

LAST EDITION.

TUESDAY EVENING.

TOPEKA, KANSAS, NOVEMBER 2, 1909.

TUESDAY EVENING.

TWO CENTS.

VOTING BRISKLY.

Considerable Interest Shown in Commission Form Election.

Fair Weather an Aid to Securing Full Vote.

IS NOT MUCH TALK.

People Generally Cast Ballots Without Comment.

Polls Will Close at Seven O'clock This Evening.

Election day dawned clear and in every way favorable to a heavy voting at the polls. At 6 o'clock when the voting began in many of the precincts there were people eagerly waiting to cast their ballots, and the voting continued throughout the early morning in a brisk manner in marked contrast to the scattering vote that came in during the morning in connection with the recent bond election. The voting started out the heaviest in the fourth precinct of the Fourth ward as far as reported, nearly sixty persons having visited the polls by 8:30 o'clock.

If everyone who is qualified to vote today casts a ballot it will take 3,936 votes in order to win the day for the advocates of the commission form of municipal rule, but it is safe to say that there will be several hundred people at least who will not vote for various reasons and a smaller number of votes in favor of the plan will be sufficient.

Those interested in the commission plan expect to contend for the vote, but there are others who claim that the proposition will be defeated. It is certain that the election will not be won by either side by an overwhelming majority.

The women are taking an active interest in the voting today and for the most part they are in favor of commission government, but their influence to convert their uninformed friends for the new plan.

At an early hour it was impossible to tell in whose favor the voting was going. The polls will close at 7 o'clock this evening and not 6 o'clock as was stated on a circular which was sent to the voters.

Young Support Plan.

The polls will close this evening at 7 o'clock in connection with today's election which decides whether or not Topeka will adopt the commission form of government to replace the form in vogue at the present time, which was handed down by our forefathers. The first returns will be in by 8 o'clock and it is possible that the election will be decided by 9 o'clock.

The voting throughout the day, while not particularly heavy, has been considered in every way a satisfactory vote, and has been as heavy as was expected. The voting started out briskly on account of the men visiting the polls on their way to work, but subsequently there was a slight let up in the pace. The voting became more lively. It was then that the majority of the women voted.

In connection with a tour of the precincts made by a State Journal reporter some interesting facts were ascertained. As a rule those belonging to the older generation among the men are against the commission plan, while the younger men who are taking an active part in the business and civic affairs of the city are for the most part in favor of this form of government, and the advocates of the plan maintain that this goes to prove that it is a progressive system of city administration.

Women Favor Proposition.

The women to a large degree are in favor of the commission plan, and even though in a few instances their husbands have been known to oppose it. To illustrate this point during the morning Mrs. C. P. Fuller conveyed 50 women to the polls in the fourth ward of the Third ward, and out of this number exactly 50 voted in favor of the commission plan. It might be said that 50 women was the total number called to the polls, but it is a fact that the women were not taken to the polls on account of an unfavorable attitude towards the proposition which is being voted upon.

It seems that about 90 per cent of the colored people are decidedly opposed to commission government on account of believing that under the new regime the colored people would not get the consideration which is due them, and they also believe that they would have to go through such rigid examinations in order to secure a position under the new plan, which is impossible for them to get a job. A good many of the colored people, however, especially the women, are not sufficiently interested in civic affairs to make the effort to get to the polls.

Expect to Lose Two Wards.

While it would be difficult to predict the exact outcome of the election the advocates of the commission plan are firm in the belief that the proposition will carry, but not by an overwhelming majority. The opponents of the plan have little to say, although a few of them are sufficiently sanguine as to believe that they will carry the day.

The First and Second wards might be placed on the doubtful side. The Third ward will in all probability carry. In the Fourth ward, the second precinct is voting down the plan. German and colored elements being represented, but the ward as a whole is conceded to be for commission government. The third precinct of the Fifth ward is opposing commission rule on account of the attitude of the colored people, but has been estimated that the ward as a whole will carry two to one. The Sixth ward seems to be heartily in favor of the proposition.

One point that is favoring the advocates of the plan which is being voted upon is the fact that there is no systematic effort being made in the way of seeing to it that the people turn out to the polls, while on the other hand the "hunk, hunk" of fifteen automobiles can be heard this afternoon in the various parts of the city as they bring the voters to the polls. There are a number of women who have made untiring efforts in the interests

MAKING A CHOICE

Campaign Issues Are Being Decided by Ballot.

Party Lines Badly Shattered in New York City.

LITTLE BETTING DONE

Odds on Gaynor Still Remain at Two to One.

Democrats Are Fighting Hard for Control of Cincinnati.

New York, Nov. 2.—Nearly three-quarters of the registered vote in New York's triangular majority election had been cast by 2 o'clock today. Managers of the campaign declared that it had been one of the quietest elections in the city's history and one in which few illegal votes had been cast. The weather was cloudy during the day, but that did not deter the voters from coming out.

A score of arrests were made for illegal voting, but many of the alleged offenders were discharged by the courts. The police reported no trouble. Cloudy and threatening weather throughout New York state together with the fact that no state officers were being chosen kept the vote to normal proportions or less.

The chief contests were for members of the assembly in many of which the direct primaries issue was involved. The weather was clear this morning though there was prediction of showers before the day was over.

Managers of Otto T. Bannard, Republican-Fusion candidate for mayor; Judge William J. Conynor, Democratic nominee for mayor; and William R. Hearst, leading the Civic Alliance ticket, all confidently predicted victory. There was little betting early today, as the leaders learned that party lines had been shattered in the three-cornered campaign.

Gaynor was favorite at 2 to 1. There was much splitting of tickets reported in all parts of the city. Robert Taft, son of President Taft, came down from New Haven, last night with several classmates of Yale, to do duty as a Republican watcher at a voting place in a little store on Third avenue.

CUTS OFF THEIR HEADS

Daniel Schocke Kills His Wife and Daughter, Then Shoots Himself.

Pottsville, Pa., Nov. 2.—One of the most terrible tragedies that ever shocked this county took place last night at Pine Grove, near here, when Daniel Schocke, a butcher of that place, cut off the heads of his wife and daughter, and then committed suicide by shooting himself. The discovery was made today when neighbors who became suspicious that something was wrong when there was no sign of the man, broke open the front door. They found Schocke lying on the first floor and the bodies of the wife and little girl in a bed on the second floor.

A large butcher knife on the floor showed how the murders had been committed. Schocke had covered the bodies with bed clothing and after writing a note telling what he had done he went down stairs and shot himself through the head. Death in his case was instantaneous.

Schocke was 55 years of age. He was rather peculiar and several times failed in business, but relatives came to his assistance each time and gave him a new start. Last evening he took his lodge books to the home of a relative with other possessions, indicating that he premeditated the murders.

FIRE IS OUT.

No Serious Damage to Pike's Peak Forest Reserve.

Colorado Springs, Colo., Nov. 2.—Prompt action on the part of citizens and volunteers from Colorado college, saved a threatened fire in the Pike's Peak forest reserve, which started yesterday afternoon. The flames were started by a locomotive but were put out without serious damage.

LABOR MEN LOSE.

District Court of Appeals Affirms the Decree

Adjudging Gompers et al. Guilty of Contempt.

SHEPHERD DISSENTS.

Basing His Conclusions on Constitutional Grounds.

Case Grew Out of the Bucks Stove Co. Boycott.

Washington, Nov. 2.—The district court of appeals today affirmed the decree of the supreme court of the District of Columbia adjudging President Samuel Gompers, Secretary Frank Morrison and Vice President John Mitchell of the American Federation of Labor, guilty of contempt of court, in the Bucks Stove and Range case.

Chief Justice Shepherd dissented from the opinion of the court on constitutional grounds. He based his dissent on the fact that the fundamental issue was whether the constitutional agencies of government should be obeyed or defied. The mere fact that the defendants were the officers of organized labor in America, said the court, lent importance to the cause and added to the gravity of the situation, but it should not be permitted to influence the result.

"If an organization of citizens, however large," the court held, "may disobey the mandates of the court, the same reasoning would render them subject to individual defiance. Both are subject to the law and neither is above it."

"If a citizen though he may honorably believe his rights have been invaded, may elect when and to what extent he will obey the mandates of the court and the requirements of the law as interpreted by the court, instead of pursuing the orderly course of appeal, not only the courts but government itself would become powerless and society would be reduced to a state of anarchy."

The action of the supreme court of the District of Columbia in sentencing Gompers, Mitchell and Morrison to 15, 9 and 6 months' imprisonment in jail respectively, was the result of the failure of these three defendants to obey the order of the court directing them to desist from placing the Bucks Stove and Range company of St. Louis on their "unfair list" in the prosecution of their boycott against the corporation.

Origin of the Case. While omitting the name of the corporation from the unfair list of the federation, Messrs. Gompers and Mitchell continued to keep alive the boycott by frequent reference to it in the Federationist, official organ of the federation.

Mr. Mitchell was involved in the trouble by reason of his membership on the executive board of the federation and because it was alleged he had made no effort to prevent the adoption of a resolution at the convention of the United Mine Workers of America in antagonism to the Bucks Stove and Range company.

The result of the boycott it was said, was to cause a decline in the business of the stove and range company of 50 per cent.

The boycott placed by the federation against the products of the Bucks company grew out of a fight made by the Metal Polishers' union and supported by the federation for an eight instead of nine hour day. This was rejected by the company and the Federationist published the name of the Bucks Stove and Range company under the caption of "We don't patronize."

MURDOCK IS SINKING.

Aged Editor Suffers Relapse and Condition Is Serious.

Kansas City, Mo., Nov. 2.—Colonel T. B. Murdock, editor of the Eldorado Republican, who is ill here, suffered a relapse last night and today his condition was regarded as critical. Dr. William F. Kuhn, the attending physician, said Colonel Murdock's advanced age was against him.

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ROBBER CAUGHT AT IT.

Was Looting the Postoffice When Captured by Citizens.

Richards, Mo., Nov. 2.—A number of citizens surrounded the postoffice here early today and captured a robber who was looting it. He gave his name as Elmer Nichols, his age as 17 years and said his home was in Sedalia, Mo.

Nichols made no resistance when L. D. Huffaker, cashier of the bank at Richards, pointed a revolver at him. He was taken to jail at Nevada, Mo.

INITIATION WAS FATAL.

Negro Masonic Ceremonies Caused Death of Candidate.

Kansas City, Kan., Nov. 2.—Fright from "riding the goat" at an initiation of the Compact Masons, a negro Masonic lodge of this city, caused the death early today of Alchis Hunly, a negro.

Hunly was seized with hemorrhage following the initiation ceremonies. Silence reigns among the members of the order as to what particular part of the ceremony frightened Hunly. All declare they can not violate their lodge oath by talking.

BYRNE FUNERAL IS HELD.

Cadet Who Lost Life in Football Game Given a Military Burial.

West Point, N. Y., Nov. 2.—Cadet Eugene A. Byrne, who died on Sunday as the result of injuries received in the second half of the Harvard-Army football game, was given a military burial in the academy cemetery here today.

The funeral was attended by the entire body of cadets, the officers of the academy and the army post, and by scores of friends of the young soldier. The parents of Cadet Byrne stood beside the grave.

Proceeding the interment, the cadet battalion marched, to the beat of muffled drums, to the Roman Catholic chapel of the reservation, where the religious ceremonies were held.

There were many floral pieces. The post will be in mourning for 30 days.

ON TRACK OF MINER.

Missing Edison Solicitor Is Traced to Brooklyn.

Norman Mienhold, alias Norman Miner, the missing solicitor manager of the Topeka Edison company, has been traced to Brooklyn, N. Y., by Sheriff Norton. Miner is wanted in Topeka for obtaining about \$1,000 from local merchants by false pretences just before he left and a reward of \$50 is offered for him. He obtained the money by cashing checks on the Capital National bank at the various stores when he did not have the money on deposit.

The departing manager was located by strategy. He had been married but a year to his young wife who was Miss Anna Nathanson. Shortly after Miner's departure it was learned she had gone to the small town of Severance in Doniphan county where she had some relatives. Sheriff H. D. Kent of that county was apprised of her whereabouts and asked to watch her.

Sheriff Kent secured the assistance of the postmaster at Severance who watched the lady's mail. Letters came from Brooklyn, N. Y., where Miner's father lives and it was suspected he had gone there. The postal order from her husband for \$75 was cashed at the postoffice one afternoon and that evening she took the train. The ticket agent said she had bought the ticket for Brooklyn.

Sheriff J. D. Norton had written twice to the Brooklyn authorities to pick Miner up. To the second letter they reply that they did not get the first. The description has been sent again and it is expected that the hunted man will be picked up at his father's, S. Mienhold's, home.

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The proceedings against the officers of the federation were begun August 19, 1907, by the stove and range company. After a comprehensive hearing Justice Gould of the supreme court of the District of Columbia, issued a temporary injunction restraining the defendants from prosecuting a boycott on the business and products of the Bucks company. Later this injunction was made permanent.

Parker for the Defense. In the appeal of the case to the court of appeals of the District of Columbia.

STILL OWES \$400,000.

Commissioner Has Paid More Than Half a Million to Depositors.

Oklahoma City, Nov. 2.—More than half million dollars contributed by the state banks under the deposit guaranty law has been used in paying depositors of the insolvent Columbia Bank and Trust company which failed more than a month ago, and there remains more than \$400,000 in deposits to be paid with only \$112,312 in cash on hand to pay them, though sufficient assets apparently are available to provide for the remaining deposits according to a preliminary statement issued by A. M. Young, state bank commissioner. The statement also declares that James Menefee, treasurer of Oklahoma, owned \$25,000 of the stock of the bank; that he owed the bank \$200,000, half of which has been paid and the other half has been secured by additional collateral; and that a total of \$450,000 of public funds were in the bank when it failed, all of which was secured by specific collateral and part of which has been paid. These public funds included \$188,000 of state treasury money, \$100,000 of school funds, and \$75,000 of the guaranty deposit funds.

When the bank failed it had \$1,166,747 of individual deposits and \$1,295,285 of deposits of other banks.

Substantially remaining to be liquidated amount to \$1,125,000 and for this purpose the bank commissioner has total assets of \$1,768,000, including \$661,000 assigned after the failure by W. L. Norton, the bank's president and others.

Hoppe to Meet Morningstar.

New York, Nov. 2.—Willie Hoppe has accepted the challenge of Orpa Morningstar, the Chicago billiard player for a championship 18.2 game with a side bet of \$2,500. This follows the recent efforts to revive interest in professional billiards.

Memphis Pioneer Dies.

Memphis, Tenn., Nov. 2.—Napoleon Hill, pioneer capitalist and capitalist died early today, aged 79 years. Mr. Hill's estate is regarded as one of the largest in Tennessee.

Weather Warm and Pleasant.

At least one more day of this weather is promised by the local dispenser. "Fair and Wednesday" is the card. The highest temperature yesterday was 68, which is already beaten today. This afternoon the wind blows from the north from the southwest, and the hourly temperatures are chalked up thus:

7 o'clock.....67
8 o'clock.....68
9 o'clock.....69
10 o'clock.....70
11 o'clock.....71

Chicago, Nov. 2.—Forecast for Kansas: Fair tonight and Wednesday.

ELECTIONS BULLETINS.

The State Journal will place returns on its bulletin window tonight covering the vote on the commission form of government, for Topeka and the elections in eastern cities and elsewhere.

GIVE IT TO PEARY.

Geographical Society Has Recognized Him as Discoverer of Pole.

Washington, Nov. 2.—Commander Robert E. Peary practically has been endorsed as a discoverer of the North Pole by the National Geographic Society.

Every indication is that Peary's personal statement before the subcommittee of the society convinced its members that he had set foot on the top of the world. The explorer has been invited to deliver the first of his public lectures before the society here on November 12 and it is pointed out that had the proofs been open to the slightest question he never would have been asked to appear.

It was announced at the home of Rear Admiral C. H. Chester, retired, that a public statement of the finding of the society would be forthcoming on Wednesday. This rapidly in determining the genuineness of Peary's claim that he reached the pole on April 6, last, is taken to mean that there is no difference among the three experts who are delving into his Arctic diary. Peary declined to discuss the testimony he gave before the committee, but he said that those gentlemen will know it and naturally I won't discuss that point."

SETTLED IT QUICKLY.

Scientists Will Report on Peary's Performance Tomorrow.

Washington, Nov. 2.—Concluding in every detail an examination of Commander Robert E. Peary's proofs of his discovery of the North pole, the subcommittee of scientists appointed to pass on the explorer's records, will submit its report tomorrow morning to the board of managers of the National Geographic society.

The committee has to pass only on the point whether Peary reached the pole on the date claimed and the question of which of the three expedition causes many in scientific circles to believe that the explorer's claim has been upheld. The members of the subcommittee would not discuss their findings.

Commander Peary, whose appearance before the subcommittee yesterday and last night was for the purpose of explaining the details of making a complete and speedy report left the city early today for Portland, Me.

ADJOURNS SINE DIE.

Waterways Convention's Close Is Followed by a Luncheon.

New Orleans, Nov. 2.—The closing session today of the Lakes to the Gulf Deep Waterways convention was marked by enthusiastic expressions of faith in an attainment of "fourteen feet through the valley" further pledges of support of the movement and additional estimates of benefit.

Participating in the program were representatives of several of the Latin American countries, which will be directly affected by the construction of a deepened channel through the Mississippi valley to the great lakes. This session was open to the public.

Following the convention's adjournment sine die, a number of boats awaited at the docks to convey the delegates to the United States naval station, where in the largest floating dry dock in the world, long tables had been set for an elaborate luncheon. On the sides of the dock rested two torpedo boats, high and dry, laid up for repair.

With the departure today of the battleship Mississippi and the cruisers New York, Montana and North Carolina, for Hampton Roads, the visit of the largest number of United States war vessels of this class ever assembled at New Orleans came to an end. They were sent here during the Lakes to the Gulf Deep Waterways convention.

WHITEKER PAYS UP.

Escapes Felony Charge for Gambling by Paying \$100 and Costs.

Lawson Whiteker, jointly concerned during the legislative session with Mike Ring in maintaining a gambling emporium in the National hotel, but who unlike Ring left the city after the police court had fined them, not waiting to be called again before the higher court has settled his account with the Topeka court through his attorney, W. A. S. Bird.

It has been impossible to locate Whiteker. He left his wife in Topeka and she has been watched for her departure to determine his whereabouts. The result has been that he has been without his helpmet. At least, however, Whiteker has sent her the money to have the case settled.

Mr. Bird appeared in the city court today for that purpose. County Attorney Schoenck, in view of the fact that no warrant had ever been issued for Whiteker asked that the complaint be amended to a misdemeanor in place of felony. This was done by the court. The service of a warrant was waived by Mr. Bird for his client and the fine of \$100 and costs was assessed by the court, the same as in Mike Ring's case.

The money was promptly paid in full by the attorney and the waiting husband and wife may be united without fear of the law breaking up the home.

NO GAME THIS YEAR.

West Point-Annapolis Football Game Is Cancelled.

Washington, Nov. 2.—The great annual football contest between the West Point cadets and Annapolis midshipmen which was to have taken place at Philadelphia on November 6, and which was to have been played this year, final decision having been reached today by the athletic authorities of the Naval academy to grant the request of the superintendent of the military academy to cancel the game owing to the death of Cadet Byrne.

MRS. NATION BUSY.

Slashes Whisky Signs on Washington Street Car.

Washington, Nov. 2.—Carrie Nation is in Washington again. She announced that she would do no "smashing" of her return to the nation's capital, but at a late hour last night she stirred the occupants of a street car by cutting and slashing the cardboard advertisements in the cars of whisky firms. The sign of these advertisements caused her to forget her announcements that she was on a peaceful mission this time. They apparently aroused her ire.

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