

GRUELING OF A McNAMARA JURYMEN

Counsel for Defense Seeks to Learn His Attitude Toward Labor Unions

TRIAL OF JAMES McNAMARA BEGINS

Defense Elects to go to Trial With His Case First—Questioning of Jurymen in Progress at Adjournment of Court—Farmer on Jury Declares He Has no Prejudice Against Labor Unions—No Session Today.

Los Angeles, Cal., Oct. 11.—James B. McNamara went on trial for murder here today before Judge Walter Bordwell in the superior court amid circumstances that are as simple as provincial justice. District Attorney John D. Fredericks, for the prosecution, elected to try him for the murder of Charles J. Haggerty, a machinist, who, with twenty other men, met death in an explosion and fire which wrecked the Los Angeles Times building, October 1, 1910.

originally numbered 125, but now contains less than forty. The indictment explained. District Attorney Fredericks read the indictment to the veniremen, pointing out the prisoners and explaining the case briefly, "so that the veniremen might know in general what it was about should they be called upon to become trial jurors."

Haggerty's Body Nearest Explosion. This case was picked from indictments for murder found against the prisoner, his brother, John J. McNamara, secretary of the International Association of Bridge and Structural Iron Workers; William Caplan and M. A. Schmidt, both at large, and four unidentified persons specified as John Doe, Jane Doe, Richard Doe and John Stiles. Haggerty's body was that nearest the spot where the explosion occurred.

Juror Asked as to His Sympathies. Recompense Davis for the defense asked the usual questions concerning qualifications. Z. T. Nelson, a farmer, 62 years, was the first man questioned. "I presume you are aware of the bitter warfare going on between organized labor and capital," he was asked. "Yes."

The Two Contentions. The prosecution contends that this explosion was caused by dynamite; the defense that it was caused by gas. The new hall of records, in which the trial is being held, is only a stone's throw from the scene of the explosion.

Objection by Prosecution. G. Ray Horton, counsel for the prosecution, objected, and Mr. Davis defended his question to the court, on the ground that the case was "one that involved organized labor."

Separate Trials Demanded. This was the setting of the legal stage today. Upon it, counsel for the defense, headed by Attorney Clarence S. Darrow, of Chicago, in questions to the jury and arguments to Judge Bordwell, sought to depict a mighty contest between organized labor and its opponents, without much opposition by the prosecution. The application for a change of venue was denied. It was not known until court opened today that the defense would make formal demand for separate trials for James McNamara and his brother John.

Not Prejudiced Against Them. Counsel for the prosecution objected that the defense was endeavoring to ascertain the opinion of jurors as to matters that were bound to become questions of evidence in the trial and that in a direct way an effort was being made to determine how a jurymen might vote on the verdict.

Brothers Handcuffed Together. Hence the brothers, handcuffed together, were taken to Judge Bordwell's court. All Los Angeles knew about this, but when seven deputy sheriffs beside the jailer and an assistant, left the jail with the prisoners, they were surrounded by a crowd of newspaper photographers and a few stray spectators. In the courtroom where only a moderate crowd of spectators gathered, the long opening of the case was not heard ten feet from the bar.

Union Labor Not on Trial. "Union labor is not on trial," said W. Joseph Ford of the prosecution. "James B. McNamara is on trial for blowing up The Times building. The motive may refer to labor unions, but that is not the issue involved."

The Jury in the Box. Twelve veniremen were placed in the jury box out of the venire which

SHIELDS GOT \$250 OF STEPHENSON'S MONEY. Now Committee Wants to Know What He Did With It. Milwaukee, Wis., Oct. 11.—Just what was done with the small sum of money paid to Senator Isaac Stephenson \$167,732 campaign fund was inquired into today by the senatorial committee which is investigating charges of bribery in the senator's election.

Cabled Paragraphs

London, Oct. 11.—Henry Broadhurst, for many years a liberal labor member of parliament and formerly secretary of the parliamentary committee of the trades union congress, died today.

Peking, Oct. 11.—News reached this city today that the Chinese revolutionaries have captured Wu-Chang, the capital of the province of Hu-Peh, where trouble has been reported for several days.

London, Oct. 11.—The American ambassador, Mr. Reid, and Mrs. Reid gave a dinner tonight in honor of the American officers who attended the German army maneuvers, and who are spending a few days visiting the British military establishments on their way home.

Berlin, Oct. 11.—The German and French governments have decided to keep the details of the Franco-German agreement absolutely secret until the second part is also completed and signed. It is stated that any versions of the understanding made public will be unwarranted pending the official announcement.

Manchester, England, Oct. 11.—There was a very serious fire along the banks of the ship canal early today. It started in the oil tanks and soon great quantities of escaped steam and hot water poured into the canal and covered the water for a long distance, igniting everything combustible along its path. The fire was controlled after a fight of three hours.

Rome, Oct. 11.—The Corriere D'Italia says that the patrol of carabinieri last night encountered four men armed with guns in the woods around the castle of San Rossore, where the king is staying. Shots were exchanged. Three of the men were killed and one was caught. The men are said to be peasants, but the paper points out that they were not known in the neighborhood.

WHOLESALE VICE CHARGED AT ALBANY. Two Years' Job to Visit Places Where It Flourishes.

Albany, N. Y., Oct. 15.—Vice conditions in Albany were taken up today by the senate committee which is investigating the vice traffic in the county. In approaching the subject, James W. Osborne, counsel to the committee, said:

"I think I can show that Albany has been practically a wide open city for a great number of years and that this condition of affairs had existed flagrant and openly with the knowledge and consent of those whose duty it is under the law to suppress it."

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UNDESIRABLE NEGROES LYNCHED IN MISSOURI. Body of One, Riddled with Bullets, Found in the River. Caruthersville, Mo., Oct. 11.—Two negroes, A. C. Richardson and Ben Woods, taken from the city jail here last night by a mob which battered down the door, were found today in the Mississippi river. The body of Richardson, riddled with bullets, was found today floating in the river. The body of Woods met a like fate in the accept of the river.

PROBE OF SUGAR TRUST TO BE RESUMED NOV. 15. House Committee Already Has Voluminous Testimony. Washington, Oct. 11.—The house committee which investigated the affairs of the so-called sugar trust during the extra session of congress will resume its consideration of the subject about Nov. 15 next. The committee probed for weeks with a galaxy of prominent witnesses and when it adjourned early in August Chairman Hardwick announced that some supplementary testimony might be taken when the committee reassembled here in the autumn to prepare its report. Mr. Hardwick is now at his home in Georgia.

DES MOINES STRIKE IS DECLARED OFF. Controversy Will Now Be Settled by Arbitration. Des Moines, Ia., Oct. 11.—Des Moines proposed street railway strike was officially declared off today upon the selection of the third member of the arbitration board in the person of John A. Guiler, an attorney of Winterset, Ia. Mr. Guiler says he will accept. It was expected that the controversy will now be settled without further difficulty.

Torrington's 16th Typhoid Victim. Torrington, Conn., Oct. 11.—The typhoid fever epidemic which has been holding sway here for the past two months and a half tonight claimed its 16th victim in the case of Raymond Cleveland, 17 months old, at the emergency hospital. There are 25 cases in the hospital and all are reported tonight as comfortable.

GIEL BOUND AND GAGGED. Cincinnati, O., Oct. 11.—A young woman, bound, gagged and unconscious, was found in a rear yard on Agnes street, Cumminsville, tonight. The yard is in the center of the district where a series of murders of young girls have taken place during the last few years. It is not believed the woman will recover.

Turks Become Disheartened

OTHERWISE THEY MIGHT HAVE RETAKEN TRIPOLI.

HAD MUCH SUPERIOR FORCE

Too Late for a Successful Attack Now, as More Italian Troops Arrive—Italy Claims to Have Been Misrepresented.

Rumor Denied by Italy. With this object, it is supposed, the report has been spread broadcast that Germany, having planned to obtain Tripoli from Turkey prior to the beginning of hostilities, will end now by obtaining this important strategic point from Italy as a base for operations in the Mediterranean against British supremacy. All these rumors and reports are officially denied by Italy.

Turks Disheartened. Advice from Tripoli, sent by Rear Admiral O'Brien, the governor, and Captain Capri, the commandant, say that the sailors who are now in possession of the city have given excellent proof of their courage, endurance and loyalty. Their numbers are small, and in addition to the great amount of work they have been compelled to do, they must guard against the possibility of a surprise attack by the Turkish troops are thoroughly disheartened, as otherwise, being only one day's march from the coast, they would have attempted to recapture the place, or at least inflicted serious losses.

Is Now Too Late. It is too late now for the Turks to do so, for the first section of the troops of the expedition have landed, and great preparations are being made to welcome the Italian soldiers as liberators of Tripoli from the Turkish yoke for all time.

Transports Moving Satisfactorily. All the wireless messages received by the British government at Brussels confirm that the transports and their escort of warships are proceeding satisfactorily. Several alarms during last night's convention at Brusa, occasioned by the approach of vessels, which it was feared might prove the enemy. But investigation disclosed that they were merchantmen, two of them British and a third French.

Turks Deny Existence of Slavery. While the Turkish embassy deny the existence of slavery in Tripoli for the reason—as set forth—that the Ottoman empire was a signatory to the anti-slavery convention at Brussels, Italian officials declare that notwithstanding the denial, Tripoli up to two weeks ago was the only outlet of the great slave market of Central Africa. Slavery, they point out, had always in Africa its established seat, since it was allowed by the Koran and approved by the Mohammedan religion. Tripoli was its worst feature in that it was the point where slaves were taken alive at the Mediterranean coast, then died while crossing the desert.

MAY SURRENDER. London, Oct. 11.—A despatch to the Daily Mail from Tripoli, dated October 9, says: "I just heard a courier, who arrived from Muhir Pasha, asking the Italian government to enter into negotiations with a view to the evacuation of Tripoli. It appears that the Turkish officers held a council and decided, owing to the shortage of provisions and accompanied by the hospital ship Regina D'Italia. The disembarkation of the troops began immediately and the greatest enthusiasm prevailed.

RUSSIAN GIRL LOSES MIND THROUGH SHAME. Said to Have Been Criminally Assaulted a Few Weeks Ago. Hartford, Oct. 11.—Stephania Uzevitch, a 17 years old Russian girl, was taken from the home of the Woman's Aid society to the city hospital yesterday afternoon, apparently hopelessly insane. The girl came here from Russia only a few weeks ago, and went to work as housekeeper in the house of Morris Silverberg at No. 18 Morgan street. She was pretty and attractive and a few days later Silverberg was bound over to the superior court under a bond of \$10,000, but his case was nolle. The girl, however, continued to brood over the shame she felt had been brought upon her, and kept brooding until her mind began to give way. She began to make threats against her own life and at the home, where she has been confined to her bed for some time, it is said that the plastering is worn off the walls at the side of her bed, where she is supposed to have attempted to dash out her brains. She is wasting away rapidly, and has been physically unable to work for some time.

CHARGED WITH HAVING STOLEN SEVERAL THOUSAND DOLLARS FROM THE OFFICES OF THE GREAT NORTHERN PAPER COMPANY AT MADISON, ME., GEORGE W. SNELL, 28 years of age and employed as an accountant for that company, has been bound over to the December term of the supreme court under \$5,000 bonds.

RODGERS AT KANSAS CITY. Kansas City, Mo., Oct. 11.—C. P. Rodgers, the coast-to-coast fier, reached Kansas City today. He has covered 1,432 miles, according to railroad mileage, and is within a few hours' flight of the half-way mark on his journey.

Condemn Telegrams

Former President Borrero of Ecuador is dead, at the age of 84.

There Were Four Bidders for the contract to build the new Washington postoffice.

The National Assembly of Nicaragua has approved the selection of General Menz as president.

Reorganization Plans of the American Tobacco Company will not be filed before Friday next.

Otay, the Last of the Pulajani Chiefs in Samar, Philippines, has been killed by the constabulary.

Hon. Orlando T. Daniels Yesterday took the oath of office as attorney general of Nova Scotia.

Premier Borden and His New Ministry were sworn in by the Canadian governor general at Ottawa.

The New Torpedo Boat Destroyer Patterson was placed in commission at the Philadelphia navy yard.

The Catholic Party of Mexico decided to continue their campaign for Francisco de la Barra for vice president.

An Earthquake of Considerable Intensity was recorded by seismographs in New York, New Orleans and Washington.

Major George W. Ruthers, of the subsistence department, has applied for retirement under the 30-year service law.

Mrs. Emeline Pankhurst, leading exponent of woman suffrage in England, arrived at New York on the Oceanic yesterday.

The Announcement That the General Education Board had a fund of \$200,000 for Middlebury, Vt., college had been raised in full was made yesterday.

Ouster Proceedings Brought by Ohio against the Hocking Valley railroad at Columbus came to an end, the railroad agreeing to the state's terms.

Twenty-one Persons Were Hurt when a Seaboard Air Line passenger train from Helena to Columbus was partly derailed east of Cordele, Ga.

The 4,000 Striking Shopmen formerly employed at the Burnside shops of the Illinois Central railroad were paid their wages for September yesterday.

Extra Police Measures were taken for the protection of the king of Italy from anarchists, during his visit to Naples to say farewell to his troops.

The National Association of Railroad Commissioners recommended that the Interstate Commerce Commission be taken over by the railroad companies.

Secretary of Agriculture James Wilson went to Chicago yesterday to take part in the international brewers' exposition and congress which opens today.

Pneumonia Caused the Death of Bangor, Me., yesterday of Rev. Dr. John S. Sewall, professor emeritus of homiletics at the Bangor theological seminary.

Southwestern Montana is in the Grip of a terrific snowstorm that has cut off Butte from communication with the outside world. More than two feet of snow has fallen.

Two More Men Charged With Murder in connection with the lynching of Zack Walker at Coatesville were acquitted by a jury in the Chester county, Pa., court yesterday.

The Request of the Knights of Labor shoe cutters for an eight hour workday beginning next Monday was granted by the board of the state school for the deaf and dumb, for the benefit of 125 pupils.

Thirteen Hundred Dollars' Worth of Stamps and two hundred dollars in money was stolen from the South Hadley, Mass., postoffice by a trio of burglars who blew the safe early yesterday.

During the Year Ending Oct. 1, there were 43 new subordinate grays organized in 27 different states, and 50 granges reorganized in 17 states, making the largest gain in any one year since 1876.

G. W. Campbell, Chief Food Inspector in the bureau of chemistry, left Washington yesterday for Tampa, Fla., to investigate complaints arising over the alleged shipment of unripe oranges and citrus fruits.

Mrs. William L. Kilpatrick of Hot Springs, Ark., was killed and several other passengers seriously injured when the eastbound Hot Springs special on the Rock Island railroad was derailed yesterday forenoon.

The Entire Board of Directors headed by President Charles S. Mellen, also of the New York, New Haven and Hartford railroad, was re-elected at the annual meeting of the stockholders of the Boston and Maine railroad yesterday.

On the Application of the Illinois Central railroad, Judge Humphrey in the United States circuit court has issued a temporary injunction restraining strikers from interfering with the road in the southern district of Illinois.

In the Arrest of a Man who gave his name as George H. Miller, the police of Plymouth, Falmouth, Kingston and Duxbury, Mass., believe that they have solved the mystery surrounding a series of burglaries in that section during the past month.

Ireland Calls It Mobocracy

ARCHBISHOP ON INITIATIVE, REFERENDUM AND RECALL.

A TEMPORARY EXCITEMENT

Believes People Are Suffering From It—The Recall is Serious Peril When Extended to Judiciary He Declares.

Council Bluffs, Iowa, Oct. 11.—The initiative, the referendum, and the recall were termed the weapons of mobocracy by Archbishop Ireland in an address at the banquet of the Army of the Tennessee here tonight.

"The clamor now is heard," Archbishop Ireland said, "that the organization of American democracy as the republic has known for a century and a quarter, must be altered, torn asunder, under the pretense that with it the people do not govern with sufficient directness. Let us hope that this clamor is but a passing ebullition of feeling. Democracy—yes, mobocracy—never. As towards mobocracy we are now bidden to wend our way. People suffer from temporary excitement.

"In the long run American public opinion will be sure to right itself; the people may be misled by a temporary excitement. From the consequences of such excitement we should strive to save the republic.

"All Conclusive Authority Lost. "Will the initiative and referendum legislative bodies become mere bureaux of registration and exchange for popular views and opinions. All conclusive authority is lost to them. A small fraction of the population, the machinery of legislation in motion, retards or annuls its decrees. And this for all subjects the most abstruse and complicated.

The Recall the Worst. "But the worst is the recall. Stability and independence in office for a fixed period of time are essential. Liable to recall, the official is continuously watchful of public opinion.

A Peril to the Judiciary. "The peril from the recall is shown when it is extended to the judiciary. If ever independence from popular clamor is imperiously demanded, it is when men are bidden to speak in the name of supreme justice, regardless of consequences; when absolute calmness of mind is the prerequisite to a decision.

No Sacrilegious Hand on Courts. "Whatever the social or political revolutions which may be threatened, for the sake of America, let us pray the God of Nations let there be no sacrilegious hand laid on the courts, impairing their independence or lowering their majesty."

HARD COAL CASES UNDER CONSIDERATION. Two Days Consumed in Arguments for and Against Combines.

Washington, Oct. 11.—The so-called "hard coal case" was taken under consideration today by the supreme court of the United States, after a two day argument by counsel for the government and for the principal railroad and coal owning companies in the anthracite regions of Pennsylvania, charged with violating the Sherman anti-trust law.

The main argument for the defendants was made by John G. Johnson of Philadelphia. He said that it would be ideal to have the anthracite railroad and coal companies independent, but that close relationship between them, essential to the growth of the coal region, was necessary, because the railroads had to have tonnage assurance to recompense them for the expense of building into that region. He combated the government's contention that the railroads were competing lines, saying that on account of reaching different coal localities the railroads were not competitors, though they carried competitive material.

The closing argument for the government was made by J. C. McReynolds, special assistant to the attorney general.

ANNIE MELHANEY IDENTIFIES NEGRO. Says Thomas Hampton Is Man Who Assaulted Her.

West Chester, Pa., Oct. 11.—"Father, there goes the negro who attempted to assault me," exclaimed Annie McElhaney, the pretty 15-year-old school-girl, who was attacked on Monday afternoon near Coatesville by a colored man, as Thomas Hampton passed on an opposite side of a street here today, in charge of officers on his way to the courthouse.

The negro was arrested yesterday and Miss McElhaney accompanied by her father came here today from their home to endeavor to identify him. Later the prisoner and the girl faced each other in the district attorney's office and she positively identified him as her assailant.

Hampton's face is bruised and the authorities say he received the marks in the struggle with the girl. The negro will be given a hearing probably tomorrow and will be rushed to trial.

FOUND NOT GUILTY OF TRAIN WRECKING. Four Italians Arrested at Middletown Are Discharged.

Middletown, Conn., Oct. 11.—The four Italians, Antonio Diorio, Alphonse Cecchini, Antonio Di Stefano and Giacomo Iasi, who were arrested on the afternoon of having conspired to wreck the express train over the Valley line of the New York, New Haven and Hartford Railroad company on the evening of Sunday, Aug. 27, at Middletown, were discharged by Judge Pearna today. The further accusation against the men had been that they had removed spikes from the rails which produced a wreck in which one man was killed and about 40 passengers injured. The hearing, which lasted two weeks, was closed a week ago.

Close Vote on Suffrage.

San Francisco, Oct. 11.—Returns on the woman's suffrage constitutional amendment indicated tonight that the margin by which it had been defeated probably would be very close.

With more than a thousand precincts still to report, the majority against the amendment is 4,103. At noon the majority against was more than 2,000. All the larger precincts have reported practically complete returns, and there is believed to be only slight chance that the result will be altered.