

ATTACK IMMINENT ON PEKIN AND REPORTED FALL OF NANKING

Placating Announcements Published in Official Gazette Not Taken Seriously; Assembly Inactive.

CITY OF AMOY STILL IS QUIET AND ORDERLY

Tuan Chow a Seaport Fifty Miles Northeast of Amoy is in Hands of Rough Element While Officials Have Fled.

Yokohama, Nov. 15.—The most important development at the capital today was the publication in the official gazette of Yuan Shi Kai's expression of thanks to the throne for its appointment of him as premier.

That arrangements are being made for the possible retirement of the royal family to Jehol is believed, following the publishing of an imperial edict simultaneously ordering Pu Ting, the Tartar general at Jehol, the emperor's summer residence, to vacate in favor of Hsi Lang, formerly viceroy of Manchuria, a trusted counsellor to the throne.

This step will be taken only as a last resort, however. The provincial assembly of Nehi Li today adopted a memorial to the throne, favoring the establishment of a republic with Yuan Shi Kai as president.

The assembly has been accused of inaction and it is possible the move is only a pretense at doing something.

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M'NAMARA JURY IS STILL INCOMPLETE AFTER HEARING

Prospects for Filling Box Dwindled When Three Talesmen in Succession Were Excused.

(By Evening Herald A. P. Leased Wire) Los Angeles, Nov. 15.—Prospects for a full jury box in the McNamara trial receded rapidly today when the first three men whose names were called were excused one after the other.

T. E. Green, talesman, accepted yesterday by both sides as legally qualified to try James B. McNamara for the murder of Charles J. Haggerty, a victim of the Los Angeles Times explosion, was excused today on a medical certificate regarding an intermittent illness.

L. E. Greenhouse, who followed Green, was excused because of his opposition to capital punishment and F. E. Alderson, a ventriloquist not yet called into the box, was excused when it was found he was not on the county assessment roll, which is necessary in California as a qualification for jury service.

Michael W. Corcoran, a talesman accepted yesterday by the defense, was taken in hand today by Assistant District Attorney S. L. Vermilya for examination by the state. Corcoran's nationality and religious beliefs correspond with those of the defendant. He believed in labor unions "to a certain extent," he told Vermilya.

It appeared possible that the sixth venire, of which six men were left at the opening of court today, might be entirely exhausted before the box was filled. Three of the men now in the box are sworn jurors and seven others have been accepted as to cause by both sides.

Another talesman, making 11 in all, finally was secured today in the McNamara murder trial. He is C. A. M. Heath, an Englishman by birth, and he was accepted by defense after an extended examination.

Assistant District Attorney Vermilya who examined Heath for the state, said in the course of an interrogation that he looked like a good man and would be taken by the state unless some unknown and unexpected reason for challenge developed.

A feature of the day was the elimination of M. W. Corcoran, 48 years old. Corcoran was excused by Judge Herdwick, who interrupted examination by the state to say that he did not believe Corcoran's age did not qualify him to stand the strain of a long trial.

Clarence S. Barrow, chief of counsel for the defense, remarked that one man, T. H. Elliott, already accepted, is eight years older than Corcoran.

"We'll not discuss the matter," said the court. "Mr. Corcoran is excused."

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INDEPENDENTS FILE PETITION TENDING TO DELAY THE TOBACCO CASE

Action May Indefinitely Postpone Disintegration of Combine; Matter Will Be Carried to Supreme Court.

SMALL CONCERNS ARE "VITALLY INTERESTED"

(By Evening Herald A. P. Leased Wire) New York, Nov. 15.—The filing today by independent tobacco dealers of a petition to intervene in the tobacco case makes certain an appeal from the plan to the United States supreme court and may delay disintegration of the trust, in the opinion of counsel in the case.

Should the independent's petition be granted by the circuit court, the case will be taken to the supreme court by the protestants, who would then be parties to the suit, their counsel, Felix H. Levy, declared.

Should the circuit court deny the independent's petition, they said, they will take it to the highest tribunal notwithstanding.

The independent's recite in their petition that they are vitally interested in the dissolution of the tobacco trust and that the "decision will not, in substance and effect, conform to the requirements of the opinion and decree made in this cause by the United States supreme court."

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ELECTION FIGURES SHOW LITTLE CHANGE

The Official Canvass Will Be Required to Tell Definitely Who Is Elected in Most of the Races.

The situation, so far as the result of the recent election for state officers is concerned, remains practically unchanged today, and no positive statement can be given at this time as to who has been elected to the various offices other than those announced in the Herald yesterday.

The closest of all the races was that for state school superintendent between A. B. Stroup of Bernalillo county and Alvan N. White of Grant county. Day before yesterday Mr. Stroup had an apparent majority, on the face of the returns then in of ten votes in the aggregate. More recent returns, however, have made a slight change in these figures, and today Mr. White is leading by a majority of 67.

Mr. Stroup's friends confidently claim that returns yet to be received will overcome this narrow margin in favor of Mr. White and show the election of his opponent by a safe majority.

O. N. Marron, the Democratic candidate for treasurer, now has the largest lead of any of the Democratic candidates except Mr. McDonald. Mr. Marron on the face of the returns now in, has a lead of 723 over his Republican opponent, and there is every probability that he is safely elected.

The races for justices of the supreme court and members of the corporation commission are badly muddled, and it will take the official canvass to determine who will compose these two bodies. The Republican central committee claims the election of all of the Republican supreme court candidates, and on the face of the returns Judge Parker, the top man on the Republican ticket, is leading Mr. Hanna, the high man on the Democratic ticket, by 314 votes.

All these figures, however, are certain to be materially changed when the official canvass of the returns is made, and in the case of the close races it is simply out of the range of possibility to make any definite prediction as to which candidates will prove to have been elected. The canvassing board, consisting of Governor Mills, chief justice Pope and Secretary Jaffe, will meet in Santa Fe on November 27 for the purpose of making the official canvass, and until that time it is possible only to indulge in speculation as to the result of many of the races.

The "legal bureau" established by the Democratic central committee at its meeting in Albuquerque Monday, yesterday took in \$10,000 and sent to Santa Fe. No information has been given out as to how much of the money has been spent. O. N. Marron is the watchman on the tower, and is supposed to be scanning the horizon with a piercing eye in the effort to locate election frauds. So far as known his gaze has not yet been turned in the direction of Bernalillo county.

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FREIGHT RATE CASE APPEALED TO HIGH TRIBUNAL BY GOVERNMENT

Final Action of Commerce Court Will Not Be Awaited Before Carrying Long and Short Haul Up.

ALL PARTIES DESIRE FINAL SETTLEMENT

(By Evening Herald A. P. Leased Wire) Washington, Nov. 15.—The government will appeal to the United States supreme court from the decision of the commerce court granting temporary injunctions of the shippers of interstate commerce complaining in the trans-continental freight rate cases.

It is not the purpose of the government's counsel to await final action by the commerce court before taking the appeal to the highest judicial tribunal. Under the law, an appeal may be taken from a temporary injunction.

It is the desire of all parties interested to have a final determination of the constitutionality of the long and short haul provisions reached as soon as practicable.

GENERAL STRIKE ON IN TORREON MAY BE SERIOUS

Withdrawal of Federal Troops From City Where Massacre Occurred Last Year Leaves Americans in Grave Danger

(By Evening Herald A. P. Leased Wire) Torreon, Mexico, Nov. 15.—A general strike has been declared here. The strikers have joined the movement and are quitting their places. The market place has been closed and the street cars are no longer being operated.

A thousand federal soldiers are on their way here from Monterrey. So far there has been no destruction of property.

AMERICANS ARE EXPOSED TO DANGER

El Paso, Texas, Nov. 15.—The withdrawal last night of eight hundred federal troops from Torreon, Mexico, leaves Americans there in great danger according to a telegram received from Torreon by a local business man today. The message urges that the government at Washington be notified that Americans in the Mexican mining city are in constant peril from the thousands of bare strikers whose sentiments are declared to be violently anti-American.

It was at Torreon that the massacre of Chinese occurred during the rebellion against President Diaz last winter. One of the pet grievances among the more ignorant of the people was that nearly all executive positions in Mexico were held by Americans, although Francisco I. Madero, now president, always discouraged the idea, many of the people believed that with the new regime in the city of Mexico Americans would be driven out and their high salaried positions given to Mexicans. This is one of the disappointments which adds to the ugly temper of the striking miners at Torreon.

TROOPS ARE MOVED TO FORESTAL REVOLT

La Laredo, Texas, Nov. 15.—Regarding the reported movement of Mexican troops between Monterrey and Laredo to forestal alleged insubordination activity, it was definitely ascertained today that fifty rifles have gone from Monterrey to Laredo. The rifles have been transferred from Laredo to La Junta, twenty miles south of Laredo. The Nuevo Laredo garrison has been augmented by seventy men.

LAST STRAW OF HOPE VANISHES FOR WIFE MURDERER

Gov. Mann of Virginia Today Gave Out a Written Statement Telling Why He Cannot Interfere in Execution.

(By Evening Herald A. P. Leased Wire) Richmond, Va., Nov. 15.—Governor Mann today declined to interfere in the case of Henry Clay Beattie, Jr., and the young wife murderer's last hope of escaping the electric chair on Friday, November 24, was swept away.

Attorneys for the condemned held their last conference with the governor and just before noon the latter announced his decision not to interfere in any way with the decree of the Chesterfield county court, which was sustained by the supreme court of appeals of the state.

A petition had been presented to the governor praying for a respite of at least thirty days for spiritual preparation. In a signed statement Governor Mann said in part: "I followed this case during the trial and as its horrible facts were developed regretted that a crime so cruel and malicious should have occurred within the confines of this state."

"In the decision of every question which was presented to the able and impartial judge who presided at the trial, he was careful to give the benefit of every reasonable doubt to the prisoner; that he did not err is shown in the refusal of the supreme court of appeals to grant a writ of error."

"That Beattie is guilty of the wilful, deliberate and cruel murder of his young wife I have not the slightest doubt, nor is it insisted that there shall be any greater relief offered than the commutation of his sentence to imprisonment for life."

"I do not think the affidavits of Paul Beattie printed in the papers or any other evidence of consideration brought to my attention sufficient for that purpose."

"To grant a respite in so plain a case would be to set a precedent, would be to temporize with the law and to encourage appeals to the supreme court with the sole purpose of gaining time. I believe the best way to prevent such crimes as this is to punish them adequately, certainly and speedily. Therefore the judgment of the circuit court of Chesterfield will be carried into effect without interference from me."

GIVES WAY AT LAST

Beattie's father this afternoon told the prisoner in the death cell of the penitentiary, that the governor had refused all aid. Young Beattie received it in silence, the guard said, but his iron nerve gave way at last and he was visibly affected at the loss of his last hope.

CALIFORNIA CITRUS GROWERS OBJECT TO HIGH RATE

Hearing Before Interstate Commerce Commission by Order of Commerce Court Aims Grievances.

(By Evening Herald A. P. Leased Wire) Washington, Nov. 15.—Trans-continental railroads and citrus fruit growers on the Pacific coast were involved in an argument today before the interstate commerce commission by direction of the commerce court, of the case of the Arlington Heights Fruit exchange and other citrus fruit growers, against the Southern Pacific company and several hundred other freight carriers. The commission ordered that the rate on lemons from Pacific coast points to eastern destinations should not exceed one dollar a hundred pounds, the rate of \$1.15 a hundred pounds on oranges being held reasonable.

CHANGE OF VENUE REQUESTED BY MEN CHARGED WITH TARRING GIRL

Counsel for Nine Men Indicted of Maltreating Young School Teacher File Application With Judge Grover.

FEELING TOO HIGH FOR FAIR TRIAL

Charged That District Attorney Conspired to Spread Erroneous Reports As Regards Behavior of Defts.

(By Evening Herald A. P. Leased Wire) Lincoln Center, Kansas, Nov. 15.—Charging that County Attorney McCann had conspired to spread erroneous reports of the tarring of Miss Mary Chamberlain, attorneys for the nine defendants, accused of being members of the "tar party" today filed with Judge Grover an application for a change of venue.

McCann is accused of having caused Edward Ricard, the barber, who betrayed Miss Chamberlain to her enemies, to be brought out of jail for the sole purpose of compelling him to give an interview to a metropolitan newspaper reporter, and of having hindered Chamberlain, regularly by night in his office in the court house.

Other details regarding publicity given the tarring of the young Shady Bend school teacher, which has convulsed four counties and aroused a storm over the entire state as a stain upon the honor of Kansas, are given as reasons why the nine prominent citizens charged with the tarring could not expect a fair trial in either Lincoln, Ellsworth, Ottawa or Salina counties.

Miss Chamberlain, dressed in black, appeared in court today and was closeted several hours with Attorney McCann and Assistant Attorney General Hawkes. She refused to give out any statement further than to say that at the conclusion of the criminal hearings she intends to institute suits against six of the defendants for personal damages.

FIGHTING MEN WILL MEET SOON AGAIN

Ad Wolgast Is Stacked Up Against Tommy Murphy and Paaky McFarland; and Morris and Comiskey Too.

(By Evening Herald A. P. Leased Wire) Los Angeles, Nov. 15.—Arrangements for two fights in San Francisco in which Tommy Murphy will be his opponent in the first one and Paaky McFarland in the second, practically have been completed by Ad Wolgast, according to an announcement by Manager Tom Jones.

Jones said he had received a telegram from Promoter James Coffroth of San Francisco tentatively arranging the matches for that city on December 15 and New Year's day.

KANSAS CITY WILL SEE MORRIS FIGHT

Chicago, Nov. 15.—Chicago promoters have matched Carl Morris of Oklahoma and Con Comiskey of Chicago, and the fight probably will take place in Kansas City on November 25.

ARIZONA POLITICIAN HURT IN AUTOMOBILE

W. D. Fisk, Republican candidate for State Treasurer Pined in Beneath Touring Car When It Overturns.

SENSATION SPRUNG BY SENATOR OWEN

Oklahoma Lawmaker Declares Before Commercial Congress That Opponents of Wiley Are Fighting.

(By Evening Herald A. P. Leased Wire) Kansas City, Nov. 15.—United States Senator Robert L. Owen of Oklahoma created a sensation at today's session of the Trans-Mississippi Commercial congress, when he declared that he had every reason to believe that the same people who fought Dr. Harvey W. Wiley, chief of the bureau of chemistry, were now furnishing money to oppose the movement looking to the establishment of a national department of health.

OKLAHOMA HUNTERS FROZEN

(By Evening Herald A. P. Leased Wire) McAlester, Ok., Nov. 15.—Charles Phillips of Hartshorne went hunting Saturday. This morning his body was found in the woods. He had been frozen to death.

GARBAGE STRIKERS LOSE IN GOTHAM

Officials Declare They Have the Situation Well Under Control, Brotherhood of Teamsters Supports Men.

(By Evening Herald A. P. Leased Wire) New York, Nov. 15.—City officials declare that they have won their fight with the municipal ash and garbage men. Night work, to avoid which the drivers struck, will be resumed as soon as possible.

The danger of a general teamsters' strike remains, but judging from the action of the union, it is remote, though the Greater New York district council of the International Brotherhood of Teamsters voted last night in favor of an assessment to support the striking drivers.

As rapidly as possible the street cleaning department will fill the places of the imported strike breakers with recruits from the civil service list.

RAILROAD COMMISSION REPORTS TO PRESIDENT

(By Evening Herald A. P. Leased Wire) Washington, Nov. 15.—The commission appointed by President Taft a year ago to investigate the question of bringing future issues of railroad stocks and bonds under the jurisdiction of the interstate commerce commission has made its report to the president.

President Taft will transmit the commission's findings to congress and they will not be made public until then.

SENATE COMMITTEE TO PROBE TRUST PROBLEM

No Definite Plan of Action Is Agreed Upon At First Meeting of Men Who Will Endeavor to Remedy Evils.

(By Evening Herald A. P. Leased Wire) Washington, D. C., Nov. 15.—The investigation of the trust problem by the senate committee on interstate commerce began today without a definite plan of procedure on the part of the committee.

Senator Newlands of Nevada was the only witness. He asked the committee to recommend as a tentative measure the passage of his federal incorporation law, leaving the changes in the Sherman anti-trust law to be made after the committee's hearings are concluded.

The committee held a conference in an effort to map out a plan for the hearings and will hold a second meeting tomorrow.

BASEBALL LEAGUES IN CONFERENCE

American Association and Eastern Leagues Seek Higher Classification; \$25,000 of Claims to Be Settled.

(By Evening Herald A. P. Leased Wire) San Antonio, Tex., Nov. 15.—Delegates to the convention of the National Association of Professional Baseball Leagues organized early today and adjourned to a later hour, when the first business session will be held.

The American association and the eastern league are represented. They seek higher classification. At present they are rated "Class A" the same as the Southern league.

APPROPRIATION FOR M'NAMARA TRIAL IS OPPOSED

Labor Leaders at Convention of Federated Labor Fear Fight Will Be Precipitated If Matter Is Broached.

(By Evening Herald A. P. Leased Wire) Atlanta, Ga., Nov. 15.—Labor leaders are trying to prevent the introduction into the convention of the American Federation of Labor, now in session here, of a resolution framed by the California delegation appropriating \$50,000 for the defense of the McNamara brothers.

A large sum already has been raised for this purpose by private subscription and the leaders contend, it is said, that whatever money is needed for the McNamara defense can be obtained in this manner without drawing on the funds in the non-too-well-stocked treasury of the federation. Proponents of the resolution assert that the leaders are fearful lest it precipitate a fight on the floor since some of the delegates are known to be opposed to such an appropriation.

MINNESOTA RETIRES HER FOOTBALL CAPTAIN

Investigations Will Be Made Regarding Star Player's Standing Because of Complaint by Women; Other Charges Looked Into.

(By Evening Herald A. P. Leased Wire) Minneapolis, Minn., Nov. 15.—The University of Minnesota has withdrawn Captain Pickering from the Wisconsin game Saturday and later will make a thorough investigation of his standing. Minnesota will ask Wisconsin to investigate charges against Moll, Yandberg, Mack Miller and Hoffel.

ANOTHER VICTIM PAYS DEATH PENALTY

(By Evening Herald A. P. Leased Wire) Berlin, Nov. 15.—Herr Pitschenko, an aviator, fell while making a flight over the Johannisthal field today and was killed. His neck was broken.