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IN FOR A STRUGGLE

Strike of Miners May Last a Long Time

NEW FACTOR IN CONTEST

Small Operators Unable to Make Terms with Railroads and in Danger of Being Swallowed by the Large Concerns—Denial Given to a Report that the Strike Had Been Called Off—Plans for Relief of Strikers

[illegible], Pa., Oct. 3.—Although there [illegible] no material change in the [illegible]tion since yesterday, there is [illegible] conviction that the strike will [illegible] drawn-out one. This is mainly [illegible] fact that it has become gen[illegible]ized that instead of clari[illegible] developments of the last forty-[illegible]s have complicated the situa[illegible] is no longer now a mere de[illegible] the part of the mine workers [illegible]ease in wages, a reduction in [illegible] of powder and the settlement [illegible] minor grievances, but an en[illegible] factor has entered into the [illegible]. This is the individual opera[illegible] coal-carrying companies and [illegible] interests.

[illegible] information is obtainable [illegible]ators here as to what they [illegible] their efforts to induce the [illegible] companies to grant them [illegible] rates, it is known that [illegible] consultation with the rail[illegible] upon this very question. [illegible]ors say that they cannot ad[illegible] wages or increase their operating [illegible] in any manner until the carrying [illegible] companies agree to equalize mat[illegible] a compensating freight rate. It [illegible] that unless these concessions [illegible] the individual operators will [illegible] their collieries indefinitely. [illegible] other hand, it is thought in [illegible] circles that the carrying com[illegible] will not make any concession to [illegible]ators with the deliberate inten[illegible] of thus crowding them out of the [illegible]. It has only been a question [illegible] anyhow when the individual [illegible] would be gobbled up by the [illegible] companies, and the time seems to be [illegible] at hand.

[illegible] further complicate matters and [illegible] a protracted strike likely, is the [illegible] of President Mitchell of the [illegible] Mine Workers. It is believed [illegible] his object now is to secure official [illegible] for himself and the Mine [illegible] Union. His recent utterances [illegible] to the advance in wages of[illegible] directly by the companies to their [illegible]. "They do not seem to have con[illegible] me in this matter at all, but they [illegible] wish they had," has a very [illegible] aspect in the light of more [illegible]. When Mitchell was asked [illegible] about the rumor current [illegible] York that he had called the [illegible] off, he made the guarded reply [illegible] had not been in communication [illegible] railroad presidents in the mat[illegible] leaving the interviewer to infer [illegible] had not called the strike off [illegible] had any intention of doing so.

The Lehigh Valley Coal Company has [illegible] additional workers by the post[illegible] of its notices offering an advance [illegible] and a reduction in the price [illegible] and the miners seem to be [illegible] ignoring it.

No additional collieries were closed [illegible] today by the strikers and no vio[illegible] of any kind, with the exception [illegible] attempt made to frighten Michael [illegible], of East Broad street, is reported [illegible] in the region.

Two marches took place today, one at [illegible] and the other at Crystal [illegible]. At Minersville preparations had [illegible] made for a descent on the Latti[illegible] colliery, but the officials at the latt[illegible] place had heard of the program and [illegible] prepared. The miners came to [illegible] at an early hour, but did not [illegible] the property of the company and [illegible] no attempt to stop men from [illegible] to work; so they were not mo[illegible]. The Crystal Ridge march was [illegible] a small affair, only about 25 men [illegible]ipating. Their object was to in[illegible] the men working at Cranberry to [illegible] at home. The Cranberry col[illegible] still in operation, however.

[illegible] of the officers at strike headquar[illegible] says that if any relief measures are [illegible] upon no cash will be distributed [illegible] the strikers. Instead, the Mine-Workers' Union will establish supply [illegible] in towns where the families of [illegible] in need of assistance can secure [illegible] and household necessities. The supply depots will be in charge of [illegible] supply depots will be in charge of [illegible] to furnish relief for non-union men [illegible] are on strike, if what was given [illegible] semi-officially today is correct. [illegible] Mitchell and his colleagues, it [illegible], have no fear that the mine [illegible] will not be able to provide all [illegible] that may be necessary. They [illegible] aid from all classes of organized [illegible] throughout the country, and espe[illegible] from the bituminous miners, who, [illegible] said, are ready to send provisions [illegible] by the car load into the anthracite field. [illegible] General Gobin has been informed that [illegible] meeting of mine workers is sched[illegible] for tomorrow night at Lansford, in [illegible] Panther Creek Valley. It is under[illegible] that a large number of strikers [illegible] the vicinity of Hazleton will at[illegible] the meeting.

At present there are no indications of [illegible], but General Gobin said today [illegible] troops are needed they will be [illegible] readiness. Reports from the Pan[illegible] Creek Valley today are to the ef[illegible] that the Lehigh Coal and Naviga[illegible] collieries were still working with [illegible] forces, despite the great pressure [illegible] to bear on the men there by [illegible] from other districts.

Mitchell Makes a Statement

Hazleton, Pa., October 3.—President [illegible] this evening issued the following [illegible]:

To the Miners and Mine Workers of [illegible] Anthracite Region:

We have just been informed that a report has been circulated at Ashland [illegible] to the effect that in a conference in New York this morning between the coal presidents and myself an agreement was reached which will end the strike.

I desire to notify all mine workers that the report is incorrect and that I have not been in conference with the presidents and have made no agreement with them. I wish to reiterate what I said several days ago, that there will be no settlement of the strike until a convention of the anthracite miners is held. You are further requested to pay no attention to any statements of this kind and to continue the strike until such concessions are made by the operators as will justify us in calling a general convention, when you will be regularly notified of the date and place at which the convention will be held.

JOHN MITCHELL,
President United Mine Workers.

More Unions Organized

Pittsville, Pa., Oct. 3.—A half dozen big miners unions were organized in this district last night, and the miners are firmer than ever in their determination to continue the strike. Business men expect a long tie-up, and orders given for merchandise have been cancelled. The State troops will remain at Shenandoah. Practically all of the Reading's thirty-eight collieries in the Schuylkill district are producing no coal. Their North Franklin colliery in Northumberland county is getting out fifty cars a day. Nearly all washeries are closed down and no coal trains are moving today.

Reading Company Posts a Notice

Shamokin, Pa., Oct. 3.—Excitement was caused in this district this morning by the following notice being posted by officials:

Office of the
Philadelphia & Reading Coal & Iron Co.,
Potts. Pa., Oct. 3.

This company makes the following announcement to its mine employes:

It will adjust its rate of wages so as to pay to its mine employes on and after October 1, 1900, a 10 per cent. increase in the wages heretofore received, and will take up with its mine employes any grievances which they may have.

R. C. LUTHER.
General Superintendent.

Thousands of miners assembled to read the news. They were gratified that the Reading had at least agreed to arbitrate. When asked if they would return to work at once, everybody said they would wait until President Mitchell had given his opinion.

Rumor that the Strike Was Called Off

New York, Oct. 3.—A report that President Mitchell, of the United Mine-Workers, had called off the strike of the anthracite miners was circulated in the stock exchange today. The report could be traced to no definite source, but it caused a general advance in the prices of stocks.

Few Collieries in Operation

Pottsville, Pa., Oct. 3.—General Superintendent Luther of the mining property, reported to President Harris, of the Philadelphia and Reading Coal and Iron Company today that only four of the company's 39 collieries are working today. This is one less than was reported in operation yesterday, the property to shut down being the Good Spring colliery in the lower Schuylkill region. Superintendent Luther also reports that only one of the two breakers is in operation at the Brookside colliery, near Pine Grove. The only Reading Company collieries at work today are North Franklin, Lincoln, Glendower, and a part of the Brookside.

Following the example of the owners of the Mid-valley colliery in shutting down their works until the strike is over, the Shamokin Coal Company's Natalie colliery, between Shamokin and Mount Carmel, closed down this morning. Before the strike 1,200 men and boys were given employment there, but during the past two weeks the big operation was worked with about 300 men.

Dynamite Under a House

Hazleton, Pa., Oct. 3.—Another attempt was made here early this morning to blow up the dwelling occupied by a non-union man with dynamite. At 3:15 o'clock a large stick of dynamite was put under the house occupied by Mike Zulick, at Laurel Hill. Zulick, on being awakened by the explosion, rushed out of the house and fired off his revolver, but the perpetrators of the outrage were not caught.

Mother Mary's Prediction

Wilkesbarre, Pa., Oct. 3.—The following was given out by "Mother Mary" Jones this afternoon:

"We will win. It is in the air. It is in the offer of the presidents. But we want more than ten per cent in wages and a reduction in the price of powder to $1.50, and when the operators make an offer that they will accept they must agree to keep it at least a year. The sliding scale must be done away with; it only slides more into the pockets of the operators."

"Will this strike last if the operators remain stubborn?"

"Just as sure as the sky is above us it will. I know it because I have talked with the women of the coal region. What they say goes further and means more than the men. They are the real strikers. The burden is heavier on their shoulders than on the men. They suffer more. Some of them are suffering now. I know of several cases. I have talked with the women of the miners, their wives and daughters. They are enthusiastic for the strike, and they won't let the men give in until they win."

Executive Board Holds a Meeting

Hazleton, Pa., Oct. 3.—There was an executive session lasting several hours of the national executive board of the United Mine Workers tonight, and it was supposed from the secrecy maintained as to its object that there would be some important developments. At its conclusion, however, Mr. Mitchell said that there had only been a discussion of the general situation and a comparison of notes. From all reports received it was shown that out of 142,000 mine workers in the anthracite district, there were only 5,000 men at work, and it was expected that in a few days these would also join the strikers and every colliery in the entire anthracite field would be closed down.

Asked whether, as had been reported, he had been in consultation with the operators in New York over the long distance 'phone today, Mr. Mitchell said that he had not been and had not at any time had any talk with an operator. All that he knows was that the carrying companies and the individual operators were having a scrap by themselves and that the United Mine Workers would now simply lay back and look on. Mr. Mitchell also said that nothing had been done looking toward the calling of a conference, and he could not say when anything would be done in that direction.

UNDER REAL VALUES

The Rule of Assessments in Wilson and Halifax.

EVIDENCE VERY STRONG

Certain Cotton Mills Listed at Two-thirds Value and a Big Lumber Plant at Less Than Half Its Worth—The General Rule Shown by Witnesses. A Primitive Baptist Preacher Cites His Own Farm as Evidence.

Weldon, N. C., Oct. 3.—Special.—The third day of the railroad taxation case started up briskly this morning at 9:30 o'clock, with Mr. T. W. Fenner on the stand as the first witness. Mr. Fenner said he was deputy register of deeds of Halifax county. He was questioned as to assessment of the Roanoke Navigation and Water-power Company and the assessment of the works at Roanoke Rapids, including mills Nos. 1 and 2, the canals and town lots. From what Mr. Fenner read from the records it was shown that the mills and works are not assessed for taxation at more than two-thirds of their actual cash value.

The witnesses examined this morning were mainly from Wilson. They are among the best known and most prominent men of Wilson county.

Mr. Fenner said the North Carolina Lumber Company's property at Tillery was assessed at $8,900. It was shown that the cash value of the property is more than double that amount.

A certain property in the county, he said, was assessed at $22,500. This property would sell for double that amount.

Judge Connor, on cross-examination, wanted to know how the assessors could get at the value of a stock of goods, for instance, when such property was listed for taxation. Judge Connor wanted to know if there was any fixed rule for valuation.

Mr. Fenner said there was a fixed rule for valuing in Halifax county; that it was a matter with the assessors. As a rule, Mr. Fenner said, land was valued at three-fourths. He knew of one piece of property valued at $3,000 worth $5,000. Another item was where a neighbor sold a half-interest in a farm at $1,700 and the whole farm was only valued at that. He knew of no agreement to undervalue.

J. F. Farmer of Wilson county was examined. He had been a commissioner and assessor. The practice is that the assessors have tried to assess property at about two-thirds or three-fourths the cash value. It was a verbal understanding to assess at three-fourths. "My own property is assessed at not more than two-thirds. I am a minister of the Primitive Baptist Church. We consider it a reproach to be called Hard Shells."

On cross-examination Judge Connor wanted to know if there was any agreement to undervalue. He knew of none. In lending money he would not want to lend for more than half the value of land. He had found that to be a safe business rule.

B. F. Land of Wilson was one of the asesessors. It was a rule or principle in Wilson county to value at about three-quarters. On cross-examination by Judge Connor as to any fixed rule, he said there was no fixed rule to undervalue, but they exercised their best judgment in valuing. His own farm was valued at $2,500. It was worth $4,000. One farm he knew valued at $9,000 he thought would not bring over $8,000.

R. J. Taylor of Wilson was assessor in 1899. There was talk about fixing the value of real estate at two-thirds to three-quarters actual value.

W. E. Deans of Wilson was the next witness. He was tax collector for Wilson. From what he had heard and knew, real estate is valued at two-thirds to three-quarters.

J. M. Bateman, sheriff of Washington, and M. M. Bateman, clerk of the Superior Court of the same county, testified that there was no fixed rule for valuing, but that values in Washington county would range from two-thirds to three-quarters.

W. M. Brown and W. H. Grimes of Pitt, W. I. Herring, Frank Rhem, J. A. Pridgen and W. C. Fields, all of Lenoir, testified along the same line. The valuation in their townships was about two-thirds, and some sections as low as fifty-five per cent of the actual value.

The court adjourned to meet at Edenton October 29; Wilmington, November 12; Raleigh, November 26.

DEFIANCE TO BLACKBURN

Wilkesboro Chronicle Challenges Him to Come on with His Libel Suit

Winston-Salem, N. C., Oct. 3.—Special.—Today's Wilkesboro Chronicle defies the Republican candidate for Congress in this district to bring suit against it for libel, for charges made last week regarding Blackburn's official acts while United States Commissioner in Ashe county. The editor of the Chronicle says:

"We have mailed him a copy of the paper, but E. Spencer has not yet proceeded. Our authority is Hon. R. B. Glenn, district attorney at the time, with whom affidavits charging the offense were filed, and E. Spencer resigned before Judge Dick to prevent being tried. Mr. Blackburn has our permission to proceed at his pleasure."

An Incredible Rumor

Washington, Oct. 3.—No stock is taken here in the sensational Canton story of a plot to kill the president.

Chicago, Oct. 3.—The police officials in charge of the Central station today refused to discuss the rumor from Canton of a plot to assassinate President McKinley, referring all inquiries to Chief Kipley, who could not be found.

Harvard Has a Relapse

Cambridge, Mass., Oct. 3.—The Harvard 'varsity eleven had a relapse today. Its sharp work in practice yesterday had created great expectations. They remained unrealized, for in the game this afternoon in twelve-minute halves the 'varsity could only score twice against Williams, the score being 12 to 0.

BRYAN SWEEPING ON

Yesterday He Sped Through the State of Wisconsin.

THIEVES BIG AND LITTLE

Unjust Taxation Is Larceny Perpetrated by Law—The Farmer and the Tax on Binding Twine—The Hanna Idea of the Only Question Before the Country as an Issue—Jeffersonian Expansion and McKinley Imperialism

Potage, Wis., Oct. 3.—William J. Bryan and party spent half a day here, arriving during the night from La Crosse. Mr. Bryan spoke here at 10:30 o'clock and left at 12:30 p. m. for Columbus, Wis. He took breakfast with A. F. Warden, chairman of the State Central Committee, and lunched with Mayor Jones, of this city. Mr. Bryan's Wisconsin escort included the Democratic candidate for governor, L. G. Bohmrich; E. C. Wan, former national committeeman for the State; T. E. Ryan, present committeeman; Mayor Rose and Melville A. Hoyt, of Milwaukee, and Rev. Father Miller, of Waukesha.

Mr. Bohmrich, who preceded Mr. Bryan, spoke on the equalization of taxes and against an increase in the army.

Mr. Bryan also took up the question of taxation. He said:

"Unjust taxation simply transfers money from one man's pocket to another's and is larceny perpetrated by law; and do you know, my friends, as I have studied government and the policies of government, I have made up my mind that the stealing done by those in the penitentiary is not so great as the stealing that is done by unjust law? You may think that is a strong statement, but just remember that the number of men in the penitentiary is small compared with the population."

Then Mr. Bryan branched out in a general discussion of national taxes, taking up the question of the tariff. He spoke of the tax on binding twine. While the increase amounted, he said, to only half a cent an acre, the aggregate benefit to the manufacturers was not less than $700,000. He said that while the binding twine men were on hand to look after the tariff in this case, there were no farmers in Washington to protect themselves.

"They had enough to do at home," some one interjected, to which Mr. Bryan responded: "Yes, they were busy making enough to pay the tax."

Mr. Bryan said the time had come to take official steps to prevent stealing. The same kind of striped clothes should be put upon the big thieves as upon the little ones, and if this were done he believed the trusts and private monopolies would soon be destroyed. Defining the different kinds of trusts, Mr. Bryan said that investigation would develop that "a good trust" was a trust which gives liberally to the Republican campaign fund, while a bad trust is stingy.

Speaking of putting business men in office, he said that the most of those who made this plea wanted to exclude the most important business men. They did not want the producers of wealth, but the traders in the products of those who create wealth.

"Mr. Hanna has told us," he said, "that there are no trusts. He now says there is no such question as that of imperialism. That settles it, of course. Indeed, I am beginning to think there is no question except as to whether the Republican ticket shall be elected."

Mr. Bryan referred to the Republican plea that Jefferson had favored expansion. That, Mr. Bryan said, was true. Jefferson had favored expansion, but not imperialism. The territory that he had acquired had been converted into ten States and its people had become citizens. He said: "The Republican party is not giving us loads to build into States, it is giving us only people to subjugate. The Philippines are more densely populated than the United States, and instead of offering us a place for surplus population the result is apt to be the bringing of Oriental labor into competition with our own labor."

Document that Draws People

Portage, Wis., Oct. 3.—This county, in which Portage is located, is almost exclusively peopled by German-Americans. In a burst of enthusiasm, near the end of his speech, Mr. Bryan said:

"Republicans, show me a document ever penned by a modern Republican which will compare with the Declaration of Independence. Show me a speech made by a Republican today that has the influence of the Declaration of Independence. The Declaration of Independence has been read all over the world. In South Dakota I met Governor Lee, a Norwegian by birth, who from away off in Norway had read the Declaration of Independence and it had drawn him here and he is now the governor of a great State. In Minneapolis I met Governor Lind, who read the Declaration of Independence in Sweden and it drew him to the United States, and he is now the governor of a great State. Away off in Germany, Bohmrich read it and it drew him here, and it is my earnest hope that he may become the governor of this State. Republicans, have you any documents that draw people?"

Mr. Bryan declared that the Republicans celebrate the birthday of Alexander Hamilton, who did not believe the Constitution would live. He said Hamilton believed in England's plan of government. "Let the kings of Europe laugh at us if we give up the Philippines," he said. "It does not matter what kings think of us."

Again he said: "The Republicans want a big army to hold the Filipinos while they are being exploited by the development companies."

God Planted Love of Liberty

Waukesha, Wis., Oct. 3.—Mr. Bryan spoke here at the Casino and at the two opera houses. The audiences were necessarily small for the buildings would not hold big crowds. Many were disappointed at not getting in. There was a torchlight parade and some fireworks. Mr. Bryan said that when his opponents charged him with being the cause of the continuation of the Philippine war they paid him too high a compliment. On this subject he continued:

"The Filipinos knew the Declaration of Independence before they knew there was a man in this country bearing my name. Instead of me being the cause, it was a higher power than a Democratic candidate that placed it in their hearts the love of liberty. I tell you it was Abraham Lincoln who said it was God himself that placed in every human heart the love of liberty, and the Republican party says that we are going to give the Filipinos a right to participate in their government. We give them the right! It is not a man-given thing; it is a God-given thing. God himself joined together in every human being love of liberty; and what God has joined together let not the Republican party tear asunder."

Mr. Bryan will arrive in Chicago early tomorrow. Later in the day he will go to the convention of the Democratic clubs at Indianapolis.

He made six speeches today, against fifteen yesterday.

MORRIS PARK RACES

Winners in Yesterday's Events and Those that Will Run Today.

New York, Oct. 3.—Results at Morris Park:

First race, 2 miles, 8 hurdles—Klondyke, 6 to 5; Ben Eder, 3 to 1; Burlington, 8 to 1. Time, 3:44.

Second race, ⅝ mile, eclipse—Lady Uncas, 3 to 1; His Royal Highness, 9 to 2; Gold Lace, 15 to 1. Time, 58.

Third race, ⅝ mile, Eclipse—Templeton, 7 to 2; Basuto, 5 to 2; Sweet Tooth, 9 to 2. Time, 59.

Fourth race, Wither's mile—Servilla, 3 to 1; Gold Heels, 3 to 1; Driscoll, 6 to 1. Time, 1:21.

Fifth race, 1 mile—Templar, 7 to 5; The Black Scot, 2 to 1; Fatalist, 7 to 2. Time, 1:43.

Sixth race, 1 mile—Godfrey, 7 to 1; Dolando, 2 to 3; Brisk, 9 to 2. Time, 1:41.

Entries for Today

First race, hanlicap eclipse—Lady Uncas 97, Lieber Karl 112, Unmasked 107, Meehanus Hildedth 112, Vulcain 110, Toluca 100, Firm Arm 127, Redpath 100, Smoke 95.

Second race, 2 year old, ⅝ mile, Eclipse course—Ashes 115, Lookingglass 105, Inshot 110, Reina 105, Katherine 108, Gracious 108, Ondurdis 110, Salamis 110, Laurahia 112, Animosity 110, The Hoodoo 105, Mauga 115, Cherries 110.

Third race, Belle Meade, 3 year old, ⅞ mile, Withers—Brigadier 112, Watercure 112, Greenock 115, Lady Elite 107, Madrine 115.

Fourth race, Bronx high-weight handicap, ¾ mile, Withers—Belle of Lex 119, Kinnikinic 114, Vulcain 123, Hildreth-Meehanus 112, Gold Heels 104, Handicuff Osceola 100, Manine 95.

Fifth race, all ages, Withers mile—Trigger 87, Smoke 103, Cyrano 106, Queen Carnival 87, Ann Thompson 87, Seminole 90, Belle of Troy 109, St. Simonian 112, Compensation 111.

Sixth race, sell, 1-16, over the hill—First whip 113, Carbuncle 105, Millstream 111, Hammock 105, Buffoon 108, Oliver Mc 108.

ROOSEVELT ON THE ISSUES

The Question of Imperialism Stated as He Understands It

Broken Bow, Neb., Oct. 3.—Governor Theodore Roosevelt and party reached here at 8 o'clock this morning. Senator-elect Dolliver of Iowa and Charles H. Dietrich, Republican candidate for governor of Nebraska, joined the vice-presidential candidate, and all three addressed a large crowd in the public square. Governor Roosevelt said in the course of his remarks:

"I want to appeal to you on the ground of your material well-being to continue the conditions under which we have achieved such prosperity during the past four years. I want no better campaign document than to quote the prophecies of Mr. Bryan four years ago and compare them with how the events have come out since. Four years ago you were told again and again that unless you had free silver everything would go wrong. Then go back a little further. Eight years ago it was free trade and lower prices for your products. At present, if I understand them aright—and it is hard to keep track of their issues—the paramount issue is that the brown man in the Philippines has a right to shoot at any one he wishes, and the black man at home, though born a free citizen and an American, has not the right to vote."

NATIONAL LEAGUE

The score:		R.	H.	E.
Boston	003001000—4	5	3	
Brooklyn	103002000—6	7	2	

Batteries: Lewis and Sullivan; Yeager and Farrell. Umpire, Hurst.

Second game:		R.	H.	E.
Boston	0300001—4	8	2	
Brooklyn	1002002—5	8	2	

Batteries: Dineen and Connor; Kennedy and McGuire. Umpire, Hurst.

Game called on account of darkness.

The score:		R.	H.	E.
Philadelphia	200000003—5	12	1	
New York	001010200—4	10	2	

Batteries: Hawley and Grady; Orth and Douglas. Umpire, Snyder.

The score:		R.	H.	E.
Cincinnati	40310400x—1214		2	
St. Louis	033000000— 6	11	5	

Batteries: Powell and Criger; Newton and Kahoe. Umpire, Emslie.

Standing of the Clubs

	Won.	Lost.	Pct.
Brooklyn	79	52	.603
Pittsburg	74	57	.565
Philadelphia	71	61	.538
Boston	65	66	.496
Chicago	63	70	.473
St. Louis	59	72	.450
Cincinnati	59	72	.450
New York	56	76	.424

Youtsey Trial Put Off

Georgetown, Ky., Oct. 3.—The Youtsey trial was postponed again today until Friday on motion of the defendant's attorneys, who said summons for certain of their witnesses had not been served. The case must go to trial Friday or be postponed until February. It looks very much as though the defense will ask for a continuance till February. The indictments against "Tallow Dick" Combs, John W. Davis and Holland Whitaker were continued today until February.

WE OWN PORTO RICO

The Island Not a Part of the United States.

IT JUST BELONGS TO US

An Officer of the Treasury Department Decides that the Constitution Does Not Follow the Flag—He Defines the Status of the Insular Courts Under the Act of Congress Providing for the Government of the Island.

Washington, Oct. 3.—Comptroller Tracewell, of the Treasury Department, has just issued an important opinion on the character of the United States courts in Porto Rico. He holds incidentally, that the Constitution of the United States did not extend to Porto through the operation of the treaty with Spain, and he declares that the United States have become the owners of the island, although neither the island nor the people, by the act of cession, became an integral part of the United States. The decision relates directly to the courts of the United States in Porto Rico. In his opinion Mr. Tracewell says in part:

"The insular government for Porto Rico has made up a budget purporting to provide funds for all the necessary operating expenses of the United States District Court for Porto Rico. The insular authorities are also of the opinion that the act of Congress temporarily to provide revenues and a civil government for Porto Rico imposes upon such government the duty of providing support for the operating expenses of said court, and carries with it the corresponding right to require its officers to report to and account for all their receipts and expenditures to such island government.

"The determination of the questions involved requires the consideration of the status of the District Court of Porto Rico. Is it a local court of Porto Rico, or a United States court located in Porto Rico?

"Porto Rico was acquired as the result of the settlement of our late war with the kingdom of Spain and it was acquired by the United States by virtue of the provisions of the treaty of peace between this government and the kingdom of Spain. It is quite evident from a reading of the entire treaty that there was no intent on the part of the treaty-making powers to extend by that instrument either the Constitution of the United States or its statute laws over this ceded territory.

"It (the treaty) became the supreme law of such acquired territory. With the conclusion of the treaty Congress had authority to enact for the government of this acquired territory all such laws as it deemed suitable and necessary to the capacities and wants of its people. The United States, by the act of cession, became the owner of the island, but such island nor its people did not by the mere act of cession become an integral part of the United States.

"The act providing for a civil government for Porto Rico extends the statute laws of the United States not locally inapplicable, except as in the act otherwise provided, over the island of Porto Rico. The statute laws of the United States relative to the district courts of the United States are not, so far as I am advised, inapplicable to a United States Court in Porto Rico, unless made inapplicable by said Porto Rican act.

"The act establishes this court as a part of the Federal system of district courts, and would seem to make it appropriate, indeed, necessary to refer to the general laws of the United States governing such courts and their officers, in order to ascertain the rules and limitations of their procedure. The act in question differentiates this court from other United States district courts, either in the States or Territories in that the salaries of United States officers, including that of deputy marshals, shall be paid out of the Porto Rican treasury: also that the expenses of all these officers, whatever they may mean, shall also be paid out of the Porto Rican treasury.

"The question left for determination, is, are the ordinary operating expenses of this court included in the expenses of the officers of judge, marshal or clerk, or their assistants or deputies? The judge is one of the officers of this court; as likewise are the clerk and marshals; and the law provides that the expenses of their offices shall be borne by the treasury of Porto Rico. The court itself is not an office. It is not the judge, the clerk, or the marshal. It is the aggregate of all these officers and their help and assistants. It is an organized body composed of all those offices and their officers.

"It is reasonably certain that under the terms of the Porto Rican act but one class of deputy United States marshals is provided to be appointed by this court, namely, a class of deputies to be paid a salary out of the treasury of Porto Rico.

"I am of the opinion and decide that all operating expenses of this court should be paid by the United States; that the fees, costs and fees charged and collected by the marshal should be paid into the treasury of the United States; that the marshal should report to the accounting officers of the United States as required by law, and account to the accounting oeers of the United States for all his receipts and expenditures relative to the operating expenses of this court; that the deputy marshals shall be paid their compensation from the treasury of Porto Rico, and that the Department of Justice is required to furnish Marshal Wilson with all necessary blanks for his office."

Shot in the Back While Running

Lexington, Ky., Oct. 3.—R. C. O. Benjamin, editor of the Lexington Standard and attorney for "Tallow" Dick Combs, who is accused of being accessory to the killing of William Goebel, was shot in the back by Mike Moynahan, white, while fleeing after a registration quarrel here last night.