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Tomorrow—Unsettled.

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TWELVE MEN OCCUPY BOX

EVEN DOZEN PROSPECTIVE JURORS PASSED AS TO CAUSE IN M'NAMARA TRIAL.

AN AMUSING TALESMAN

George W. Merton, Under Examination, Says There Sure Is a Battle Coming Between Capital and Labor—He Is a Socialist and Reads the Appeal to Reason.

Los Angeles, Nov. 6.—The defense in the McNamara murder trial will seek tomorrow to open the case of Talesman George W. McKee, accepted as to cause, and the prosecution will conclude its examination of Talesman George W. Morton, reinstated late today after a challenge for implied bias was refused. When court adjourned today the state had found no ground for a challenge for actual bias, and with these two incidental exceptions, the jury was completed as to cause and ready for peremptory challenges.

Those in the box were, besides McKee and Morton: Robert Bain, F. D. Green, A. C. Winter, Walter N. Frampton, George W. Johnson, Sam Mendenhall, Frank Frakes, Byron Lisk, M. T. McNeely and William F. Clark.

Little certainty was felt tonight that any of these men would be on the final jury to try James B. McNamara for the murder of Charles J. Haggerty, a victim of the Los Angeles Times explosion. It was the intention of the defense tonight to try to reopen the case of Winter also with a view to lodging a challenge against him for actual bias, one challenge on this ground already having been refused. After court closed today, the defense, in the presence of Assistant District Attorney G. Ray Horton, made its showing to the bench for the reopening of McKee's case on the ground that it had received new light thereon since his previous examination.

Talesman Morton is 75 years old. Under examination by Attorney Horton he said he was a civil war veteran, a lifelong republican and was a postmaster, but that at present he "might be called a socialist." He subscribed for the Appeal to Reason, a socialist paper.

Discipline Threatned.

Interrogations by Attorney Horton drew him once to the edge of his chair in angry expostulation, elicited several appeals to the court, got Attorney Le Compte Davis into difficulties with the judge, and from time to time threatened the excellent discipline maintained by bailiffs in the courtroom. Morton made a number of statements which attracted attention, including that "capital is educating labor to rebellion." Asked what capital and labor had to do with the case, he said:

"I know it's here."

"What's here?" asked Judge Bordwell.

"The fight between capital and labor," said Morton. "I think unions on the one hand and capital on the other are causing this great commotion."

"What great commotion?"

"This trial."

Morton said later that he referred to the contention of capital and labor outside the courtroom.

"I say let the law take its course," he explained.

"I take it you're not in sympathy with the present form of government?" hazarded Horton.

Morton slid to the front of the witness chair and glared at the prosecutor.

"Why shouldn't I be in sympathy with it?" he cried. "Didn't I help

(Continued on Page Five)

MANY PEOPLE WILL VOTE TODAY

STATE OF NEW MEXICO CLOSES ITS FIRST CAMPAIGN, WHICH HAS BEEN BITTER.

BOTH PARTIES CONFIDENT

Executives Are to Be Chosen in Rhode Island, Massachusetts, Kentucky—Many Issues, Practically All Local, Are Before the Electors in Many Municipalities—Some Warm Fights.

Santa Fe, N. M., Nov. 6.—Today marks the close of the bitterest political campaign ever fought out in New Mexico and tomorrow the new state elects two congressmen, a governor and a full list of state and county officers, as well as a legislature, which is to elect two United States senators. Tonight the republican leaders are claiming the election of their entire ticket, while on the democratic side the claims of victory are equally strong and apparently just as well founded.

W. C. McDonald is the democratic candidate and has the support of the progressive republicans, while H. O. Bursum is backed by the old line republicans, having made his campaign on the issue of high protection to the wool industry.

State Issues in New York.

New York, Nov. 6.—The state issues to be decided at the elections in New York state tomorrow are whether the present democratic control of the lower house of the legislature shall be continued; whether the salary of the governor shall be increased from $10,000 to $20,000 and that of the state legislators shall be doubled and whether the state shall be bonded for $10,800,000 for the construction of barge canal terminals.

The one sensation of the campaign in New York city has been a scandal attending the nomination of former Congressman William Willett as candidate for the supreme court bench in the Long Island district. The hearing of the case, which involves improper use of money, has gone over until after election.

The fusionists and the regular democratic organizations, both predict victory by large majorities.

No Predictions in Nebraska.

Omaha, Nov. 6.—Political leaders of Nebraska tonight expressed themselves as satisfied with conditions, but had no prediction to make on tomorrow's election. Only university regents, railway commissioners and supreme court judges are to be elected on the state ticket. A congressional vacancy in the Third district, however, necessitates a congressional election in that district.

Omaha and South Omaha will vote on the proposition of consolidating the two cities.

Local Issues.

San Francisco, Nov. 6.—Two important California cities—San Francisco and Sacramento—will elect municipal officers tomorrow. The issues are local and in San Francisco the result has been discounted by the outcome of the primary last month, when majority votes decided contests for the mayoralty and a half dozen other important offices.

San Francisco will elect a sheriff, coroner, district attorney, auditor and 18 supervisors. The union labor party, whose candidate for mayor, P. H. McCarthy, was defeated, for re-election by James Rolph, Jr., in the primary, has made a hard fight to retain control of the board of supervisors.

(Continued on Page Five)

WHERE REVOLUTION IS ACTIVE

HANKOW HARBOR

TAFT WILL BE ABLE TO CAST VOTE TODAY

RETURNS TO CINCINNATI IN TIME TO REGISTER FOR ELECTION DAY.

Cincinnati, Nov. 6.—President Taft qualified as a voter in Cincinnati today. He appeared personally before the Cincinnati election board and later before the election judges in his own precinct and went through the steps required by law.

"I am going to vote early tomorrow; you know early voting is the right way," said the president tonight. The president has announced his intention of voting the republican ticket. There has been criticism of this announcement here on the score that in so voting Mr. Taft will support the candidates of the so-called boss, George B. Cox, about whom he spoke so bitterly at Akron, Ohio, when he was secretary of war. Tonight the president refused to discuss his announcement, saying merely that he knew the republican candidates and was convinced of their worthiness.

Mr. Taft, accompanied by Mrs. Taft, Miss Helen Taft and Mrs. Thomas McK. Laughlin of Pittsburg, a sister of Mrs. Taft, arrived in Cincinnati early today. Shortly after breakfast the president took up the duties of a citizen who has been out of town who wants to register and who wishes to vote. He appeared before the election board and secured his certificate of registration just before 1 o'clock. Late this afternoon he motored out to 2,008 Madison road where tomorrow he expects to vote.

COLONEL LEONARD DIES.

Lawrence, Kan., Nov. 6.—Colonel Oscar E. Leonard, pioneer and one of the founders of the republican party in Kansas, died here today, aged 79 years.

DRIVER OF DOG TEAM FINDS SELF MAROONED

Nome, Alaska, Nov. 6.—John Johnson, the famous dog team driver, is marooned on the Siberian coast. He crossed over early in the fall to get Siberian dogs to enter in next year's all-Alaskan sweepstakes race. The ice moving down from the Arctic drove away the boat on which he expected to return. Johnson's boat arrived here today with news of his plight. He will be unable to get back to Nome this winter. Johnson is one of the most noted drivers in the north. Driving Colonel Sir James Ramsay's team of Siberian wolves, he won the sweepstakes in 1910 and established the record of 74 hours, 10 minutes and 20 seconds for the 412 miles course. He drove the Ramsay wolves in the race last winter, but was stricken with snow blindness and had to drop out of the contest when only 24 miles from the goal.

FALLING TEMPERATURE.

Helena, Nov. 6.—(Special.)—Announcement was made today that Charles W. Fairbanks, former vice president of the United States, and one of the prominent laymen in the Methodist Episcopal church, will be in Helena November 14, and the evening of the following day will deliver an address at the auditorium in behalf of the campaign for the Wesleyan society. The Methodists propose to hold meetings in all of the larger towns in the state in the next few months, in the effort to raise a fund for a "Greater Montana Wesleyan."

MONOPLANES COLLIDE.

Mineola, L. I., Nov. 6.—Two monoplanes collided when in flight at Garden City aviation field late yesterday. Both were badly damaged, but their pilots, Walter L. Fairchild and Wilbur Kimball, escaped with a bad shaking up.

FINED THREE TIMES FOR CONTEMPT OF COURT

Butte, Nov. 6.—(Special.)—Albert Tath was this morning fined $100 by Judge Boohr in the police court for being in contempt of court. He was hurried to the city jail by Detective Frank White to save him from being more heavily assessed.

After Charles McNamara had been fined $50 for beating a drunken man, Tath loudly expressed his disapproval from the rear of the courtroom and was promptly fined $25 by the judge.

"I think it is a job, and just dirty work," remarked Tath as he was being led past the judge's desk by Detective White.

"I will increase your fine to $50," exclaimed the court.

"I don't care if you make it $500," replied Tath, as he was going out of the door.

"I will just make it an even hundred then," shouted the judge as the prisoner was locked up in a cell. The court remarked that under no conditions would he remit the fine in this case, and that Tath would either pay the $100 or serve 50 days in jail.

DAMAGING EVIDENCE ACCUMULATES

FATHER OF DEAD POLICEMAN GIVES TESTIMONY AGAINST MRS. VERMILYA.

Chicago, Nov. 6.—Two new witnesses came forward today to accuse Mrs. Louise Vermilya, the widow arrested on charges of poisoning Policeman Arthur Bissonette, a roomer at her home, of having knowledge of the manner in which some of the other eight persons who have died beneath her roof came to their death.

Their identity was disclosed by Coroner Peter Hoffman after the widow had been served with a warrant and had been moved to the county jail.

Acting on the story of one of the witnessses, the coroner left at once today to exhume the body of Frank Brinkamp, son of Mrs. Vermilya's first husband, and one of the first of those whose deaths followed an attack of acute stomach disorder. The grave is in Waldheim, a suburb of Chicago.

The New Testimony.

Arthur F. Bissonette, Sr., father of the dead policeman, was one of the new witnesses, and he disclosed himself as another who had encountered the mysterious stomach complaint while in the Vermilya home. From that encounter, he said, he still suffered.

The other witness was Miss Elizabeth Nolan, former fiancee of Frank Brinkamp who, in an affidavit, charged that her intended husband had made statements on his dying bed, virtually charging his step-mother with having "done away" with him.

Bissonette, Sr., said: "I went to visit my son when he was ill the day before he was taken to the hospital. I stayed most of the day and I had two meals at the Vermilya home. After eating some ham and eggs on which I put some pepper from a tin box, I began to have severe pains in my stomach. I got an emetic at a drug store and was relieved for a while, but the pains still are with me and cause me great uneasiness now."

Coroner Peter Hofman said tonight after scrutinizing portions of the body of Richard Smith, the Illinois Central railway conductor, whose death is coupled with that of Bissonette in the charges against Mrs. Vermilya, that he was satisfied that Smith had died of arsenic poisoning as charged.

PROFESSOR ROBINSON DIES.

Washington, Nov. 6.—Professor Callahan Robinson, dean of the law school of the Catholic University of America, was stricken with apoplexy tonight at his home here and died almost immediately. Dr. Robinson, who was 77 years old, formerly was dean of the department of law of Yale university.

MAINE WENT "DRY" IS GOVERNOR'S DECISION

EXECUTIVE AND HIS COUNCIL DECIDE THAT VOTE FAVORED RETENTION OF LAW.

Augusta, Me., Nov. 6.—Maine retains constitutional prohibition. Governor Plaisted and his council late tonight decided to accept the corrections in the vote of four towns, cast in the special election in September, thus reversing the result as indicated on the face of the first official returns.

Returns on election day, September 11, indicated a majority of about 300 against the repeal of the prohibitory amendment, but the later official count showed a majority of 26 for repeal.

It was found by comparison, however, that in four cases the figures of the county clerks were reversed from the early returns and in each case the clerk claimed the error to be in the official figures. After hearings on the subject the governor and council took the matter under consideration and the result was the announcement tonight that Maine remained constitutionally prohibition by 758 votes.

Governor Plaisted at the end of the meeting said that at an early date, probably in February, he will call a special session of the legislature to submit an amendment to the constitution which will permit the enactment of laws concerning the liquor traffic which are capable of honest enforcement because sustained by the sentiment of the several communities to which they will be applied.

An analysis of the vote, the governor declared, showed an overwhelming majority against prohibition in the cities and a large majority for it in the towns. The proposed amendment would give cities the right to enact local liquor laws.

RODGERS SPENDS DAY RIDING IN AUTOMOBILE

Pasadena, Cal., Nov. 6.—Calbraith P. Rodgers put in his first day on the Pacific coast, turning corners in a big racing automobile at a speed that many persons declared was equal to that he made in his aeroplane from Yuma to Imperial Junction with the wind in his back. Rodgers said he felt in condition to start back on another transcontinental trip, "if I had a machine."

This latter remark was made as he glanced at the famous aeroplane that had carried him across the continent—or to be correct, at parts of the machine; for it is admitted that barring a drip pan and one upright rudder, nothing of the original aeroplane with which Rodgers started from Sheepshead bay on September 17, remains.

"I am working hard," said Rodgers, "to get my machine in order, so that I can make the last leg of my trip—the leg that technically finishes the transcontinental flight. I must go to the surf, and I will do this just as soon as I can get my motor fixed—probably on Wednesday."

Long Beach, San Diego and Santa Barbara are bidding for Rodgers' finish." It is as yet undecided where the aviator will land.

Tonight Mr. Rodgers received the following messages:

"New York, Nov. 6.—Please accept my heartiest congratulations on your splendid achievement and safe arrival, in which my sons join.

"AUGUST BELMONT."

"New York, Nov. 6.—I am proud to have the world's record go to you. Accept my heartiest congratulations.

"HARRY N. ATWOOD."

Charles Dickinson, a Chicago millionaire and friend of Rodgers, telegraphed:

"Congratulations on your successful trip from the Atlantic to the Pacific."

Aviator A. L. Welsh of New York was very optimistic. His telegram reads:

"Congratulations. Keep right on across the Pacific; you can make it."

PEKING'S FALL IS RUMORED IN FRISCO

REPORTS TO SAN FRANCISCO PAPERS SAY CHINESE CAPITAL HAS BEEN SEIZED.

STORIES NOT BELIEVED

Associated Press Dispatches, Direct From Forbidden City, Carry No Inkling of Capture by Rebels—Matters, However, Appear to Be More Unsettled Than Ever—Flights Continue.

San Francisco, Nov. 6.—A cablegram to the Chinese Daily Paper, a newspaper published here, received early today, says Peking was captured yesterday by the revolutionists after a sharp encounter.

A dispatch also was received by the Chinese Free Press announcing that the fall of Peking had been reported in Shanghai but had not been verified. The dispatch stated further that all officials of the city, including a number of high officials of the Manchu dynasty, had fled in the night. The rebels are said to be in peaceful possession after a spirited fight late yesterday. No further details are given.

Chinatown is celebrating the reported revolutionary victory with parades and fireworks. The streets are being flooded with extra editions of Chinese newspapers and crowds are gathering in the heart of the Chinese mercantile districts waving the red flag of the republic, shouting and singing.

Further dispatches from Shanghai to the Chinese Free Press, published here, say that Peking fell after two hours' fighting, all imperial troops except the Manchus going over to the rebel side. The regent and baby emperor were said to have escaped to the Hot river, the rest of the royal household committing suicide except Prince Ching, who was captured.

Later advices to the Chinese Free Press from Shanghai say meager information has reached that city that there was but little bloodshed in the battle preceding the seizure of the city and that no foreigners were injured. Three of the Manchu regiments are said to have joined the rebels and to be assisting in policing the city.

The Chinese dispatches received at San Francisco probably confuse the situation at Peking with rebel successes elsewhere. Direct dispatches received by the Associated Press from Peking today make no mention of any outbreak at the capital.

Dissension.

Vancouver, B. C., Nov. 6.—A Shanghai dispatch to the Chinese Daily News, describing the reported capture of Peking, says dissensions broke out among the Chinese forces in the capital before the rebels secured possession of the city. General Chong, who commanded 10,000 loyal troops in Peking, lacked quarters for his men, and encamped some of them on the grounds of the imperial palace securing permission of the authorities. This led to a fight with the Manchu bodyguard of the emperor, in which the bodyguard, commanded by Prince Tow, was routed.

Lee King Kee, viceroy of Kwei Chau province, and Ching Dot Tsin, viceroy of Kiangsu province, have declared their province independent, but have not joined the rebels.

Wu Ting Fang a Rebel.

Shanghai, Nov. 6.—The most interesting development in Shanghai today was the completion of the organization of a local cabinet by the revolutionaries. Wu Ting Fang, who formerly held the post of minister to Washington, has been appointed head of foreign affairs; Wang Yih Ting, trade and commerce; Shen Wan Yung, finances; Li Ping Hsu, civil administration, and Lee Hsih, military administration.

The appointments, however, are not taken seriously, the appointees denying knowledge of the action of the revolutionaries except in the case of the civil administrator, who has been acting in that official capacity throughout.

Wu Ting Fang, while declining to acknowledge any participation in the revolutionary administration of Shanghai, openly sympathizes with it, although criticizing some of the methods. He is bitterly opposed to the Manchu clique in Peking.

Situation Tense.

Amoy, China, Nov. 6.—The report of the rebel occupation of Amoy is unfounded. The situation here is tense, but there are no disorders.

Amoy is practically without a government. Taotai Chang is in hiding. Taotai Chang is expected tomorrow. Upward of 500 Huanese soldiers recognize no authority but are remaining quiet. The police are useless and disanpear at the slightest hint of trouble.

A non-partisan volunteer corps composed of 750 young men of good family has been organized and 19 stations have been established throughout the city for the purpose of suppressing disorder.

The sentiment of the people is strongly revolutionary, but peaceable. The rebels are expected to assume con-

(Continued on Page Five.)

BOOKER FAILS TO SECURE REVENGE

DR. WASHINGTON, NEGRO EDUCATOR, LOSES ASSAULT CASE AGAINST ULRICH.

BOTH MEN TELL STORIES

Defendant Alleges He Saw Colored Professor Peering Beneath Blinds, Also That the Dark Man Insulted Mrs. Alvarez, the Boarding House Proprietor—Story Is Denied.

New York, Nov. 6.—Booker T. Washington, the noted negro educator, failed to obtain satisfaction at law today for the beating which he received at the hands of Henry A. Ulrich, a white man, on Sunday evening, March 19. Ulrich was acquitted in the court of special sessions this afternoon of the charge of assault which Dr. Washington had preferred against him.

After the fight, which started in the vestibule of an apartment house where Ulrich lived, at 11½ East Sixty-third street, Dr. Washington was laid up at the hospital for several days with his right earn torn, his scalp and his face badly bruised.

Ulrich testified that he found Washington peeking into the keyhole of his apartment and also the one opposite and that Washington struck the first blow. Mrs. Laura Alvarez, with whom Ulrich boarded, swore that when she passed Dr. Washington, he said to her, "Hello, sweetheart."

Seeking a Friend.

Washington story on the stand today was the same explanation he offered at the time of the altercation. He swore that he was not peeking into any keyholes, that he was only searching the tenants' directory in an effort to find a family with which he understood a friend was staying and denied positively that he had spoken to Mrs. Alvarez or any other wamon.

The acquittal of Ulrich was not unanimous, Justice O'Keefe dissenting from the opinions of Justices Moss and Seeler. After Ulrich left the courtroom he was arrested again charged with being a fugitive from New Jersey, where an indictment has been found charging him with deserting his wife.

Dr. Washington, when asked if he had any comment to make on the outcome of the case, replied:

"No, not a word."

Both Ulrich and Washington told their story on the stand today.

"I saw Mr. Washington peeking through the keyhole of my door," Ulrich said. "He saw me and left and walked toward Eight avenue. I saw him walking up and down the street and after 10 minutes he came back, walked by a neighboring apartment window and stooped to look beneath the shade.

"I opened the vestibule door and burst in upon him and shouted: 'What are you doing here?' He struck me in the face and then we fought. He asked me to let it drop. Washington said: 'I know I have done wrong; let me go.'

"While we were fighting he struck his head against a fire hydrant."

"Did you have any stick or other weapon with which you hit Washington?"

"No, sir; I used no stick."

Mrs. Laura Alvarez, on the stand, said: "When I went out on the night of March 19 to take out my dog, I found Dr. Washington crouching down in front of a neighbor's apartment, peeking through the keyhole. I came upon him so suddenly that he had no time to straighten up and I almost fell over him. He got up, flustered, and hurried out."

Later, she said, she saw Dr. Washington near Broadway.

"He followed me down to the house," went on Mrs. Alvarez. "I was frightened. I ran past him."

"What did Washington say to you?"

"He said: 'Hello, sweetheart.'"

"What did you do then?"

"I ran into the house and told Mr. Ulrich. He then went into the hall and I saw him talking to Washington. Mr. Ulrich asked him what he was doing and I saw Dr. Washington strike at him."

MADERO INAUGURATED MEXICO'S PRESIDENT

Mexico City, Nov. 6.—Officially the revolutionary period of Mexico was closed today when Francisco I. Madero took the oath of president and placed across his breast the tri-color insignia of the chief executive.

This afternoon the oath was administered to the eight members of his cabinet. At the same time Francisco Leon de La Barra, who has governed the country as provisional president since the day General Diaz left the capital for Europe, boarded a special train for Vera Cruz, whence he, too, will sail across the Atlantic, but on a diplomatic mission.

A number of diplomats, including the American ambassador, were at the station.

Class Ad History

CLXII.—HOW TO FIND HIM.

Somewhere is the man whom you want to locate. He wants to buy what you are anxious to sell. He is just as eager to buy as you are to sell. The trouble with him is that he doesn't know where to find you. Maybe he meets you every day, but he doesn't know you have what he wants to buy. But you may depend upon it that he reads the classified page of The Missoulian every day. You can reach him this way:

FOR SALE—MISCELLANEOUS.

GARLAND RANGE. 705 SOUTH Third west.

This ad found the man who wanted to buy; it required one day. On the afternoon of the first day of the publication, he had the range. The cost to the advertiser was 15 cents. That's easy commission. The class ad costs but one cent a word. If you're out of a job and want work, The Missoulian will print your ad for nothing.