

# The Wilmington Messenger.

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FIVE CENTS

## DEMANDS REJECTED

### Operators Reply to Proposition of the Miners

#### STAND FOR THE OPEN SHOP

#### Higher Wages Would Mean Higher Prices for Coal

Propositions of the Miners are Discussed in Detail and a Firm Stand Taken Against Each One—Counter Proposition Submitted to the Miners, That the Awards and Principles Made by the Anthracite Coal Strike Commission be Continued for a Further Period of Three Years.

New York, March 11.—The propositions of the United Mine Workers of America for a re-adjustment of wages and conditions in the anthracite coal fields, as a whole, have been denied by the committee representing the anthracite operators. As a counter proposition, the operators suggest that the awards made by the anthracite coal strike commission, the principles upon which they were established by the commission, and the methods established for carrying out their findings and awards shall be continued for a further term of three years from the first day of April, 1906.

The present agreement terminates March 31 of this year. Announcement of the anthracite operators' decision and their counter-proposition was made tonight in a long statement. This includes the correspondence of the subjects at issue between President John Mitchell, of the United Mine Workers, acting for the miners, and George F. Baer, president of the Philadelphia and Reading Coal and Iron company, for the operators. The miners' propositions are discussed in detail. In every instance the contention is made by the operators either that conditions in the coal fields do not warrant the changes proposed by the miners or that the questions at issue already have been passed upon by the strike commission.

The demand of the miners that the operators enter into an agreement with the union is declined on the ground that the anthracite operators "stand unalterably for the open shop, and decline to make an agreement with the United Mine Workers of America, an organization controlled by a rival industry." Of the demand for an eight hour day, the statement says the operators know of no change in conditions that can be used to sustain the renewed demand for a deduction in hours. It declares that the expectation of the strike commission that the reduction from 10 to nine hours "should not result in any decrease in the output of the mines" has not been realized, and adds: "We might justly say that with the experience of the past three years the 10-hour day should be restored; but we are willing to abide by the decision of the commission." The proposition that a uniform scale of wages be established in the anthracite fields is met by the operators with the reply that this would be impracticable by reason of the varying capacities of the workmen and varying conditions existing in the region and at the collieries.

"We cannot increase wages without advancing the price of coal; and we are not willing to advance the price of coal" is the reply to the demand for a general increase in wages. The request that the operators shall collect from each employe certain stated sums for the support of the Mine Workers' Union is denied on the ground that "as a matter of policy we would not make such an agreement as you request, and as a matter of law, we are not permitted to make it." The operators decline to agree to any changes in the board of conciliation as established by the anthracite coal strike commission, taking the ground that the system proposed by the miners would simply involve the creation of a series of minor boards whose decisions might be conflicting, and from which appeals would have to be taken to an arbitrator, thereby creating more delays than now exist. The complaint of the miners that the board of conciliation does not act promptly, the operators declare to be not warranted by the facts. The demand for a new sliding wage scale is denied on the ground that the sliding scale fixed on the anthracite coal strike commission covers practically all the propositions in the proposed new scale.

President Mitchell, acting for the miners' committee in a letter to the committee of operators, outlined the reasons upon which the demands of the miners were based as follows: "We favor a uniform scale of wages

for men paid by the day, hour, or week, because of the fact that men performing precisely the same character, and indeed the same amount, of labor, cannot work with any degree of contentment while the compensation received by them is not uniform. At the present time, this condition exists in the anthracite fields. We feel that the proposition which we have submitted, fixing uniform rates for similar classes of labor will appeal favorably to the members of your committee and that the rates themselves are entirely conservative and not in excess of rates paid to men performing practically, if not exactly the same class of labor in bituminous miners.

"We propose an increase of 10 per cent in the rates paid to contract miners for several reasons. First, the general industrial commercial and trade conditions of the country justify an increase of wages to all classes of labor. The prosperity of the coal-carrying roads is unprecedented; as is demonstrated by their reported earnings and the enhanced value of their stocks.

"We favor an eight-hour day because eight hours is the standard working day of coal mine workers in nearly all the bituminous districts of our country, as well as in many of the mining districts of Great Britain and the continent; and eight hours is as long as a man can work in a coal mine without doing injury to his health and consequent injury to society. We believe that the establishment of a maximum eight-hour working day will not reduce production materially even if figured upon the basis of the output per man per working day.

"We favor the system of weighing and paying for coal by weight, wherever the condition would make this system practicable, because the present system, whereby coal is paid for by the car, has given rise to much discontent, owing to the varied sizes of cars now in use and to the constant friction which naturally arises when new cars are built and introduced, and to the seemingly unceasing desire of the companies to have the men load more coal upon these cars without a corresponding increase in compensation.

"We favor a reconstruction of the board of conciliation because of the delays that have occurred during the past three years in the adjustment of grievances. Indeed, there are some cases which have been in the hands of the board for two years without a final decision having been rendered; and in a very few cases have final decisions been reached in less than three months' time."

#### OFFICIALS ARE SURPRISED

Disappointment Expressed That the Operators Did Not Make Some Concession to the Miners.

Seranton, Pa., March 12.—District President T. D. Nichols of the United Mine Workers was in his office here today, but could not be induced to talk for publication on the operators' refusal to grant any of the anthracite miners demands.

It was learned, however, on the best authority that Mr. Nichols, in common with all the miners officials, was very much surprised and disappointed that the operators did not make some concessions.

The miners, according to the best authority, are not concerning themselves as much as might be expected under the circumstances as to the outcome of the situation.

"We don't want a strike," said one of them today, "but if a strike must come, we want some money, for there won't be anything like steady work this summer any how, because the coal that is stocked by the companies and by the retailers and consumers in expectation of a strike."

Householders in Seranton are fearing the worst and preparing accordingly. There was a big rush of orders for domestic coal today.

An important official of a big coal company said today: "Our men do not want a strike. Of that I am certain, but they did not want a strike three years ago, but just the same they struck, and no one can tell what the outcome will be."

Hope is expressed here that when the full committee of operators and miners come together, as is provided for in their plan of negotiations, something will happen to avert the strike. The district officers and delegates to the Indianapolis convention will leave tomorrow. It is expected that while the soft coal situation is bringing them together, the anthracite delegates will confer about their own difficulties and that before they part the anthracite situation will have been thoroughly canvassed.

#### Young Boy Accidentally Kills His Father

Tampa, Fla., March 12.—Playing "hold up," Charles Ryals, ten years old, pointed a shot gun at his father J. O. Ryals, at Branchton, today and crying "hands up," pulled the trigger. The gun was loaded, and the charge entered the elder Ryals' breast, death ensuing in a few minutes. The boy believed the gun was not loaded. Ryals was one of the most prominent farmers in this section.

The Rescue Expects to Float the Clyde. Norfolk, Va., March 12.—The wrecking steamer Rescue, which had been working on the British sailing ship Clyde of London, stranded on the North Carolina coast, returned to Norfolk today for supplies and additional wrecking material. The condition of the Clyde was reported to be good, and the Rescue returned to the coast with the full expectation of being able to float the Clyde in a day or two.

## DEADLY FIGHT WITH INDIANS

### Three Deputy Marshals Killed by Wickliffe Outlaws

OFFICERS SEARCHING FOR MEN  
Ambush Laid for the Deputies Was Cleverly Planned—Two of the Officers, at Last Accounts, Were Holding the Men at Bay, While a Third Went in Search of Help.

Vinita, D. T., March 12.—Heavily armed officers tonight are hurrying from all parts of Indian Territory to a place 25 miles southeast of Vinita in the Cherokee nation, where the Wickliffe outlaws, Cherokee Indians, laid in ambush and killed three deputy marshals on Sunday night, and at last reports were still battling with two remaining officers. The relief officers, because of the bitterly cold weather, and the mountainous country may not be able to organize their forces for an attack before tomorrow. The ambush laid by the Wickliffes for the six deputies on Sunday night was cleverly planned. The officers were led into it unsuspectingly, and were fired on with warning. The deputies fought desperately, but for a time escape for any of them seemed impossible.

The three men killed were L. L. Gilstrap, of Kansas; Otis Tuttle, of Vinita, and Richard Cary, of Tahlequah.

Thomas Wofford, one of the deputies who escaped, carried the news to Tahlequah today, and Marshal Daraugh issued orders to rush every deputy marshal in the northern district of the Indian Territory to the scene. Details of the fight have not yet been received.

Marshal Daraugh, in addition, wired the department of justice at Washington asking authority to swear in one hundred additional deputies, and to offer \$1,000 reward for each of the outlaws dead or alive. He has gone to Kansas, and will personally direct operations against the outlaws.

The outlaws are alleged to be headed by Charley, John and Thomas Wickliffe, sons of a former justice of the Cherokee supreme court.

The deputy marshals were ambushed while hunting the Wickliffes for the murder last March of Deputy Wier. The horses of the deputies were shot from under them, and Gilstrap, Tuttle and Carey were killed outright.

The other two sought shelter behind some rocks. When Wofford started back on foot to Tahlequah for reinforcements the others were holding the Indians at bay.

More bloodshed is feared. It is said that many of the younger full-blood Indian fighters in the Shavinau hills are joining the Wickliffes. Several famous Indian fighters are among the posse. Among them are two brothers of Tuttle, the dead deputy. The Tuttle belong to a family celebrated for fighting in the early days of the Indian Territory. When the two brothers left for the scene today they declare they would avenge the death of their brother.

#### HOUSE ANGRY AT THE SENATE

Leaders Object to Action Taken on Measures Sent Up From the Lower Branch.

Washington, March 12.—Statehood legislation formed one of the topics of discussion at the white house today. It developed from the calls on the president of Speaker Cannon and Representative Watson of Indiana, the republican "whip" of the house, that the members of the house are incensed at the senate and not only on the statehood bill, but on other measures passed by the house which have been received with disapproval by the senate. When Speaker Cannon was asked if, in his opinion, there would be statehood legislation by this congress, he said vehemently: "Go ask Aldrich, Burrows, and company. They seem to be running things. So far as I am concerned—so far as my vote goes—the legislation will proceed along the usual lines. The bill will be sent to a conference between the two branches. Do they think the house was born in the woods to be scared by an owl?"

Mr. Watson was positive the house would not occur in the senate amendments to the statehood bill. "The house will stand pat," he declared. "The senate has kicked out our Philippine bill, has tried to emasculate the rate bill and has cut the life out of the statehood bill. Do you think the house will stand for such treatment? It will not and you may depend upon it."

#### REPRIEVE FOR PATRICK

Governor Issues Another Respite From March 19th to May 18th.

Albany, N. Y., March 12.—Governor Higgins today issued further reprieve until May 18, in the case of Albert T. Patrick, whose sentence of death for the alleged murder of William M. Rice the governor has already delayed from January 22 to March 19.

The reprieve is at the joint request of District Attorney Jerome and the attorneys for Patrick, in order to allow time to continue the proceedings on the motion for a new trial, now pending in New York City.

## GIVEN UP FOR DEAD

### No Hope for Men Imprisoned in the Mine

DEATH LIST TOTALS 1,100  
One Party of Forty Men Reported Cut Off by Cave-in

Host of Bereaved People Give Troops Great Trouble in Guarding the Pit Mouths—Government Officials Start the Relief Movement—Many Heaps of Burnt Flesh Brought to the Surface—Terrible Tales Told by Survivors—One Rescuer Perished While Making His Fifteenth Trip Into the Mine.

Paris, March 11.—The worst fears as to the enormity of the mine disaster in the Courrieres district of the Pas-de-Calais Saturday morning have been realized. The death list numbers 1,100, and the whole of the region stands appalled at the terrible tragedy which has brought sorrow to 6,000 fathers, mothers, wives and children.

The last great mine disaster occurred in France in 1885, when 293 persons were killed and 80 injured; but that and all others sink into insignificance before Courrieres.

The vast mortuary camp is under military guard, 400 soldiers having arrived there to assist in holding in check the crowds of distracted mourners. For a time hope had been held out to the people that tappings on pipes by the imprisoned men had been heard, but gradually this hope vanished and the people demanded admission to see the bodies, and even threatened to break through the cordon of troops, who had the greatest difficulty in keeping the crowds from the pit. One man named Sylvester succeeded in entering the mine, but he never returned. It is believed that he groped about inside until he was overcome by gases, and perished. It is reported that a rescue party numbering 40 has been cut off by the cave-in of one of the galleries.

#### GOVERNMENT OFFICIALS BUSY

Minister of Public Works Gautier, Minister of the Interior Dubief and the secretary of President Fallieres remain on the ground endeavoring to comfort the distressed families of the miners. President Fallieres has given \$2,000 to aid in relief measures. The ministry will add a further sum to this, and the chamber of deputies will be asked to vote \$100,000 for the purpose of alleviating distress.

Minister Gautier and Dubief have received complete details of the catastrophe from M. Lavaurs, the director of the mine.

"Of 1,800 miners who were down in the pits when the explosion occurred," he said, "673 were working in pit No. 4, 482 were in pit No. 3, 571 were in pit No. 2, and the remainder in pit No. 10."

Those rescued were taken out as follows: From pit No. 4, 190; from pit No. 3, 15 escaped through pit No. 11; 490 came out from pit No. 2, and 74 from pit No. 10. A number of these were injured and some of them have died since. At the present moment over 1,000 men remain imprisoned."

#### ENTOMBED MEN ALL DEAD

Minister Dubief inquired: "Have you still any hope?" The director replied: "No, I believe all of them are dead." This was whispered into the ear of the minister in order that his words might not be overheard by the palefaced miners who stood anxiously waiting for an official word on the state of affairs.

Then the ministers listened to a graphic description of the scene in the mine by Leon Cefr, one of the men rescued, and who still is suffering from the terrible effects of his experience.

"I was working with a gang when the explosion occurred. The foreman immediately shouted for us to follow him, and, dashing into a recess in the gallery, we were followed by a blast of poisonous gases, which rushed by, however, without affecting us. We remained there for eight hours when, feeling that suffocation was gradually coming upon us, we attempted to escape. We crawled in single file toward the shaft, but several of the men dropped dead on the way, including my son and the foreman. I carried my nephew on my back for 40 minutes and succeeded in saving him. It took us four hours to reach the shaft."

#### MANY HEARTRENDING SCENES

The mine building has been transformed into a mortuary chamber, and all about in it lie the carbonized and almost unrecognizable bodies of miners which were taken there as they were brought up from the mine. Strick-

en relatives arrived at the mine building from time to time, searching for missing members of their families, and indescribable scenes of grief occur as women recognize loved ones.

Heartrending scenes, too, are witnessed about the mouth of pit No. 4, where in the presence of Ministers Dubief and Gautier the bands of rescuers are continually descending and returning with bodies. The women with children in their arms attempt to break through the cordon of troops which form a lane through which the body-bearers proceed to the mortuary chamber. Sometimes the burden consists of a mere heap of burnt flesh, and in nearly every case the body is terribly lacerated. Only one-half of the bodies recovered have been identified.

#### FATALITIES AMONG RESCUERS.

Despite the danger incurred, the volunteers, who include a number of those who were successful in escaping at the time of the explosion, do not hesitate to descend the shaft. Some of them have been down more than a dozen times. One of them, after having brought up 14 bodies, was suffocated on his fifteenth attempt, and it is feared that other fatalities among the volunteers will follow, as the air in the mines is still impregnated with noxious gases. A number of men engaged in rescue work have already been brought to the surface unconscious, and as they were driven to their homes in closed carriages, the women followed and broke the windows, suspecting that bodies were being hurried away.

Several miners have come up from pit No. 11, which is connected with pit No. 3. They effected their escape by means of a ladder, and as they came from the mouth of the pit they appeared to be bordering on madness. All of them were more or less injured. When asked about their comrades, one of them said: "It is horrible. All of them are dead."

#### RACE RIOT IN ALABAMA

Period of Muttering Against Whites Ends in Night Attack on Village of Wilmer, and Though Shooting Was General on Both Sides, an Old White Man Was Only Person Fatally Wounded

Mobile, Ala., March 11.—Sheriff Powers and four deputies left this morning for the scene of race trouble at Wilmer, 26 miles west of Mobile, on the Mobile, Jackson and Kansas City railroad, and returned at 7 o'clock tonight with four negroes, who are charged with being implicated in the attack last night by the negroes on the white residents of Wilmer. The shooting was begun by Cole Daniels, a negro ex-convict and at once became general. The white men, who were armed, participated. The negro mob had followed F. E. Pringle, and a negro, Sam Mc-Paston, whom Pringle had shot and was bringing to Wilmer for surgical attention, a distance of six miles. A J. Ellis, an old white man, aged 60 years, emptied his revolver at the negroes, and just as he fired the last shot a negro shot him from behind, a load of buckshot taking effect in his back and left shoulder, and when the sheriff's posse left Wilmer, Ellis was in a dying condition. One of Ellis' bullets struck the negro Cole Daniels in the head, but he made his escape, though a citizens' posse is lying in wait for him tonight.

A determined attempt was made early this morning to lynch the negro Mc-Paston, but cooler counsel prevailed. When the sheriff reached Wilmer some 200 white men were assembled there, gathered from the surrounding country.

It is said that there has been muttering among the negroes in the turpentine camps against the whites for the past eight months. Everything was quiet when Sheriff Powers and his deputies left the scene, though it is possible that fresh trouble may break out tonight. In that event, the whites are better able to take care of themselves.

#### JEROME SUES FOR LIBEL

Action Brought Against the American and the Evening Journal, for \$100,000 Each.

New York, March 12.—District Attorney William Travers Jerome today brought two libel suits for \$100,000 each, one against the New York American, and the other against the New York Evening Journal. The suits were filed in the supreme court, and the complaint says they are based on editorials which appeared in the papers named in the issues of March 8th. The editorial in the Evening Journal dealt with contributions which it alleged had been made to Mr. Jerome's campaign fund during his recent contest for re-election as district attorney of New York county. The editorial in the American was a criticism of Mr. Jerome's alleged attitude in the case of a man named Tillinghast, who confessed to jury irregularities, in interest he claimed, of a local street railway company. Tillinghast is now serving a sentence on the strength of his confession.

#### Death of the President of the Argentine Republic.

Buenos Ayres, March 12.—Dr. Manuel Quintana, president of the Argentine republic, died yesterday of catarrhal pneumonia. The end was somewhat sudden, although President Quintana had been in delicate health for some time. He was 71 years of age and for many years had been regarded as one of the ablest lawyers of his country. He was a prominent figure in national politics from his early life.

#### The Problem

Of the day is the servant question—The Gas Range solves the servant question.

## THE "TOBACCO TRUST" CASES

### Question of Right of Witnesses to Refrain from Testifying

BEFORE U. S. SUPREME COURT  
Proceedings Brought Under the Anti-Trust Law—Decision Was Against the Witnesses—The Chief Justice and Justice Brewer Dissented. Court's Opinion Delivered by Justice Brown

Washington, March 12.—The "Tobacco Trust" cases, involving the right of witnesses to refrain from testifying before federal grand juries in proceedings under the anti-trust law, were today decided in the supreme court of the U. S. against the witnesses. The cases grew out of proceedings for writs of habeas corpus instituted in the circuit court for the Southern District of New York, whose decision was affirmed. The court held, however, that the subpoena in this case was too broad.

The title of the cases were Edwin F. Hale vs. United States, Marshal Henkel and William H. McAllister vs. Henkel, and both came to the supreme court on appeals from the United States circuit court for the southern district of New York.

These cases involved the broad question of the right of a federal grand jury to compel witnesses to answer questions and as this question has recently arisen in many of the federal courts, the decision in this case has been looked forward to with much interest. The present proceeding had its origin in connection with a suit of the government against the American Tobacco company, commonly known as the tobacco trust, the McAndrews and Forbes Company, and the Imperial Tobacco Company, under the anti-trust law, which was instituted in the circuit court of the United States for the southern district of New York. Hale and McAllister are officers of tobacco companies, and when called to testify before the grand jury relative to the existence of the so-called trust, they refused to answer questions or to produce their books.

They were committed for contempt of court and sought to escape by means of writs of habeas corpus. These writs were refused and the case was brought to the supreme court by the defendants. In the hearing they attacked the jurisdiction of the grand jury and contended that at the time they were before the jury, there was no action pending against the tobacco companies. The jury's right to compel answers was questioned on the ground that in the investigation it was making, there was no specific charge against any particular persons. They also attacked the constitutionality of the act of February 25, 1903, granting immunity to witnesses in anti-trust cases.

Justice Brown delivered the opinion of the court. Justices Harlan and McKenna concurred in the result, but delivered opinions basing their conclusions on somewhat different grounds than those taken by Justice Brown in the controlling opinion. The chief justice and Justice Brewer dissented.

#### GREENE AND GAYNOR CASE

Expert Accountant Still Explaining the Alleged Division of Money Between the Defendants.

Savannah, Ga., March 12.—When the United States court convened today in the Greene and Gaynor case, E. J. Johnson, experts accountant, resumed the stand to explain the government's theory of division of money between the defendants. There were in all, it was contended, thirty-two divisions of spoils. In the simplest case, the witness explained, Carter disbursed \$29,075. He went to New York. The \$29,075 was deposited to the account of W. T. Gaynor. On the same day Gaynor withdrew \$13,975 in cash. Two days afterwards Carter bought \$13,900 worth of bonds from Reed and Flag of New York. The government contends that in every instance, where Carter went to New York, there was an arbitrary allowance of \$75 for his expenses, and that Carter invariably made out the check for an amount that would equally divide into thirds, plus \$75. Two sessions were held to expedite the introduction of Mr. Johnson's evidence.

#### THE JAMESTOWN EXPOSITION

Inter-denominational Meeting of Ministers Favors Closing of the Fair on Sunday.

Norfolk, Va., March 12.—At an inter-denominational meeting of ministers of Tidewater Virginia, here today, the question of opening of the Jamestown Exposition on Sunday was discussed and two Episcopal ministers, Rev. Dr. William A. Barr, of Norfolk, and Rev. Dr. Thomas, of Portsmouth, favored the opening. The meeting voted against the proposition, however, and authorized the appointment of a large committee of laymen to urge Sunday closing, and to take such steps as will bring this about. A communication was received from President Tucker, of the exposition company, saying the question would, at the ministers request, be brought before the board of directors at their next meeting.