

track.  
Weather cold to point of comfort.

# SUGAR MEN GUILTY GIVE DIAMOND TO MAYOR

## BENDRAGEL NOT INCLUDED

## OFFICIALS PRESENT RING

### DISAGREES ON FRAUD CHARGE FIRST MAN MARKED BY PROSECUTION—RECOMMENDS MERCY FOR QUINTET CONVICTED.

### BOOKWALTER'S EYES FILL WITH TEARS AND VOICE QUAVERS WHEN HE ACCEPTS DIAMOND FROM FRIENDS.

—YORK, Dec. 17.—The jury tonight found guilty five of the six employes of the American Sugar Refining Company who have been on trial for the last three days charged with criminal conspiracy to defraud the government of customs duty on imported raw sugar.

Surprising him by calling upon him unexpectedly last night and presenting him with a big diamond ring, the members of the city's various boards and the heads of the different departments of the city government furnished Mayor Charles A. Bookwalter with more happiness than has been crowded into a single evening during his four years as chief executive of Indianapolis. The mayor was not "in" on the arrangements for the little party, and when the officials rang the door bell of his home on North Illinois street he was taken by genuine surprise.

In the case of James F. Bendernagel, a cashier of the company's Williamsport plant, the jury disagreed. Mercy is tendered for all those found guilty. The jury was out ten hours. Under the direction of Oliver Spitzer, a dock superintendent; John R. Coyle, Thomas Kehoe, A. A. Boyle and Patrick J. Hennebeckers, may be punished for the violation of two overt acts, the maximum penalty for each of which is two years imprisonment and \$5,000 fine.

And this first shock was nothing compared to the one that came when George T. Braunig, city controller, lifted the lid of the little plush box and disclosed the glittering stone that had been bought for him. The communication which the controller read him follows:

### Government Is Disappointed.

The failure to convict Cashier Bendernagel is regarded by the government as a disappointment. The effort of the prosecution has been to trace the customs frauds to a higher source, and Bendernagel, though not an executive officer of the company, was an employe who had contact with those who shaped the company's affairs in their larger interests. Great emphasis was laid by Mr. Stimmons in his summing up for the prosecution of the evidence as tending to establish culpability upon the part of Bendernagel.

Mayor Charles A. Bookwalter—The undersigned, who have been honored in our association with you during your administration of mayor of the city of Indianapolis for the years 1906-1909, inclusive, request you to accept this memorial and gift as a slight expression of our confidence, appreciation and esteem.

"I regard it as my duty," said Mr. Stimmons, "to bring to justice those perpetrators who knew of and profited from the sugar frauds.

George T. Braunig, Alfred W. Cook, Frederick E. Matson, Crate D. Bowen, James D. Pierce, Joseph T. Elliott, Preston C. Truesler, Frederick J. Nott Jr., Blaine H. Miller, Charles A. Brown, J. Harry Deane, Joseph L. Hogue, Charles R. Gift, Eugene F. Harris, Dr. Eugene Buehler, Dr. John L. Freeland, Leroy E. Snyder, Lew W. Cooper, Charles W. Tutewiller, William Shoppenhorst, John B. Wood, Robert Metzger, Thomas A. Winterrowd, Joseph Fopplano, Isidor Wulfson.

The attorneys who yesterday demanded the acquittal of these defendants, if men of equal or greater guilt are prosecuted, were under retainer to Bendernagel. If stronger argument to save them from punishment.

### Mayor Was Overcome.

These defendants are not guilty, but one in the American Sugar Refining Company is guilty, and no one in the customs service is guilty." Other indictments are pending against Bendernagel and five on which they are yet to be tried, it was agreed by the government that they be paroled in custody of the sheriff with leave to renew bail when the court for a new trial is heard, at a date yet to be determined.

So completely overcome was the mayor that his eyes filled, and when he attempted to speak his voice wavered. But Mayor Bookwalter has a reputation for being ready to say just about the right thing at any time. He did not fall last night. He thanked the officials for their regard, then he said:

"I feel that the people of Indianapolis will come to appreciate what the present administration has done for them. A price has been set for coming administrations to follow and they will not dare lag behind it. I do not take the credit for this condition to myself, but I want everyone who has been a part of the administration to have full credit for what he

The first midwinter motor history of the sport were recorded yesterday afternoon at the remodeled Indianapolis Motor Speedway. In the worst weather odds that pilots ever confronted.

One feature stands out above all others, above even the record of twenty miles that Johnny Aitken National, broke, and that he did not demand a single toll for that, but there was not a serious accident.

Every driver who nearly fell today while defying the cold blustering winds to overtake him on the track is the best in the country. It was a small but enthusiastic crowd that saw the racers off, and the attendance, considering the weather, was a decided surprise. As a curtain on the events Governor Marshall took position the \$500 gold-plated trophy which marked the completion of the Speedway. Governor spoke briefly, then the drivers were on.

The main features, aside from the errors remarks and the fact that serious accidents resulted, were the world's records on the track.

The world's records on the track were set by Johnny Aitken in a National race of twenty miles. His time for the distance was 16:18:41.

The fast mile by Louis S. Christie for one mile, that of 1:14. The fast quarter of a mile by Louis S. Christie in his own creation, the car, in the time of 3:78.

### Drivers Greatly Handicapped.

The drivers worked under a handicap, owing to the cold. They encountered untold troubles with traction, water and brakes. Many of the motors tried to keep the tires from being held, but the drivers were forced for that. Not only were the men the ordeal, but the crowd of women displayed unheard of patience during the events.

"Nothing on earth would bring people and get them to endure hardships of this cold winter's day automobile race," remarked Frank the starter, who is from New York and the leading automobile mechanic and promoters in the country gathered in half frozen groups.

Many a driver sat helpless on his wheel, after he had shut off the motor that had been urging his speed numb and unable to crawl on his suffering from cold. Joe Strang froze his ears, Strang froze almost every one froze their faces. Such trifles did not daunt the

### Government Is Disappointed.

Failure to convict Cashier Bender regarded by the government as a disappointment. The effort of the government has been to trace the cashiers to a higher source, and Bender, though not an executive officer of the company, was an employe who had contact with those who shaped the company's affairs in their larger

emphasis was laid by Mr. Stimson summing up for the prosecution such of the evidence as tended to establish culpability upon the part of Bender.

"It is as my duty," said Mr. Stimson, "to bring to justice those persons who knew of and profited from the sugar frauds."

The attorneys who yesterday defended the acquittal of these defendants were prosecuted, were under retainer to the government, they could not have made a stronger argument to save them from conviction.

"These defendants are not guilty, but the American Sugar Refining Company is guilty, and no one in the government's service is guilty."

Indictments are pending against the defendants on which they are yet to be tried. It was agreed by the government that they be paroled in custody of the sheriff with leave to renew bail when a new trial is heard, at a date yet to be fixed.

### Bendernagel Is Gratified.

Bendernagel, who was present with the defendants when the verdict was rendered, said that he was gratified at the decision of the jury, but issued no statement. Mr. Stimson, in view of the verdict, moved that the indictment against the former cashier be separated from that of the other defendants, and to that effect the court agreed.

Bendernagel put in a strong defense by the production of the testimony of other character witnesses.

The verdict brings to a close the government's first step in criminal procedure in the vast underweighing frauds in the stocks of the American Refining Company. Civil suits for restitution of \$135,000 as payment for taxes evaded, while \$2,000,000 was returned.

The admission of guilt, the next step in the government's case, which is far from complete, "to bring them up" are now talked of, while the investigation has involved the Bros., rivals of the so-called "well" as the National Refining

### KEY ARRESTED, BUT AUTHORITY IS MYSTERY

Check Up Husband of Mrs. Dora E. Key, but No Indictment Has Been Returned.

ST. LOUIS, Dec. 17.—Dr. L. B. Doxey of St. Louis, Neb., husband of Mrs. Dora E. Key, was lodged in the police "hok-

ing stone that had been bought for him. The communication which the controller read him follows:

Mayor Charles A. Bookwalter.—The undersigned, who have been honored in our association with you during your administration of mayor of the city of Indianapolis for the years 1906-1909, inclusive, request you to accept this memorial and gift as a slight expression of our confidence, appreciation and esteem.

George T. Breunig, Alfred E. Cook, Frederick E. Matson, Crate D. Bowen, James D. Pierce, Joseph T. Elliott, Preston C. Trusler, Frederick J. Nott Jr., Blaine H. Miller, Charles A. Brown, J. Harry Deane, Joseph L. Hogue, Charles R. Gift, Eugene F. Harris, Dr. Eugene Buehler, Dr. John L. Freeland, Leroy E. Snyder, Lew W. Cooper, Charles W. Tutwiler, William Shoppenhorst, John B. Wood, Robert Metzger, Thomas A. Winterrowd, Joseph Popplano, Isidor Wulfson.

### Mayor Was Overcome.

So completely overcome was the mayor that his eyes filled, and when he attempted to speak his voice wavered. But Mayor Bookwalter has a reputation for being ready to say just about the right thing at any time. He did not fail last night. He thanked the officials for their regard, then he said:

"I feel that the people of Indianapolis will come to appreciate what the present administration has done for them. A pace has been set for coming administrations to follow and they will not dare lag behind it. I do not take the credit for this condition to myself, but I want everyone who has been a part of the administration to have full credit for what he has accomplished by working in such harmony as has existed throughout the four years."

The mayor apologized for "any rough spots that may have shown themselves" in his actions. Then he gave way to Mrs. Bookwalter to thank the men who were uninvited, but welcome guests in their home last night. She did it gracefully, and she, too, had to keep back tears with an effort.

The visit of the officials was not to be a "gabfest," the mayor informed his guests, but there were some short talks. Dr. John L. Freeland, superintendent of the City Hospital, and E. J. Mack of the Board of Works, spoke. Mayor Bookwalter replied, and took occasion to pay tribute to every branch of the city government, beginning with the Board of Works, which, he said, had been "hardest worked and hardest hit" of any department in the city, and ending with a compliment to Isidor Wulfson, who, he said, "had made the office of city inspector of weights and measures self-supporting for the first time."

There was a luncheon, arranged by Mrs. Bookwalter, and the evening was given over to sociability.

### TWO KILLED, ONE FATALLY INJURED IN GEORGIA CRASH

Victims, Although Not Passengers, Die When Trains Collide Near Depot in Georgia.

MACON, Ga., Dec. 17.—Two persons were killed and one fatally injured when a Central of Georgia train crashed into the baggage and mail car of a train on the Macon & Birmingham road at the

The world's records established by Johnny Aitken in a National Flat for one mile, that of 40. The fast quarter of a mile by Christie in his own creation, car, in the time of 38.78.

### Drivers Greatly Handicapped

The drivers worked under a handicap, owing to the cold. They encountered untold troubles with the traction, water and brakes. Many drivers tried to keep the trial going held, but the drivers were for that. Not only were they the ordeal, but the crowd of women displayed unheard of the events.

"Nothing on earth would bring people and get them to endure hardships of this cold winter's day automobile race," remarked Fred the starter, who is from New York of the leading automobile manufacturers and promoters in the country together in half frozen groups.

Many a driver sat helpless on his wheel, after he had shut off the engine that had been urging his steed numb and unable to crawl out of his suffering from cold. John Strang froze his ears, Strang froze his almost every one froze their determination to break world's records at least make the attempt.

### Beats Record of Oldfellow

Strang in establishing a new record in the Speedway for the mile, beat the last summer by Barney Oldfield in a Benz, which was 43.6. Strang equal his world's mile record, which he made recently at Atlantic City, but said last night that if he can lower that mark to 38.78.

In his fast quarter of a mile race, Strang established an American record, going at the rate of 103 miles an hour. The fastest time made at Atlantic City about ninety-six miles an hour.

Aitken not only broke the world's record for stock chassis cars in his class, but of the larger class of cars, a class of 301 to 450 cubic inches displacement. In this class he established a record of 16:24.17.

Chevrolet in a Buick at Atlantic City next stock chassis class, that of 600 cubic inches piston displacement, broke the record of 16:27.79. Robertson in a Flat at Atlantic City Indianapolis built her own trial car, invited the world to try it, with a local driver, for the occasion.

A world mark was made by Mottlinger in his Empire car with a displacement of 160 cubic inches. He made the time of 25:50.23. This is a Indianapolis-made car, and was first trial on a race track yesterday. Even at this high rate of speed creation of steel and gasoline as well as it had been timed during the trial.

Mottlinger was the first man on the market for a trial record. This was a general of the printed program.