

VOL. XLII—NO. 12,761.

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THE PIANOLA ITS PART IN PIANO PLAYING. The Pianola does not play the piano. It simply strikes the right notes.

THE AEOLIAN COMPANY. No Question of Barbarity. NEW YORK, Nov. 11.—A dispatch from Berlin to the London Times and New York Times quotes an article in the Vossische Zeitung referring to the prosecution of two Stuttgart journalists for libeling the German troops in China.

BIG ODDS ON LOW

Bets of 10 to 7 That He Will Be Elected in New York.

FUSIONISTS BANK ON CITY

Democrats Are Believed to Have Slightly the Better of the Fight for County Officials, With the Exception of Van Wyck.

NEW YORK, Nov. 4.—At midnight tonight, six hours before the opening of the polls, both sides in the municipal contest were claiming the victory. The most strenuous talk came from the fusion leaders, who were more in evidence at their headquarters than were the Democrats at theirs.

Richard Croker and John F. Carroll late tonight were positive of the election of the entire Democratic city and county tickets. Mr. Croker also predicted that Kings County would go Democratic, while Lieutenant-Governor Woodruff and Otto Kempner talked of 10,000 and 25,000, respectively, for the fusion candidates in that county.

Brooklyn Vote Will Be Close. At the Democratic Club tonight, Brooklyn was claimed for Shepard and the Democratic ticket by 3000 majority; Queens County was claimed by 1500 majority and Richmond by 1000, making the state majority for the fusion ticket 49,782.

Following the time-honored custom, the district leaders of Tammany gathered at Tammany Hall today and received the money for the payment of poll-watchers, and to meet the other expenses incidental to the election tomorrow. It was stated on good authority that \$200,000 or \$300,000 was set aside for the purpose, and that about \$200,000 of this money was disbursed during the day. It was said about \$250,000 was sent to Brooklyn to help the organization there.

IN OHIO. Betting is at Various Odds on the Republican Ticket. COLUMBUS, O., Nov. 4.—Advices from different parts of Ohio indicate great interest in doubtful counties in the contest for members of the Legislature, Senators and Representatives.

IN PENNSYLVANIA. Late Advices Enable Republicans to Raise Their Estimates. PHILADELPHIA, Nov. 4.—The leaders of both the Republican and fusion parties tonight reiterated their claim that their respective candidates will carry the state.

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SEIZED BY FRENCH

Control of Turkish Revenues at Smyrna Lost to Sultan.

ADMIRAL CAILLARD HEARD FROM

French House of Deputies Sustained the Action of the Government Against Turkey by a Decision of the Vote.

LONDON, Nov. 5.—The Paris correspondent of the Daily Mail says he understands that dispatches have been received at the French capital announcing that Admiral Caillaud's division of the Mediterranean fleet had arrived at Smyrna and seized the customs.

CENTRAL FIGURE IN THE NEW YORK CAMPAIGN.



JUSTICE WILLIAM TRAVERS JEROME, CANDIDATE FOR DISTRICT ATTORNEY.

NEW YORK, Nov. 4.—The central figure in the New York campaign is Justice William Travers Jerome, and the nominee on the reform ticket for District Attorney. It was Justice Jerome who originated the slogan of police corruption of the ticket which Seth Low heads for Mayor.

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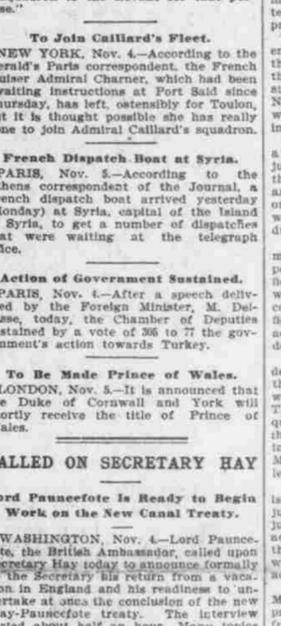
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TRIAL HAS BEGUN

The Court Refuses Petition for Continuance.

NINE JURORS ARE CHOSEN

Defence is Working for Delay—Several Witnesses Are Missing—Case Will Go to the Jury Perhaps in Three Weeks.

SEATTLE, Wash., Nov. 4.—Nine jurors have been passed for cause in the trial of John W. Constable, charged with murder in the first degree in the killing, June 25, of William Meredith, ex-Chief of Police of Seattle. When Justice Emory, of the Superior Court, adjourned this evening, another motion of the defense for continuance had been denied, the roll of the entire jury panel had been called, and 33 jurors had been reported and been excused. 33 jurors had been summoned to the box, 23 examined and nine temporarily accepted, subject in the later proceedings to peremptory challenge.

The opening of the trial did not attract a very large audience. The roll-call of the jurors was completed at 10 o'clock, and the fact that fifty per cent of those in attendance were there in response to summons or subpoenas. The proceedings of the day were devoid of sensational feature, and all to the average courtroom listener. The plea of the defense for postponement was based on the fact that two important witnesses are absent. An affidavit from one witness, now in Iowa, was received by telegraph, and read in the court. This was supplemented by an affidavit by James F. McElroy, the latest accession to the great array of counsel for defense.

The court refused the petition and ordered the case to trial. Thereupon began the laborious work of empanelling a jury which shall be acceptable to both sides. This, it is conceded, will probably require several days. No sooner had this work started than counsel for defense intervened to stay the proceedings. Mr. McElroy, on behalf of the defense, challenged the jury in its entirety. His allegation is that an act of the Legislature of this state creating a board of jurors is unconstitutional. Again, if the act is constitutional, the process of selecting jurors is unconstitutional. Again, if the act is constitutional, the process of selecting jurors is unconstitutional.

There were many sub-clauses in Mr. McElroy's allegations, all of which were promptly overruled by the court, and the further process of filling the jury box with acceptable men was resumed. The defense is on its mettle and is not going to overlook an opportunity for securing an acquittal. The case against John Constable was called first, and on the result of that will hinge any process against his brother. The case will not only be hotly contested, but will be long drawn out. The defendant's witnesses have been excused until Friday next. If a verdict is returned within two weeks it will be sooner than any people expect who are watching the case. Exceptions have been taken to the court's ruling on the motion for continuance, and if a verdict unfavorable to the defendant is returned, they will be made the basis for a strong plea for a new hearing before the State Supreme Court. As a matter of fact, the prosecution is equally as much at a disadvantage as the defense. One of its important witnesses has disappeared. Only two witnesses, each of secondary importance, are absent for the defense. It is contended by many that the real object of the defense is delay. The sentiment in Seattle at this time is neither vindictive nor violent. While the courtroom has been filled with spectators, there has been a feeling among them that justice will be done. The case will be long drawn out. At 5:15 P. M. the court adjourned until 9:30 tomorrow morning. The 12 men in the jury box were cautioned and placed in charge of a bailiff to be kept together.

SUMMARY OF THE DAY'S NEWS.

Political. Data in New York are 10 to 7 on Low's election. Page 1. Bad weather may reduce Republican majority in Ohio. Page 1. President Roosevelt en route to Oyster Bay to vote. Page 2. France-Turkish Trouble. Admiral Caillaud's fleet arrives at Smyrna, and seizes Turkish customs. Page 1. French House of Deputies sustains action of government. Page 1. Foreign. London had one of the heaviest fogs in years. Page 2. Brigands are to find out whether Miss Stone is alive. Page 3. Domestic. Hanna began his argument in the Schley case. Page 2. Lord Pauncefoot is ready to begin work on the canal treaty. Page 1. Settlement of the dispute over Northern Pacific is said to have been reached. Page 3. Pacific Coast. Trial begun at Seattle of John Constable, charged with murder of Meredith. Page 1. Coast or gas believed to be burning underground near Stevenson, Wash. Page 4. Supreme Court of Oregon renders two verdicts. Page 4. Commercial and Marine. Expected strength in New York stock market did not materialize. Page 11. Corn and wheat both higher in the East. Page 1. Cargo of wheat and flour will leave Portland for South Africa today. Page 10. China Mutual steamers reported said. Page 10. Petition of dock grain handlers will be answered next Monday. Page 10. Navigation closed on the Yukon River. Page 10. Portland and Vicinity. Business men and incorporators will discuss means to further Lewis and Clark Centennial. Page 8. Close trade relations between Portland and Seattle, discussed at Consul Ekasha's banquet. Page 7. J. W. Ivey, Alaska Collector of Customs, still holds position. Page 12. Judge Frazer held delinquent tax deeds valued in spite of prior liens. Page 10. Milldam mills burn down in second fire; loss, \$12,000. Page 8. Walter Howe, noble, shot by Conductor Loughlin in train fight. Page 12. Chamber of Commerce plans for reorganization with larger membership. Page 12.

GUNBOAT CREW MUTINIED.

Colombian Vessel Darton is Now in the Hands of Insurgents. PANAMA, Nov. 4.—The crew of the Colombian gunboat Darton has mutinied and the vessel is now in the hands of the insurgents. The Darton has been operating on the Panama side of the isthmus. She is one of the recent acquisitions to the Colombian Navy and is of small size.

Venezuelan Forces Surprised.

MARICAIPO, Venezuela, Saturday, Nov. 2.—(Via Haytian cable.)—Advices received here from Rubia, dated October 28, say that a night attack of the Colombians has caused a general rout among the Venezuelans were caught defending a river near Rubia. The rope bridge broke and numbers of Venezuelans were drowned. General Uribe Uribe's force, which was on the extreme left, has reinforced the center. The General is entrenching.

Andrade Arrives at Curacao.

WILLEMSTAD, Isle of Curacao, Nov. 4.—General Andrade has arrived here.

PAN-AMERICAN CONGRESS.

Chamber of Deputies of Madrid Sent a Vote of Thanks. MEXICO CITY, Nov. 4.—At today's session of the Pan-American Congress a note was read from the Spanish Minister, Marquis de Prat, conveying the thanks of the Chamber of Deputies of Madrid for the friendly sentiments of the conference toward Spain as expressed by General Reyes, delegate of Colombia, at the municipal banquet. General Reyes made a speech further explaining and justifying his coast. The secretary of the conference announced that the following papers had been entered for consideration: A report on arbitration and the treaty of arbitration on the Pan-American Court of Claims, on behalf of the Mexican delegates; a report on the Court of Claims by the Guatemalan delegates; a report to a proposal to appoint a committee to draw up a code of public international law, and another on private international law.

Minister Wu Has No Notice of Recall.

WASHINGTON, Nov. 4.—Minister Wu has as yet no notice from his Government of its reported purpose to recall him to China.