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ROOSEVELT SAYS STATEMENTS THAT HE WAS MISLED ARE FALSE

In An Editorial in the "Outlook" Former Executive Defends His Position in Making Concessions to Combine.

FEDERAL CONTROL OF TRUSTS IS URGED

Calls Articles Saying he Was "Taken In" By Crafty Trust Promoters "Not in Accordance With Truth."

(By Evening Herald A. P. Leased Wire) New York, Nov. 16.—Recent litigation and legislation to regulate the trusts and a remedy to regulate the present situation is discussed by Theodore Roosevelt in an editorial entitled "The Trusts, the People and the Square Deal," published today in the Outlook.

The suit against the Steel trust by the government, Mr. Roosevelt begins, "has brought vividly before our people the need of reducing to order our chaotic government policy as regards business."

He concludes with this recommendation:

"The national government exercises control over interstate commerce railways and it can in similar fashion through an appropriate governmental body, exercise control over all industrial organizations engaged in interstate commerce. This control should not be exercised by the courts, but by an administrative bureau or board such as the bureau of corporations or the interstate commerce commission; for the courts cannot with advantage permanently perform executive and administrative functions."

Before taking up his general theme, Mr. Roosevelt pauses to deny that the representatives of the Steel corporation misled him while he was president. Referring to the suit against the Steel trust he says:

"One of the grounds for the suit is the acquisition by the Steel corporation of the Tennessee Coal and Iron company, and it has been alleged on the authority of the government officials engaged in carrying on the suit, that as regards this transaction, I was misled by the representatives of the Steel corporation and that the facts were not accurately or truthfully laid before me. This statement is not correct. I believed at the time that the facts in the case were as represented to me on behalf of the Steel corporation and my further knowledge has convinced me that this was true. I believed at the time that the representatives of the steel corporation told me the truth as to the change that would be worked in the percentage of the business which the proposed acquisition would give the Steel corporation and further inquiry has convinced me that the statement I was not misled. The representatives of the Steel corporation told me the truth as to what the effect of the action at that time would be and any statement that I was misled or that the representatives of the Steel corporation did not thus tell me the truth as to the facts of the case is itself not in accordance with the truth."

"It has been alleged that the purchase by the Steel corporation of the property of the Tennessee Coal and Iron company gave the Steel corporation practically a monopoly of the southern iron ores—that is of the iron ores south of the Potomac and the Ohio.

My information, which I have every reason to believe is accurate and not successfully to be challenged, is that of these southern iron ores the Steel corporation has, including the property gained from the Tennessee Coal and Iron company, less than twenty per cent—perhaps not over fifteen per cent. A very much smaller percentage than the percentage it holds of the Lake Superior ores, which even after the surrender of the Hill lease, will be slightly over fifty per cent. According to my view therefore and unless—which I do not believe possible—these figures can be successfully challenged, the acquisition of the Tennessee Coal and Iron company's ores in no way changed the situation as regards making the steel corporation a monopoly."

"The showing as to the percentage of reduction of all kinds of steel ingots and steel castings in the United States by the Steel corporation and by all other manufacturers respectively, makes the case even stronger than I put it in my testimony before the investigating committee, for I was scrupulously careful to make statements that were, if at all, against my own position."

HANDEMA, SALARIES TAKEN BY COMMITTEE
(By Evening Herald A. P. Leased Wire) San Antonio, Tex., Nov. 16.—The National Association of Professional Baseball clubs today referred the fixing of a maximum salary to be paid by clubs in the different classes to the committee on revision of the constitution with instructions to report.

BISHOP MACKAY-SMITH DIED IN PHILADELPHIA

(By Evening Herald A. P. Leased Wire) Philadelphia, Nov. 16.—Bishop Alexander Mackay-Smith of the Protestant Episcopal diocese of Pennsylvania and one of the leading clergymen in the country, died suddenly at the Episcopal residence here today. Death was due to heart disease. He was 61 years old.

CHICAGO PACKERS GRANTED DELAY AT TRIAL

No Decision in Appeal of Eight Defendants for Writ of Habeas Corpus Today; May Postpone Trial.

(By Evening Herald A. P. Leased Wire) Chicago, Nov. 16.—No decision in the appeal of eight indicted Chicago packers for writs of habeas corpus can come before tomorrow as a result of Judge Kohlsaat in the United States circuit court granting twenty-four hours delay for counsel for the packers to answer affidavits filed today by government attorneys.

In the meantime arguments were presented by attorneys for the government arguing that writs issued November 14 be quashed and the government was allowed to proceed with its trial set for next day, on indictments charging violations of the Sherman anti-trust law.

In an event it is not believed the trials of the packers will begin Monday. In case Judge Kohlsaat sustains the government's contention that the packers' petition was not in good faith, and quashes the writ, the indicted men have announced they will appeal to the supreme court and thus obtain a ruling on the constitutionality of the criminal sections of the Sherman law. This, according to counsel, will have the effect of preventing trial on the indictment until after the ruling.

Should Judge Kohlsaat sustain the packers' pleas and grant the writs, the government will appeal to the supreme court.

LABOR LEADERS TO SEVER CONNECTION WITH FEDERATION

Distrust of Labor Organizations Against Persons Connected With Civic Body Leads to Resolution.

(By Evening Herald A. P. Leased Wire) Allentown, Pa., Nov. 16.—The Allentown labor leaders, including President Gompers, who are on the executive committee of the National Civic Federation, are called on to sever their connection with the latter organization in a resolution introduced in behalf of the United Mine Workers. It is understood that the resolution has the support of the Western Federation of Miners and also the state delegations of Colorado, Utah and Michigan.

The resolution, which was referred to the resolutions committee, declares that "there is a growing tendency in practically all labor organizations to view with suspicion and distrust the acts of any labor representative who is in any way connected with the Civic Federation," which is declared to be built on the false assumption of "identity of interests."

CALIFORNIA WILL PRESS APPROPRIATION

Notice was given by the California delegation on the floor of the American Federation of Labor convention that it intended to present its resolution appropriating \$50,000 for the defense of the McNamara's, even in the event such action was not recommended by the committee on the president's report.

CANADIAN STRIKERS RETURN TO WORK

Six Thousand Miners Laid Off Since Beginning of April Are Strongly in Favor of Move.

(By Evening Herald A. P. Leased Wire) Lethbridge, Alberta, Nov. 16.—The 6,000 coal miners of the Crow's Nest Pass district, who have been on strike continuously since the beginning of April, will return to work on Monday morning, November 20. This statement was made by an officer of the union in high standing. A meeting of the miners will be held in either Fernie or Frank tomorrow, at which the votes will be counted and the announcement made. Later in the day the executives will meet President Lewis Stockert of the operators' association and inform him of the result.

It is said unofficially that the miners have voted very strongly in favor of returning to work.

EXPRESS COMPANIES CONTROL CONGRESS OF COMMERCE SAYS KINDEL

Interrupted in Parcels Post Speech Delegate Makes Angry Retort Against "Lobbyists of Robber Trusts."

PROPOSED PLAN WILL WIPE OUT DEFICIT

(By Evening Herald A. P. Leased Wire) Kansas City, Nov. 16.—"The trans-Mississippi Commercial congress is controlled by lobbyists representing the robber express companies, the railroads and the sugar trust, and this has been demonstrated repeatedly by the congress's action," was the startling statement made from the platform at today's session of the congress by George J. Kindel of Denver.

Mr. Kindel's statement came as an angry retort to an interruption by a delegate. The Denver man was delivering an address advocating the parcels post in which he blamed the express companies for the annual postoffice deficit and said that if the laws against these express companies were enforced and a general parcels post established the postal department would cease to have annual deficits.

ELECTION RESULTS STILL IN DOUBT

In Spite of Democratic Claims There is No Material Change in Situation From Yesterday.

In spite of claims by the Democratic central committee and the Democratic press, the situation today so far as the election of state officers is concerned, is practically unchanged, and the result will not be definitely known until after the meeting of the board of canvassers, consisting of the governor, the chief justice of the supreme court and the secretary of state, which will be held November 27 in Santa Fe for the purpose of canvassing the vote of the entire state. Any announcement of the result of the races for all state officers in advance of the meeting of that board is entirely premature and is nothing more nor less than hopeless guess work.

From Democratic sources come claims that the Republican estimates of majorities for candidates for the supreme court and corporation commission are based on erroneous figures, and this claim, coupled with the remarks of Richard H. Hanna in his Albuquerque speech last Monday night, make it evident that the Democratic press in its advance efforts to capture the supreme court, as a strategic point in the deciding of the many contents which are likely to arise as an aftermath of the election. The Democratic claims of majorities for their supreme court candidates, however, are stoutly denied by the Republican managers, and the only thing that can be said at this time is that the public will have to possess its soul in patience until November 27 if it would know the truth as to who is elected.

A CLUBMAN FLEW DOWNTOWN

Order for Groceries Was Carried Across Lake by Aeroplane.
(By Evening Herald A. P. Leased Wire) Detroit, Mich., Nov. 16.—Captain Fred M. Alger, millionaire clubman and aviation enthusiast, flew downtown from his shooting club at St. Clair Flats yesterday morning. He delivered an order to a grocery for supplies for the club, then flew back again all in a matter of fact a way as though he had come from home in his motor car. The shooting club is across Lake St. Clair, about 23 miles. Alger flew across the lake and down the Detroit river at a mile a minute. His Wright aeroplane is fitted with pontoons and he always rises from and alights on the water.

WOMEN CAN SMOKE IF QUIET

Not if a Clay Pipe Causes a Riot, the Habit Can Be Prohibited.
(By Evening Herald A. P. Leased Wire) New York, Nov. 16.—If clay pipes, or even cigarettes, in the mouths of women lead to breaches of the peace, women can be prohibited from smoking. If the use of tobacco by women does not provoke disorder, no one can prohibit women from smoking. An official opinion to that effect was rendered the board of aldermen by the council, A. R. Watson, today. Mr. Watson uses tobacco sparingly. Members of the board of aldermen have been considering the advisability of enacting an ordinance prohibiting women from smoking in public places. They were in doubt about the constitutionality of such a prohibition.

THIRTEEN INDICTMENTS AFTER SECRET INQUIRY

(By Evening Herald A. P. Leased Wire) Cheyenne, Wyo., Nov. 16.—Thirteen indictments were returned this afternoon by the federal grand jury which has been investigating charges of reeling against several railway freight officials and members of firms here and at Chicago. The inquiry has been conducted with unusual secrecy. All of the indictments are similar except as to the details of the particular transaction and contain in all forty-five counts.

The alleged reeling was on shipments of merchandise between this city and Chicago.

SURPRISE SPRUNG IN TARRING CASE AS THREE PLEAD GUILTY

Charged With Assault and Battery Upon Young Shady Bend Teacher, Leaders Admit Their Participation.

DEFENSE WILL NOT ASK CHANGE OF VENUE

Judge Withholds Sentence Until the Other Cases Have Been Tried Because of Lack of Evidence.

(By Evening Herald A. P. Leased Wire) Lincoln, Cent., Kas., Nov. 16.—Three of guilty suddenly announced in the circuit court here today by three of the most prominent men accused in connection with the tarring of Miss Mary Chamcoerle, the Shady Bend school teacher, carried the state attorneys almost off their feet with surprise. The following announced pleas of guilty: Everett G. Clark, Shady Bend miller; Watson Scranton, Shady Bend farmer; Jay Fitzwater, Shady Bend farmer.

Judge Grover reserved sentence. When the formal pleas of guilty had been announced by E. G. Clark, the one upon whose case those of the other eight men accused of connection with the tarring were expected to hinge, Judge Grover reserved sentence. The court said:

"It is necessary that I reserve sentence, for, as I have heard no testimony in this case, I really do not know the nature of the offense. Accordingly I will wait until after the other cases have been heard."

There was not a moment's delay in the proceedings. The first jurist at the plea of guilty over, Sherrill Clark, a merchant of Shady Bend, A. N. Simms, a former employe in Everett Clark's mill, and John Schmidt, a farmer, immediately were placed on trial charged with "assault and battery," there being no provision under the Kansas law for a charge of "tarring."

Talesmen from the regular jury venire were called in at once. Three seemed however, small hope of getting a jury without special venire.

Four men now stand guilty by their own confessions of a part in the tarring of the young school teacher. The first was Edward Ricord, the barber, a hired deputy, who pleaded guilty yesterday, who also remains to be sentenced.

Chester Anderson and Delbert Kindelsberger, laborers, of Beverly, who were sentenced in a justice court to ninety days' imprisonment each, are to be tried on appeal.

Five men, Harry Armstrong, Fenton Hale, Alf A. Lindersmith, Benjamin Painter and Roscoe Anderson, laborers, of Beverly, have already paid fines of \$1 each for their connection with the case. They witnessed the "tarring" from behind a hedge and were convicted and fined to prevent them from refusing to testify against friends.

MOUNTAIN STATES ACQUIRES LINE

(By Evening Herald A. P. Leased Wire) Cheyenne, Wyo., Nov. 16.—The Mountain States Telephone and Telegraph company has purchased the Kemmerer and Big Pine Telephone company operating 825 miles in the western portion of Wyoming. The Mountain States will extend the lines and link the newly acquired lines with the trunk lines, thus placing the western part of the state in direct communication with the leading cities of the Mountain states.

REBEL GOVERNMENT ORDERS ADVANCE OF BRIGADE UPON PEKING

Upon Receipt of Order Calling for Reinforcements Before Making Attack Upon Capital Assembly Votes Troops

IMPERIAL EDICT ANNOUNCES CABINET

(By Evening Herald A. P. Leased Wire) San Francisco, Nov. 16.—Attack on Peking in the immediate future is contemplated by the revolutionists, according to a cable dispatch received today by the Chinese Free Press of this city. The dispatch came from Hong Kong and said that the revolutionary government in Quong Tung province had received from General Li Yuen Huang orders to send reinforcements to Wu Chang, there to concentrate in preparation for the attack on Peking.

Upon receipt of the order the assembly met and decided to send Brigadier General Jung Tsun Tsai and a brigade of troops to Wu Chang.

LOYAL TROOPS DESELT TO REVOLUTIONISTS
According to consular reports, 30,000 imperial troops at Hang Chow have joined the rebels and defeated loyal troops from Nanking and Chi Kai King. The consular reports are now marching on Nanking, where a battle with the Manchu army is impending.

General Li Yuen Heng has notified the foreign consuls at Hankow that the republican states have elected representatives in the central government which is being established at Wu Chang and asks recognition of the federated states. General Li is the commander of the rebel forces.

The legations here believe that the situation in North China has been improved in the last day or two but await further developments before forming an opinion on the whole situation.

DISORDERS IN INTERIOR OF FO KIEN

Amoy, Nov. 16.—Practically the entire southern half of Fo Kien province has gone over to the revolutionists and there are disorders in the interior.

At Chang Chow rival factions are fighting for the control of the local government.

Foo Chow reports that the provisional government there is making strenuous efforts to restore order; people who had fled are returning to the city and the shops are being opened.

Hing Hwa, a coast city about fifty miles south of Foo Chow, has accepted the new government quietly and many of the old officials remain at their posts.

In this city the radical element is organizing the republican government. The moderates, who wished to declare Amoy independent without committing it to the revolutionary cause, are not being consulted.

NO ORDERS ISSUED BY PRESIDENT TAFT

Washington, Nov. 16.—Not a soldier will leave the Philippines for China except on orders from President Taft. Such orders have not yet been given and it is said that before acting the president is awaiting the arrival in Washington late today of Secretary of War Srinson and Major General Leonard Wood, chief of staff, who are returning from the west.

EMPEROR WILLIAM WILL NOT HUNT

(By Evening Herald A. P. Leased Wire) Berlin, Nov. 16.—Emperor Wilhelm has cancelled the hunting trip in Silesia on which he had intended to start last evening.

The reason given is that he is suffering from a slight cold, regarding which, however, those near his majesty speak in reassuring tones.

"BLACK HAND" IS ACTIVE IN PINE BLUFF

Mysterious Letters at First Thought to Be Joke Followed Up By Rough Treatment; No Robbery.

(By Evening Herald A. P. Leased Wire) Pine Bluff, Wyo., Nov. 16.—This town is greatly mystified and excited over a "black hand" campaign which culminated early today in an assault on Irvin Mosser, clerk for a lumber company. Two months ago Mosser received a letter threatening blackmail. It was signed "Black Hand" although the letters are not suspected in the case. Ten days ago he received a second letter repeating the threats. Both missives were generally believed to be the work of practical jokers.

In the darkness early this morning two men waylaid Mosser and beat him to unconsciousness. On his person he carried the second of the "black hand" letters. This his assailants took, although he had on his person money, jewelry and valuable papers which were not molested.

STRIKE LEADERS IN TORREON CONFER WITH OFFICIALS

Menacing Condition to Foreigners is Considerably Eased, Though Refugees Report Bad Conditions.

(By Evening Herald A. P. Leased Wire) Torreon, Mexico, Nov. 16.—The strike outlook was improved today. The leaders in the movement which involved several thousand men and brought business almost to a standstill are conferring with the managers of the industrial plants with a view to adjusting the difficulty.

It is probable the smelters will resume operations under guard.

EIGHT THOUSAND MEN HAVE QUIT WORK
El Paso, Texas, Nov. 16.—Fifty-four refugees from Torreon, Mexico, who arrived here today say all foreigners will get out of Torreon today or tomorrow, as they are under continual menace there despite the retention of the garrison.

Eight thousand strikers are in Torreon and their number is augmented hourly from surrounding camps.

It is presumed that the situation in Torreon as described by persons arriving in El Paso refers to conditions in the Mexican city twenty-four hours or more ago. Direct dispatches from Torreon indicate the situation is less menacing to foreigners.

NO APPEAL NOW IN TRUST CASE

Decision of Circuit Court Approving Dissolution Plan for Tobacco Combine Will Not Go to Supreme Court.

(By Evening Herald A. P. Leased Wire) Washington, Nov. 16.—The decision of the United States circuit court at New York which approved the plan of dissolution proposed by the American Tobacco company, while the government may ask the supreme court to review the decision at any time within a year, it was learned today that Attorney General Wickham was not planning to do so at this time and probably will not.

INDEPENDENTS ARE DENIED PETITION

New York, Nov. 16.—The petition of the so-called independent tobacco dealers for leave to intervene in the government's dissolution suit against the tobacco trust was denied today by the United States circuit court. This indicates that no case probably will go on to the United States supreme court.

AVIATOR FOWLER IS AGAIN DELAYED

(By Evening Herald A. P. Leased Wire) El Paso, Texas, Nov. 16.—Walter Aviator Fowler attempted to resume his coast to coast flight here today but the machine collided with the branches of a tree. The aviator was not hurt but the machine was damaged. Fowler postponed his flight for repairs.

DARROW QUESTIONS COURT PROCEDURE IN M'NAMARA TRIAL TODAY

Decided Snap Enters Into Court Proceedings When Attorney for Defense Makes Sarcastic Remark.

TALESMAN ROSS HAS WEAK MEMORY

Couldn't Remember Subject of Last Sunday's Church Sermon; Was Not Sure He Could Remember Anything

(By Evening Herald A. P. Leased Wire) Los Angeles, Nov. 16.—With Clarence S. Darrow, chief counsel for the defense, demanding to know whether the court was being run according to legal procedure, the McNamara trial acquired a snap today which has not characterized the proceedings for some time.

Incidentally it became a question whether a man who cannot remember the text of last Sunday's sermon is qualified for jury service.

Talesman J. A. Ross, 53 years old, was the storm center of the proceedings which at times brought Darrow's voice to a shout of anger and brought repeated cautions from the court.

Ross, under questions designed to show incapacity, said he was of poor hearing and of poor memory.

"Were you in church last Sunday?" asked Darrow.

"Yes."

"What was the sermon about?"

"I can't remember exactly."

"Do you remember anything that was said?"

"No."

"You haven't had much education, have you?"

"No."

"You don't understand large words?"

"No."

Darrow turned to Assistant District Attorney Horton.

"Do you want any further showing?" he asked.

"There has not been any showing yet," retorted Horton.

"I'll keep on," said Darrow, and found that Ross could remember the names of no speakers at any meetings he had attended for months.

"If you sat for weeks or months and heard people talk could you remember what they said?" asked Darrow finally.

"No," said Ross.

"We challenge him," said Darrow.

To Judge Bordwell, Ross described with some minuteness his work for the past year and the judge dismissed the challenge.

Darrow began citing other instances and Judge Bordwell remarked that each case stood by itself.

"Then there are no rules by which we are governed on this coast, is that it?" demanded Darrow.

There was a moment's pause.

"The question is improper and the court declines to answer it," said Judge Bordwell quietly.

Darrow finally challenged Ross for bias and this challenge was allowed.

Talesman Herbert P. Ives, a Pasadena undertaker, followed Ross and was challenged for bias by Attorney Darrow after he had said he believed the McNamara brothers guilty and could not give a fair trial. The challenge was resisted by the state but allowed by the court.

J. J. Conroy, the last man of the sixth venire, took the stand.

BOILER EXPLOSION FATAL TO FOUR

(By Evening Herald A. P. Leased Wire) Auburn, N. Y., Nov. 16.—Four men, an engineer, an oiler and two deck hands, employed on construction work on the Seneca river section of the barge canal, were sealed to death in the explosion of a boiler.

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