

HARVESTER TRUST FILES AN ANSWER IN MISSOURI OUSTER CASE

Document on Record in Jefferson City States That Monster Concern Will Resist Fine of \$50,000 by Courts.

QUOTES ROOSEVELT ON A SQUARE DEAL.

It Declares That It Has Never Injured the Farmers Who Are Its Customers and Makes Usual Pleas.

(By Evening Herald A. P. Leased Wire) Jefferson City, Mo., Nov. 20.—Quoting Colonel Roosevelt's recent declaration for a "square deal" for both the corporations and the public, the International Harvester company today filed in the supreme court of Missouri a motion for a re-hearing of the recent case in which it was conditionally ousted from the state and fined \$50,000 on charges of violating the state anti-trust law.

The gist of the motion is that the Harvester company ought not to be punished for the mere possession of power, and it announced its intention of vigorously resisting the fine.

The brief quotes this language from the court's opinion by Chief Justice Vallentyne: "On the whole, the evidence shows that the International Harvester company has not used its power to oppress or injure the farmers, who are its customers."

Also from a separate opinion of Judge Franklin Foxworth of St. Louis as follows: "In this case the court is required by the statute to pronounce a judgment of condemnation upon a combination which is proved by the facts in this record to have been so beneficial to the community that the price of money and reasons has not been raised in proportion to the cost of materials and labor, and that other more substantial benefits have accrued to the consumers, and further, more that independent manufacturers have not suffered by reason of the combination."

Referring to the fine, the company says it will oppose it "not so much because of its amount as because of the fact, as is contended, that so large a fine will create the impression that the company has been unfair or oppressive in its dealing and therefore deserves so severe a punishment, while the language of the court's opinion is to the contrary."

LUMBER ASSOCIATION FILES ITS ANSWER

Detroit, Nov. 20.—The Michigan Retail Lumber Dealers' Association, its officers and directors, today in the federal court here made objection to the recent indictments charging violation of the Sherman anti-trust law.

The answer admits the collection and dissemination of information concerning manufacturers, jobbers and wholesalers dealing directly with consumers, but denies conspiracy, intimidation and black list methods.

STEEL TRUST WANTS ITS INQUIRY STAFF

Washington, Nov. 20.—Richard V. Linnbury, counsel for the United States Steel corporation, made objection before the Stanley Steel Trust investigating committee today to a continuance of the hearing, in view of the government's suit against the corporation. He argued that to continue the hearing would be against the provisions of the resolution of congress authorizing inquiry into acts not under investigation by the government.

The committee at once went into executive session.

After lengthy deliberation it was decided to postpone further consideration of the objection until the assembling of the full committee.

BATH TUB TRUST HEARING IS SET

Detroit, Nov. 20.—The government's criminal case against the firms and individuals in the bathtub trust, will begin in the federal court here January 20, it was announced today.

AUTO DRIVER IS KILLED

(By Evening Herald A. P. Leased Wire) Savannah, Ga., Nov. 20.—An automobile driver was killed and another seriously hurt today in a smash up on the grand prize course here. Joe Daves, the Marmion driver was hurt, and McWay, a Case pilot, was killed.

DEMOCRATIC LEADER ARRESTED

(By Evening Herald A. P. Leased Wire) New York, Nov. 20.—Justice Hendley of the Queens county supreme court today ordered the issuance of warrants for the arrest of Joseph Cassidy, Democratic leader of Queens county; William Willette, Jr., candidate for supreme court justice on the Democratic ticket in the Second Judicial district; and Louis T. Walker, Jr., following an investigation as to whether certain politicians received large sums of money for Willette's nomination.

LA FOLLETTE BOOM IS LAUNCHED IN CALIFORNIA BY JOHNSON

Governor Comes Out in Public Statement and Boosts Wisconsin Man for Presidency on Republican Ticket.

PEOPLE SHOULD BE HEARD ON SUBJECT

(Special Telegram to Evening Herald) Sacramento, Cal., Nov. 20.—Governor Johnson came out squarely for La Follette for president and a direct presidential primary in a formal statement issued today. Declaring that while a joker in the primary law of 1909 gave the party in power full right to send a solid delegation for La Follette, the governor indicated that he was sacrificing politics to principle and would insist that the people be given the right to name first hand their choice for president.

He pointed out that President Taft had favored San Francisco in its fight for the exposition which might swing the voters of that city in the president's favor. But even in the face of this possibility and with the joker in the law designed to perpetuate the power of the old Southern Pacific machine, the progressives would still insist on a direct presidential primary preference, he said.

THE INITIATIVE AND REFERENDUM TO BE PLATFORM OF LABOR

American Federation Promises That Its Officers in Future Will Support These Measures.

GOMPERS CLASHES WITH THE DELEGATES

(By Evening Herald A. P. Leased Wire) Atlanta, Ga., Nov. 20.—The American Federation of Labor in convention here today declared in favor of the initiative and referendum in the election of its officers in the event it is found to be feasible and desirable.

The convention's action was against the recommendation of the law committee, to which the matter had been referred.

President Gompers engaged in controversy with Delegate Joseph D. Cannon of the Western Federation of Miners during discussion of the election proposition when Cannon said Gompers had not denied newspaper reports quoting him as saying he was opposed to the formation of a new labor party in Arizona because they could better obtain what they wanted from existing parties. Gompers denied knowledge of any such interview and resented the inference that he was not in favor of the initiative and referendum for Arizona.

NEW YORK PLEASSED THAT DONLIN IS COMING BACK

(By Evening Herald A. P. Leased Wire) New York, Nov. 20.—Baseball fans here today greeted with delight the announcement—official, but apparently authoritative—that Mike Donlin will play right field for the Giants next season. It was declared that negotiations have been practically concluded with the Boston Nationals for Mike's transfer to Manhattan in exchange for Jack Murray and \$10,000 in cash.

Since the defeat of the Giants in the world's series Manager McEwen has been casting about for a right fielder to take the place of Murray, who failed to make even one hit in the series. Donlin retained the Giants in the middle of last season, after being out of the game several years, but was used by McEwen only as a pinch hitter. He seemed to have showed up and McEwen decided to let him go to Boston, where he made good.

UNCONFIRMED BUT AUTHORITY REPORT SAYS THAT HE WILL RETURN TO THE GIANTS AND WILL PLAY RIGHT FIELD.

Whatever Else There is Left Since the Floods of Recent Date, Water Supplies Are Scarce in Washington State

(By Evening Herald A. P. Leased Wire) Seattle, Wash., Nov. 20.—With Seattle facing a water famine and many of the smaller towns west of the Cascade mountains under water or cut off from communication with the outside world by the loss of bridges and the washing out of roads, the people of western Washington are anxiously watching for signs of subsidence of the flood that has raged for more than two days. The railroads that cross the Cascades with their transcontinental lines are virtually tied up, the only outlet being over the coast line to Portland and then east along the Columbia river.

MRS. PATTERSON IS PLACED ON TRIAL FOR MURDER OF HER HUSBAND

Demure, Graceful Little Woman Appears Pale But Calm As She is Brought Into Dingy Court Room.

YOUNG MEN OPPOSED FOR JURY MEMBERS

They Are Considered Too Sentimental By the State's Attorney and Older Men Considered Less Susceptible

(By Evening Herald A. P. Leased Wire) Denver, Nov. 20.—Gertrude Gibson Patterson was placed on trial in the dingy west side court today charged with the murder on September 25 of her husband, Charles A. Patterson. At the time of the alleged murder, Patterson, who came here from Chicago for his health, had only a fortnight or so to live.

Few recognized the demure, graceful figure, clad in a blue tailor-made gown and the serene face lighted by large, dark eyes, as she entered the court room. Not until she had passed within the railing surrounding lawyers and newspaper men and taken a seat behind her attorney, O. N. Hillton, with her back squared to the crowd, did the spectators realize that the principal figure in a story said to include a romance with a Chicago millionaire as well as the death of a millionaire, was before them.

Long before 10 o'clock, the hour set for beginning the session, the court yard was packed with a throng of persons anxious to catch a glimpse of the defendant.

The Patterson case will be the first to be tried under the new jury system in Colorado, by which the names of four thousand taxpayers are kept in a "jury wheel" from which they are taken haphazard. In the venue of sixty days today it was noted that a large number of the men were young. The state is not particularly desirous of combating the influence of a beautiful woman in distress before a jury of men who may not have reached their complete sentimental maturity.

The name of Emil Strauss of Chicago, a wealthy clothing manufacturer was brought into the case when special Prosecutor Benson was examining Venetian Lewis Cohen. He asked Cohen if he was acquainted with or had any dealings with the Chicagoan.

THE PRESIDENT OF SAN DOMINGO IS KILLED

General Ramon Careces Is Assassinated But Details of Crime Have Not Been Reported to This Government.

(By Evening Herald A. P. Leased Wire) San Domingo, Nov. 20.—The president of the republic, General Ramon Careces, has been assassinated.

WASHINGTON HEADS CACERES IS DEAD

Washington, Nov. 20.—Ramon Careces, president of Santo Domingo, was assassinated by political malcontents in San Domingo City late yesterday afternoon, according to reports to the state department today. No uprising has yet followed. Cablegrams conveying the news of the assassination filed last night were delayed in transmission.

SEATTLE IS IN NEED OF A DRINK

This Impression was deepened by the knowledge that the Juarez garrison has been on the alert for some sudden development in connection with reports of revolutionary activities in which the name of General Reyes, now under arrest by the United States government, has been particularly connected.

The Mexican officials doubled their precautions after the arrest of General Reyes, fearing that that act might precipitate trouble. The feeling of anxiety over the situation spread in a notified degree to the American side of the Rio Grande. When daylight arrived and it was possible for reporters to cross the river the true situation was disclosed. It was learned in addition that 100 reinforcements arrived from Chihuahua in time to participate in the anniversary celebration. Considerable significance is attached by local observers to the fact that the government has decided it was to strengthen the force occupying Juarez.

GOVERNMENT WILL DEAL SUMMARILY WITH MEXICAN SITUATION

Officers in Texas Given Authority to Move Troops to Any Point This Side of Line to Protect Neutrality Law.

REYES SAYS THAT MADERO IS CAUSE

General Who is Charged With Fomenting a Rebellion Against New President is Arraigned in Court.

(By Evening Herald A. P. Leased Wire) Washington, Nov. 20.—Determined to stamp out filibustering expeditions against Mexico, Secretary of War Stimson today authorized General Duncan commanding the department of Texas, to enforce the neutrality laws with vigor and to move the troops under his command within divisional limits without awaiting orders from the department.

Secretary Stimson also informed General Duncan he would set back for all the cavalry and infantry needed to prevent the organization of expeditions against Mexico. No additional troops have yet been ordered to Texas, however.

The war department is moving with energy in dealing with the incipient rebellion being fomented in Texas against President Madero's government in Mexico. Secretary Stimson received a telegram today from General Duncan that Major Hagedorn, commanding a battalion of the Twenty-third infantry, had captured at Laredo, Juan Merico, a captain, and two privates, of a company being organized there for revolutionary service in Mexico. Major Hagedorn also captured forty guns, 20,000 rounds of ammunition and 30 dynamite bombs. There were about fifteen supposed revolutionists in the house where the capture was made, but all save the captain and two privates escaped.

Secretary Stimson is in constant communication with General Duncan and has instructed the latter to cooperate with the agents of the department of justice.

All this is being done, it is said, because President Taft believes the American people should give the Mexicans a fair chance to test their new government without interference.

GENERAL REYES SAYS MADERO IS CAUSE

San Antonio, Texas, Nov. 20.—General Benigno Reyes, arrested in San Antonio Saturday on a charge of violating the neutrality laws of the United States, was arraigned today before U. S. Commissioner Edwards on a new warrant which also charges that Reyes is a fugitive from Webb county, in the southern district of Texas, where Laredo is situated. Reyes gave \$10,000 bond.

President Madero of Mexico was blamed for charges of violation of the neutrality law on which Gen. Reyes was arrested Saturday. General Reyes declared the charges groundless.

He said he would remain in San Antonio until he had been vindicated.

EL PASO WRITER IS SCARED AGAIN

El Paso, Texas, Nov. 20.—This city was greatly excited early today by reports of firing at Juarez, at first supposed to be an attack by Reyes on the federal garrison. It developed, however, that the discharge of firearms was incidental to a celebration by the garrison of the anniversary of the Madero revolution, which ended in driving Porfirio Diaz from the presidency of the Mexican republic.

The firing of the celebrants lasted an hour or more, the number of shots fired being estimated at a thousand. El Pasoans were aroused from their slumbers and flocked to the bridges and the river bank to witness if possible what they felt sure was a battle.

This impression was deepened by the knowledge that the Juarez garrison has been on the alert for some sudden development in connection with reports of revolutionary activities in which the name of General Reyes, now under arrest by the United States government, has been particularly connected.

The Mexican officials doubled their precautions after the arrest of General Reyes, fearing that that act might precipitate trouble. The feeling of anxiety over the situation spread in a notified degree to the American side of the Rio Grande. When daylight arrived and it was possible for reporters to cross the river the true situation was disclosed. It was learned in addition that 100 reinforcements arrived from Chihuahua in time to participate in the anniversary celebration. Considerable significance is attached by local observers to the fact that the government has decided it was to strengthen the force occupying Juarez.

PRINCESS LAI HAS ELOPED WITH AN ACTOR DECLARES NEWSPAPER

Chinese Periodical Declares That Mother of Baby Emperor Has Fled from Her Palace Abandoning Child.

AMERICANS AND JAPS ARE LANDING MARINES

Modernizing of China Proceeds With Momentum Unchecked; Revolutionist Troops Being Assembled.

(By Evening Herald A. P. Leased Wire) San Francisco, Nov. 20.—Princess Lai, mother of the baby emperor of China, and wife of the prince regent, has eloped with an actor, Yang Shu Lai, according to Chinese newspapers received here.

FRISCO HEARS THAT FIGHTING GOES ON

San Francisco, Nov. 20.—Fighting between imperial and revolutionary troops began early today in the northern part of Hankow, according to a dispatch received from Shanghai by the Chinese Free Press. The dispatch says that the imperial troops were badly beaten and retired toward Sai Kan.

AMERICAN SHIPS LANDING MARINES

Berlin, Nov. 20.—A dispatch to the German Cable company from Tsing Tao asserts that the American and Japanese warships have each landed a force of 50 men at Chi Fu.

LONDON HEARS THAT FOREIGNERS ARE KILLED

London, Nov. 20.—A news dispatch to the Exchange Telegraph company from Tien Tsin states that the report of a massacre of foreigners at Shan Fu, capital of Shan Si, is confirmed. Confirmation from other sources, however, is lacking.

JAPANESE TROOPS LAND IN CHINA

Pekin, Nov. 20.—It is understood at the Japanese legation here that a Japanese force has been landed at Foo Chow to protect the consulate.

REVOLUTIONISTS MASS 8,000 MORE TROOPS

Canton, Nov. 20.—Revolutionary recruits totaling 8,000 have been massed here preparatory to their dispatch to Nanking, where they will cooperate in the siege of the city.

IRRIGATORS WIN IN FIGHT WITH THE GOVERNMENT

(By Evening Herald A. P. Leased Wire) Washington, Nov. 20.—In answer to the protest of farmers and irrigation companies on the American side of the Rio Grande against the war department's recent ruling that additional irrigation works must not be installed there until the United States and Mexico's rights to the water can be fixed, Secretary Stimson today temporarily withdrew the restrictions.

It is believed the rights of the two countries will be settled by treaty before the next dry season.

SERIOUS CHARGE AGAINST TWO MEN

Because Juan Flores and Yafonso Elizarraz were illegally, it is alleged, on passes from La Junta to Albuquerque, they were today bound over to the federal grand jury by United States Commissioner H. R. Whiting, in the sum of \$100. It may be they will have to remain in jail until next April before a federal grand jury can act on their cases, as they were unable to give bond.

BANKERS ENDORSE ALDRICH

(By Evening Herald A. P. Leased Wire) New Orleans, Nov. 20.—That the so-called Aldrich plan of currency reform will meet with the almost unanimous endorsement of the American Bankers' association was the opinion expressed today by E. O. Watts, president of the association, which formerly opens its thirty-seventh annual session here tomorrow.

WITNESSES TELL HOW TAR PARTY AT SHADY BEND WAS PLANNED

Frightful Experiences of the School Teacher Whose Clothing Was Torn Off While Pitch Was Applied.

WEALTHY CITIZEN IS IMPLICATED

(By Evening Herald A. P. Leased Wire) Lincoln Center, Kans., Nov. 20.—How the shady bend "tar party" met at the mill of E. G. Clark, one of the wealthiest citizens of the community and arranged the details of the plot to tar Miss Mary Chamberlain, the school teacher, whose frightful experience at the hands of a band of men and boys last August convulsed all Kansas, was told on the witness stand by Chester Anderson, one of the "parties," at the beginning of the trial today.

The three men on trial today were Sherill Clark, brother of E. G. Clark, the miller who pleaded guilty, and John Schmidt and A. N. Simms, farmers. Anderson testified that they were not members of the band who actually "spread the tar," as they came to the rendezvous on foot and were unable to keep up with the others, who rode motorcycles.

County Attorney McCannless made the opening statement for the prosecution, narrating the entire history of the case. He told how the plot was laid in Shady Bend, August 7; how Edward Ricord, the heavily bearded, was hired to take Miss Chamberlain out in a buggy on the pretense of escorting her to a country dance and then to deliver her over to the men with the tar, hiding behind the fence. He told how Chester Anderson and Delbert Kindelaparger had played the highwayman on the barber and the girl.

"They held up their buggy at the point of pistols," McCannless declared. "They took the young woman from the buggy and threw her on the ground. They tore off her clothes and while one poured another raised the tar upon her naked body. All of the men were hanks."

While the three defendants had not been at the actual "tarring," McCannless said, by their own boast the reason they were absent was because they were unable to keep pace with the motorcycle. They were equitably to blame with the others, he said.

MEAT PACKERS TO ESCAPE TRIAL FOR PRESENT

Judge Carpenter Postpones Until Wednesday the Hearings of Men Charged With Serious Offenses.

(By Evening Herald A. P. Leased Wire) Chicago, Nov. 20.—Judge George A. Carpenter of the United States district court today postponed until Wednesday morning the trial of J. Ogden Armour and nine other packers, charged with violating the criminal provisions of the Sherman anti-trust act.

The postponement was in recognition of the action of Judge Kohlman of the United States circuit court, who after quashing the writ of habeas corpus previously granted the packers, withheld the entry of his order until Wednesday.

Mr. Armour, the only defendant not directly concerned in the habeas corpus proceedings, might have been placed on trial, but Judge Carpenter announced that he was not disposed to try his case separately.

Counsel for the packers refused to intimate what their next move would be. An attempt to get more time may be made through an appeal that the defendants be tried separately, it was hinted. If one packer is placed on trial, it was explained, the counsel may take advantage of the time to take action in the supreme court.

SUPREME COURT OF UNITED STATES ADJOURNS

Washington, Nov. 20.—The supreme court of the United States today adjourned until Monday, December 4, without attorneys for the indicted packers in Chicago making any attempt before the tribunal to stay the packers' trial on charges of criminal violation of the Sherman anti-trust law.

BALLOONISTS ALIGHT SAFELY.

(By Evening Herald A. P. Leased Wire) Indianapolis, Ind., Nov. 20.—The balloon Hindenburg, which arose here late yesterday, landed safely today at Monroeville, 110 miles northwest. G. L. Humbergh, pilot and Walter Moffit, side, had called in an effort to lift the Lahn cup to long distance flight. To succeed they would have had to travel more than 488 miles.

ILLNESS PROVES TO BE HOODOO AGAIN IN THE TRIAL OF M'NAMARA

Another Member of Jury is Dragged From the Box and it is Feared That Another May Be Taken Any Time.

RANCHER COUGHED AND WAS EXCUSED

Should Two More Be Permitted to Go, There Will Be Only Two Men Qualified After Weeks of Hard Work

(By Evening Herald A. P. Leased Wire) Los Angeles, Cal., Nov. 20.—Illness, the seeming evil genius of the McNamara trial, dragged another juror from the box today and threatened to take others.

William Nicholson, a grocery man, asked and obtained an excuse from jury service because of the illness of his wife, setting at naught the hours spent by opposing counsel to learn if he could fairly and impartially try James H. McNamara for the murder of Charles J. Haggerty, a machinist killed in the Los Angeles Times explosion a year ago.

Still in the box are F. D. Green, whose wife at Pomona is reported threatened with nervous prostration; J. H. Sexton, whose brother is at the point of death, and Byron Lisk, who has asked to be excused because of trouble with his eyes. These three are sworn jurors and they represent about three weeks of hard court work.

The list, however, does not end with them. Seaborn Manning, a rancher who coughed at night, was excused at his own request, backed by a committee of fellowmen. Samuel Mendenhall, another rancher, resipitated one of the dramatic scenes of the trial when, with tears in his eyes, he refused to take the juror's oath because his mother was critically ill. He finally was sworn but was excused.

F. W. Clark, a retired undertaker, completes the list. He had heard trouble. Should Sexton, Green and Lisk be excused only two sworn jurors, Robert Bain and William Andre, would be left to show for six weeks of court sessions.

T. O. Sanderson, a veterinarian, was excused later in the day because of his wife's illness, and J. R. Jackson was excused for the same reason.

Fred DeJ. Meyer was excused on account of bias, and F. A. McIlhenny, a contractor, was challenged on the same ground. The state resisted both challenges. Each man said he believed McNamara guilty.

CATTLE QUEEN IS FOUND GUILTY OF RUSTLING

Woman Ranch Owner on Trial at Glenwood Springs, for Using Questionable Methods, is Convicted.

(By Evening Herald A. P. Leased Wire) Glenwood Springs, Colo., Nov. 20.—After deliberating all night a jury in the district court today returned a verdict of guilty against Mrs. Mamie Mitchell, tried for cattle rustling. The charges were brought by Harris Brothers of Rifle, Colo., and the case was prosecuted by the Grand River Cattle Growers' association.

Mrs. Mitchell was tried before on a charge of horse stealing but the jury disagreed and she was discharged. It defied the motion for a new trial which her attorneys will make Mrs. Mitchell may serve from one to ten years in the penitentiary.

ROCK ISLAND STRIKE HAS NOT MATERIALIZED

(By Evening Herald A. P. Leased Wire) Chicago, Nov. 20.—Officials of the Chicago, Rock Island and Pacific railway said they had not received any word of the strike of shipmen to begin in Trenton tomorrow.

"A strike may be called at any time," it was said in the office of Vice President Melcher, "but it will be contrary to all precedents to call a strike without notifying the officials of the road. We have received no notification yet."

PRESIDENT IS BETTER

(By Evening Herald A. P. Leased Wire) Washington, Nov. 20.—President Taft's cold was better today. The president intends to work in his library on his message to congress and other important matters and will receive cabinet officers and other officials there.