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THE INTERNATIONAL HARVESTER IS OUSTED FROM MISSOURI

Supreme Court Today Sustained Decision of Special Commissioner Against Big Farm Implement Combine.

NEFARIOUS SCHEME SAYS JUDGE GRAVES

Court Imposed Fine of \$50,000 and Allows Company to Continue in Business in State on Certain Condition.

(By Evening Herald A. P. Leased Wire) Jefferson City, Mo., Nov. 14.—The supreme court of Missouri in an opinion by Justice Graves today sustained the decision of Special Commissioner Theodore Brace in his finding for the ouster of the International Harvester company of America.

The court not only ousted the company from its right to do business in Missouri but imposed a fine of \$50,000, conditioned that if the company pays the fine, separates itself from the International Harvester Company of New Jersey, files a statement of its business and shows to the court that it will obey the laws in the future, it can be permitted to continue to do business in the state.

Judge Lamm, Brown, Ferris and Woodson concurred in the opinion of Judge Graves. Chief Justice Valliant wrote an opinion which was concurred in by Judges Lamm, Brown and Ferris. It left the amount of the fine to be fixed by the court after the company made a showing that it would comply with the law in the future. Judge Graves sustained the position of Special Commissioner Brace on every condition. The opinion found that competition was lessened and that practically all of the Harvester business was done by the respondent company in the state. It held that it is contrary to the laws of the state of Missouri for one company to conduct the business of another as in this case. The New Jersey company had no license to do business.

Discussing the case Judge Graves in his opinion says:

"The respondent in this case was a part and parcel of this gigantic and nefarious scheme. For some years it had been the mere sales agent of the International Harvester company, the New Jersey company. It was licensed in this state to sell its own goods, but it is now selling the goods of another.

"As such party to an unlawful arrangement or combination, it should suffer the penalties prescribed by our laws. I have indicated that we could temper justice with mercy. We have the right to absolutely oust it from the state and in addition to fine it. I think a conditional ouster should go and the respondent be fined in the sum of \$50,000 for its long and continued infraction of our laws."

The court gave the Harvester company until January 1, 1912, to pay the fine of \$50,000, and until March 1, 1912, to withdraw from the New Jersey company and to show the court that it is an independent company and will comply with the Missouri laws. Failing in this the ouster order will be signed by the court immediately after March 1.

UNHEALTHY CONDITION IN GOTHAM ALLEVIATED

City Authorities Say Strike Is Broken and Piles of Garbage in Streets Are Disappearing Rapidly; More Trouble Expected.

(By Evening Herald A. P. Leased Wire) New York, Nov. 14.—Some headway was made today against the garbage and rubbish which since the curfew of the street cleaning department struck last Wednesday night, has accumulated at the rate of nearly 10,000 loads a day. By night the department promised that collections would go on as usual.

The city authorities said the strike was broken and the disappearing piles of refuse confirmed their assertion. Still there were signs that the drivers would not surrender without a final struggle. A general teamsters' strike is the weapon with which the union organizations hope to propose to fight the day.

PROTEST AGAINST CEMENT WALKS

Petition Sent to Board of Aldermen Says That Cities Would Avoid That Town on Second Advent; Devote Will Come to Life Then.

(By Evening Herald A. P. Leased Wire) Zion City, Ill., Nov. 14.—Rufus Deveroux, a member of the old Zion faction in Zion's affairs, today filed a petition with the Zion City board of aldermen objecting to the proposed construction of cement sidewalks here on the ground that Christ never walked on cement and therefore "would avoid Zion City on the Savior's approaching second coming to earth."

The petition stated that Deveroux would return to life with the second coming of Christ, and that his signers believed that but would be greatly offended with citizens of Zion because of the cement walks.

ALDRICH MONETARY PLAN DISCUSSED AT COMMERCIAL CONGRESS

Secretary of War Stimson and Nelson W. Aldrich Are Principal Speakers Before Trans-Miss. Convention.

PRESIDENT FLEMING ON IRRIGATION OF WEST

(By Evening Herald A. P. Leased Wire) Kansas City, Mo., Nov. 14.—Secretary of War Henry L. Stimson, and former United States Senator Nelson W. Aldrich, chairman of the monetary commission were the principal speakers at the opening session of the twenty-second annual Trans-Mississippi Commercial Congress which began here today.

Secretary Stimson discussed affairs of his department and Senator Aldrich outlined his ideas of currency reform under the head of "Currency Legislation."

W. H. Foyas of Amarillo, Texas, president of the Texas Bankers association, urged the congress to "get behind and push" the Aldrich currency bill, because he said it was the enemy of the financial panic.

The session today was opened by President of the Congress Col. Fred W. Fleming. He said in part:

"At its five sessions held in the intermountain country, the congress advocated national irrigation and reiterated with growing emphasis the necessity for legislation which would make possible the reclamation of arid wastes to the profitable uses of agriculture. It aided in crystallizing public sentiment in favor of the National Irrigation Act, passed in 1902, under which the reclamation service was organized. Under the provisions of this beneficial law, more important to the country at large than any law of congress, with a possible exception of the Homestead Act, \$3 billion dollars have been expended and \$6 billion more rendered available for expenditure for reclamation of lands during the next four years."

WORDS OF CHEER SENT McNAMARAS BY GOMPERS

Head of Labor Federation Convened in Atlanta Sends Telegram to Indicted Brothers.

(By Evening Herald A. P. Leased Wire) Atlanta, Ga., Nov. 14.—Recent conviction for conspiracy for three officers of the Cigar Maker's union at Tampa because they advised their fellow workers not to return to work, was condemned by the executive council of the American Federation of Labor here today.

"Outrages as they occurred in Tampa," declared the council, "tend to intensify the feeling among our people that 'equality before the law' is a sham and delusion."

Samuel Gompers sent a telegram to the McNamara brothers at Los Angeles today acknowledging receipt of a message from the indicted brothers. Gompers message says the McNamaras may be assured of the labor department's belief "in your innocence of the crime with which you have been charged and to pledge to you our continued moral and financial support, in the end that your innocence may be established."

Prospects that the strike of the holtermakers in the American Locomotive works at Schenectady will involve the allied crafts in that industrial city in a sympathy strike, caused several international executive officers of the American Federation of Labor to leave the Federation convention here today to go to Schenectady.

NOTED NIMROD SUICIDES.

(By Evening Herald A. P. Leased Wire) Paris, Nov. 14.—American Consul Mason has been notified from Calais that it is believed that "Nimrod," who left here over the International, committed suicide by jumping from a channel steamer Sunday night.

REYES WILL LAUNCH REVOLT IS RUMOR

(By Evening Herald A. P. Leased Wire) San Antonio, Texas, Nov. 14.—Active preparations for a revolt in Mexico headed by General Hernandez Reyes are being made here, this declaration was made today by leading Maderistas.

General Reyes made a sweeping denial of the assertion. The Maderistas gave out a statement that a hospital corps for Reyes was left here over the International, and Great Northern for Laredo, supplied with handgates and other hospital appliances, to prepare for fighting.

HIGH COST OF LIVING TO BE ATTACKED IN MESSAGE TO CONGRESS

Executive Meets Cabinet for First Time in Three Months and Discusses Probable Legislation.

WILL RENEW PLEA FOR PARCELS POST

President Talked Over With Official Family the Ideas Which He Will Incorporate in Message.

(By Evening Herald A. P. Leased Wire) Washington, D. C., Nov. 14.—President Taft is planning to take up the high cost of living in a special message to congress when he transmits the report of the tariff board's investigation of the wool and cotton schedules.

It also is said he will vigorously renew his recommendations for a parcels post. The tariff board's findings will show, it is declared, that much of the high cost of living is due to the middleman rather than the tariff.

President Taft met the cabinet today for the first time in three months. The reassembling of the president's official family gave recurrence to the rumors that Secretary Wilson is soon to resign. This is generally believed to be true. It is said the portfolio has been offered to at least two men, leaders in scientific agricultural work, who have declined.

Aside from a consideration of the many questions which have accumulated during the summer, today's meeting was largely devoted to consideration of the president's message to congress and the official reports of the cabinet officers. The president's recommendation to congress for supplementary anti-trust legislation probably along the lines of a federal incorporation act, will be formed after through conferences with Attorney General Wickersham.

It is understood that the president's advisors pointed out that the work of the coming congress would center on two main issues—the tariff and the trusts. With Democratic leaders declaring for some readjustment of the Sherman law and the Republican insurgents declaring for some affirmative legislation to point the path for the legal conduct of big business, the president's closest counselors seem to favor some legislation which will permit business to go ahead and know where it stands.

WAGE ADVANCE FOR RAILROAD MEN

President Finley of Southern Railway Today Announced That Promised Increase in Pay Will Go Into Effect.

(By Evening Herald A. P. Leased Wire) Washington, D. C., Nov. 14.—President W. W. Finley of the Southern Railway has announced that several hundred clerical employees of that company have been given an advance in wages. The increases range from five per cent for employees who have been in the service but a short time, to fifteen per cent to those who have been in the service five years or more.

Arrangements were completed yesterday whereby the telegraph operators will be granted the increases recently promised them. The average increase to them will amount to about three per cent, which means an additional outlay of about \$125,000 a year.

RODGERS UNAFRAID WILL CONTINUE HIS FLIGHT

Nervy Birdman Who Sustained Serious Fall Sunday Says He Is "Feeling Mighty Good."

(By Evening Herald A. P. Leased Wire) Pasadena, Cal., Nov. 14.—"I'm feeling mighty good," said Aviator C. P. Rodgers today, as he puffed contentedly at a long, black cigar and looked his feet upon the floor of his boat.

The aviator added that by the end of the week he expected to be quite recovered from the effects of his fall Sunday.

Rodgers reiterated his intention to complete his flight as soon as his aeroplane had been rebuilt.

GREAT OVATION WAS ACCORDED THE NEW GOVERNOR LAST NIGHT

McDonald and Fergusson Made Excellent Speeches But Others Who Followed Were Less Fortunate.

RED FIRE AND MUCH ENTHUSIASM

All Albuquerque turned out last night to greet the first governor of the state of New Mexico.

It was a royal welcome extended by the whole people of a city to the man who has been chosen as their first chief executive. It was a whole-hearted and heartfelt demonstration—only to quicken the pulse of any man, however high his station—and that it was thoroughly appreciated by Captain McDonald was attested by his manner throughout the evening and by the sincere, straightforward response which he made to the plaudits of the big crowd gathered at the Elks' theater to do him honor.

To begin with, there was a big parade and torchlight procession through the principal streets of the city. Red fire was burned in abundance and transparencies bearing messages expressive of jubilant triumph reinforced the shouts of the paraders in a swelling outburst of enthusiasm. An excellent brass band furnished inspiring music and led the line of march of the parade to the Elks' theater, where an elaborate program of speeches was carried out.

The speeches can best be classified as good, bad and indifferent. The good speeches were made by Governor-elect McDonald and Howard H. Fergusson, the bad ones by George W. Pritchard and Richard H. Hanna and the indifferent ones by O. N. Marron and the other gentlemen who spoke.

Taking them in the order of their classification rather than that in which they were made, the speech of Mr. McDonald was a calm, dispassionate and patriotic appeal to the people of the state to bury factional differences.

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REPUBLICAN GOVERNMENT CONTROLS CITY OF AMOY

Amoy, China, Nov. 14.—The republican tri-color waves over the city today. There is no disorder, the shops remain open and there is a general feeling of relief.

Early this afternoon crowds began to assemble for a conference with the revolutionary leaders. At 2:30 o'clock the drumbeat Quenki, flying the dragon flag, cut off her lines and steamed out of the harbor. Then about 1,000 revolutionists formed in line and marched to the walled city, where they raised the republican emblem over the Taotai palace at 2 o'clock. Simultaneously a few revolutionists were displayed in other quarters of the city. Many Japanese and white flags also appeared. The excitement that preceded the change of government was quickly allayed. Fear of excesses had kept the populace in a nervous state. For several days there had been no local government, the maintenance of public order devolving on volunteer guards recruited from the best families.

RADICALS CONTROL SITUATION NOW

On Sunday representatives of the conservative element, who favored the establishment of the temporary independence of the city made futile attempts to compromise with the radical faction, which demanded the surrender of the city to the revolutionists. Last night it was plain that the radicals were in control and alarmed at the possibility of mob rule, Taotai Chang fled to Hong Kong. Throughout the night a feeling of uneasiness prevailed and this was increased this morning by a rumor that the walls of the city had been poisoned by Manchus from Peking.

However, as the day progressed the republican leaders showed that they had their followers well in hand and the popular fear gave way to a sense of security.

UNITED STATES MAY SEND TROOPS TO CHINA

Manila, Nov. 14.—Announcement was made at military headquarters today that the sailing of the transport Sherman for the United States had been postponed. No official explanation was offered, but army officers expressed the belief that the boat was being held for use in carrying troops to China.

A large detachment of soldiers is in readiness to move at 24 hours' notice.

LONG AND SHORT CLAUSE CONSTITUTIONAL

(By Evening Herald A. P. Leased Wire) Washington, D. C., Nov. 14.—In the majority opinion of the commerce court, formally handed down today in the transcontinental rate cases, it is held that the long and short haul provision of the Interstate Commerce act is constitutional. Judge Archbishop concurred in the issuance of a temporary injunction of the order of the Interstate Commerce commission, but in his opinion holds the long and short haul provision to be invalid.

IMPERIAL FORCES IN A DESPERATE SITUATION ON PURPLE HILL

Upon Arrival of Revolutionary Ammunition and Reinforcements Advance is Begun Upon Intrenchments.

AMOY IN HANDS OF REPUBLICAN REGIME

Inhabitants Are Relieved That Expected Disorders Did Not Materialize; Leaders Have Control of Troops.

(By Evening Herald A. P. Leased Wire) San Francisco, Cal., Nov. 14.—Provided with the arms and ammunition for which they have been waiting for several days, the revolutionists began an attack on Nanking early today, according to cable advice received by the Chinese Free Press of this city. The advice says that the imperial forces have been driven to the Purple Hill and that their position is desperate.

The cable dispatch further says that the thirteen war vessels captured recently by the revolutionary forces are on the way to Nanking to aid the land forces.

CANTON ELECTS A MINISTER OF FINANCE

A Hong Kong cable to the Free Press says that Kwang Tung province, the capital of which is Canton, has elected a Cantonese, Lee Yik Tong, minister of finance of that province. He is prominent as a merchant of Hong Kong and is president of the Hong Nin Life Insurance company. His son-in-law, Fung Chi Yee, is editor of the Chinese Free Press here.

Chin Chin Wah, says the dispatch, has been elected minister of the interior of the same province. He is owner of a revolutionary newspaper published in Siam and formerly was an official under the Manchu government.

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OFFICIAL COUNT IS NECESSARY TO TELL WHO IS ELECTED

McDonald, De Baca, Clancy and Curry Certain; Others Are Doubtful With Chances Favoring Republicans.

COMMITTEE MAKES GRAND STAND PLAY

During the last twenty-four hours the air has been surcharged with conflicting rumors, with charges and counter-charges. Through it all these facts stand out:

The Democrats have certainly elected their candidates for governor and lieutenant governor.

The Republicans have certainly elected their candidate for attorney general and one of their candidates for congress.

The remainder of the state ticket is in doubt, and it will take the official count to decide who is elected.

With the single exception of the race for governor, there has never been a closer fight in the political history of New Mexico than the one which closed last Tuesday. Mr. McDonald ran far ahead of his ticket, and his election was conceded by the Republican central committee as soon as sufficient returns had been received to show that fact.

At the same time it was claimed that there was a strong probability that the majority, if not all of the Republican state ticket had been elected by small majorities. The results as disclosed by the returns which have been received so far bear out absolutely the accuracy of this claim.

New Mexico is a large state and its territory is sparsely settled. A great majority of the population live far from railroads and telephones. Election returns are necessarily slow in coming in. At the present time it is possible only to make a general prediction of what those returns will show, based on those which are known and on the majorities which the same prospects have given in previous elections.

As before stated, the official returns will be sent to the settlement of the race for state offices. It now seems certain that Mr. McDonald has been elected by a majority of about 2,500, the figures which the Herald gave two days after the election. Partisan supporters of Mr. McDonald have made extravagant claims that his majority would run far in excess of this, and his newspaper organs over the state have persistently delighted their readers with false statements as to the size of his majority, but the official count will not vary much from 2,500, one of the other candidates, E. C. De Baca, the Democratic nominee for lieutenant governor, is also elected by a majority much less than that of Mr. McDonald, but large enough to leave no doubt as to his election. O. N. Marron, for treasurer, is probably elected also, though as to this there is the greatest uncertainty.

On the other hand there is no room for doubt that F. W. Clancy has been elected attorney general and that former Governor Curry has been elected to congress. Majorities can not be given for the very excellent reason that the returns are not all in and the figures are not available. These gentlemen ran well ahead of their ticket in practically every county in the state, and their election by safe majorities is even more positively assured than that of Mr. De Baca. A. B. Stroup, the Republican candidate for state school superintendent, is in all probability elected over his Democratic opponent, but this race is so extremely close that it would not be safe to make a positive statement as to the matter. Based on the proposition of Mr. Stroup's vote to that of the remainder of the Republican ticket in the counties which have made definite returns, the present indications are that he is elected by a small but safe majority.

The same condition exists in regard to the race for judges of the supreme court. The Republican central committee emphatically claims that all of the Republican candidates for supreme court judges have been elected, and their claims seem to be much better founded than those of the Democratic candidates, but owing to the very narrow margin between the various candidates no safe prediction can be made at this time. It would not be surprising to see a split court, part of the Democratic and part of the Republican ticket being elected, though it is impossible to say which candidate of either party is apt to be successful, so close is the race.

As to the other candidates it is utterly impossible to make any intelligent statement at this time, and the newspaper which undertakes to give its readers an accurate account of the returns for those offices at this time is simply indulging in guesswork with no definite basis for its guess. It will take the official returns to tell who is elected, and those returns will probably show the closest race that has ever been held for state offices in the United States.

An interesting development of yesterday was the play made by the Democratic central committee at its meeting in the Commercial club building in raising a fund for the prosecution of perpetrators of election frauds. Ten thousand dollars of a temporary injunction of the order of the Interstate Commerce commission, but in his opinion holds the long and short haul provision to be invalid.

THOUSANDS SHOUT FAREWELLS TO CARDINALS DESIGNATE

Archbishop Farley and Most Reverend Diomedo Falconio Given Ovation When They Sail for Rome.

ARCHBISHOP PITAVAL IN CEREMONIES

Chanting of Chorus of Six Thousand Children's Voices and Singing Greeted Distinguished Churchmen.

(By Evening Herald A. P. Leased Wire) New York, N. Y., Nov. 14.—Cardinal-designate Archbishop John M. Farley of New York and the Most Rev. Diomedo Falconio, apostolic delegate to Washington, sailed on the Kron Princessin Cecilia today for Rome. A throng of many thousands shouted and chanted farewells and good wishes for a mile along their path to the river. Each cardinal-designate waved his head throughout the demonstration and bestowed his blessing.

"I have been for some time among the American people," said Archbishop Falconio, "and I admire and love them for their intelligence, their warm hospitality and their loyalty. My heart goes out in thanks to them for this magnificent farewell, my blessing is upon them."

Archbishop Farley said:

"Please thank for me the American people for their many kindnesses. I leave you blessing with them."

The cardinals-designate were at their devotions before sunrise. At 8 o'clock they heard in St. Patrick's cathedral a chorus of six thousand children's voices, chanting hymns of farewell. At 9 o'clock an automobile was carrying them at the head of a long line from the cathedral to the Hudson river, through streets cluttered with flags and banners.

A squad of mounted police cleared the way and as the train passed between thousands massed along the curb, the music of brass bands scattered along the way was drowned in the shouting and cheering.

At the foot of Fifth street the cardinals-designate boarded the steamer Koselada amid cheers and to the tune of "Onward, Christian Soldiers" by the band went aboard. With Bishops Casnak of New York, Farley of Cleveland and Pitaval of Santa Fe, they held a reception aboard. The Kron Princessin Cecilia was attended by followers of the cardinals-designate who flocked aboard and it was several minutes after scheduled time for sailing when she made her way into the river.

DEATH PENALTY IS TOO SEVERE

Walter J. Archer Is Excused From Jury Duty; Claims He Is Opposed to Extreme Punishment.

(By Evening Herald A. P. Leased Wire) Los Angeles, Cal., Nov. 14.—County and court in the McNamara trial today went to work on the sixth venire summoned for the case and much overwork was made in proceeding on the impossible 75 venire obligation for jury services, however, was slower work.

Of the panel of forty summoned for prospective service in the trial of James McNamara for the murder of Charles J. Hagarty, a victim of the Times explosion, sixteen remained after Judge Hotwell's preliminary examination and two of those had been dispensed with within ten minutes after court opened.

Chas. R. Fuller, 70 years old, appeared unable to hear questions put to him by the court and was excused, to his obvious pleasure.

Walter J. Archer, a young man, told the court he "always had been opposed to the infliction of the death penalty" and was allowed to go.

William J. Andre, a carpenter, followed Archer.

After pausing over Andre in earnest but fruitless search for ground for a challenge for cause, the defense passed him.

The state accepted Andre with hardly a question and he became the tenth man in the box. That he will be excused by peremptory challenge seemed certain.

T. H. Elliott, 75 years old, who said he belonged to no society "except the human family," was examined by Attorney Clarence R. Darrow, chief of counsel for the defense.

YACHT ALVINA BELIEVED LOST.

(By Evening Herald A. P. Leased Wire) Chicago, Ill., Nov. 14.—The steam yacht Alvina, owned by Thomas F. Cole of Duluth, has not yet reported her whereabouts and early inquiries today failed to give any trace of her.

(Continued on Page 2, Column 4.)

(Continued on Page 2, Column 3.)