

IMPRISONMENT FOR McNAMARA'S

Younger Brother, Who Destroyed
Times Building, Is Sent to
San Quentin Penitentiary for
Life

LOS ANGELES, Dec. 5.—Two brothers—James Boyd and John J. McNamara, natives of Cincinnati, Ohio, the one slim, with drooping shoulders, narrow face and small eyes, and the other a broad, robust man of rugged features, and today the strong hand of justice, which they long had thought to evade, the former being sentenced to imprisonment for life, and the latter to fifteen years in the state penitentiary.

It was the retaliatory action of the law against these lawless methods which John J. McNamara, secretary-treasurer of the International Structural Iron Workers' Association, thought it necessary to pursue in coping with what he regarded as the all-powerful opposition of capital.

Though the younger brother, James B. McNamara, presented his confession to the court today declared that he intended no murder when he placed sixteen sticks of dynamite beneath the Los Angeles Times building, twenty-one persons being killed by the terrible explosion. John J. McNamara, according to his attorney, his principles, broke down as he muttered that he fought against great odds in the best way he could. It was a sequel to the court room scene earlier today when he received his sentence in terms of a life term.

Go Before Grand Jury
For the crime of the Times building explosion James B. was punished. For directing the destruction by dynamite of the Lewellyn Iron Works, wherein no lives were lost, John J. was sentenced. Hardly a few hours had passed when the two went before the grand jury, and were to be issued for both men to appear before the federal grand jury to divulge further details of their dynamiting conspiracies. "The United States government now will demand of them information concerning interstate trafficking in dynamite, which is alleged to have resulted in more than a hundred explosions at bridges and factories, where labor warfare was involved.

Judge Bordwell changed his mind several times, but too late, precautions were taken in the small chamber beside the jail. Outside, the crowd begged for entrance, while many policemen fought its efforts. In the hall of records, not far distant, the mass of humanity waited and waited in confused wonder and eagerness, and even many who really were entitled to admission were denied that privilege because of the mix-up over the final place. A supreme ordeal faced James B. McNamara, who carried as to whether or not the court would exact the extreme penalty. The minutes of procedure that decided the fate of the two men went forward slowly. It was quiet almost to the point of monotony.

Whatever fortitude the men had mustered for the occasion received a setback, and dismay threatened them for a moment, as Judge Bordwell in passing sentence on James B. McNamara, seemed to be inclined toward the death penalty. And though it did not come, the severity of Judge Bordwell's remarks cut deep, and John J. McNamara's accustomed expression, half a smile and half a sneer, as he fought his battles, passed into one of sad dejection.

Shut Brother Breaks Down
Attorneys close by saw tears in the eyes of John J. McNamara. It was the older brother, receiving the lesser sentence, who quivered. The younger brother took his sentence almost without comprehension of what came before him. He resumed his seat, he caught the sight of a newspaper man, and he smiled in recognition—a peculiar smile from a face of sunken cheeks and deep-set eyes. Judge Bordwell talked nervously, slowly and with supreme gravity. He seemed to be crying out for mercy, and his first sentence of importance outside of the civil cases, which he has been handling for a score of years. Affected himself by the drama of the moment, which determined the destinies of two men, who together confessed having caused great destruction of life and property, the judge peered steadily at the prisoners as he announced his judgment. James B. McNamara arose first. He wore dark clothing and a white tie, and his white face added a sombre contrast.

"There are two sentences," said Mr. Fredricks, with deliberation, "which the court may pronounce, possibly of equal severity. One is death and the other life imprisonment. In the minds of a great many persons, and possibly in the minds of the defendants, the sentence of imprisonment for life would be considered in some degree a less punishment than the punishment of death. There has been no dicker or bargaining in this. Counsel on the other side are well aware of the custom of granting some degree of consideration to a defendant who has pleaded guilty—not on the plea of mercy, but on the ground of service to the state.

"This defendant has pleaded guilty." The prisoner was calm and unmoved, but suddenly the judge started him. "The court," began Judge Bordwell turning to the prisoner, "an inquiring look, 'desires to ask you one question, and one only, Mr. McNamara. You have stated in the writing which the district attorney has read, that you placed sixteen sticks of dynamite, known as 'the dynamite,' in the Times building, and caused it to be exploded. The question I ask you is this:

"Did you seek to purchase for that purpose dynamite of a higher degree of percentage?" The defendant paused and seemed to lose his composure. Finally he spoke:

"No, your honor, no sir."
"You did not?"
"No."
"No sir."

Only a Mockery
"There is very little or no ray of comfort," Mr. McNamara continued Judge Bordwell, "in the assertion by you that you did not intend to destroy life. The widow and orphans and the 'sacred persons' will look upon that statement at this time as a mockery. This is against you in making such a statement. A man that would do this must have been a murderer at heart."

"You will meet the maximum punishment prescribed by law."

The prisoner quivered and his head dropped. He twisted his fingers with his hands behind him, then lifted his head again. "That the judgment does not condemn you to death upon the gallows is due to the existence of no extenuating circumstances whatever, but because it appears to the court the part of wisdom to sentence to death."

"It is the judgment of the court that as a punishment for the crime of murder in the first degree, to which you have pleaded guilty, you shall be confined in the state prison of this state in San Quentin, for and during your natural life."

"You may be seated."

As relieved as any one could be with a life sentence confronting him, the prisoner sat down beside his brother. After the facilities the court sentenced John J. McNamara to fifteen years in San Quentin.

Mr. Darrow's Statement
"Nothing but the gallows at the end," is the prediction tonight predicted by Mr. Darrow, attorney for the defense.

For the first time Mr. Darrow cited instances in the evidence which he said it would be impossible to refute. Even to have put James B. McNamara on the stand on his own behalf would have been hopeless, he declared.

"Judge Bordwell's statement says that it was proposed by the defense that James B. McNamara should plead guilty and even take a death sentence, if his brother could be free," Mr. Darrow was told.

"Well," said Mr. Darrow, "I've denied that charge so often that I am not going to do it over again now."

Mr. Darrow's statement is as follows: "I advised this case with reluctance, and accepted only after the most earnest persuasion. I did it unselfishly. I have for many years given my time and best ability and my life to the cause of labor and the poor."

"I have been six months, and spent many troubled days and sleepless nights, trying to run down every clue, and make every possible investigation, and trying to do the best I could for my clients and the cause that I served. I had about associates who gave me their best work and their best service through it all."

"There were scores of witnesses to identify James B. McNamara as being present practically in the very hour and hour in the building. They produced evidence which no one could have surmised."

"If the state had put on its case, we could not even have put the defendant on the stand to deny the facts. We could not prove a thing. We could not prove that he was not there. The failure to do so would have been as much of an admission as it was today."

"We were confronted with the situation of dragging our case, perhaps for years, with nothing but the gallows at the end, and no chance to raise any doubt in a single mind, and in the meantime collecting money from thousands of persons who could not know the facts. To go on under such circumstances would have been making an evil until it would have been a still greater evil, and things graver than they are now."

"We acted as we thought best and right, and will take the consequences. Our duty lay before us, and we acted as to the lives in our charge, and our duty to the cause called for the same action."

"From the beginning I have been watching and working to this end. We have accomplished it. I am reconciled to the result. For myself, personally I have spent many years in this cause. If I had not believed in it, I would have abandoned it when I was young and ambitious. I have fought this and all my fights without mercy, and all that is connected with the case, all men on both sides are helpless as to themselves, and are taking a part that is forced on them by a bitter conflict which only right feeling between capital and labor can ever end."

"If people misjudge my motives, I can only say for myself that I have acted with unselfish devotion only. I have always been ready and fairly able to take upon myself all the responsibility for my actions, and I shall continue to do it so long as I have the strength."

"I do not beg anybody's friendship or sympathy in this matter. I have the consciousness that I have done every thing that I could do, and have acted in the way that is best for all interests, world-wide. If anything more is asked from me from either side, they will find me ready to come."

Oregon at Seattle
SEATTLE, Dec. 6.—The battleship Oregon arrived at the Puget Sound navy yard from San Francisco today, after a voyage of five days, with the arrival of the Oregon, preparations were begun to send the protected cruiser St. Louis to San Francisco, where she will relieve the old wooden ship Pensacola as receiving ship.

Change in Renton Line
SEATTLE, Dec. 6.—W. R. Crawford resigned today the presidency of the Seattle, Renton and Southern railway, an electric line running between Seattle and Renton, 12 miles southeast of here. E. M. Mills, general manager of Peabody, Houghlending and company, the Chicago bankers, who are evidently interested in the property, was elected president. Mr. Mills announced that the road would inaugurate a policy of conciliation toward its patrons. Mr. Mills said that he will give his attention to the affairs of the road and will make his home in Seattle.

TO INVESTIGATE HARBOR WORKS

Fifty Per Cent. Increase in
Local Shipping in Last Six
Months—Development Following
Canal Opening

The announcement in the Colonist of yesterday that Mr. Louis Coste, M. L. C. B., who is one of the most noted engineers of Canada, is to leave Ontario on Monday for Victoria to report regarding the proposed harbor works necessitated to prepare for the great increase of trade, which will follow the opening of the Panama canal, was received with great interest by the local shipping community.

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PAYS ATTENTION TO THE TRUSTS

President Taft's First Message
to New Congress is Devoted
to Combinations and Their
Treatment

WASHINGTON, Dec. 5.—President Taft's message on the trusts was read in both branches of congress today, and was generally well received.

The president's objections to repeal of the Sherman law were approved by some of the leaders on both sides, though the Democrats said that his first message should have dealt with the tariff.

"The message is an able one from the President's standpoint," Mr. Underwood said, "but we feel that the leading message should have dealt with the tariff. There seems to be an effort on the part of the president to force trust ideas ahead. I am opposed to the repeal of the Sherman law, but there may be supplemental legislation."

Speaker Clark said he could not discuss the message until he had studied it thoroughly.

Republican Leader Mann, who has not always agreed with the president, said, "It is probably the strongest utterance President Taft has ever made. It shows that he is on the side of the people, that he is not controlled by the trusts and that he does not wish to cause undue violence to proper combinations of capital."

In the house the reading of the message was interrupted by applause from the republican side.

For lack of something to do, the senate will not meet until Thursday, and will then adjourn until Monday.

Defense of Sherman Act
In his message the chief executive defends the Sherman anti-trust law against the attacks which have been made upon it and denies that it should be repealed or amended. He points out, however, some supplementary legislation which would be desirable to make the law more effective.

"The anti-trust act," he says, "is the expression of the effort of a freedom-loving people to preserve equality of opportunity. It is the result of such people to maintain their future growth by preserving uncontrolled and unstraitened the enterprise of the individual, his industry, his intelligence and his energy."

"For twenty years or more this statute has been upon the statute books. All knew its general purpose and approved. It seemed impossible of enforcement. How slowly the courts ground, and only gradually did the malice of the law assert itself. Many of its statesmen-authors died before it became a living force, and they and others saw the evil grow which they had hoped to destroy. Now its efficacy is seen; now its power is heavy; now its effect is near achievement."

"We must to make such ruthless combinations and monopolies lawful? When all energies are directed, not toward the reduction of the cost of production for the public benefit by a healthy competition, but toward the use of means for making permanent in a few hands the absolute control of the conditions and prices prevailing in the whole field of industry, then individual enterprise and effort will be paralyzed and the spirit of commercial freedom will be dead."

Supreme Court's Judgment
Referring to the statement that the Supreme court in its Standard Oil and Tobacco trust decisions emasculated the anti-trust law, the president says:

"This is obviously untrue. By its judgment every contract and combination which would be injurious to the public interest is outlawed, and the law must be maintained, and that must be maintained on the grounds of earning capacity, as they had no income. He said that in taking the time of the over day had given up all hope of earthly reward for themselves and promised to devote their time wholly and solely to the work of the Creator and to humanity in general."

The defense pointed out that the sixteen clerics involved received board, lodging, clothing, etc., and that this was worth fully the \$500 necessary to qualify, but the court considered that all this was not a sufficient remuneration for services. The case establishes a precedent in Quebec jurisprudence, and may cause more actions throughout the province.

Leaning Tower of Pisa
ROME, Dec. 4.—The Commission appointed to study the condition of the Leaning Tower of Pisa, which caused some anxiety last year, has nearly finished its report. The Commission considers that the tower is in no danger, although since 1817 it has become more slanting. The bells can now, therefore, be rung without risk, and measures have been taken to register the least further deviation of the tower from the perpendicular.

Chap Light for Winnipeg
WINNIPEG, Man., Dec. 4.—At a special meeting of the city council it was finally decided to adopt the three-cent flat rate for electric light used for domestic lighting from the city power plant. The decision to make this abnormally low price was reached without much argument, and was practically a unanimous one. The rate for manufacturing power has not yet been definitely announced, but it is understood that equally low prices will be made for the city's power.

Tobacco Trust Decree
"I venture to say that not in the history of American law has a decree more effective for such a purpose been entered by a court than that against the Tobacco Trust. As Circuit Judge Noyes said in his judgment, approving the decree:

"The extent to which it has been necessary to tear apart this combination and force it into new forms with the attendant burdens, ought to demonstrate that the federal anti-trust statute is a drastic statute which accomplished effective results, which so long as it stands on the statute books must be obeyed, and which cannot be disobeyed without incurring far-reaching penalties. And, on the other hand, the successful reconstruction of this organization should teach that the effect of encouraging this statute is not to destroy, but to reconstruct, not to demolish but to recreate in accordance with the conditions which congress had declared shall exist among the people of the United States."

After denying the need of repeal or amendment, the president points out the supplementary legislation which he believes would be beneficial. He says: "I see no objection, and indeed I can see decided advantages, in the enactment of a law which shall describe and denounce methods of competition which are unfair and are badges of the unlawful purpose denounced in the anti-trust law. The attempt and purpose to suppress a competitor by underselling him at a price so unprofitable as to drive him out of business, or the making of exclusive contracts with customers under which they are required to give up association with other manufacturers and numerous kindred methods for stifling competition and effecting a monopoly, should be described with sufficient accuracy in a criminal statute on the one hand to enable the government to shorten its task by prosecuting single misdoers instead of an entire conspiracy, and on the other hand, to serve the purpose of pointing out more in detail to the business community what must be avoided."

Federal incorporation of companies doing an interstate and foreign trade is recommended. The incorporation he would make voluntary.

The president would also establish a bureau or commission to consult with corporations and to aid the courts in the dissolution of criminal trusts and in the creation of trusts which are not to be considered as criminal trusts.

The president insists that federal charters should be voluntary. "At least until experience justifies mandatory provisions. The benefit to be derived from the operation of great business under the protection of such a charter would attract all who are anxious to keep within the lines of the law. Other large combinations that fail to take advantage of the federal incorporation will not have a right to complain if their failure is ascribed to unwillingness to submit their transactions to the careful official scrutiny, competent supervision and publicity attendant upon the enjoyment of such a charter."

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BIG GUNS FOR SIGNAL HILL

Hon. Sam Hughes Notifies Mr.
G. H. Barnard, M. P., of
Government's Decision to
Mount Heavy Ordnance

The two 9.2 guns, for which part of the mountings were put in on Signal hill many years ago, are to be mounted by the Dominion government.

Hon. Sam Hughes, minister of militia and defence, has written as follows to Mr. G. H. Barnard, M. P. for Victoria: "Thanks to your persistence in keeping this matter before me, the two 9.2 guns are about to be mounted on Signal hill. This will be good news to the splendid lot of volunteers and patriots who are mounting the guns."

Work will be begun soon by John Bethune Lindsay, R.E., commanding the engineer forces at Work Point, to take the two big guns from where they have been resting for the past eight years, to the crest of Signal hill.

Lindsay was in charge of the work of mounting some of the big guns in the Halifax defences.

When the imperial forces left Esquimalt in 1901 they had completed the greater part of the work of preparing for the mounting of these guns.

The concrete work on Signal hill was finished, magazines built in, and the mountings and cradles for the guns were placed. When the forts were turned over to the Canadian government the engineers of the imperial forces under Col. Grant and Col. English were at Esquimalt, and the work of mounting the remainder of the guns of one of the guns up the hill, and this part of the mounting was left on the hillside.

The two guns were plugged and placed in the yard near the Ordnance stores, where they have been lying since.

When the work is started it is not expected that it will occupy long, probably two or three months, before the guns are in place, ready for use. They are big guns, with a range far greater than any gun now mounted in Canada. Equivalents, being effective at about six miles.

The two guns were brought from England in the steamer Peking of the China Mutual company, which landed them at Esquimalt about eight or nine years ago. The location was adopted when Major Gordon was in command of the Esquimalt garrison about twelve or thirteen years ago, a board consisting of the officers commanding the land forces and the admiral then in command of the station reporting upon the scheme. The land was expropriated from the Esquimalt department, and work begun of putting the guns in position, a work which was never continued after the imperial forces left Esquimalt in 1901. Since then Signal hill has been practically deserted. A good road was made some years ago to the location of the battery.

The placing in position of these two 9.2 guns will considerably improve the defences of Esquimalt, where the imperial forces now in use is composed of 6-inch guns. These are placed in two forts, and the adding of Signal hill with its much heavier guns will add much to the strength of the defences, which guard the base of Canada's navy on the Pacific.

**Members of Religious Orders
Who Take Vows of Poverty
and Obedience Debarred
from Voting in Quebec**

MONTREAL, Dec. 4.—Judgment was rendered today by Justice Charbonneau to the effect that members of religious orders, having taken vows of perpetual poverty and obedience, were disqualified from voting in the provincial election of 6-inch guns. These are placed in two forts, and the adding of Signal hill with its much heavier guns will add much to the strength of the defences, which guard the base of Canada's navy on the Pacific.

THREE MINERS KILLED
Foul Air Claims Victims in Mine of
Nicola Valley Coal Company
Near Merritt.

MERRITT, B. C., Dec. 4.—Three men were killed in a chute on No. 7 level of No. 2 mine of the Nicola Valley Coal and Coke Company's Middleboro property yesterday afternoon about 6 o'clock.

They were Dusan Wurmlich, a Serbian, aged 25; Robert Dishart, Scotchman, aged 28, and Alex. Thompson, aged 17.

The accident occurred one hour after the second shift started work, and the bodies were found huddled around the fan. Young Thompson's job was turning the fan to force out the foul air. He was found down the slope below the fan. It is understood that the bodies were found three hours. The men were driving a rock tunnel to make an airway.

Middleboro is a mile and a half from Merritt.

Murdered for His Wages
BRANDON, Man., Dec. 4.—Details are coming to light indicating an atrocious murder in the case of the body of an unknown man found under a stone in a field near Brandon on Friday. Examination of the body shows a wound round the neck and two bullet wounds in the temple. The police theory is that the victim was a young thresher, named unknown, who was paid off early in November and murdered for his wages.