

PRESIDENT SENDS MESSAGE DEALING WITH TRUSTS AND THE LAWS FOR THEIR CONTROL

Executive Declares That There Are So Many Different Subjects Calling for Attention That It Is Not Possible for Him to Include Them All in One Document and He Will Send Series of Communications to Congress From Time to Time Treating on Various Subjects; Supreme Court Decisions and Cases That Have Been Taken Up, Are Discussed Frankly by Executive.

MR. TAFT TAKES POSITIVE STAND FOR JUDICIARY AND METHODS OF COURT PROCEDURE

Washington, Dec. 5.—The first of a series of presidential messages, in which Mr. Taft deals with various issues that form a part of his administration, was sent to congress when it met today. The message is as follows: To the Senate and House of Representatives: 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 Anti-Trust Law—The 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, and to secure their dissolution. The decisions are epoch-making and serve to advise the business world authoritatively of the scope and operation of the anti-trust act of 1890. The decisions do not depart in any substantial way from the previous decisions of the court in maintaining and applying this important statute, but they clarify those decisions by further defining the already admitted exceptions to the liberal construction of the act.

Force and Effectiveness of Statute a Matter of Growth. We have seen a twenty-one years making this statute effective for the purposes for which it was enacted. The Knight case was discouraging and seemed to result to the states the whole available power to attack and suppress the evils of the trusts. Slowly, however, the error of that judgment was corrected, and only in the last three or four years has the heavy hand of the law been laid upon the great illegal combinations that have exercised such an absolute domination over many of our industries.

Merely in Its Form of Expression. The statute in its first section defines 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 second, declares 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 or 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 not designed to show that the agreement as to rates constituted a reasonable 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 so restrained in these cases would not have been found reasonable at common law.

These cases of restraint of trade that the court exempted 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 liberal 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 have now been decided would have been decided the same way if the court had originally accepted in its construction the rule at common law.

It has been said that the court, by introducing into the construction of the statute common-law distinctions, has emasculated it. This is obviously untrue. By its judgment every contract and combination in restraint of interstate trade made with the purpose or necessary effect of controlling prices by stifling competition, or of establishing in whole or in part a monopoly of such trade, is condemned by the statute. The most extreme critics can not instance a case that ought to be continued under the

SOCIALIST PINS HIS FAITH TO THE WOMEN WHO TOOK IRRIGATION ARE ASSEMBLED IN CHICAGO NOW

Feminine Voters in Los Angeles, Harriman Declares, Will Save Him in Battle of Ballots; Election Day Fair.

BOTH SIDES ASSERT THEY WILL SUCCEED

(By Evening Herald A. P. Leased Wire) Los Angeles, Dec. 5.—Election day here dawned clear and bright and a heavy early morning vote was polled. The various voting places, 235 of them, were opened at 6 a. m., and will remain open until 8 p. m.

In those precincts where what is known as the "labor" vote is heaviest the early voting was spirited. Long lines of men and women were in waiting when the judges opened the polls. Because of the heavy registration of women many of the precincts were divided into two or three voting places. Though the early vote was heavy there were no signs of disorder. The proportion of men and women voting early seemed about equally divided.

Leaders for both the Good Government and Socialist forces claimed the big early vote presaged victory for their candidates. The good government forces declared it was simply a matter of counting the majority for Alexander, many of them not being willing to admit that Harriman, Socialist candidate for mayor, had even a chance.

On the other hand Harriman's lieutenants claimed he would win by not less than 19,000. They based their hopes, they said, on the large registration of working women. "We have more women registered than the Alexander forces," said one leader, "and we only have to make up a deficit of about 8,000 votes as shown by the primary, to elect Harriman."

DRY FARMERS IN COLORADO STARVE OUT

Associated Charities of Colorado Springs Prepare to Extend Aid to Destitute Claim Holders.

(By Evening Herald A. P. Leased Wire) Colorado Springs, Colo., Dec. 5.—The local Associated Charities is perfecting a plan to raise funds for the relief of residents in the dry farming sections of eastern Colorado, who are suffering from crop failure caused by long drought.

LEWIS IS CLEARED OF CHARGES OF FRAUD

(By Evening Herald A. P. Leased Wire) London, Dec. 5.—United States District Judge Jacob Tribner 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 B. Gardner.

LUMBER DEALERS DENY CHARGES

While Admitting Many of the Statements Against Them They Assert They Are Not Restraining Trade.

(By Evening Herald A. P. Leased Wire) Denver, Dec. 5.—The Colorado and Wyoming Lumber Dealers' association today filed in the federal court an answer to the government's suit, charging violation of the Sherman anti-trust law. Admitting the truth of many of the contentions set up in the complaint, the answer denies that the defendant association is engaged in restraint of trade in any way and that its principal duty is the dissemination of information of the lumber business among its members.

The association contends that by the natural laws of trade retailers in any line object to wholesalers selling direct to consumers and that such sales are made clandestinely. The answer declares that there is no black list, and that each member acts as he sees fit when informed of the names of wholesalers who sell direct to consumers.

WICKERSHAM TAKEN ILL VERY SUDDENLY (By Evening Herald A. P. Leased Wire) Washington, Dec. 5.—Attorney General Wickersham was taken suddenly ill while attending the cabinet session today. Mr. Wick-ersham was reported not to be in serious danger.

MANY EXPERTS ON DEMOCRATS WILL REVISE TARIFF WITHOUT ANY DELAYS

Underwood Has Called Meeting to Take Up the Matter and Will Not Wait for Mr. Taft's Expert Report.

LITTLETON IS SAFE SAYS SPEAKER CLARK

(By Evening Herald A. P. Leased Wire) TODAY IN CONGRESS. SENATE—Met at 2 p. m. Lorrimer investigation resumed with testimony for the defense.

Stephenson election investigation sub-committee probably will report to the full committee just before Christmas recess. Enforced publicity of trust affairs advocated before interstate commerce commission by witness. Monetary commission decided to prepare a bill carrying out its conclusions along lines of the Aldrich currency plan.

President's message on trusts was read in both houses. Sugar trust inquiry resumed by special committee. Agricultural department investigation continuing on Dr. Wiley, discussed by special committee. Report to be made within a fortnight.

Representative Hamlin urged a bill requiring expenditures from secret fund of state department be reported to congress. Sec. trust investigating committee decided to confer Thursday on its procedure in view of government suit. Speaker Clark refused to act on memorial asking Representative Littleton's expulsion, probably will begin work on the cotton and wool tariff revision bills without waiting longer for the report of the tariff board and the president's message accompanying it.

Representative Underwood has called a conference on the subject tomorrow at which the tariff program for the present session may be determined. Washington, Dec. 5.—The Democratic members of the house were announced today, probably will begin work on the cotton and wool tariff revision bills without waiting longer for the report of the tariff board and the president's message accompanying it.

LITTLETON'S JOB IS NOT MENTIONED

Washington, Dec. 5.—Speaker Clark of the house of representatives announced today that he would take no action on the petition for the impeachment and expulsion of Representative Martin W. Littleton of New York, filed by Henry B. Martin of the Anti-Trust league. The speaker held that the petition contained nothing of a pertinent matter of business for the house.

INDICTED PACKERS REFUSED STAY BY COURT

U. S. Supreme Bench Declines to Halt Trial Slated to Begin in Chicago on Habeas Corpus Proceedings.

(By Evening Herald A. P. Leased Wire) Washington, Dec. 5.—The supreme court of the United States today refused to grant a stay of the best packers' trial in Chicago until the court would be able to pass on the constitutional question raised by the packers in habeas corpus proceedings.

COMMERCIAL COURT GIVES UP JOB

Washington, Dec. 5.—The commercial court today denied a motion to dismiss further proceedings before that tribunal in the famous transcontinental and inter-mountain long and short haul freight rate cases. The motion was made by counsel for the Chicago Association of Commerce just before arguments were begun today on a motion to make permanent the temporary injunctions granted several weeks ago. This probably will be granted as the government already has appealed the case on the temporary injunctions to the supreme court of the United States.

FIRE DESTROYS PUMPS

(By Evening Herald A. P. Leased Wire) Gunnison, Colo., Dec. 5.—Fire of unknown origin discovered at 3 o'clock this morning destroyed the pump house of the Denver & Rio Grande Railroad company. The pumps are out of commission with a resulting disarrangement of railroad operations.

JAMES McNAMARA SENTENCED TO LIFE IMPRISONMENT AND HIS BROTHER FOR FIFTEEN YEARS

Procedure in Court is Cut Short and Judge Bordwell Promptly Pronounces Judgment on Self-Confessed Murderer and Dynamiter; Man Who Admitted He Blew Up Los Angeles Times and Its Helpless Employees Declares He Did Not Intend to Kill Anyone But Only Wanted to Wreck Building; He Placed Explosives in Suit Case and Timed It to Explode at One O'Clock.

DETECTIVE BURNS DECLARES THAT STORY SHOULD INCLUDE OPENING OF GAS COCKS

(By Evening Herald A. P. Leased Wire) Los Angeles, Cal., Dec. 5.—James B. McNamara, confessed murderer, was sentenced to life imprisonment here today by Judge Walter Bordwell. His brother, John J. McNamara, 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.

The imprisonment of both men will be in San Quentin penitentiary. James B. McNamara's brief confession, penned by his own hand and bearing many evidences of a man little skilled in letters, follows: "I, James B. McNamara, 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 1, 1910, at 5:45 p. m., I placed in my suitcase, a portion of the Times building, a suit case containing sixteen sticks of 80 per cent dynamite, set to explode at 1 o'clock the next morning. It was my intention to injure the building and scare the owner. I did not intend to take the life of any one. I sincerely regret that these unfortunate men lost their lives. If the 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."

After the reading of the confession Judge Bordwell asked: "Is that statement correct?" "It is," said McNamara. "Then the court finds," said the judge, "that the degree of guilt of the defendant is murder in the first degree. James B. McNamara, you may stand." "What is your full name?" "James Boyd McNamara," said the prisoner.

The court then began a formal statement, reciting the indictment for the murder of Charles J. Haggerty, upon which McNamara pleaded guilty, and asked McNamara if he had any statement to make. "I have not," he said. "Have you anything to say?" the court asked of District Attorney Fredericks. "There has been no delinking or bargaining in this matter," replied that official. "Counsel on the other side are well aware of the usual custom of granting clemency to persons pleading guilty. This defendant by so pleading has settled for all time a question which otherwise would always have been in doubt. He saved the state great expenditures and served the state in other ways."

"The defendant will arise," said Judge Bordwell, and then commented upon McNamara's declaration that he did not intend to destroy life. "The circumstances are against that statement," he said, "A man who will place sixteen sticks of dynamite in a place where you as a printer knew gas was burning in many places and knew many were toiling must have had no regard for life; must have been a murderer at heart and undeserving of clemency." For reasons other than such a plea of non-intent Judge Bordwell declared he would impose the penalty of imprisonment for life.

John J. McNamara came next. The Llewellyn iron works indictment was read to him by the judge. He said he had nothing to say. District Attorney Fredericks, however, said that as in the other case the plea of guilty permitted consideration but pleaded that the defendant, John J. McNamara, be given a "few years of freedom at the end of his life." Judge Bordwell declared that the strictures against James B. McNamara would also apply to him. Clemency, he declared, was not because of merit as to intent. He then imposed a sentence of fifteen years in San Quentin penitentiary, one more year than had been predicted. The McNamara men were taken from the court room back to the jail.

GAS WAS RELEASED

DECLARES BURNS (Cleveland, Ohio, Dec. 5.—Shown James B. McNamara's confession of the Los Angeles Times dynamiting here today, Detective William J. Burns declared that it is only partly true.

FRANK RYAN HAD \$50,000 FUND ON HAND

Indianapolis, Dec. 5.—That Frank M. Ryan as president of the Iron Workers' association, has a fund of \$50,000 continually replenished; that he is privileged to disburse as he sees fit without making detailed account, was the statement of Leo M. Rappaport, counsel for the association.

DARROW RECEIVED FEE OF \$50,000

New York, Dec. 5.—"Not less than \$50,000" was the fee received by Clarence Darrow for his services in defending the McNamara brothers in the Los Angeles dynamiting cases, according to a declaration made here today by Frank B. Morrison, secretary of the American Federation of Labor and custodian of the McNamara labor fund.

JUAREZ PRESENTS ANOTHER BIG CARD

(By Evening Herald A. P. Leased Wire) Juarez, Mexico, Dec. 5.—Entries for tomorrow: First race, selling, five and a half furlongs: "Flying J" or 95; Ethel Wicks, First Fashion, Sam Connor, Mamie McDev, Dog Star, Defy, 100; Skillete, Lak, Tahoe, 100; Don't Say No, 100. Second race, selling, five furlongs: "Wild Bear, 85; Morahint, 87; Errent Lady, 102; John Hook, 105; Ben Unson, 105; "Bonnie, Lilly Lavors, Lyle Knight, Unlucky, Sparkette, Dacynia, Zotta, 114; John B. Sheehan, 112. Third race, selling, five furlongs: "Moss, 105; "Karlene, 100; Jim Mo, Veno Von, 110; Tommy Twiz, 112; Mike Moleet, Matt O'Connell, Salvage, 114; Flying Feet, Tim Judge, 115; Bell Snicker, Annual Interest, Faneuil Hall, 117; Arch Oldham, 122. Fourth race, selling, six furlongs: "Schilla, 87; Oger, Winning Widow, 105; Quartermaster, Nimrod, 100; Sebago, 108. Fifth race, selling, five and one-half furlongs: Bill Anderson, 100; McAlan, 102; Steepland, Thistle Rose, Lawn, Aguin, Evelina, Manassah, 105; Dromi, 108. Sixth race, selling, seven furlongs: "Satish, 87; Bob Farley, 102; Trance, Lily Paston, 104; Henry Walbank, Lady Mary, 106; Donna, Leo-pold, Kootenay, Hresic, Butter Ball, Starley, 109. *—Apprentice allowance.