

DARROW NOW BROUGHT INTO BRIBERY CASE

Man Who Accepted Bribe Says Detective Franklin Mentioned Darrow as One Who Made Payments.

PROSECUTOR WILL NOT TAKE ACTION

District Attorney Says There is no Evidence Against Darrow That Would Stand in Court.

Los Angeles, Cal., Dec. 11.—The name of Clarence S. Darrow, chief counsel for the McNamara brothers, was brought into the preliminary hearing of Bert H. Franklin, a defense investigator, charged with bribery, before Justice William P. Young today.

George N. Lockwood, the venireman whom Franklin is accused of bribing, testified that Franklin told him he "would see Clarence S. Darrow and arrange how the money was to be paid." The utterance created a sensation.

Darrow Not Officially Brought In.

"Lockwood's testimony does not bring Clarence S. Darrow legally into the case," said District Attorney Fredericks at his office today. "It is hearsay and nothing more. We will proceed with prosecutions only upon evidence which will stand in court of law."

"Will you say if you have such evidence?" he was asked.

"We have not," he said, and then corrected himself. "We have other evidence, but it is not sufficient," he said.

Lockwood, in his story, declared he rejected Franklin's proposal, told District Attorney John D. Fredericks of it, and the following Saturday, after his name had been drawn from the jury wheel, allowed Franklin to reopen negotiations on advice of the district attorney. The first offer, Lockwood said, was of \$2,000; the final one, \$4,000. When the matter finally was brought up, Lockwood said, Franklin brought in Darrow's name.

In a subsequent telephone conversation, Lockwood said, Franklin asked if he should "bring the big one out," and was told to do so.

"When he arrived," said Lockwood, "I asked him why he did not bring the 'big one' out. He said, 'Did you think that was Darrow?' and I said 'Yes.'"

"No," he said. "That's Cap White."

White Says Franklin Coasted.

C. E. White, who with Lockwood was present when Franklin was arrested, told a story in which he said Franklin came to him and asked him to be a stakeholder of \$3,500 to be paid Lockwood at the end of the trial. When they met Lockwood, he declared \$500 was paid, the \$3,500 was held back and at that moment all three men were arrested.

White testified that Franklin came to him one day and related that the prosecution in the McNamara case was using thousands of dollars to secure a conviction and that he, as an employee of the defense, was going to use the same tactics. White declared that Franklin said:

"There is an old friend of ours on the panel. I have had long talks with him and convinced him that the McNamaras were innocent and I also have told him a few thousand dollars would come in handy."

"We already have two accepted jurors with us," declared Franklin, according to White's testimony.

With the McNamara brothers at the state penitentiary, the aftermath of the case divided itself into two parts today, one being the preliminary examination of Bert H. Franklin, charged with having bribed a prospective juror, and the other the conference between Oscar Lawler, special government prosecutor and number of witnesses summoned to appear tomorrow before the federal grand jury and tell what they know of the alleged dynamiting conspiracies.

The government attorneys received several of the witnesses at the federal building and arranged for their testimony tomorrow. The news that Ortie E. McManis, confessed dynamiter, soon will go to Indianapolis to lay the foundations for the inquiry there, was taken to mean here that the grand jury would conclude its consideration of the conspiracy subject by the end of the week and take up routine affairs.

Indictments, it was pointed out, need not be returned immediately but they are expected, if any are to be rendered at all, before January 8 next, when the term of the present panel ends.

It is believed Franklin's trial will be set for a distant date and that continuances will be asked for by the defense. The state first put on the stand George N. Lockwood, the man to whom it is alleged Franklin gave \$400 and promised \$3,600 more, if

TODAY IN CONGRESS

SENATE

In session at 2 p. m. Lorimer election inquiry was resumed.

Federal corporation commission urged before interstate commerce commission by Francis L. Stetson of New York.

Agreed in senate for holiday recess from December 22 to January 3. Wholesale election frauds in Fayette county, Pa., charged before election committee.

Democratic caucus likely will be held soon to determine whether to take up first revision or anti-trust legislation.

HOUSE

Met at noon.

Railroad security commission report on the issuance of stocks and bonds was submitted by the president.

District of Columbia legislation was considered.

Russian treaty abrogation was urged before foreign affairs committee by New York and Philadelphia committees.

Steel trust inquiry was resumed.

BODIES OF 16 MINE VICTIMS RECOVERED

All Hope of Saving Any of the 100 or More Miners at Briceville Given up; Rescuers Three Miles in.

Briceville, Tenn., Dec. 11.—With sixteen bodies recovered and identified, rescue parties today redoubled their efforts to force the big Cross Mountain mine to give up its dead. Having forced their way three miles into the mountain and bratticed most of the cross entries, members of the rescue crew expect to stumble onto the corpse-strewn chambers at any time.

Discovery of the first body this morning came at 10 o'clock when a dead miner was found in a sitting posture in one of the inner chambers. He was Andrew Johnson. Indications were that he had been a victim of black damp. It is believed now that any man who might have escaped the fury of the explosion speedily were suffocated by gases.

A local Red Cross camp began work of the relief of the suffering this forenoon. It is estimated the explosion rendered fifty-six women widows and made 184 children orphans.

100 or More Dead.

That there are 100 or more dead men remaining in the mine, there is no doubt. All hope of rescuing any of the scores who went to their toll Saturday morning has been abandoned.

The discovery last night of eight more bodies prompted crowds to gather at the death cavern early this morning. Weeping wives made widows by Saturday's dust blast in the Knoxville Iron Co.'s mine came to the shaft entrance in scores this morning. In a warehouse but a short step from the mine entrance are great numbers of coffins waiting for their occupants.

Of the eight corpses discovered last night, three were sitting bolt upright in a mine car, while the bodies of five others were lying on the ground. Their deaths came by an explosion of dust.

Stacks of Coffins Brought.

President Stephenson of the Knoxville Iron Co., had 175 coffins brought here from Knoxville and they were taken up the side of the mountain and stacked against the mouth of the pit. This grim spectacle brought a great hysterical sob of grief from the wives, mothers and sisters of the entombed men, who braved snow and rain and wind to stand transfixed before the entrance to the main shaft of the mine in the hope that by some miracle their husbands, fathers, brothers or sons might be rescued alive.

The federal experts report that the explosion swept through twenty-seven cuts, making a cave-in two miles long, extending from the main cutting to the headings. The men must have all been in the cross cuts when the explosion occurred. These cuts are filled with thousands of tons of slate and coal and twisted timbers.

MINER FOUND DEAD IN TOWER 307

Albia, Dec. 11.—Andrew Blano was found in the little waiting room at tower No. 307 Sunday morning with a bullet hole in his forehead and a Colt's revolver at his side. Although indications point to suicide, there is a general suspicion of foul play. Blano was employed in the mines at Ward. The agent was at the tower about 100 yards from the waiting room, where the shooting occurred but he heard nothing of it.

Blano was about 51 years old and leaves a family of eight, a wife and seven children two of them working. cut at No. 6 mine where the dead man was formerly employed.

CHORUS GIRL UP FOR CROSS EXAMINATION

Prosecutor Asks Girl if Her Plan Wasn't to Blackmail Millionaire Stokes, Whom She Shot.

New York, Dec. 11.—Lillian Graham with her chorus girl companion, Ethel Conrad, on trial in the supreme court for shooting W. E. Stokes in the legs last June, today faced cross examination.

The defendants came into court together and sat with their counsel before court opened. Ethel Conrad probably will be called to give her testimony after Miss Graham has left the stand.

The condition of Mr. Stokes, who has been seriously ill as a result of complications following the attack of acute indigestion, was slightly improved.

"Miss Graham, be just as composed as you can" said Assistant District Attorney Buckner when she took the stand today. Miss Graham was pale, her features twitched and her hands went constantly to her hair.

Miss Graham admitted she knew she went to the Ansonia in December, 1906 that Stokes had been divorced and also that he had no intention of marrying again.

"Al Adams Story Brought In." The prosecutor reverted to the Al Adams story. Last week Miss Graham said she was afraid of Stokes at the time she shot him because her sister, Mrs. Andrews, had told her she had heard that Stokes had murdered the former "policy king."

Miss Graham admitted her sister had not told her this story until some time after her acquaintance with Stokes began.

"Did Mrs. Andrews raise any objections to your running around with this old divorcee and murderer" said the prosecutor, sarcastically.

"No."

"In fact, haven't you brought this matter for the purpose of blackmailing Stokes' character?"

To this Miss Graham's attorney objected. The witness declared that she had told what kind of a man Stokes was.

"Didn't you know of his relations with women?"

"No."

"Didn't you want to get on his payroll?"

"No sir."

The prosecutor's answer to these negatives was to read several of the girl's letters in which she invited Stokes to her apartment and expressed disappointment over his failure to accept former invitations.

"Why didn't you stop writing and telephoning to him when he continued 'to disappoint' you in this way?"

"Because" replied Miss Graham "he always gave a very good excuse."

Last week Miss Graham testified that Stokes never had made full returns for \$1,700 which she had given him to invest for her early in their acquaintance.

"Were these letters written before or after you gave him the money," inquired a juror.

"After" she answered.

"Farewell Letter" Read.

In February 1907, Miss Graham wrote Stokes the "farewell" letter in which she addressed him as "dearie," told him she never expected to see him again and closed "to the only man I ever loved."

Mr. Buckner re-read this letter and fired at the witness a volley of questions that made her hesitate and look down. One of them was: "If you were a young, pure girl of 18 or 19 why did you write such a letter as this; what could you expect to gain from a man in Stokes' position?"

"Well" replied Miss Graham, "he wrote me a good many letters and I saw him frequently." The letter introduced by the prosecution in which Miss Graham released Stokes from any responsibility for what happened during her visit to his farm near Lexington, was re-introduced. Miss Graham declared that Stokes held her a prisoner on his farm and forced her to write the letter before he would let her go.

Later she said, Stokes assured her he had destroyed this letter. Never the less, asserted the girl, when they returned to New York Stokes went down on his knees and begged her not to tell her relatives.

"Why did you keep quiet as he asked then?" inquired the attorney.

"Because I felt sorry for him. He begged me not to tell on account of his boy."

MINER COMMITS SUICIDE BY FALLING

Seymour, Dec. 11.—Louis Bianchi, aged 44 years, jumped into the Sunshine mine this morning at 1:30 o'clock, a distance of 200 feet. The man became despondent when some local merchants to whom he owed small bills in all about \$50, placed the accounts in the hands of a collector. His body was terribly crushed, death was instantaneous. He leaves a wife and one child.

JUROR IN HYDE CASE MISSING; TRIAL STOPPED

Harry Waldron Leaves a Dummy in Bed and Escapes From Sheriff by Climbing Over Transom.

Kansas City, Mo., Dec. 11.—Undoing the work of a week in the court procedure and bring to a standstill the second trial of Dr. B. Clark Hyde, charged with the murder of Col. Thomas H. Swope, Harry Waldron, a juror in the case, broke out of his room in a hotel here early today, eluded two marshals set to guard the jurors, and escaped.

The first hint of the juror's escape came when T. Hillow and Frank Jasper, deputy marshals, found the transom torn away from the door of the room Waldron occupied. The deputies carried the keys to all the rooms occupied by the jury. Waldron was nowhere to be seen. A force of deputies was sent immediately in pursuit.

When the news of Waldron's disappearance was carried to the court room just before time for court to convene attorneys for both sides immediately went into conference to determine the effect of the incident upon the case. Prosecutor Conkling said the state would at once start an investigation to determine whether Waldron had been induced to escape.

Dummy Found in Juror's Bed.

Attorney Walsh for the defense said he would ask that jurors be appointed to take charge of the jury until Waldron could be found. Asked as to whether the matter would result in a mistrial Judge Porterfield said that would depend upon Waldron's course during his period of liberty should he be captured. Domestic trouble is said to have caused Waldron to grow restless under confinement as a juror. He owned and conducted a dairy farm on the outskirts of the city. On November 29 Waldron's sudden illness caused an adjournment of court. December 1 Waldron's physician claimed he was able to serve and the trial was resumed. Waldron's indisposition at that time was due to worry over home affairs.

To prevent his roommate and fellow juror, G. W. Palmer, from upsetting his plans Waldron constructed a dummy man of bed quilts and slipped it into his place in the bed. The room was in the rear of the hotel next to a bath room. Waldron removed a staple from the transom in the door over the bathroom and climbed over. When Palmer arose this morning he nudged his dummy bed fellow to arouse him, then spread the alarm.

Prosecutor Makes Statement.

In a written statement Prosecutor Conkling said:

The action of Juror Waldron will be rigidly investigated by the state, under the orders of Judge Porterfield, not only to ascertain the extent of the misconduct, but also who, if anyone, induced it.

"As for the state, we are indignant at these obstructions to the administration of justice. For an 'innocent' man, Dr. Hyde seems to have phenomenal luck. First, some mysteriously found grand jury evidence gets into the hands of his counsel. Second, at the second trial a juror mysteriously disappears just at the time his cross examination at the first trial is being read against him by the state.

"I wonder why the defendant is so 'tickled.'"

(Signed) "Virgil Conkling."

Dr. Hyde's statement concerning the juror was brief.

"The occurrence caused me the deepest sorrow," he said. "I have hoped the case might proceed without further interruption."

Counsel for the accused physician refused to make a formal statement.

Jurors today recalled that all day yesterday Waldron who was born in Hettelberg, Germany, sat about the hotel, leaning back against the wall playing old German folk songs and patriotic airs on his violin, which he claimed was hundreds of years old. They said he gave every evidence of being extremely homesick. Mrs. Waldron told police and deputy marshals today that she had neither seen nor heard from him for days. She said she had no intimation of an attempt to escape.

Cyanide Testimony Have Been Read.

The most interesting part of the accused man's testimony was to have been reached today—his attempts to explain his cyanide purchases. He had used it for years, he said, but to the prosecutor's frequent request that he name one more drug store than Huxo Treckle's at which he had bought the drug, there came the same reply, he could not remember. This line of questioning lasted in the former trial for more than five hours.

It was at Brecklein's store that Dr. Hyde bought cyanide capsules while the occurrences in the Swope home were taking place that was the first time he had ever bought anywhere. He always maintained that he purchased the drug for two innocent purposes—the making of huge and for cleaning a tincture of silver from the fingers.

New Waterworks Plant Will be Open for Public Inspection Next Thursday

The Ottumwa water works will be officially opened for the inspection of Ottumwa people and others Thursday, December 14. The hours will be from 2 p. m. to 9 p. m. The trustees and superintendent of the plant today issued the following invitation to the opening:

A modern up-to-date sedimentation and filtration plant is now in successful operation, providing for the people of the city an ample supply of our pure water. The water works are owned by the people of the city. Every dollar of income, in the near future, will be applied to the extension and improvement of the plant and every citizen should aid and encourage such enlargement and betterment so that all of the people may be supplied with pure water and thereby secure the best sanitary conditions. The trustees and superintendent extend a cordial invitation to all citizens of Ottumwa to visit and examine the operations of the plant at any hour, between 2 and 9 p. m. Thursday, Dec. 14, 1911. A special invitation is extended to the members of the present and every former city administration, and to all of the ladies of the city.

KELLY IS GUILTY OF MANSLAUGHTER

COUNCIL BLUFFS PHYSICIAN GETS OFF EASY IN MURDER TRIAL AT DES MOINES

Des Moines, Dec. 11.—Attorneys for Dr. Harry D. Kelly, the young Council Bluffs physician who was last night found guilty of manslaughter in the shooting of Deputy Sheriff Clarence Woolman of Council Bluffs and Edmund Sterling of Des Moines, expected today to file a motion asking that the verdict be set aside on the ground that it is inconsistent.

The jury in a special finding which was read with the verdict, agreed that the defendant was insane on the morning the crime was committed. Counsel for the defense contended that according to the laws of Iowa and the instructions of the court, the jury cannot return a verdict of manslaughter and at the same time find the defendant insane.

The jury reported shortly after six o'clock last night after having been out for more than fifty-four hours, during which time one hundred and fifty ballots were taken. The first twenty ballots stood eight for acquittal and four for conviction of murder in the first degree.

Several times during their deliberations the jurors asked for further instructions regarding the special finding as to whether Kelly was insane when he committed the crime. They finally agreed that he was and then returned the verdict of manslaughter.

He will be sentenced to from one to eight years in the penitentiary. Kelly thus being taken to the asylum for insane at Knoxville, Iowa, from Council Bluffs, when the shooting occurred.

RONSON ESTATE GETS \$750 DAMAGES

Albia, Dec. 11.—The case of John Tinter, administrator of the estate of Tony Ronson, vs. the Hocking Coal Co., was begun in the district court Monday, December 4, and occupied four days. It went to the jury Friday noon and after twenty hours deliberation, that body returned a verdict in favor of the plaintiff, giving him damages in the amount of \$750. About a year ago Tony Ronson was killed at Hocking, N. Y., falling down an air shaft being taken to the asylum for insane. John Tinter was appointed administrator and sued the company for damages, the case resulting in the above verdict.

BURNS AND WILLIAMS IN CHARITON JAIL

Chariton, Dec. 11.—James Burns and John Williams, who were arrested on the charge of robbing the Derby State bank, were brought here Saturday evening from Des Moines and were at once taken to the office of Justice N. Lenehan, where they were arraigned. They pleaded not guilty and their preliminary hearing has been set for Tuesday afternoon at 1:30 o'clock, which will be held before Justice Lenehan. Third man, Otto Schwinski, was lodged in the jail today. He was arrested in Omaha and brought here by Sheriff Englebretten of Lucas county and Detective J. W. Williams of Lincoln. He will be arraigned this afternoon.

ONE-LEGGED MAN CARRIED BIG GUN

Sol Cline, a one-legged man was taken into custody by the police Saturday night. He pleaded guilty in police court and was fined \$10 for intoxication. Cline had a twenty-two caliber revolver on his person when searched and Judge Hendershot gave him a \$15 fine on the charge of carrying concealed weapons. Roy Pease paid a \$5 fine for being drunk.

OTTUMWA FIRM SUED FOR \$1,500

Katherine Brooks has brought suit against the Johnston & Sharp Manufacturing Co. for \$1,500 for damages sustained while she was operating a stamping machine. The plaintiff alleges that the machine was not properly safe-guarded to prevent injury.

IMPORTANT MATTERS IN THE DAY'S NEWS

WELLINGTON, N. Z.

A proposal to adopt a general law of prohibition against the sale of alcoholic liquor throughout New Zealand has been defeated on submission of the people.

BURLINGTON, IA.

After a five weeks sojourn in Minot, N. D., Officer Ellis Countryman returned to Burlington this morning without George McLarn, a negro whom Countryman had identified as the man who shot him in September, 1909. The negro successfully resisted extradition.

WASHINGTON, D. C.

The supreme court of the United States today declined to interfere at this time with the decree of the United States circuit court for southern New York approving the reorganization plan of the "tobacco trust."

LIEGE, BELGIUM

A bomb explosion occurred during a cinematograph exhibition here last night resulting in the death of two persons, and injuring sixty. The bomb, which was charged with dynamite, was loaded with nails. It was thrown by a madman.

COUNCIL BLUFFS

The trial in the state district court of Benjamin Marks, a wealthy citizen of Council Bluffs charged with complicity in the Mabray swindles was begun here today. Geo. W. Cosson, attorney general of Iowa, has personal charge of the prosecution.

BRADFORD, PA.

While discussing arrangements for their honeymoon trip to follow the wedding scheduled for next week, Miss Grace Cable and her intended husband, Anthony Kohner, were shot and instantly killed at the woman's home here soon after last midnight. The police are seeking Rosalind Anselmetti, a wealthy fruit dealer, whom it is alleged, was seen as he rushed from the house.

LEAVENWORTH, KAN.

At an inquest into the death of Mrs. Benjamin Grey, the aged woman whose body was found burned in the ruins of her home here Saturday, facts tending to show that the woman was slain by robbers were disclosed. The Grey case is the third homicide in two years in which an aged person has been burned apparently by robbers. No person was held for either of the crimes.

WEBSTER CITY

Richard Morrison has confessed to local officers that he is guilty of robbing the Chaney drug store in this city. Also the bank, general store and depot at Vincent, Mo. implicates Lester Beal and Cliff Roberts. The latter has been arrested but the former is still at large.

KNEW THAT MAINE WAS IN DANGER

Burford, Dec. 11.—About midnight, little more than twenty-four hours before the battleship Maine was blown up in Havana harbor, A. C. Bryce of this city, then consul at Matanzas, Cuba, was warned that the American vessel was to be destroyed.

Upon request of President McKinley publicity was withheld.

"Two nights before the blowing up of the Maine," said Mr. Bryce today, "A man I knew, though not an American, came to my residence and upon the promise I would not reveal his name, told me the Maine would be blown up. I sent a special messenger to Fitzhugh Lee, consul general at Havana, but the official there failed to credit the warning. The next day the explosion took place.

"When I returned to the United States I reported the incident to President McKinley and the secretary of state and the president requested that no publicity be given to the incident at that time. I respected his wish, but feel at liberty to make a statement now, that the board has given publicity to the report."

Monsignor Ryan Injured.

Dubuque, Dec. 11.—Monsignor Ryan vicar general of Dubuque archdiocese, 68 years old, fell on a slippery sidewalk Sunday breaking his left thigh. His condition is serious.

TRY TO SMOKE ROOSEVELT OUT TO OPPOSE TAFT

Eve of Meeting of National Committee Finds Concerted Movement Looking to Nomination of Colonel.

LEADERS CALL ON FORMER PRESIDENT

Claim is Made That Roosevelt Hasn't Said He Would Refuse Nomination if Tendered by Convention.

Washington, D. C., Dec. 11.—An attempt to disguise the fact that a concerted movement is on foot looking to the nomination of Theodore Roosevelt as the republican candidate for president in 1912 were apparently dropped today when it became known that members of the national committee were being sounded as to their view of the feasibility of "forcing" the nomination of the former president.

On the eve of the assembling of the republican national committee little was talked of today but the prospective attitude of Theodore Roosevelt. It became known that several leading republicans, on their way to Washington to attend the conferences, had stopped over in New York and had long talks with Col. Roosevelt and that still others had made engagements to see him either at New York or Oyster Bay following the meeting of the national committee. The supporters of Col. Roosevelt, now here, are basing all of their arguments in his behalf on the claim that while the former president has announced that he is not a candidate he has not said he would not accept the nomination if it were tendered him.

Claim Roosevelt Can't Refuse.

They claim that as a "good American citizen, Col. Roosevelt could not do otherwise than accept, once the convention had acted.

No attempt, it was said, would be made to bring the Roosevelt sentiment to a focus at this time. The hope of his supporters is to achieve victory in the convention itself. For this reason they have practically dropped the fight to have the national committee declare in favor of presidential primaries, but they are pressing the argument that delegates should go to the convention uninstructed. Friends of President Taft are meeting the Roosevelt sentiment everywhere and assert that the movement is a well-directed one.

They are urging President Taft's nomination on the ground that to refuse to endorse his administration would be to discredit the party.

Chairman W. L. Houser of the progressive republican campaign committee, today gave out the text of a letter written by him to President Taft requesting the president to join in the effort to secure country-wide primaries for the direct nomination of presidential candidates.

He said he believed a word from the president approving the plan would assure its adoption by the national committee.

Program of the committee was practically decided on in full last night and this gave the committeemen and other visitors a chance to talk politics.

St. Louis Wants Convention.

President Taft told Representative Barthold and Jas. E. Smith of St. Louis that the administration would not throw its weight in behalf of any city that is trying to secure the national convention. The president told Mr. Barthold that he had not done anything to influence the selection of a convention city and did not expect to do anything in the matter.

Mr. Barthold said as he left the white house that he expected St. Louis to get the convention. Most of the committeemen agreed, however, that the big meeting will be held in Chicago.

It was reported that a sharp fight will come up in the committee over the proposed naming of the all-powerful sub-committee of five to make plans for the convention, to choose the chairman, etc., and that the fight would find the secretary to the president, Mr. Hilles, and Postmaster General Hitchcock, arrayed against each other.

Chicago Convention City.

There appeared to be little possibility of disarrangement in the program for tomorrow's meeting. This includes the selection of Chicago as the convention city and fixing the time as the last week in June. Former Governor John F. Hill of Maine, who has been acting chairman since the resignation of Postmaster General Hitchcock, will be formally elected chairman, but will be elected only until the convention convenes, when a man agreeable to the presidential candidate will be elected by the newly constituted committee. Col. Harry S. New of Indiana is to head the sub-committee of five which will make arrange-

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