

HEARST GAINS POINT

Supreme Court Orders Police to Send Ballot Boxes to Election Bureau.

FIRST MOVE IN FORMAL CONTEST

Municipal Ownership Candidate Alleges Fraud in the Count.

SAYS RETURNS WERE HELD BACK

Reports from Lower East Side Financed Turned Over to McClellan.

RECEIVES MANY OFFERS OF ASSISTANCE

Evening Post Calls Attention to Incidents Which It Says Should Be Investigated.

NEW YORK, Nov. 8.—

With the granting of an order by Supreme Court Justice William Gaynor in Brooklyn, compelling Police Commissioner McAdoo to remove every ballot box from all the precincts in Greater New York to the nearest of elections...

When notices were served on the sergeants in command of Charles street and West Twentieth street stations to send their ballot boxes to the bureau of elections...

The police have not only refused, but the captains of their stations were the men to tell them what to do and that they would not send the boxes until their superior officers had notified them.

In signing the order Justice Gaynor said: "The police have not only refused to send their ballot boxes to the bureau of elections, but they have also refused to send them to the bureau of elections in Manhattan."

The granting of the order came unexpectedly and caused much surprise, and with the opinion of Justice Gaynor that the police have no right to the ballot boxes and should not even touch them, a new aspect is placed on the case.

Mr. Ivin, the defeated majority candidate, was asked today by Mr. Hearst to act as his counsel in the fight he was waging to be declared the victor in the election.

That a bitter fight will be waged in the courts to decide whether McClellan or Hearst is to be mayor of New York for the next year is now assured.

The complete returns give McClellan a plurality of 3,485 votes, the smallest ever recorded for a successful majority candidate and a result which might be readily reversed by a recount of the ballots.

Most of this fraudulent voting is said to have been done in East Side assembly districts, and especially in the Eighteenth, Charles F. Murphy's home district, and in the Sixth, of which Timothy D. Sullivan is the leader.

Mr. Hearst's proposed action met with warm approval in many quarters, even among those who opposed his election, and he received many assurances of support.

District Attorney Jerome expressed himself in terms of strong approval of Mr. Hearst's program and declared that he would immediately institute a searching investigation of the alleged democratic frauds.

He also ordered the returns from the Eighteenth and Sixth districts to be carefully examined by D. Darrin, the newly elected district attorney of Queens county on the republican ticket, made a similar statement.

William M. Ivin, the defeated republican candidate for mayor, also commended Mr. Hearst's action and expressed the belief that a recount would show that Mr. Hearst had been elected.

Statement by Tammany. After a secret session of the executive committee of Tammany Hall this afternoon the following statement was issued:

The executive committee of the democratic organization of New York has expressed its opinion on the election of George B. McClellan as mayor of New York.

We also call on the commissioner of police and the custodian of the ballots to preserve the same intact from all interference by any one from an unauthorized source.

Some of the leaders, after the meeting, expressed the opinion that the returns showed evidence of fraud, and that the election was a result of a conspiracy.

Superintendent of Elections Morgan said tonight that while he had many illegal votes were cast, he would express no opinion on the contention made by the Municipal Ownership League managers that they were held by the magistrates.

Attorney General Mayer said that he had information that illegal votes were cast in several assembly districts. "In any event, however," said the attorney general, "even should we discover thousands of cases of illegal voting, it would not affect the count, for the reason that the ballots cannot be deducted. So far as we are concerned our jurisdiction ends with the prosecution of the criminals where the crime of illegal voting has been committed."

Statement by Mr. Hearst. A campaign to defeat Tammany Hall in the supreme court and to declare William Hearst mayor of New York.

(Continued on Second Page.)

THIRD UNION LABOR VICTORY

Eugene E. Schmitz and Associates Elected in San Francisco Over Combined Opposition.

SAN FRANCISCO, Nov. 8.—The union labor party achieved an astonishing triumph in yesterday's battle at the polls. From the head of the ticket down to the eighteenth nominee for supervisor every union labor candidate was elected.

Eugene E. Schmitz being returned to office for a third term by a majority of 11,300 over John S. Partridge, the joint nominee of the republican and democratic parties.

The remainder of the candidates of the Schmitz ticket were elected by majorities ranging from 4,000 to 7,000.

The complete returns from the San Francisco election show that every candidate on the union labor ticket was elected, the pluralities over the fusion and socialist tickets ranging from 4,570 to 11,300.

The total vote for mayor was as follows: Eugene E. Schmitz, 38,887; Eugene E. Schmitz, union labor, 40,191; A. W. Carter, socialist, 1,588. Schmitz's plurality, 11,300.

An ordinance increasing the retail liquor license from \$84 to \$100 a year was defeated by a majority of 2,301.

CONTEST AT LOUISVILLE, KY.

Managers of Fusion Party Allege Fraud and Intimidation as Part of Democrats' Campaign.

LOUISVILLE, Ky., Nov. 8.—The managers of the fusion party met this afternoon and announced that they had decided to contest in the courts the election of the democratic ticket for municipal officers and members of the legislature.

The republican victory all along the line with the exception of the contest for lieutenant governor was just as pronounced as it was at midnight last night.

Revised figures are: Governor, 57,531; Bartlett (dem.), 54,336; Childs (rep.), 23,115; Lieutenant Governor, Draper (rep.), 182,170; Whitcomb (dem.), 180,291; Draper's plurality, 1,879.

The democrats slightly increased their plurality in both branches of the legislature, gaining three senators and one representative.

A feature of the election was the unlooked-for victory of John E. Moran for district attorney of Suffolk county, which includes the city of Boston.

Mr. Moran had been defeated in the primary election by Mr. Hearst, but he had secured the endorsement of both the democratic and republican parties.

Chairman Lyman of the democratic state executive committee stated to the Associated Press today that the democratic leaders would request a recount of the vote for lieutenant governor.

MARYLAND.

BALTIMORE, Nov. 8.—Late returns dispel much of the doubt as to the result of the election of yesterday.

In all except a few precincts the republican ticket carried to near the defeat of the progressive ticket.

The house of the state legislature will be democratic is conceded by republican sources of information.

It will probably be made up of fifty-three democrats and forty-five republicans.

The state senate is eighteen democrats and eight republicans.

The democrats, therefore, will elect the state treasurer and the board of public works will be democratic.

The election of Padgett (rep.) as sheriff, this city, about which there had been doubt, is now conceded.

CHICAGO.

CHICAGO, Nov. 8.—The republican swept Chicago and Cook county yesterday, electing every candidate on their ticket.

The complete returns early today show the following figures: Judge Superior Court—Garry (rep.), 38,887; McKean (rep.), 30,221; Ball (rep.), 21,115; Kavauaghi (rep.), 19,115; Ramsey (dem.), 7,127; Santolucina (dem.), 6,203; Shepherd (dem.), 5,212; Verno (dem.), 4,301.

Judge Superior Court to Fill Vacancy—Smith (rep.), 31,853; Tolman (dem.), 8,123; Doyle (dem.), 7,438.

In the vote for trustees of the sanitary district McCormick, the highest man on the republican ticket, received 8,643 votes, against 3,027 for Webb, the highest man on the democratic ticket.

SALT LAKE.

SALT LAKE CITY, Nov. 8.—The American party, founded for the express purpose of overthrowing the influence of the Mormon church in municipal affairs, gained the complete victory in yesterday's city election.

Erna Thompson was elected mayor by a plurality of 523 over Richard P. Morris, democrat and Mormon, who was a candidate for re-election.

PENNSYLVANIA PICKS BERRY

Candidate Backed by Philadelphia Reformers Elected as State Treasurer.

PHILADELPHIA SWEEP BY CITY PARTY

With 51,000 Names Stricken from Rolls Total Vote is Only 20,262 Behind Vote for President.

PHILADELPHIA, Nov. 3.—The political revolution in this city and state yesterday was the greatest that has occurred in Pennsylvania in nearly a generation.

There have been previous upheavals, but this is the first time in years that the office for which there was any semblance of a contest has been lost to the regular republicans.

It is also the first time in a quarter of a century that the regular republicans have been defeated for control of the state treasury.

Memorable contests have been waged against the republicans for the office, but without success, and it is worthy of note that yesterday's election is the first that has been held for the office since the death of Former United States Senator Quay.

The plurality of William H. Berry, who was nominated by the democrats, independent party, Lincoln party and prohibitionists for state treasurer, will be nearly 100,000 and may go above these figures.

The republican vote, however, ran far behind his ticket in nearly every county in the state.

The remainder of the republican ticket was elected by the usual republican pluralities.

President Roosevelt's plurality last year of more than 600,000. The republican vote, however, ran far behind his ticket in nearly every county in the state.

The reform wave carried Berry along with it, he defeating Plummer in the city by 36,037 plurality.

Complete Vote in City.

The complete vote for the office for which there were contests, is as follows: For sheriff, Wilson H. Brown, city party, 14,679; Joseph S. Neff, republican, 12,645; R. H. Fisher, socialist, 1,411.

For coroner, J. M. R. Jernon, city party, 28,084; Thomas J. Plummer, republican, 14,115; Julius Weber, socialist, 1,279.

County commissioners (three to be elected) by the electors: J. M. R. Jernon, city party, 14,144; R. A. Anderson, city party, 14,233; H. A. Chase, republican, 14,233; A. J. Emery, republican, 9,231; Alphons Obrich, socialist, 1,267.

Chase is elected as the third commissioner, defeating Emery, his colleague, by 628 votes.

The vote for state treasurer in Philadelphia was as follows: W. H. Berry, fusion, 211,277; J. L. Plummer, republican, 111,277; R. H. Fisher, socialist, 1,212; E. J. Druggman, socialist labor, 1,212.

The proposed \$1,000,000 loan for the abolition of grade crossings was carried by a large majority.

The highest vote cast for any one officer was that for sheriff, the vote being 25,232.

The total vote for president last year was 281,654. The city party carried the election by 51,000 names stricken from the rolls since the election.

The fight against the republican organization began last May, the vote cast yesterday was the highest ever polled in the city.

Some Local Surprises.

The regular republicans carried only four out of the five precincts for the nomination of ticket, Plummer, for state treasurer, carried sixteen.

One of the surprises of the election, was the loss by the regular republicans of United States Senator Penrose's ward.

It gave the city party plurality of 1,212. The democrats carried it by fifty-two votes.

Insurance Commissioner David Martin, at one time the regular leader of the city, lost his ward yesterday for the first time in thirty years.

David H. Lane, the veteran leader, upon whom much of the work of the republican campaign fell, also lost his ward, the Twentieth.

Complete returns from every ward in the city give the city party 146,673, and the republicans candidates 95,946, a plurality for the city party of 50,727.

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(Continued on Second Page.)

BANQUET FOR WILLIAM WARNER

New United States Senator from Missouri Will Support President's Rate Regulation Plan.

KANSAS CITY, Mo., Nov. 8.—United States Senator-elect William Warner, the first republican to be elected to the senate from Missouri since Carl Schurz in 1869, was tonight tendered a farewell banquet at the Midland hotel in this city.

Six hundred republicans from Missouri and Kansas attended, and toasts were responded to by several prominent politicians of both states.

Gardner Lathrop of Chicago, general counsel of the Atchafalaya, Topeka & Santa Fe railway, acted as toastmaster. Senator Warner spoke to the toast "National Issues," and said in part:

"The demand of the hour in official life is intellectual honesty, a demand for officials to act right, as they think right, and to give the light to see their duty, leaving the chips to fall where they may."

"I shall enter the senate of the United States as the personal and political friend of the people of Missouri, and I shall endeavor to do so in the spirit of the noblest Americanism, and of the rugged old-fashioned honesty of the people of Missouri."

"I trust that the people of Missouri will trust me, and I trust that the people of Missouri will trust me, and I trust that the people of Missouri will trust me."

"His efforts to secure legislation clothing the senator with the same powers as the land in question, probably worth \$500,000, have been occupied by squatters. Suits have been brought to eject them from their holdings and the cases have now reached the secretary of the interior on appeal from a decision of the general land office, which has held that the lands in question properly belong to the school fund of Nebraska."

Captain E. F. Murrin of Lincoln, special attorney of the attorney general's office, is in session in this city, has brought together many of the leading business men of the United States.

Nebraska is represented by W. S. Wright and E. M. Anderson, of Omaha; H. J. Lee and wife, of Fremont; T. J. Usher, formerly of Lincoln, now of Chicago; Iowa by L. C. Empey, of Council Bluffs; Clarence Knapp and wife, of Sioux City; F. E. Cutler, of Waterloo; F. H. Luthy, of Des Moines, and J. S. Hayes and wife, of Oskaloosa.

New Bank for Hayes Center.

Application of John B. Cruse, V. Franklin A. C. Ebert, G. W. Cruse, S. C. Cruse, and S. M. Cruse, to organize the First National Bank of Hayes Center, Neb., with \$25,000 capital has been approved by the comptroller of the currency.

Rural route No. 3, ordered established January 16, at Waubesa, Bay county, S. D., has been approved by the post office department.

Rural carriers appointed for Iowa routes: Eldon, route 1, Warren Fraiser, carrier; Newton Moore, substitute. Mt. Zion, route 1, Charles E. McIntosh, carrier; John W. McIntosh, substitute.

Methodist Episcopal church, having for its function the making of appropriations for all the domestic and foreign missions of the denomination, met in annual session in Brooklyn today.

The feature of the day was the report of Dr. Homer Eaton, treasurer of the missionary society, which showed that the society had received during the year ending October 31 the sum of \$1,822,215, an increase over the receipts of the previous year of \$100,000.

There were decreases in legacies, lapsed annuities, etc., so that in the matter of church collections only, of which by far the largest part of the income of the society consists, there was an actual increase of more than \$100,000.

The work of making appropriations was begun today by setting aside funds for administration and for the dissemination of missionary information.

The total sum then available for appropriation to individual missions was divided on the ratio of 54 per cent for foreign missions and 46 per cent for home missions.

Mr. Hegeman was on the stand the greater part of the afternoon and his testimony was along the line of the amount of the company's increase in business.

At the morning session Emery McClintock, actuary of the Mutual Life Insurance company, who has been examined in part at previous sessions was called and conducted his testimony on technical insurance.

It was announced today that Stuyvesant Fish has consented to serve on a committee of three trustees of the Mutual Life Insurance company to investigate that company's business.

William H. Truesdale and John W. Auchincloss.

CANCELS INSURANCE LICENSE

Permit Granted New York Life to Do Business in Missouri is Revoked.

JEFFERSON CITY, Mo., Nov. 8.—W. D. Vandiver, state superintendent of insurance, tonight suspended the certificate of authority of the New York Life Insurance company to do business in this state.

Following is the order in full: Notice is hereby given that, whereas information in my possession and verified by the report of the recent examination of the officers of the New York Life Insurance company, shows that the same have executed investigation committee of the state of New York, gives me reasonable cause to believe that the funds of the said company have been used for the purpose of raising sums of money for illegal and wrongful purposes, and that the further continuation of the business of the said insurance company in this state, under its present management, is hazardous to the public interest, I have this day suspended the certificate of authority of the said company to do the business of writing life insurance in this state.

It is further ordered that a copy of this motion and notice be published once a week for four weeks consecutively in the city of St. Louis. Done by authority at St. Louis, Missouri, this 8th day of November, 1905. W. D. VANDIVER, Superintendent of the Insurance Department of the state of Missouri.

Hardware makers meet. American Association Hears Report of President Birge and Discusses Freight Rates.

WASHINGTON, Nov. 8.—The American Hardware Manufacturers' association began its ninth convention today. Almost 60 delegates attended.

Reports on the regulation of freight rates were submitted by N. A. Giddings, who reported what had been done by the "rump" interstate commerce law convention held recently at Chicago; E. B. Pike of New Hampshire, formerly chairman of the freight committee of the association, who reported on the "regular" Chicago convention, and by T. A. Alexander of New York City, who presented his individual views. The reports were referred to the executive committee and some action expressed the views of the convention is expected.

BOYD COUNTY LAND CASE

Matter to Be Presented to Secretary Hitecock Next Week.

HARDWARE MEN ARE NOW IN CONFERENCE

Many People from the West Are Attending an Important Business Conference at the National Capital.

(From a Staff Correspondent.)

WASHINGTON, Nov. 8.—(Special Telegram.)—The Boyd county land cases which have been pending for years in the courts and before the secretary of the interior, are to be heard finally by Secretary Hitecock next week.

These cases have been brought by the state of Nebraska against squatters on lands included within the old Fort Randall military reservation and Big Sioux reservation, to dispossess squatters on a decision of the general land office, which has held that the lands in question properly belong to the school fund of Nebraska.

Years ago the government ceded to the state of Nebraska some 6,200 acres of land in Boyd county for school purposes, but through legislative acts and inability of state officers to enforce the same, the lands in question, probably worth \$500,000, have been occupied by squatters.

Suits have been brought to eject them from their holdings and the cases have now reached the secretary of the interior on appeal from a decision of the general land office, which has held that the lands in question properly belong to the school fund of Nebraska.

Captain E. F. Murrin of Lincoln, special attorney of the attorney general's office, is in session in this city, has brought together many of the leading business men of the United States.

Nebraska is represented by W. S. Wright and E. M. Anderson, of Omaha; H. J. Lee and wife, of Fremont; T. J. Usher, formerly of Lincoln, now of Chicago; Iowa by L. C. Empey, of Council Bluffs; Clarence Knapp and wife, of Sioux City; F. E. Cutler, of Waterloo; F. H. Luthy, of Des Moines, and J. S. Hayes and wife, of Oskaloosa.

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METHODIST MISSION FUNDS

Appropriation Committee Finds \$1,822,215 Available for the Work.

NEW YORK, Nov. 8.—The general missionary committee of the Methodist Episcopal church, having for its function the making of appropriations for all the domestic and foreign missions of the denomination, met in annual session in Brooklyn today.

The feature of the day was the report of Dr. Homer Eaton, treasurer of the missionary society, which showed that the society had received during the year ending October 31 the sum of \$1,822,215, an increase over the receipts of the previous year of \$100,000.

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ORDER FOR MARCH RECALLED

Fort Riley and Fort Douglas Batteries Will Exchange Stations by Rail.

JUNCTION CITY, Kan., Nov. 8.—The order from the War department for the Nineteenth battery, stationed at Fort Riley, to march from here to Fort Douglas, Utah, and for the Twenty-second battery, stationed at Fort Douglas, Utah, to march to Fort Riley, has been withdrawn and another order has been received that the batteries make the change of stations by railroad.

The officers and enlisted men of the organization and their personal baggage will leave by railroad and the horses and field guns and all army material will remain behind, the organizations effecting an exchange of horses and equipment.

The Nineteenth battery will leave as a steam transportation arrives. No change has been made in the order that the Sixth battery start on its march from here Monday to Fort Sam Houston.

HARDWARE MAKERS MEET

American Association Hears Report of President Birge and Discusses Freight Rates.

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NEBRASKA WEATHER FORECAST

Fair in West, Rain in East Portion Thursday, Friday Fair.

Temperature at Omaha Yesterday: High, 57; Low, 37. Hourly: 5 a. m., 57; 6 a. m., 57; 7 a. m., 57; 8 a. m., 57; 9 a. m., 57; 10 a. m., 57; 11 a. m., 57; 12 m., 57; 1 p. m., 57; 2 p. m., 57; 3 p. m., 57; 4 p. m., 57; 5 p. m., 57; 6 p. m., 57; 7 p. m., 57; 8 p. m., 57; 9 p. m., 57.

LITTLE DAMAGE TO NEWSPAPER

Fine Library and Nearly All Machinery of San Francisco Chronicle Saved from Flames.

SAN FRANCISCO, Nov. 8.—An estimate made today of the damage done to the Chronicle building by fire and water last night places the total amount at \$5,000, partly covered by insurance. The clock tower, near which the flames started from fireworks, was ruined, and the upper floor was practically gutted, but the energetic efforts of the firemen saved the library and the many linotype machines and other machinery in the composing and stereotyping departments.

The presses in the basement were undamaged, though flooded. The Weekly Chronicle was prepared today from the old edition, though the daily edition, which this morning was printed on the Examiner's presses, will be issued tomorrow from the Chronicle's own office.

The private library of the Chronicle is regarded as one of the most complete of its kind in America. It could not be duplicated, as over twenty years have been occupied in its collection and compilation. It contained only slight injury, owing to the fact that the building is of modern construction.

FAVORS SINGLE STATEHOOD

President Will Recommend Admission of Oklahoma and Indian Territory as One State.

WASHINGTON, Nov. 8.—President Roosevelt today informed a delegation from Oklahoma and Indian Territory, which he is recommending for admission as one state, that he would recommend to the senate the admission of Oklahoma and Indian Territory as one state.

The delegation consisted of Delegate Maguire, Chairman Charles H. Pilon of the Republican Territorial committee, C. M. Wade, republican national committee man, and Vernon W. Whiting. They told the president they hoped congress would pass a single statehood resolution according to his recommendation.

GUTHRIE, Okl., Nov. 8.—Captain Frank Frantz, who it was announced today, is appointed to succeed Thomas B. Ferguson as governor of Oklahoma, is an ex-Rough Rider. Captain Frantz was appointed postmaster at Eldon, Okl., by President Roosevelt and later Organ Indian agent, which position he now