

Asheville Daily Gazette.

FORECAST:
Fair and warmer.

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ASHEVILLE, N. C., WEDNESDAY MORNING, DECEMBER 10, 1902.

FIVE CENTS PER COPY.
FOUR DOLLARS A YEAR.

The Enemy Has Entered The Bay at Mayaguez

Blue Fleet Wins the First Important Move in the Naval War—Defender's Station Captured.

Hamacao, Dec. 9.—The first important move in the war game, occurred today when the white, or "enemy's" squadron, under command of Admiral Sumner, entered Mayaguez, after passing several vessels of the squadron defending the Mayaguez section. The tug Leyden which was at Hamacao bay all night received a message early this morning. She hoisted signal immediately thereafter and made for the sea. She was intercepted by the torpedo boat Barney and a message was taken to Admiral Higginson who with the Kearsarge, Indiana, Alabama and Massachusetts of the blue or defending fleet were south-west of Vieques. The blue fleet then sailed for Ponce and will probably also go to Mayaguez.

Scouts are watching the enemy at Mayaguez. The enemy has not yet won the game.

Later the defending fleet concentrated

at Mayaguez. The enemy has lowered boats and mined the harbor and sent landing parties ashore. The signal station of the defenders has been captured.

THE LATEST PHASE OF THE VICK CASE

President Resents Simmons' Interference in the Postoffice Department.

Washington, Dec. 9.—The latest phase in the Vick case at the white house is an apparent disposition on the part of the president to resent the interference of Simmons and his party before the postmaster general, saying the usual place for senators to express their desires relative to presidential activities is upon the floor of the senate, not before the departments.

Vick confesses he opposed the republican party in November by work and vote. The question of his reappointment is still open. Senator Pritchard has more evidence which he has forwarded to the president. The fight now rests with the president. Color was the sole ground Simmons used before the postmaster general, and urged the appointment of Boykin because he is white. The Evening Star tonight has half a column of the white house story and a third of a column editorial on the matter.

B. C. G.

BARRETT MAY BE A PERSONA NON GRATA

Washington, Dec. 9.—The Japanese minister made inquiries of Secretary Hay today with regard to the proposed appointment of Barrett as minister to Japan. The inquiries were made in the kindest manner, but sufficient was gleaned from what the minister said to show that the Japanese government was doubtful of the wisdom of appointing Barrett. He did not make any protest or indicate that any would be made. Hay subsequently informed the president about the minister's inquiries.

SIGNS TO BE PLACED AT ALL CROSS ROADS

The bi-weekly meeting of the Good Roads association was held yesterday afternoon. The feature of the meeting was the report of the committee appointed to have road signs painted and submit them to the county com-

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missioners for their consideration. The committee reported that the commissioners were much pleased with the idea and consented to furnish signposts and hang the signs in case the association furnishes the signs and marked the places for their location. The question as to whether or not the name of the association shall be placed upon the signs was left to the committee. The work will be taken up and the locations for the

They will be large boards placed at all cross-roads in the vicinity of Asheville giving the name of the road, where it leads to, and the distance from Asheville. This move on the part of the association will doubtless be appreciated by all who travel in the surrounding country. Questions of good roads legislation were also discussed.

M'CALL-ZACHARY CASE DECIDED

A Number of Other Decisions of Buncombe and Madison Cases Special to the Gazette.

Raleigh, N. C., Dec. 9.—Among the decisions handed down by the Supreme court yesterday were the following: Rhea vs. Rawls from Buncombe, affirmed. McCall vs. Zachary, from Madison, error. State vs. Hagan, from Madison, affirmed. Smith vs. Parker, from Buncombe, affirmed. Thomas vs. Gwyn from Buncombe, affirmed. State vs. Staunton, from Madison, per curiam, affirmed. Duckworth vs. Davenport, from Transylvania, per curiam, affirmed. Miles vs. railroad, two cases from Madison, per curiam, affirmed. Benedict vs. Jones from Buncombe, motion to dismiss denied.

WILCOX CASE WILL BE TRIED IN JANUARY

Special to the Gazette.

Raleigh, Dec. 9.—A question that promises to make an interesting contest in the state courts has arisen in Durham county where the children of George Brooks, a mulatto, have been excluded from the public school for white children are of the fourth or fifth generation removed from pure negro blood. The state superintendent of public instruction and the attorney general have been requested to pass on the question, but declined to do so on ground that they had no authority. Brooks has employed counsel and will take the matter into the courts.

Governor Aycock today ordered a special term of the Perquimans Superior court for the trial of James Wilcox, the alleged murderer of Nellie Crosey at Elizabeth City. The special term will convene January 12, and Judge W. B. Council of Hickory will preside. Wilcox was convicted on a former trial and sentenced to be hanged, but the Supreme court granted him a new trial.

A SMALL FIRE

In the Second Story of Patton and Stikeleather's Stable.

The fire department was called out last evening at 10:30 o'clock. It was found that Patton & Stikeleather's stable had caught fire in the second story. The drivers had left a fire in their room and had gone out. During their absence the fire burned low and a burning stick rolled onto the floor. How long the fire had been smoldering nobody knows but the forethought of J. G. Stikeleather in getting to work instead of waiting for the department, doubtless saved several hundred dollars' loss to the firm. The hose in the feed box and the hose connecting with the washing stand was put in use. Mr. Stikeleather and the feeder operated the streams and soon had the fire extinguished. Very little damage was done.

The fire wagons made a fast run but passed the building, as the exact location of the fire was not known by them.

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A SAD STORY TOLD BY MINER

Inhuman Treatment by Operators Revealed in Testimony.

A MAIMED AND BRUISED MINER'S HARROWING TALE

Evicted from His Humble Home His Wife Sickened and Died

MEMBERS OF THE COMMISSION MOVED BY THE EVIDENCE SUBMITTED BY AN AGED WITNESS.

DANGER OF THE MINES.

Scranton, Pa., Dec. 9.—When the strike commission opened its session today H. C. Reynolds, one of the attorneys for the independent operators announced the death of Dr. J. N. Rice, an independent operator, who was a party to the arbitration scheme and was prominent in the present negotiations. Chairman Gray of the commission, expressed sorrow at the death of Dr. Rice. In a few well chosen words Judge Gray called the attention to the uncertainty of life and reminded all who are parties to the controversy that they may at any moment be called to that high tribunal, which gives exact justice to all.

The first witness called was James McMillan, a miner, formerly employed by Markle & Co. He said the breast he was working in was so dangerous that he complained to the company officials that he might be killed. He was told if he worked any other breast he would not be given any cars. He went out on strike and after the suspension was refused work and was ejected from his house.

B. D. Gallagher, another Markle miner, testified that the company charged him 35 cents a gallon for oil that sells in Hazleton, a few miles away, for 18 cents, and 32 cents a quart for blasting paper that can be had for 10 cents.

Chairman Gray asked what the inside price for powder was. Some of the independent operators said \$1.25 a keg, but attorneys for the miners said to 95 cents a keg. The company is selling it to the miners at \$1.50 a keg.

Andrew Hannik, a Hungarian, told how the Markles evicted him. He was followed by Henry Coll, another Markle miner, who told how his family, including his mother-in-law, who was a hundred years old, were set out on the road with their household goods. He gave a graphic description of how he was injured many times. He said one of his legs was no better than a wooden one; he had only one eye, his hands had been crushed, his ribs broken and skull fractured. The company gave him nothing until after the employees took up a collection for him, then he was given \$50, after being on the injured list for two years. The company took out of this collection the rent he owed.

In answer to other questions he said he was one of the thirteen evicted by the Markle company. The only rent he owed was for the months during the strike. The company gave no reason for evicting him.

Then followed the most pathetic story yet told the commission. The old miner, discredited from many injuries, told under examination of how the eviction was carried on. The wife was sick and her 100-year-old mother was blind and unable to walk. The day on which they were thrown out was rainy. He took them the best he could to Hazleton, seven miles away, and placed them in a cold, damp, empty house. This was last month when the atmosphere on the Hazleton mountain was quite cold. His wife became worse. Medical aid was kindly furnished free by a Hazleton doctor, but it did not help her much.

"We were greatly worried because of our having been turned out of the house, and one night," the witness said, between sobs, "she died."

"She died?" said Judge Gray, who was pacing to and fro across the room and who quickly turned when he heard the man's last words.

"Yes, she died, and I buried her yesterday."

All the commissioners and many of

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those in the court room were much affected by the old miner's story. The witness went on to say that he did not know whether the centennarian was alive today or not. She was in a bad condition owing to her daughter's death, when I left home last night, said he. No one cared to cross-examine, and Judge Gray said:

"That is all, Mr. Coll, and that is enough."

Two more witnesses told of how they were refused work by the Markle company, and then J. B. Gallagher, national board member of the United Mine Workers of America for the Hazleton district, took the stand, and told of conditions as he found them at the mines of the Markle company. The air in some of the gangways, he said, was so bad that miners' lamps would not burn. If he had a drill hole started and the lamp went out he would continue to work in the dark until his condition became so weakened by the air that he had to go out. So far as he could remember not one man who was on any of the Markle grievance committees is now working for that company.

Gallagher explained the troubles at the Markle mines after the recent strike was over, when the men refused to go to work because John Markle imposed certain conditions.

PRESIDENT SPEAKS AT HARLAN BANQUET

Washington, Dec. 9.—Eminent members of the bench and bar, distinguished representatives of the federal and state judiciary, gathered about the banquet board at the New Willard Hotel tonight to do honor to Justice John Harlan of the Supreme court of the United States. The banquet was given by the Washington Bar association in celebration of the twenty-fifth anniversary of the elevation of the justice to the Supreme court bench. The president and his cabinet, the justices of the United States Supreme court, the speaker of the house, the president of the senate and some other men of note were guests of the bar.

Justice John Marshall Harlan will soon celebrate his seventieth birthday. He is a graduate of the celebrated Center college, Kentucky, in which so many noted Americans imbibed their early draughts of learning. After his graduation he entered on the study of law at Transylvania university, now the University of Kentucky, and on receiving his degree took up the practice of his profession in Frankfort and afterward in Louisville. He served as colonel of the Tenth Kentucky regiment in the Union army under General Thomas for two years, but resigned his commission on the death of his father in 1863. About this time he entered on his political career, filling the office of attorney general of Kentucky until 1867, when he returned to the practice of his profession at Louisville. He served as a member of the Louisiana commission and also was a member of the Bering sea tribunal in 1893.

Justice Harlan was appointed to the Supreme court bench by President Hayes on November 29, 1877, and he took the oath of office on December 10 following. His length of service on the Supreme bench has seldom been surpassed, only seven or eight justices having exceeded it. The most noted of these are Justice Field, who died a few years ago after serving 34 years, and Chief Justice Marshall, who had a like term to his credit.

The president received an ovation at the banquet. When he rose to respond to the toast, "The President of the United States," he dwelt on the importance of the Supreme court and referred to the severe test of patriotism the people of Kentucky, Harlan's native state, were put to during the civil war, lauded the bravery shown by both sides and eulogized Harlan. Justice Harlan also spoke.

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IMMIGRATION BILL IN SENATE

Opposition to the Admission of Chinese Laborers to Hawaii

LONDON DOCKING BILL

KILLED IN THE SENATE

Gov. Wright Before the Senate Committee on the Philippines.

HE ASKS FOR A REDUCTION OF THE TARIFF RATE ON IMPORTATIONS FROM ISLANDS INTO THIS COUNTRY.

Washington, Dec. 9.—The senate today considered the bill to amend the militia laws of the United States.

The session of the senate was a lengthy one. It was 10 minutes after 5 when it adjourned. Most of the session was devoted to the consideration of the immigration bill. The chief discussion was on the amendment permitting admission to Chinese laborers into Hawaii under certain restrictions. A number of senators strenuously opposed the amendment. Tillman wanted to know why the Hawaiian sugar planters are "such pets of ours that we must amend the Chinese exclusion act for their benefit." Mallory favored sending negro labor from the south to Hawaii. Burton said that it had been tried, but proved a failure. The bill went over.

Luke Wright, vice governor of the Philippines, appeared before the senate committee on Philippines today and urged the passage of the bill reducing the duty on Philippine goods coming to this country to 25 per cent. of the Dingley rates. He also thought Chinese laborers should be allowed to come to the islands. Governor Wright also supported the bill for reform in the Philippine currency.

The president today sent the following nominations to the senate: Second Lieutenants of Infantry—Nicholas W. Camjagnoli of New Mexico and John Gordon Macomb. Also several minor promotions in the army.

Washington, Dec. 9.—Some minor business was transacted at the opening of the session of the house today. The senate bill to regulate the duties and fix the compensation of customs (Continued on page four)

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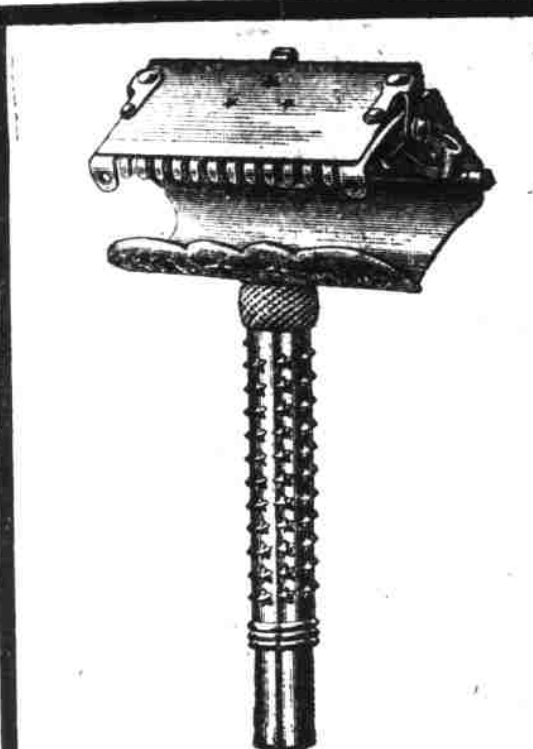
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