NUMBER 298

THE CAMPAIGN THE COUNTRY OVER

In New York City Heavy Vote Will Be Brought Out-Ohio Somewhat Doubtful-Both Sides Claim Louisville.

effort in marshalling forces at the polls tomorrow the municipal campaign is at an end. Seth Low and Edward Shepard, the rival candidates for mayor, Justice Travers Jerome, fusionist nomince for district attorney of New York county and the other leaders on the two tickets have made their last speeches and except for a few scattering meetings there will be no more rallies.

Both sides are determined to bring out the heaviest vote possible and to that end the organizers will devote all of their time until the polls close tomorrow night. The eve of the election finds both sides apparently confident. The Democrats claim victory for the entire city ticket by from 30,000 to 40,000 majority while the Fusionists advance practically the same claim. The fusionists assert that they are certain of the defeat of Robert A. Van Wyck, the present mayor, who is a candidate justice of the supreme court. They also express great confidence in their ability to elect Edward M. Grout as comptroller. Grout was elected president of the borough of Brooklyn four years ago as a Democrat. The sharpest contest of all the bitterly contested campaign is between Justice William Travers Jerome Fusionist, and Henry Unger, Democrat, for the important office of district attorney for New York Each side claims success for its man with equal positiveness. The weather indications are favor-able and there will probably be a heavy

Richard Croker expressed himself as follows as to the result: "We are going to win. The figures we gave out last Saturday are conservative. Kings county will give a good majority for Sharest Silvers and Sharest Sha Shepard. Shepard will get a large ma-jority in New York county. I am not saying this to boast. Allowances have been made on all sides. The Democratic ticket from top to bottom will win in all the boroughs."

OHIO SOMEWHAT DOUBTFUL.

usually indefinite indications of the poll books and the general lack of interest have put the leaders to guessfident of winning, they fear that the small vote may reduce the pluralities that they expected on the state ticket and probably make the result in the legislature close on joint ballot for senator. The Democrats are depend-ing on their opponents being the greater sufferers from the shortage in the vote. They say the Republicans are having troubles in all of the larger cities on which they depend for their pluralities, that the rural districts are Democratic and not disturbed by local

New York, Nov. 4 .- Save for the final | differences as are the cities and that the accidents are all their way.

Local affairs enter into the election tomorrow more than usually. Besides a full state ticket and members of the legislature there are full county tick-In Cincinnati the vote on the extension of the lease of the Cincinnati Southern railroad is a most import-ant factor. In Cleveland, Mayor Tom

Johnson's taxation theory and factional troubles complicate the situation. In Toledo, the old centennial controversy and in Columbus "local option" and other questions are diverting attention from both national and state issues. In his last appeal to voters today Chairman Dick of the Republican state committee repeated the keynote of standing by the principles of McKinley and supporting President Roosevelt in carrying out the same. Chairman Dick predicted a larger Republican plurality than two years ago and a majority of il senators and of 30 representatives, or 41 on joint ballot if a rull vote is cast. Secy. Gilliam and Col. W. A. Taylor estimate the reverse and Taylor gives figures on a peculiar system of percent-

ages in the shortage of the vote The weather became very disagree-able last night and the indications are that it will continue cold and threatening tomorrow.

IOWA EXPECTS SMALL VOTE.

cold weather predicted for tomorrow it is the general opinion that the vote for the selection of state and legisla-tive officials will be small as compared with one year ago and even less than three years ago. There are five tickets, Republican, Democratic, Populist, Pro-hibition and Socialist. Apathy has ex-isted from the start. There has been hibition and Socialist. Apathy has existed from the start. There has been no prominent issue before the state, and the only speaking campaign conducted has been that of the Republicans, the Democratic candidate, T. J. Phillips, being content with a "hand shaking" tour of the state. The total vote anticipated will not exceed 420,000 as compared with 529,000 one year ago. There will be chosen a governor, lieutenant-governor, superintendent of public instruction, railway commissioner judge of the supreme court and members of the legislature. All concede that A. B. Cummins, Republican, will be elected Columbus, Ohlo, Nov. 4.—The campaign in Ohlo has been as quiet as it was short. The falling off of the registration in the larger citles, the understanding the supreme court and members of the legislature. All concede that A. B. Cumming, Republican, will be elected governor, and his majority is estimated by the Republican state chairman and the supreme court and members of the legislature. 77,000, while the Democratic candidate is willing to concede 40,000.

BOTH SIDES CLAIM LOUISVILLE. Louisville, Nov. 4 .- Democratic and Republican leaders were at headquar ters bright and early today and both sides refterated their claims of majori-ties, ranging from 5,000 to 7,000 in the city. The Democrats appear more confident than the Republicans, but the Republicans have worked harder than for years. Outside the city throughout the state, there has been almost no interest and surprises are looked for in the legislative race. tions are for fine weather tomorrow.

ARGUMENT IN SCHLEY CASE BEGUN

Mr. Hanna Opens for the Navy Department - Case May Go to the Court Thursday—The Admiral Had Few Corrections to Make-Two New Witnesses Called.

Washington, Nov. 4 .- Two new witnesses were before the Schley court of inquiry today, both of whom were called in the interest of Admiral Schley. They were Frankt B. Richards and Geo. Lynch, who went through the Cuban campaign as newspaper correspondents. Mr. Richards was on the press boat Premier and was called to testify concerning the interview with Capt. Sigsbee, while the latter was in command of the St. Paul off Santiago, in May, 1898. Mr. Lynch was on the Somers N. Smith and was called to relate his recollection of Capt. Sigsbee's com nunication to that boat concerning which Photo grapher Hare and Correspondent Scovil have already testified. Capt. Lemly submitted to the court a large mass of documentary evidence, including Capt. Goodrick's report, correspondent Goodrich's report concerning cable cut-Goodrich's report concerning cable cutting made on April 29, 1898; the reports made by Capt. Philip of the Texas, Capt. Higginson of the Massauchusetts, Capt. McCalla of the Marblehead, and Capt. Cotton of the Harvard, Commodore Schley's report of May 30; Capt. Wise's report of the operations of the Yale off Santiago; the log of the Spanish ship Cristobal Colon; Admiral Sampson's orders to Capt. Folger of the Scorpion; all the reports of the com-Scorpion; all the reports of the com-manding officers of the battle of July 3; Commodore Schley's letter to the Senate; one of Capt. Sigsbee's letter, and also a letter of the secretary of the navy to the Senate as printed in execu-

NO CHANGE IN PROGRAM.

There has been no change of the prosentation or argument by counsel Mr. Hanna will lead off for the government, and it was expected at the beginning of today's session that he would begin his presentation of the case at the afternoon sitting, but that he would not be able to conclude until tomorrow. Mr. Hanna will talk for about three hours, and will be followed by Capt. hours, and will be followed by Capt. Parker on behalf of Admiral Schley. It is expected that these we speeches will consume most of the court's time to-morrow, and it is now believed that Mr. Raynor for Admiral Schley, and Capt. Lemly for the government, will con-clude the presentation to the court on Wednesday and probably part of Thurs-

SIGSBEE RECALLED.

The first witness to take the stand today was Capt. Sigsbee, who was re-called for the purpose of correcting his former testimony.

While he was on the stand, Mr. Ray-nor arked him if he had megaphoned or otherwise communicated to the press boat Premier, while off Santiago, the fact that the Spanish fleet was not in Santiago. The witness replied that he

had not done so, although he would have been justified in saying so if the thought it proper under the conditions and Capt. Lemly announced that he had no more witnesses to call. Frank B. Richards was then sworn. Mr. Richards said he was on the dispatch boat Premier during the Santiago campaign and that the boat was hailed by Capt. Sigsbee on the night of May 27 or 28. At this point, Capt. Lemly objected to this line of evidence on the ground that Commodore Schley was not present during the conversation, also that it was not material to the issue. Capt. Lemly referred to the ruling of the court regarding the Potts-Sears con-versation, which had been ruled out, and claimed that this was exactly a parallel case. Mr. Raynor contended that this al-

leged conversation with Capt. Sigsbee is one of the vital points of the case; that it bears directly upon one of the most specifications of the precept. Mr. Raynor said he did not desire to impeach the credibility of Capt. Sigsbee, but would endeavor to impeach his recollection. After a short argument by Mr. Hanna in support of Capt. Lem-ly's objection, the court retired to con-sider the point raised. The court was absent but a short time. When it re-turned Admiral Dewey announced that as the testimony of this witness is not considered material to the case, the ob-jection is sustained in accordance with the court's previous ruling. Under this ruling neither Mr. Richards nor Mr. Lynch could testify and Admiral Schley took the stane for the purpose of correcting his testimony.

SCHLEY CORRECTS.

The admiral was suffering from a se-vere cold and his voice was quite hoarse. He began his corrections at the very first of his testimony. Most of these corrections were of typographi-cal errors or the changing of words to make sentences read more smoothly. In referring to his testimony regarding the sirival of the Harvard on May 27 with a dispatch from the secretary the navy informing him that "all of the department's information indicated the presence of the Spanish squadron at Santiago," which dispatch he had leclared had never reached him and there force he had never seen it or heard of it until recently. Admiral Schley cor-rected this portion of his testimony by stating that neither his flag lieutenant nor his secretary had ever seen the dispatch nor remembered it. He had previously included his first Heutenan in this statement. Referring to his tesony regarding the reconnaisance May 21, the admiral changed his statement that "fifty, if not more, shells passed over the fleet," to read that a number of shells passed over the fleet. He also changed his evidence concerning suspicions concerning movements in the harbor of Santiago, July 2, to read

that "before dark I noticed in the harbor a good deal of smoke coming up."
The official record, he said, made him say that he saw the smoke after dark.
Coming to his answer to a question in reference to an order sent below during the early part of the battle "To stand by to ram," Admiral Schley empha-sized his former testimony by stating that "There was a distinct intention to ram on the part of the Maria Teresa, Admiral Cervera's flagship, and the Viscaya,"

CONFIDENCE IN BROOKLYN'S SPEED.

He also reiterated his confidence in He also reiterated his confidence in the Brooklyn's speed by stating that "With one engine and all the boller power, she could have gotten up all speed that was needed. As to the passage of the flying squadron by the Eagle on May 19, and the latter's conveying the information that "There was no news," Admiral Schley corrected his testimony wherein he said he was not mistaken as to this, by stating that he might have been mistaken. might have been mistaken.

THE NEW YORK VISIT STATE-MENT.

Admiral Schley also corrected his statement regarding his visit to the flagship New York when he had made his preliminary report of the battle of July 3 to Admiral Sampson. The record, he said, did not make the matter quite clear, "The admiral said to me," continued the witness, "that I had omitted a very important detail, which was to state that the New York was

The witness corrected but one of his answers to the question of the court. This question was to the effect that as he was ordered to go to Cienfuegos to establish a blockade, was it not his duty, under the circumstances, to communicate direct, either by signal or otherwise, with the genior officers of the vessels returning from Clenfuegos and obtain from them full information re-garding the situation at or near that port. The answer, as corrected, reads: "The communication which he made to me through the Eagle indicated that Capt. McCalla knew I was bound for Cienfuegos, and I, of course, took it for granted, if he had had anything important he would have notified me of the fact without my inquiry."

HAS NO MORE CORRECTIONS. At this point Admiral Schley announced that he had no more corrections to make. Capt, Parker called the admiral's attention to the evidence of Capt. Sigsbee in which he had said that when he went on board the Brooklyn the whole question so far as he could remember, was coal, and nothing but coal, and that Commodore Schley already had made up his mind to go to Key West. "That was not the first question

Sigsbee asked me at all," replied Admiral Schley. "I did not say to Capt. Sigsbee that we were going to bey West, as the signal will show. Sigsbee was talking on the subject of coal, and since he mentions it I recall the fact that his statement was that he was commanding a vessel that was one-tenth of a mile long, and that she could not turn her engines over under 150 tons of coal a day, also that he could not remain there very long, that he would have to go to Key West." "Had you, as a matter of fact, mad-

your mind at that time, to go to Key West? "I had not." CONVERSATION WITH SAMPSON

Admiral Schley then referred to his garding his instructions about not bom barding fortilications as follows: "1 ought to mention in connection with telk I had with the admiral in melation to his instructions about not bombardine fortifications that I recall the fact that he and I were talking about the guns that were probably there, and I asked him whether he knew if they were Hontoria or Krupp guns, He sail: 'Probably both,' and that recalls the circumstances to me. And again in relation to the testimony of

Judge-advocate-I do not think the purpose of calling the witness to revise his testimony is to enable him to con-tradict witnesses who have been on the

Mr. Raynor-He can contradict any witness if we want him to do it. That is a remarkable statement. Your witnesses have a right to rebut ours, and we have not a right to answer them! Mr. Royes was an entirely new witness and he testified to something new, I asked the question if we would have the right to call up witnesses to con-tradict new witnesses and the court says of course we would; otherwise we would be bared out entirely. The judge-advocate—I think as Lieut. Royes is the only witness who remained

incontradicted I have no objection to Raynor-I think that is a great

mistake, that he is the only witness uncontradicted. I think there are fifty witnesses uncontradicted according to my recollection. That is a highly imroper remark for the judge-advocate

The judge-advocate-If the court please, I am to be corrected by the court only and not by counsel, who has frequently attempted it.
Mr. Raynor-I suggest, may it please

the court, that during the trial of this case it is highly improper and objectionable for the judge-advocate to say that this is the only witness that is un-contradicted. It is objectionable because it is not a fact. That remark means to say that Commodore Schley has contradicted every witness on the stand. It is highly improper, highly

COURT HAS NO OBJECTION.

Admiral Dewey-The court has no objection to the admiral's reference to Admiral Schley-I merely wanted to

say in connection with Lieut. Royes' testimony that I heard nothing of the protest which he speaks of—of the de-stre of Lieut. Southerland to coal. I am quite sure he is mistaken about that, because it would have been im-possible that day for the ship to coal.

SCHLEY FINALLY EXCUSED.

Admiral Schley was then finally ex-cused and Capt. Lemly offered a large number of documents as evidence. The report of Capt. Goodrich on cable cut-ting was objected to and Capt. Lemly withdrew it. Among this documentary evidence was a letter of the secretary of the navy to the president of the Senate dated February 6, 1899, in response to the Senate resolution of January 23, 1899, submitting facts and military records affecting the proposal that cer-tain officers in the navy be advanced according to the nominations sent to according to the nominations sent to the Senate on December 7, 1898. The proposition of Capt. Lemly to introduce this letter as evidence occasioned con-siderable discussion, Mr. Raynor objecting to any ex parte statements being made a part of the record. It was inally decided that the letter should not go into the printed record in the case, but that it may be referred to in

Capt. Parker stated that there were Capt. Parker stated that there were two letters among this documentary evidence, one of them being a criticism of the conduct of Admiral Schley by Admiral Sampson.

"We object." he seid. "unless we can bring Admiral Sampson to the stand."

Capt. Lemly said he challenged him to produce that letter from Admiral

to produce that letter from Admiral

Sampson. This Capt. Parker did, but Capt. Lemly stated that it was not embraced in that part of the documentary evidence he desired to introduce. SCHLEY'S COMMISSION OFFERED.

Before taking the usual recess for luncheon, Mr. Raynor offered in evidence the commission of Admiral Schley, and when asked if he had any schley, and when asked it he had any objection to its going in, Capt. Lemly replied, "None at all," but called attention to the fact that it was a commission dated Aug. 19, 1899, issued during a recess of Congress, and that the words "nominated by and with the advice and consent of the Senate" were stricken out. "It will appear," said Capt. Lemly, "of course, exactly as it appears here."

Capt. Parker—This compulsate.

Capt. Parker-This commission was issued under the law that authorized it "for gallant conduct in battle. In reply to a question by Admiral Dewey, Capt. Lemly said:

"It is signed by the President. It was a recess appointment, but the court will remember none of those ad interim appointments was confirmed by the Senate."

VALUELESS IF NOT CONFIRMED. Admiral Dewey—It is valueless if it has not been confirmed by the Senate. It can go in but it has no value of

At this point the court took a recess When the court convened after re-cess, Admiral Dewey handed to Capt. Lemly and the latter read the follow-

ing announcement:
"The court states that while it has admitted to its records the document presented by counsel for the applicant which was issued to the applicant by the President of the United States on Aug. 10, 1898, the court does not recognize such document as the commission under which the applicant holds his present office in the navy."

ARGUMENT BEGINS.

Immediately after the reading of this statement the argument in the case was statement the argument in the case was begun. Mr. E. P. Hanna, assistant to Judge Advocate Lemly, opening for the government. Mr. Hanna began his presentation of the case by referring to the fact that in May, 1898, the coast of the United States was menaced by the Snanish fleet. This, he said, was a critical time. The seaboard cities were exposed to attack. Military operations were pending for the relief of Havana, but they could not be carried out while the whereabouts of the Spanish fleet was unknown.

out want the whereabouts of the Spanish fleet was unknown.

Mr. Hanna told of the arrival of the
flying squadron at Key West and read
a number of preliminary orders to Commodore Schley. Speaking of the run
of the flying squadron from Key West
to Clentuegos, Mr. Hanna claimed that the trip was not made as expeditiously as possible. He cited the fact that the

lows, which went by way of Havana, made much better time.

Continuing, Mr. Hanna related the particulars of the meeting retween Commodere Schley and Capt. McCalia fuegos. "Capt. McCalla," he rai", "did not know that Commodere Schley was on his way to Cienfuegos, while Commodore Schley did know that McCalla had been there. Under such ci cumstances," he continued, "the ordinary rules governing the introduces between senior and implementations of the course between senior and junior officers did not pe tain. In that case the burden of ca'ling for information was placed upon the senior officer. Yet it is in evidquest anything from Cipt. McCalla."

The meeting with Cipt. Chester, of Cincinnati, also was referred to and the circumstrates that patwithstanding he had no information to impart, he was taken aboard the Brodelen and the flying squadron detained for an hour and 25 minutes to permit a conversation with bim on the part of the coin-This incident was contrist d. with the delay in proceeding to Cien-

Mr. Hanna also referred to the arr'val at Cientuegos, speaking of the reports of guns heard by Admiral Schley and the meeting with the British th'p Adula.

SAMPSON'S ORDER READ.

Mr. Hanna then read the order of Admiral Sampson Schley, dated May 19, 1898, directing the latter to take steps to prevent the enemy from continuing work on the new fortifications at Cienfuegos. "It does not appear," centinued Mr. Hanna, "that any steps were taken to prevent work on those new fortifications. In fact this order wes not, so far as the testimony shows, in any way regarded. No gun was fired at Cienfuegos by the flying squadron for any purpose except by Capt. McCalla, who asked and obtained permission to knock down a block house some miles from the en-trance to the harbor."

McCALLA'S SIGNAL CODE.

He discussed the question of McCalla's signal code for communication with the Cuban insurgents on the shore at Cienfuegos at some length. He said that while Capt, Cook had stated that the lights provided for in that code first appeared on May 22, Admiral Schley had stated that they were not visible until the night of the 23rd. Other witnesses had placed the date at the 22nd. This, Mr. Hanna said, he considered an important point for if the lights were seen on the 22nd, the circumstances connected with the McCalla memoranda would have rendered it incumbent upon the commodore to investigate hem. Moreover, an investigation would have developed the fact that the them. lights were located at the point where McCalla's memoranda showed that there was a cove where landing would be feasible.

The surf was examined, as the testimony shows," continued Mr. Hanna, "by the ships which were a considerable distance from the shore and was not more closely inspected. No attempt to land was made by any boat."

OBERLIN M. CARTER CASE. Motion Made to Advance it on the Supreme Court Docket.

Washington, Nov. 4.-In the United States Supreme Court today a motion was entered by A. A. Hoehnling, Jr., to advance on the docket the case of Oberlin M. Carter. The case is an applicaa part of the proceeding in Capt. Carter's case to secure his release from the pentientiary. It comes to the Su-Court on an appeal from the United States district court of Kansas. The court took the motion under ad-

Four Young Men Drowned.

Michigamme, Mich., Nov. 4.—Four prominent young men of this village, Geo, W. Levin, Abel Levin, Emil Carl-son and Albin Carlson, were drowned last night in Lake Michigamme by the capsizing of their boat during a storm.

Hearst Contempt Case Continued.

Chicago, Nov. 4.-A continuance in Chicago, Nov. 4.—A continuance in the contempt proceedings against the editors of Hearst's Chicago American was ordered by Judge Hancey today, the case being set for tomorrow, Counsel for the defense, however, filed an answer to the bill of information charging contempt. A change of venue and a trial by jury was asked for. The answer asserted that the matter published in the paper was in no way intended to embarrass the court, or to in-timidate it, as charged. Wm. R. Hearst, the paper averred, is not re-sponsible for what appears in the pa-per, being merely the majority stock-holder. It is also stated that if the newspaper has printed matter placing those in question in contempt in court, Andrew Lawience, the managing editor, should alone be held, as he is respons-ble for all that goes into the paper.

Prominent Politician Killed.

Manchester, Ohio, Nov. 4.—Fritz Maer, a prominent Democratic politi-cian, has been shot and killed by Ike Hill, a deputy marshal. Ed. Evans, former deputy marshal, was slightly in-jured while acting as peacemaker.

King Edward's New Title.

London, Nov. 4.—King Edward, at a meeting of the privy council today signed the proclamation giving him his new title as follows: Edward the Seventh, by the grace of God, of the United Kingdom of Great Britain and Ireland, and of the British

dominions beyond the sea, king, de-fender of the faith, and emperor of In-Western Railway Situation. New York, Nov. 1.—J. Pierpont Morgan, J. J. Hill, Daniel Lamont and Robert Bacon were in conference for

Big Fire in New Orleans.

some time today. It was believed that they discussed the railway situation in

the West.

of thousands.

New Orleans, Nov. 4 .- Fire broke out today at Jennings, a town where an oil gusher was brought in a few weeks ago, and which is now crowded with prospectors, consuming at least twelve business houses entirely, including the bank of Jennings and the leading hotel. A high wind prevails and the fire is still raging. No lives are lost but the prop-erty damage will amount to hundreds

Sustain Turkish Demonstration.

Paris, Nov. 4.—After a speech delivered by the foreign minister, M. Delcasse, today, the chamber of deputies sustained by a vote of 305 to 77 the government's action towards Turkey.

Gant May . acceed Funston.

Kansas City, Mo., Nov. 4.—It is statshortly apply for leave of absence from the Philippines and return to the United States on a visit. It is said that he is recovering rapidly from the operation for appendicitis recently undergone at a Manila hospital. Gen. Fred. D. Grant will, it is said, likely succeed Gen. Funston in command of the San Fernando district.

Holland Accepts England's Terms. London, Nov. 4.-At today's session

of the South African compensation com-mission, Maj.-Gen. Sir John Ardagh, the representative of the government, announced that The Netherlands had accepted Great Britain's terms for thsettlement of the claims of the Dutch subjects for damages as the result of their expulsion from South Africa.

AFTERNOON MINING CALL. Prices Much Lower - Carisa and Uncle Sam Down-Ajax Weaker.

Prices were much lower this afternoon. A sharp decline took place all down the line excepting in Ben Butler which advanced to 17½. The call was not through when the "News" report closed, but it showed a drop of 5 cent a snare in Carisa and Uncle Sam compared with this morning's prices. former sold down to \$1.16½, while the latter changed hands at \$1.02. Ajax was active at \$7½. May Day released 12,000 shares between \$1.141/2 and \$1.101/2 Pesora declined to 48%, while South Swansea was unusually active between 36½ and 346. Star Consolidated let go 2,000 shares at 35 and 34. Dalton sold

dunnummunummunummunt POLITICAL POINTERS.

grammannamannamang

The Democrats will hold their big rally at the Theater tonight. Senator Rawlins will preside and the speakers will be J. C. Leary, O. W. Powers, H. P. Henderson, W. H. King, Fisher Har-ris, Major R. W. Young and James H. Moyle, Held's band will furnish the

The Democratic social given Saturday afternoon at the home of Dan Wegge-land, 372 east Sixth South street, was addressed by J. C. Leary, F. B. Stephens, Matt Thomas and Morris Sommer.

A Democratic social was held this af-ternoon at the home of Mr. E. M.

Mr. Leary's letter to the wheelmen is as follows: Messrs. C. J. Berry and H. S. Anderson, committee of the Wheelmen's Protective association. Gentlenen:-In reply to your communication of October 15, in which you ask me to define my position in relation to the interests of the wheelmen of this city, permit me to say:

That I heartily indorse and approve the action of the Democratic conven-tion in the expression of an intention to recognize the rights of wheel riders of this city. It is in the line of progress and we are late, as it is, in extending protection and their measure of favor a numerically large class of our citizenship.

I am elected mayor in the coming nunicipal contest, I shall exert my in-fluence for the removal of such re-strictions as new work hardship to riders without benefitting correspondingly the walking and driving public. I certainly believe that provision can be nade in these wide streets, now "re-stricted," for the exclusive use of bi-cycle riders, and that mexpensively: and my inclination would be if elected mayor, to promote such a movement and protect wheelmen in their use of the privileges an ordinance gave them

I have carefully noted the reasons which you set forth in support of the claims made by your organization and n a general way approve of the conclusions stated. My party has piedged me to a thoughtful consideration of the rights of all wheelmen, and it gives pleasure to assure you that my in-clination runs with the plank in our platform to which your first question alludes. Faithfully yours, J. C. LEARY.

LATE LOCALS.

The many friends of Miss Karma Thatcher, who was dangerously ill from pneumonia on Sunday, will be pleased to learn that she is reported as being much better today.

B. M. Ellerbeck underwent a critical operation at St. Mark's hospital today. One of his kidney's was removed and he is cetting on as well as could be expected under the circumstances.

The Alabama Mining company today incorporated with a capital stock of \$10,000 The directors are C. D. Rogers, president; Joseph M. Smith, vice presi-M. Nielsen, secretary and

LINING UP FORCES FOR TOMORROW.

Chairmen Eichnor and Foulks Both Claim Victory for Their Parties-Only a Question of Majority.

Democratic-is to direct the affairs of Salt Lake City for the next two years,

presented an air of unusual activity about the respective headquarters. In fact it looked more like campaign time than any day since the tickets were put in the field. Notwithstanding the air of certainty that prevails, or appears to prevail in each of the camps, no definite information as to the outcome an be secured. Of course both Republican and Democrats have made careful canvasses of the voters with a view to ascertaining their political pre-dilections as applied to the issues which will be formally passed upon tomorrow But these canvasses, it is admitted. liable to disclose some strange things. Conservative criticens, regardless of bolitics, say there will be much scratching—probably more than ever before in a local campaign. Should this be true, and the indications are that it will be it can be easily seen that wise indeed is the man who knows what the morrow will bring forth.

EICHNOR SURE OF TRIUMPH.

Tomorrow will determine which of | man Dennis C. Eichnor today. "I base the two political parties—Republican or this conclusion on a conservative estimate of the canvass. I don't think the doubtful vote is any larger than usual, and I don't think there will be so much While the leaders of each parties claim they will be victorious, it is pretty rearly certain that no man knows what the verdict of the voters will be until after the polls close at 7 o'clock. In fact it will be nearly three hours later before the result will be known in detail over the city.

Today, the last before the battle, let their actions speak for themselves. All the preparations for the election have been made and I expect the day to go off quietly, and after the ballots are counted this city will still be Salt Lake, one of the grandest cities in the

FOULKS EXCEEDINGLY HOPEFUL.

Chairman John R. Foulks is the busiest man around Democratic headquarters. When seen this afternoon he said: "I never felt more hopeful than I do today," said he. "Of course I would not venture to place an estimate upon the majority that we will roll up, we can tell better about that after the election. There will be a large secret vote, out we have the platform and the men and there is therefore every reason to believe that we will elect every man on

"What I am most fearful of," con-tinued Mr. Faulks, "is the illegal vote. I don't wish to charge a crime, mind ou, but a great many people have registered under a misapprehension of the law. I know of several people who have registered in districts where they "The Republicans will win by 1.400 have not lived over ten days, and the majority," was the statement of Chair-law requires a residence of sixty days. have not lived over ten days, and the

CLAMOR FOR LUKE'S CONVICTION.

Mail Brings Many Letters to Justice Niclsen Asking Him to Find Famous Collector Guilty of Forgery-Say Public Would Call Him Blessed.

Contrary to general expectation, Jus- | and on the streets, and I have received tice C. M. Nielson did not render his numerous letters telling me I have the decision in the Luke forgery case this afternoon. Both counsel for the state will hold Luke to answer to the charge, and defense have submitted a mass of One man assured me that there was authorities on points of law raised in more interest in the case than in the the case and Justice Nielson said it would be impossible for him to decide against the defendant.

the case before Wednesday afternoon.

Coming election, and that I will but decide against the defendant.

But I told them all that it made no The main point raised is that if one of the employes of the association of which Luke is manager, signed the copy of the summons, that Luke is not guilty. The court will have to decide just how far the defendant is responsible under those circumstances.

Justice Nielson said this afternoon

that it was surprising the amount of sons have been to see me at my office, and he will get it."

opportunity of my life; that I will

difference to me what people thought about it, that I had a duty to perform and I was going to go according to the law and the evidence, and that I didn't care whether it was Luke or any other man, he would get a fair trial. I asked these people, 'How would you like to be tried on a serious charge and convicted on public opinion?' and that interest taken in the case by all classes generally settles them. Luke is en-of people. He said: "A number of per-

RECEIVER'S REPORT HEARD

It is Filed by A. T. Moon in Daisy Gold Mining Case.

Numerous Objections Made by Creditors After Which a Postponement is Ordered Until Saturday.

Judge Stewart's time was occupied this morning in hearing the report of Receiver A. T. Moon, of the Daisy Gold Mining company, and the objections raised by the host of creditors. The case is entitled "Seward H. Fields, trustee, and the Bank of Commerce of Salt Lake City vs the Dalsy Gold Mining company of Omaha, Neb., A. T. Moon, receiver," and 66 other defendants. After hearing the case till noon the court continued further argument till 2 o'clock on Saturday. The attorneys who appeared in the case were E. B. Critchlow, of Pierce, Christchlow and Barrette, for plaintiffs, J. E. Frick, of Frick and Edwards, for the Daisy Mining company and other defendants, and C. S. Patterson of Patterson and Moyer

for G. W. Popp.

The history of the case is of considerable interest. In May, 1900, S. H. Fields, as trustes for certain creditors, dvertised the sale of property of the Daisy Gold Mining company, claims were about \$25,000. In o In order to block the sale, one G. W. Popp rushed into court at Tooele and procured from Judge Cherry, who was then on th bench in the civil division of the Third district court, the appointment of A. T. Moon as receiver. He immediately brought suit against Fields to enjoin This procedure tied property up, with the result that no sale has yet been made.

In the meantime Fields and all the other creditors brought suit against the Daisy company to enforce their liens A trial was had and judgment rendered in their favor, but no final decree or order of sale was entered for the rea-son that the court was unable to say how much should be entered as a preferred lien against the Dalsy company's property on account of the fees expenditures, etc., of the receiver, trial of the case of Popp against the Daisy company resulted in a judgment against Popp and a finding of the of the Mining company, and had neve acquired any right to act in that ca pacity. Moon has now filed his ac ount as receiver and wants reimburse ment for certain expenditures and sala-ry and compensation for his attorneys. Patterson and Moyer. The company and the creditors object to every from except those for watchman and insur-ance of the property.

The hearing commenced today was Lawso for the purpose of determining what the ca claims the company will allow and to court.

what these amount in order that they may be made a preferred lien against

the property. Personal Damage Suit.

Trial of the damage suit of Nancy J. Trial of the damage suit of Nancy J. Nienols against the Oregon Short Lane Raliway company which was interrupted some months ago out of respect to Attorney P. L. Williams, general attorney for the Oregon Short Line, whose wife died white Mr. Williams was defending the company in the will be a reconstructive before lines. suit, was re-commenced before Judge Morse and a jury this morning. The action is brought by Mrs. Nichols to recover \$25,000 damages for alleged injuries sustained by her in a wreck of an Oregon Short Line train, between McCanngon and Bancroft. Mrs. Nichols testified that she was tarown violently to the floor of the car, her sister-in-law, Mrs. Hansen, falling on top of her; that she was knocked renseless. She also testified as to the injuries she had received and as to her

W. N. Whitecotton.

permanent disablement. Plaintiff is represented by H. S. Tanner and the company by George H. Shath and J.

Short Court Cases. The complaint has at last been filed in the suit brought by Gus S. Holmes against Hernblower & Weeks, which was commenced on October 26th. Plaintiff alleges that on May 8th he placed 200 shares of American Sugar Refining stock with defendants, who are New York and Boston brokers, with orders claims that it did reach that point on two separate occasions, but that the brokers sold it on September 16th at \$127, and he asks judgment against

them for \$4,800 Rodney E. Wilcox today petitioned the probate court to appoint him guar-dian of the estates of Bessie D. and Redney Elroy Wilcox, miners, who re cently inherited real property in Salt Lake City and cash on deposit in Zion's Savings bank amounting to \$5,648.23. The hearing was set for November 22. Judge Hall today continued the case of Sarah Everard vs A. E. Hyde until Saturday, Nov. 9th. This is a suit brought to recover \$2,571 claimed to be a balance due on two promissory notes.

Murder Appeal Dismissed.

On motion of Attorney General Breeden, the supreme court today dismissed the murder case appeal of George Bates. The appellant, it will be re-membered, killed John Nordstrom in Tooele county, in October, 1895.

Cases Transferred.

In the case of L. M. Lawson et al vs. the United States Mining company, Judge Hail this morning ordered the case transferred to the United States circuit court. Superintendent Maycircuit court. Superintendent Maypany was examined for contempt of court and discharged, but the order to show cause against Holden and Bradley remained in force. They will have to answer on their return to the city. The restraining order against Lawson et al will remain in for the case is disposed of by the circuit

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