before the grand jury at the time they were in court, although this had been expected. It is certain, however, as anything can be that they will appear, and it is known that the "services rendered the state" referred to by District Attorney Fredericks are in a large part composed of admissions made by the brothers which will be made again before the grand jury.

Corridor Is Packed.

The corridor was packed with excited humanity.

At five minutes before 10 o'clock the bailiffs cleared the court room, making a clean sweep except court officials. The big doors were swung open and the crowd held the crowd back. The crowd began to fret and additional officials were summoned to clear the hall.

"Hear ye, hear ye, hear ye!" cried the bailiff at 10:23, opening court and as he spoke Judge Bordwell mounted the bench.

A moment later Attorney Clarence S. Darrow, chief counsel for the defense, followed by Lecompte Davis and Joseph Scott entered. Behind them trailed the McNamearas.

"Are you ready to proceed?" asked Judge Bordwell.

James B. McNameara's Confession.

"The state is," said Fredericks, and read James B. McNameara's confession, and absolute silence.

The statement said: "I, James B. McNameara, defendant in the case of the people, having heretofore pleaded guilty to the crime of murder, desire to make this statement of facts: "And this is the truth: "On the night of September 28, 1910, at 5:45 p. m. I paced in ink alley, a portion of the Times building a suit case containing sixteen sticks of 50 per cent dynamite, got to explode at 1 o'clock the next morning. It was my intention to injure the building and scare the owners. I did not intend to take the life of any one. I sincerely regret that these unfortunate men lost their lives. If giving of my life would bring them back, I would gladly give it. In fact, in pleading guilty to murder in the first degree, I have placed my life in the hands of the state. (Signed) "JAMES B. McNAMARA."

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A Reminder



From the Washington Star.

WILL REORGANIZE WABASH

Financial Readjustment Determined on at Directors' Meeting.

KUHN-LOEB BECOMES FACTOR

Introduction of Firm into Reorganization Company Believed by Wall Street to Have Special Significance.

NEW YORK, Dec. 5.—"Financial readjustment and reorganization" of the Wabash railroad was determined on at a meeting of the directors today. The announcement caused something of a surprise, it having been generally believed that the reorganization plan of the Wheeling & Lake Erie-Wabash terminal roads would be accepted, thereby materially reducing the Wabash's financial burden.

Wm. S. Pierce, once a prominent figure in all Gould projects, returned to his early affiliations as chairman of the Wabash board and reorganization committee, succeeding E. T. Jeffery, who continues as a director. Other new men in the board are Edwin Hawley, who comes in not because of any interest in Wabash, but as a practical railroad man; Robert Goetz and Alvin W. Kreech, president of the Equitable Trust company, which is trustee for the first and re-funding and extending mortgages of the Wabash road.

Kuhn-Loeb Managers.

One of the unexpected incidents of the proposed reorganization is the naming of Kuhn, Loeb & Co. as syndicate managers. The firm owns the greater part of the \$5,000,000 notes for which the Wabash is guarantor, but its introduction into the reorganization company is believed in many Wall street quarters to have some deeper significance. Relations between Kuhn, Loeb & Co. and the Goulds have not been especially friendly since the unexpected withdrawal of the bankers from Missouri Pacific financing early in the year.

Although one of the leading interests in the Wabash reorganization is authority for the statement that the re-adjustment will not involve receivership, that point is yet to be settled. It will not be decided until those who are to assume control of the property have made a careful examination into its physical and financial conditions.

Semi-annual interest on about \$10,000,000 of 1 per cent refunding bonds falls due on January 1, 1912.

Fatally Wounded By Rebound of Shot

IOWA CITY, Ia., Dec. 5.—(Special.)—Joseph Pesena, a young farmer, was shot in the eye and brain by his employer, Henry Jens, when the latter shot and killed a rabbit. Although Pesena was fifteen feet out of the line of the discharge the shot rebounded from a hidden rock and bored through his eye. Death is probable.

MONTANA POLITICIAN WEDS YOUNG CHICAGO WOMAN

CHICAGO, Dec. 5.—A dispatch of the Associated Press Saturday stated that William M. McDowell of Butte, speaker of the Montana house of representatives, had married in this city Mrs. Mary D. Eaton Sturges, divorced wife of Solomon Sturges. This was an error, caused by the similarity of names. Speaker McDowell did marry Mrs. Edward Spencer Sturges, daughter of the late Lafayette McWilliams, a former partner of Marshall Field. Mrs. McDowell is no relation of Mrs. Solomon Sturges. The marriage took place at the home of Mrs. McDowell's mother on the south side.

Italians Capture Turkish Camp and Drive Army Inland

TRIPOLI, Dec. 5.—A force of 20,000 Italians yesterday attacked and occupied the Turkish military camp on the Oasis of Ain-Zara after a severe battle, in which both sides are reported to have lost heavily.

The regular Turkish troops, assisted by Arabs, defended the settlement bravely, but were forced to retreat to the interior, abandoning eight cannon, many tents and a quantity of provisions.

The battle opened with a heavy bombardment by the fleet, under cover of which the Italians advanced to the attack.

The Italian headquarters staff asserts that the battle was a decisive one for the possession of the country, as it almost entirely clears the oasis around Tripoli and forces the Turks from the coast and away from their bases of supplies.

BENGHAZI, Tripoli, Dec. 5.—The Arabs made a surprise attack last night on the Italian position. They were repulsed with heavy loss. The Italians had eight casualties.

Indictment Against E. G. Lewis Quashed by Judge Trieber

ST. LOUIS, Dec. 5.—United States District Judge Jacob Trieber today quashed the indictment against E. G. Lewis, charging him with using the mails to defraud, and upheld the plea in abatement filed by the attorneys for Harry M. Coudrey and the other defendants in the twin insurance cases, except Harry D. Gardner.

Bourne Drafts Bill for Parcels Post

WASHINGTON, Dec. 5.—With the end in view of supplying a basis for the work of the committee on postoffices and post roads, Senator Jonathan Bourne soon will introduce a bill providing for a parcels post system. The measure will authorize an increase to eleven pounds in the size of fourth class mail packages from the present maximum of four pounds, and at the same time provide for a diminution of charges from the present rate of one cent an ounce.

Found packages will be carried for 19 cents, with an additional charge of four cents for each additional pound. For the smallest package provided for, weighing eight ounces, there will be a charge of 6 cents. In cases in which the package does not go beyond the rural route on which it originates the charge will be reduced one-half.

Wickersham Taken Suddenly Sick

WASHINGTON, Dec. 5.—Attorney General Wickersham was taken suddenly ill while attending the cabinet session today. Dr. Delaney, President Taft's physician, was summoned from the War department. Mr. Wickersham was reported not to be in serious danger.

POPE RECEIVES FARLEY IN PRIVATE AUDIENCE

ROME, Dec. 5.—The pope today received in private audience Cardinal Farley, who afterwards presented his suit. Cardinal Farley also introduced several American newspaper men, altogether about thirty persons.

PACKERS ARE REFUSED STAY

Supreme Court of United States Refuses to Delay Trial.

CASE AT CHICAGO MUST PROCEED

Indicted Men Asked Postponement Until Higher Court Could Pass Upon Constitutional Question Raised.

WASHINGTON, Dec. 5.—The supreme court of the United States today refused to grant a stay of the beef packers' trial in Chicago until the court would be able to pass on the constitutional question raised by the packers in habeas corpus proceedings.

Wichita Man Dies at Steering Wheel While Auto is Going

WICHITA, Kan., Dec. 5.—Benjamin A. Marshall, a real estate dealer, 41 years old, died at the steering wheel of his motor car here today while leaving for a trip to Mulvane, Kan. Marshall's lifeless hands gripped the steering wheel and the car pushed over the network of tracks at the railroad grade crossing on Douglas avenue, the city's main street.

H. E. Osborn, who rode in the rear seat of Marshall's car, observed that Marshall's body was leaning on the steering wheel and that the man was dead. Osborn stopped the car as it collided with a telephone pole.

Women Survivors of Waist Factory Fire Mob Proprietors

NEW YORK, Dec. 5.—A mob of 200 women, survivors of the triangle waist fire, in which 146 girls lost their lives, attacked Isaac Harris and Max Blau, proprietors of the waist factory, when the men appeared in court today to stand trial for alleged manslaughter.

The police reserves were called out. With torn clothing and disheveled hair the defendants were finally released and escorted under heavy police protection to the court room. The women had been summoned as witnesses.

Classmate of Taft Dies in Sioux City

SIoux CITY, Ia., Dec. 5.—(Special Telegram.)—E. H. Stone, only son of the late J. Stone and one of the richest men in Sioux City, died this morning after years of illness of rheumatism. He was a classmate of President Taft at Yale.

FIGHT FOR LOWER RATES TO FAIRS IS STARTED

CHICAGO, Dec. 5.—A fight for lower railroad rates for the benefit of farmers and exhibitors was begun at the meeting of the American Association of Fairs here today, when the committee on transportation asked for the use of what-ever money there was in the treasury. Charles E. Cameron of Alta, Ia., is president of the association.

Nominations Sent to Senate.

WASHINGTON, Dec. 5.—Together with a large number of appointments announced during the recess of congress the President Taft today sent to the senate the nominations of John W. Garrett of Maryland as minister to Argentina and that of Frederick H. Magdeburg of Wisconsin as pension agent at Milwaukee.

TAFT WRITES ON TRUSTS AND THE COURT'S RULING

President's Message to the Congress Deals with Single Topic of Restraint of Trade.

WHAT THE COURT DECIDED

Scope and Effect of Orders Set Out Definitely.

WHERE THE LAW IS DEFECTIVE

Points that Call for Amendment Suggested to Congress.

WHAT HAS BEEN ACCOMPLISHED

Good that Has Come Through the Law's Operation.

CONTROL OF THE CORPORATIONS

Steps that Should Be Taken to Secure Better Regulation of Companies Formed for Interstate Business.

WASHINGTON, Dec. 5.—President Taft sent to congress at noon today the first of a series of messages he has arranged. This one deals entirely with the trust question, recounting what has been achieved under the Sherman law and suggesting additional legislation. The message is as follows:

"This message is the first of several which I shall send to congress during the interval between the opening of its regular session and its adjournment for the Christmas holidays. The amount of information to be communicated as to the operations of the government, the number of important subjects calling for comment by the executive and the transmission to congress of exhaustive reports of special commissions make it impossible to include in one message of a reasonable length a discussion of the topics that ought to be brought to the attention of the national legislature at its first regular session.

Supreme Court Decisions.

"In May last the supreme court handed down decisions in the suits in equity brought by the United States to enjoin the further maintenance of the Standard Oil trust and of the American tobacco trust, to secure their dissolution. The decisions are epoch-making and serve to define the business world authoritatively as to the scope and operation of the antitrust act of 1890. The decisions do not depart in any substantial way from the previous decisions of the court in construing and applying this important statute, but they clarify those decisions by further defining the already admitted exceptions to the literal construction of the act. By the decisions they furnish a useful precedent as to the proper method of dealing with the capital and property of illegal trusts. These decisions suggest the need and wisdom of additional or supplemental legislation to make it easier for the entire business community to square with the rule of action and legality thus finally established and to preserve the benefit, freedom and spur of reasonable competition without loss of real efficiency or progress.

No Change in the Rule of Decision.

"The statute in its first section declares to be illegal every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several states or with foreign nations, and in the several cases guilty of a misdemeanor every person who shall monopolize or attempt to monopolize or combine or conspire with any other person to monopolize any part of the trade or commerce of the several states with foreign nations.

"In two early cases, where the statute was invoked to enjoin a transportation rate agreement between interstate railroad companies, it was held that it was no defense to show that the agreement as to rates complained of was reasonable at common law, because it was said that the statute was directed against all contracts and combinations in restraint of trade whether reasonable at common law or not. It was plain from the record, however, that the contracts complained of in those cases would not have been deemed reasonable at common law. In subsequent cases the court said that the statute should be given a reasonable construction and refused to include within its inhibition, certain contractual restraints of trade which it denominated as incidental or as indirect.

"These cases of restraint of trade that the court expected from the operation of the statute were instances which, at common law, would have been called reasonable. In the Standard Oil and tobacco cases, therefore, the court merely adopted the tests of the common law, and in defining exceptions to the literal application of the statute, only substituted for the test of being incidental or indirect, that of being reasonable, and this, without varying in the slightest the actual scope and effect of the statute. In other words, all the cases under the statute which

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Christmas gifts for want ad readers

By reading the want ads every day, you may find your name among the want ads waiting for you that a gift is waiting for you. No puzzles to solve—nothing to do except to call at The Bee office when your name appears. There are other prizes than these "free gifts on the want ads" which you may win by your opportunity in the way of your opportunity, a bargain or valuable information. It is a gift which is read the want ads pages every day.

Dalzell's Ice Cream Bricks Exoes of O'Brien's Candy

Advertisements for Dalzell's Ice Cream Bricks and O'Brien's Candy.

The Weather

For Nebraska—Generally fair; warmer in south portion.

For Iowa—Increasing cloudiness. Temperature. Gusts yesterday.

Temperature	Gusts	Yesterday
9 a. m.	11	11
12 m.	11	11
3 p. m.	11	11
6 p. m.	11	11
9 p. m.	11	11
12 m.	11	11
3 p. m.	11	11
6 p. m.	11	11
9 p. m.	11	11
12 m.	11	11
3 p. m.	11	11
6 p. m.	11	11
9 p. m.	11	11
12 m.	11	11
3 p. m.	11	11
6 p. m.	11	11
9 p. m.	11	11
12 m.	11	11

Comparative Local Record.

1911	1910	1909	1908	
Highest yesterday	54	28	14	26
Lowest yesterday	23	4	1	23
Mean temperature	42	28	19	29
Precipitation	0.00	1.12	1.13	2.21

Station and State	Temp.	High.	Low.
Chicago, clear	43	52	30
Cheyenne, clear	33	45	19
Denver, clear	32	42	18
Des Moines, clear	30	39	16
Lander, clear	28	49	10
North Platte, part cloudy	31	49	10
Omaha, clear	46	54	30
Pueblo, clear	38	49	16
Rapid City, cloudy	44	56	33
Salt Lake, clear	28	44	10
Seattle, part cloudy	48	59	35
Shelburne, cloudy	32	50	10
Sioux City, clear	41	50	20
Tempe, part cloudy	41	53	20

Reports from Stations at 7 P. M. Station and State Temp. High. Low. Chicago, clear, 43, 52, 30. Cheyenne, clear, 33, 45, 19. Denver, clear, 32, 42, 18. Des Moines, clear,