

STEFFENS' CLAIMS FALSE, SAYS JUDGE

Bordwell Declares Bribery Developments Were Efficient Cause.

BROTHERS NOT "HEROES"

"Professed Anarchist" Had No Effect on Result—Lesson Taught Is That Law Must Be Religiously Enforced.

LOS ANGELES, Dec. 5.—Judge Bordwell today issued a final statement giving his views as to the McNamara trial and especially what brought about its termination. The statement is as follows: "In a spirit of indifference to everything in the McNamara cases, save the facts and the law applicable thereto, I deem it due to the court and to this community that I should make a brief public statement regarding the circumstances attending the abrupt close of these cases, together with sufficient comment to indicate my views as to such circumstances. This is done in the hope of correcting, if possible, some misconceptions due to erroneous publications and particularly to an article which appeared in a local newspaper on the second Lincoln Steffens day, the signature of Lincoln Steffens.

Steffens' Efforts Count Nothing. "In the first place, the claim or suggestion that the termination of the cases was due to the efforts of himself and other outsiders who undertook to influence the officers of the court—other than the Judge—is without justification in fact. "I wish also to denounce the claim of that gentleman and of other persons for him that the change of the plea in these cases from 'not guilty' to 'guilty' was due to his efforts and groundless and untrue. He is correct in the statement that the court was not a party to any negotiations for what he terms a 'compromise' of these cases; but there is no ground for any claim that he induced the prosecution to come to an agreement in the matter. The District Attorney acted entirely without regard to Mr. Steffens and on lines decided upon before the latter appeared on the scene.

Bribery Cause Enough. "As to the defense, the public can rely on it that the developments of last week as to bribery and attempted bribery of jurors in the James B. McNamara case were the efficient cause of the change of plea which suddenly brought these cases to an end. The District Attorney could have had James B. McNamara's plea of guilty long ago if he had been willing to dismiss the cases against his brother, but he refused, insisting that the latter was guilty and should suffer punishment.

The first proposition from those interested in the defense was that James B. McNamara should change his plea from 'not guilty' to 'guilty,' on condition that he should not be sentenced to death and that his brother should be free. The District Attorney would not agree. Afterward emissaries from the defense brought to the District Attorney a proposition that James B. McNamara would plead guilty and be sentenced to death, if the court so ordered, provided that his brother should be saved. But the District Attorney still would not agree.

Revolutions Are Paralyzing. "Those interested in the defense continued to urge his acceptance of the last proposition for 10 days or more and until the bribery developments revealed the nature of the defense and paralyzed the effort to save John J. McNamara by sacrificing his brother. Then it was that the change of plea of these men was a result of the revolution in the minds of the McNamaras, in the commission of the crimes as confessed by them, and in the attitude of the court to common intelligence and repellent to the conscience of all just men—to say nothing of the abhorrence of the law for such sentiment, and I am confident that the District Attorney was not influenced by any such sentiment in considering the proposal that the defendants should withdraw their plea of 'not guilty.'

"Upon the entry of the plea of 'guilty,' both defendants placed themselves upon the mercy of the court to determine the punishment. That some mitigation of the extreme penalties demanded by the outraged law might reasonably be expected in consequence of the change of the plea in these cases is in accordance with the principle commonly accepted in the American administration of criminal jurisprudence.

Steffens Professed Anarchist. "That expectation has not been disappointed in these cases. At the same time the duty of the court in fixing the penalties in these cases would have been unimpaired had the plea swayed in any degree by the hypothetical policy favored by Mr. Steffens (who, by the way, is a professed anarchist) that the judgment of the court should be directed to the promotion of compromise in the controversy between 'capital and labor.'

ALEXANDER IS ELECTED

(Continued from First Page.) furnished by the fact that Joseph Scott, president of the school board, candidate for re-election on the Good Government ticket, was generally scratched. Scott was an associate of Clarence Darrow in the defense of the dynamiters. However, the overwhelming majority given the Alexander ticket, it was believed, would pull him through. No Hoisting Occurs. Early in the day, "Good Government" confidence already heightened by a perfect day, was enhanced by the fact that in the West Side districts—the "plutocratic precincts," as the Socialists called them—the voting was extremely heavy, while on the East Side, where Harriman polled most of his plurality over Alexander in the primary, October 31, the balloting was comparatively light. The polling had not progressed far before it became apparent that the trouble expected to develop on account of the feeling engendered by the McNamara case would not occur during the balloting, that Los Angeles would preserve its record clear of election

riots or bloodshed, and that the "peace insurance" army of 1000 officers detailed by Chief of Police Sebastian and Sheriff Hummel would have an easy day at the 50 temporary police stations established at strategic points throughout the city.

Women Votes Pivotal

But three minor cases of trouble were reported during the day. Outside of a sign of impatience when a woman voter indignantly inquired why there was not a mirror in the place. "Mirrors were not included in the election supplies," replied the chairman of the election board, but as this precinct had been polling all morning a preponderance of woman voters, he forthwith announced his intention of going home, around the corner, to "fetch a looking-glass." Thereafter there was no further complaint, but the mirrors were hung outside, so as not to block the line of voters pressing constantly through the doorway of the booth.

Everywhere the women were responsible for unusual election day features. In precinct 121, which includes the Lahey Temple, busy housewife, not until she had rushed into one of the two voting booths. "Give me a ballot; I want to vote!" she announced. "But, madam, you must take your place in line," an election official replied. She glanced at the long line, and refused to wait. "What? Me take a place in that line? I've got a batch of bread in the oven, and I wouldn't let it burn for either Harriman or Alexander." And she went back home.

Madame Caroline M. Severance, 52 years old, and a former associate of Susan B. Anthony, made her way to the polls. "I had waited 30 years for that—my first vote," she said, as she emerged smilingly from the election booth.

VOTE IS DECIDED BY WOMEN

Half of Ballots Cast in Santa Barbara Are by Fair Sex.

SANTA BARBARA, Cal., Dec. 5.—Early returns indicate the election of Dr. Elmer Boeseke by two to one over William Wyles, the opposing candidate for Mayor.

MEN LUCKY, SAYS BURNS

DETECTIVE WARNS LABOR GOMPERS IS REAL FOE.

Further McNamara Confessions Expected to Implicate Others Not Now Concerned.

CLEVELAND, O., Dec. 5.—"Organized labor, the decent, orderly element, will profit by the outcome of the McNamara case," Detective Burns said before leaving for Philadelphia tonight. "And just as soon as they rid themselves of such men as Samuel Gompers their progress will be much more rapid and satisfactory."

"I think the public should be well satisfied with the sentences passed by Judge Bordwell at Los Angeles today, because if Judge Bordwell, an honest, just and able jurist, considered a life sentence for James B. and 15 years for John J., an adequate punishment, his judgment was all the weight that could be given it by his long study of the case. "I can say that I am satisfied with Judge Bordwell's disposition of the matter, though I frankly say I think the McNamaras may consider themselves fortunate in escaping a greater penalty."

Mr. Burns would not say what were the results of his visit to Cleveland, nor would he outline his future movements, except to say that after spending Wednesday in Philadelphia, he would go to New York, working on the dynamiting cases in both cities. He was asked if his work here would result in more arrests or more indictments, but he declined to say anything in that connection. He said that he had reason to expect that further confessions of the McNamaras would result in the indictment of others not now concerned in the dynamiting cases.

DEFENSE FUND \$400,000

BRIDGEWORKERS' SHARE ESTIMATED AS \$170,000.

Statement Dated October 25 Shows Payment to Darrow of \$170,000. Other Attorneys Paid.

CHICAGO, Dec. 5.—(Special.)—The fund raised by union labor for the defense of the McNamaras is said to have exceeded \$400,000. Of this \$170,000 is reported to have been given by the International Association of Bridge and Structural Iron Workers. Up to October 25, when the last statement was made by Secretary Morrison, the American Federation of Labor had collected \$194,832.53 from various international labor unions. Since then about \$25,000 has been collected.

MOOSE ONLY OTHER END, SAYS DARROW

When Futility of Defense Is Seen, Lawyers' Duty Is to Save Client's Life.

NO SYMPATHY IS ASKED

"From First There Was Never Slightest Chance to Win," and to Go On Would Only Have Made Evil Still Greater.

LOS ANGELES, Dec. 5.—"Nothing but the gallows at the end," is the outcome predicted tonight by Attorney Clarence S. Darrow, as chief of counsel for the defense, if the Angelees had man to a jury verdict and to subsequent appeals. For the first time, Mr. Darrow cited specific instances of evidence, which he said it would be impossible to refute. Even to have put James B. McNamara on the stand in 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," Darrow was told.

"Well," replied Mr. Darrow, "I've denied that charge so often that I am not going to do it over again now." Chain of Evidence Complete. Mr. Darrow's statement is as follows: "I entered this case with the greatest reluctance, and 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 here 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 able associates who gave me their best efforts and their best service through it all.

"From the first there was never the slightest chance to win. To those who say it would have been better to have gone to trial and suffer complete defeat, I would call attention to the fact that there were 30 or 40 hotel registers, three in Los Angeles, many in San Francisco and others in different parts of the country. There were scores of witnesses to identify James B. McNamara as being present, practically on the very day of the crime, at least, who saw him in the building. There was overwhelming evidence of all kinds, which no one could have surmised if he would."

AIMS NOT POSSIBLE

"If the state had put on its case we could not even put the defendant on the stand to deny the facts. We could not prove an alibi. We could not prove 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 thinking mind, and, in the meantime, collecting money from thousands of people who could not know the facts. To go on under such circumstances would have been madness and only postponed an evil until it would have been a still greater evil. The consequences graver than they are now.

"All of this was thoroughly understood by my associates and no one hesitated about it. We acted as we thought right and best and will take the consequences of the act. I can conceive of no way in which we could justify ourselves and save the lives of our clients. Our first duty as lawyers and men was to do the best we could for our clients and to do so to the cause called for by the same action. "Our Purpose Accomplished. "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 and not so far from the end. I shall continue in it to the end. I have fought this and all my fights without hatred or malice to anyone, recognizing that in this great drama, and all that is connected with the case, all men of both sides are helpless as to themselves and are acting a part that is forced upon them by a bitter conflict which only right feeling between capital and labor can ever end.

"If people misjudge my motive, I can only say for myself that I have conscientiously and unflinchingly and I have always been ready and fairly able to take upon myself all the responsibilities of my actions, and shall continue to do so long as I have the strength. "Sympathy Not Asked. "I do not beg anybody's friendship or sympathy in this matter. I have the consciousness that I have done everything that could do and have acted in the way that is best for all in this world-wide conflict. "If anything more is asked from me by either side, they will find me ready when the time comes."

Attorney Joseph Scott, of counsel for the defense, issued a statement declaring that he had participated in the case because of a desire to give the McNamaras a fair and impartial trial. "I endorse the efforts now being made to bring labor and capital together in this city and will be glad to give any feeble efforts at my disposal to accomplish this result," he said. "I realize keenly and with intense regret the deadline that is drawn in this city between capital and labor. He who first crosses this line to the other side and is received in a spirit of mutual confidence will be a knight errant in establishing a substantial basis for peace between these two battle-scarred forces."

FIFTEENTH QUITS SHIP

Belief Held Regiment's Stay in Philippines Will Be Short.

MANILA, Dec. 5.—The Fifteenth Infantry has landed and been ordered to proceed to Fort William McKinley. It is believed that its stay will be temporary. The United States transport Sherman leaves next Sunday for the United States with the Seventh and Twentieth Infantry. The transfer of troops here to raise the Fifteenth Infantry to war strength has been completed.

Half-Price Sale

EVERY Woman's and Misses' Man-tailored Suit in our high-class stock is on sale at just one-half the regular price. These are the same suits that are now being worn in the Eastern cities; every one was fashioned this season from carefully selected fabrics. In justice to yourself you cannot, you must not, miss this opportunity. Our reputation for selling only the best is established beyond question. Our regular prices are uniformly fair; half price means a present loss to us—our loss is your gain. Come now while opportunity waits.

Every Woman's and Misses' Man-Tailored Suit at 1/2 Regular Price

Table with 4 columns: Suit Price, Now Only Price, Suit Price, Now Only Price. \$25.00 Suits now only \$12.50, \$42.50 Suits now only \$21.25, \$30.00 Suits now only \$15.00, \$50.00 Suits now only \$25.00, \$37.50 Suits now only \$18.75, \$57.50 Suits now only \$28.75.

Blues and black excepted. Shown on Second Floor—Take the Elevator. The word "value" has no place in our ads.

BEN SELLING

Leading Clothier Morrison at Fourth Street We show splendid collection of Women's and Misses' Man-Tailored English Raincoats and Polo Coats

JAMES B. DENIES INTENT

CONFESSION SAYS DYNAMITE WAS ONLY "SCARE"

Sixteen Sticks of 80 Per Cent Dynamite Timed to Explode at 1 o'Clock in Morning.

LOS ANGELES, Dec. 5.—James B. McNamara's brief confession, penned by his own hand last yesterday and bearing many evidences of a man little skilled in letters, was made public today. It is as 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 20, 1910, at 5:45 P. M., I placed in Ink Alley, a portion of the Times building, a suitcase containing 16 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.

Certificates

The following certificates of deposits are issued to meet the varying demands and circumstances:

Table with 2 columns: Term, Interest Rate. On demand.....no interest, 10 days' demand.....2 per cent, 30 days' demand.....3 per cent, 90 days' demand.....4 per cent, 6 months fixed time, 3 per cent, 12 months fixed time, 4 per cent, On savings accounts we pay 4 per cent.

MERCHANTS SAVINGS & TRUST COMPANY

CAPITAL, \$150,000.00 W. H. Fear.....President Willard Case.....Vice-Pres O. C. Bortzmeyer.....Cashier Walter H. Brown, Asst. Cashier Open Saturday Evenings, 6 to 8

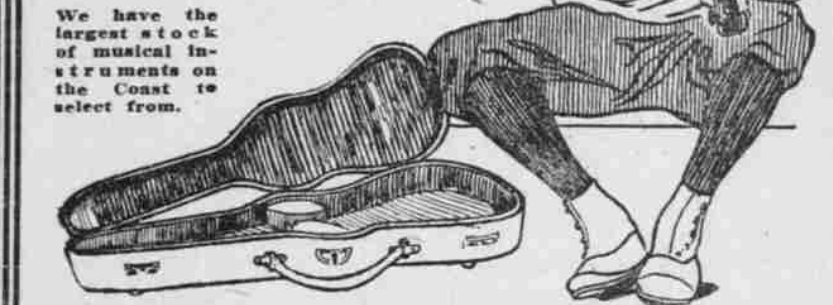
Warm, Stylish, Man-Tailored Suits for Juniors, One-Half Regular Price



Sensible Xmas Gifts

A Musical Instrument Will Help to Make Your Holidays Happy

- Violin Outfits \$3.00 and Up, Mandolins \$3.00 and Up, Guitars \$3.00 and Up, Cornets \$5.00 and Up, Accordions \$1.00 and Up. We are sole agents for Holton Band Instruments.



Helpful Hints on Hair Health

Scalp and Hair Troubles Generally Caused by Carelessness. Dandruff is a contagious disease, caused by a microbe which also produces baldness. Never use a comb or brush belonging to some one else. No matter how cleanly the owner may be, these articles may be infected with microbes, which will infect your scalp. It is far easier to catch hair microbes than it is to get rid of them, and a single stroke of an infected comb or brush may well lead to baldness. Never try on anybody else's hat. Many a hatband is a resting place for microbes. If you happen to be troubled with dandruff, itching scalp, falling hair or baldness, we have a remedy which we believe will completely relieve these troubles. We are so sure of this that we offer it to you with the understanding that it will cost you nothing for the trial if it does not produce the results we claim. This remedy is called Rexall "23" Hair Tonic. We honestly believe it to be the most scientific remedy for scalp and hair troubles, and we know of nothing else that equals it for effectiveness, because of the results it has produced in thousands of cases.

COUGHING AT NIGHT

BAD FOR CHILDREN — HARD ON PARENTS Stop it with

FOLEY'S HONEY AND TAR COMPOUND

Acts quickly and has a healing and soothing effect on the inflamed membranes. All coughs have a tendency to grow worse at night. Children with whooping cough and bronchitis always cough worse at night and a cold in the head with tickling in the throat and coughing grows worse at bed time. FOLEY'S HONEY AND TAR COMPOUND will stop the coughing and soothe the irritation in the throat. Contains no opiates, does not constipate, is the best and safest for children and delicate persons. TAKE NO SUBSTITUTE. FOR SALE BY ALL DRUGGISTS