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## WINDER APPEALS TO ROOSEVELT ASKING HIM TO INTERCEDE

### But John Mitchell Protests Against Statement Made in Message

## STRIKE SITUATION BECOMING CRITICAL

President Today Gave Out Contents of Telegrams, Winder Urging That He Appoint a Commission to Investigate Differences Between Miners and Operators—Mitchell and Operator Robbins Telegraph That Winder Does Not Represent the Real Facts—Says Some Operators Are Willing to Pay Scale.

(By the Associated Press.)  
Washington, March 30.—President Roosevelt today authorized the publication of two telegrams received by him last night. One came from John H. Winder, chairman of the bituminous coal operators association at Indianapolis and the other from John Mitchell, president of the United Mine-Workers of America and Francis L. Robbins, the largest coal operator in the Pittsburgh district.

The telegram from Mr. Winder proposes that the president appoint a commission to investigate all matters which in the judgment of such commission had an important bearing on the scale of wages which should be paid all classes of labor in coal mines of the territory involved. He proposes that the commission report to the president its findings of facts together with its recommendations and suggests that the commission have power to administer oaths and compel the attendance of witnesses.

The telegram signed by Messrs. Mitchell and Robbins takes issue with the statement made in the telegram signed by Mr. Winder, saying that it does not represent the real facts. They assert that one half of the total tonnage in western Pennsylvania, Ohio, Indiana and Illinois is produced by operators who are willing to pay the compromise scale.

The president has taken no action in the matter as yet.

The telegram of Mr. Winder simply transmits the resolutions adopted by the coal operators in Indianapolis, the text of which was published this morning.

The telegram from Messrs. Mitchell and Robbins says:  
"Indianapolis, Ind., Mar. 29, 1906.  
"Hon. Theodore Roosevelt:—Responding to your suggestions we have fulfilled our highest duties as citizens of our country by advocating a bituminous coal scale on a reasonable compromise. We understand that a telegram has been sent to you tonight, purporting to speak for eighty per cent. of the bituminous tonnage. That telegram does not represent the real facts. At least one half of the total tonnage in western Pennsylvania, Ohio, Indiana and Illinois is produced by operators who are willing to pay the compromise scale.

"JOHN MITCHELL,  
"FRANCIS L. ROBBINS."

It can be said, at this time, that the president occupied the same position he has occupied for several weeks. He is anxious that a strike be averted and is ready to do all in his power to prevent a clash between the miners and operators, but it is known that he does not think the present moment opportune for government interference. What he may do in the near future is not disclosed. In fact, no decision regarding action by the president has been determined upon. The subject was discussed at the cabinet meeting.

It is evident that an optimistic view is held at the White House regarding the impending struggle. It is regarded as doubtful that a strike, declared at this time, will prove as serious as that of three years ago. It is pointed out that the operators themselves are divided on the question and that there are indications that the serious aspect of the situation may be received without government intervention.

At the conclusion of the cabinet meeting the president made the announcement through Secretary Loeb that there was nothing to say at this time. It was added that he had not as yet replied to either of the telegrams.

Received by The Pope.  
Rome, March 30.—The pope today received in private audience Archbishop Ireland, of St. Paul, Minn.

## BAER WORRIED OVER REPORT

### Wires Mitchell About Anthracite Strike

## TO BEGIN ON MONDAY

Nothing Official Received, But Railroads Are Preparing For Clash and New Men Are Employed To Start Work If Union Miners Are Called Out By Organization.

(By the Associated Press.)  
New York, March 30.—The following message sent by President George F. Baer of the Philadelphia & Reading Railroad, to John Mitchell, president of the United Mine Workers of America, was made public at the offices of the representatives of the anthracite coal roads in this city today:  
"Philadelphia, Pa., March 30.  
"John Mitchell, Indianapolis, Ind.  
"It is true that pending negotiations, you have, as stated in the newspapers, ordered your followers not to work in the anthracite mines after April 1?"

(Signed) "GEORGE F. BAER."  
It was also stated at the operators' headquarters here that neither Mr. Baer nor any other of the presidents of the anthracite coal carrying railroads has yet received any word from Indianapolis telling of the order for the hard coal miners to strike on Monday.

It was reported in this city today that some of the anthracite railroads had prepared for the strike by hiring men to take the places of those who quit work, but this was denied at the operators' headquarters today. It was stated that some of the operators had suggested that a constabulary force be enlisted as was done in the last great strike, but this was discouraged by a majority of the operators and they decided to rely entirely upon the state of Pennsylvania to protect their property during the projected strike.

Strike Sure, Says Mitchell.  
Indianapolis, Ind., March 30. President Mitchell of the United Mine Workers, said to the Associated Press today that he had not received the message of President Baer asking if it was true that he had ordered the anthracite miners out pending negotiations.

"When I do," said he, "I will send him a copy of the statement given to the Associated Press last night announcing that such action had been taken."

## BAD FIRE AT CLINTON

### Postoffice and Telephone Exchange Burned

### Store and Other Buildings Destroyed, Loss Being \$20,000.—Bank and Wholesale Grocery Saved By Heroic Efforts.—Insurance Covers It.

(Special to The Evening Times.)  
Clinton, N. C., March 30.—At 12 o'clock last night fire broke out in the Clinton telephone exchange and burned the exchange, the post office, Allen Barbeoy's store and several smaller buildings value at \$20,000. By heroic efforts the Bank of Clinton and the wholesale grocery house of Southernland & Co. were saved. Practically all the property was covered by insurance.

Prof. Royster's Address.

(Special to The Evening Times.)  
Wake Forest College, March 30.—Prof. James Royster, who is one of the instructors in English at the University of Chicago, delivered an interesting address here last night on "Life in a Great University." Mr. Royster is an alumnus of Wake Forest, having graduated here in 1903. He is a native of Raleigh, where he is now visiting his parents, Dr. and Mrs. W. I. Royster.

## NO ARGUMENT; LEADERS QUIT

### Miners and Operators Adjourn Sine Die Today

## STORMY CONFERENCE

### "If We Don't Hang Together," Says Delegate, "We Will Hang Separately."—Mitchell Wants Peace. Where Certain Operators Agree To Make Concessions.

(By the Associated Press.)  
Indianapolis, Ind., March 30.—The joint conference of miners and operators of the southwest district adjourned sine die this afternoon without reaching an agreement.

Indianapolis, Ind., March 30.—President Mitchell in calling the national convention of the United Mine Workers of America to meet today, said: "Gentlemen, the purpose in asking for a separate convention of the miners is to determine the policy that we shall pursue."

President H. C. Perry of the Illinois miners, offered the following: "Resolved, That this convention authorize the national and district officials to make an agreement with any and all parties engaged in the operation of coal mines the same to provide for the restoration of the scale paid in 1903 for mining day labor and dead work for a period of two years beginning April 1, 1906, in the central competitive field and the equivalent of the above demands to the basis in all other bituminous districts."

In reply to a question Mr. Mitchell said the Ryan resolution had never been formally rescinded, but the report of the scale committee had virtually nullified it.

W. D. Ryan, author of the resolution said he did not think it necessary to rescind formally.

"It has done its work," said he, "and has made them put up the price. We have the best chance now that we ever had to right some wrongs existing in western Pennsylvania. I believe that can best be done by signing the scale where it is offered. I know it will be a guerrilla warfare, but I believe it is the best thing to do."

Delegate Savage opposed the division of the miners' forces that would follow the adoption of the resolution.

"I believe with Patrick Henry," said he, "if we don't hang together we will hang separately."

He said he wanted to see every miner drop his pick Saturday night and not take it up again until every miner in the country had secured his rights.

A delegate moved the previous question which was called for by a number of voices. President Mitchell ruled the motion out of order.

President Mitchell then took the floor. He said: "You shall know what policy I believe should be best to conserve your interests. I am concerned for the people who mine coal and who depend upon coal mining for their livelihood. I am also concerned about the people of this country. I know how popular it is to talk strike but I also know what a difference there is when passion has cooled. I know there have been large operators who have opposed an advance who will not wait ten days before signing the scale. My best judgment is that we should make settlements with those operators who will pay our scale and employ union men."

## GREAT DAMAGE BY RAIN STORMS.

### (By the Associated Press.) Memphis, Tenn., March 30.—According to reports received here the state of Arkansas, and Mississippi and northern and central Louisiana have experienced the heaviest and most destructive rainfall of years during the past 48 hours. The precipitation began Wednesday and continued until last evening and in many sections rain is still falling. In some sections small streams are leaving their banks and crops have suffered considerably. Train schedules are badly damaged on many lines and the washouts and the insecure bridges. In north and central Louisiana rain has fallen almost continuously for three days.

## SILVER WON STEEPLECHASE.

### (By the Associated Press.) Liverpool, March 30.—The grand national steeplechase of 275 sovereigns, a handicap for five years old and upwards, about four miles and 350 yards, was run today at the Liverpool spring meeting and was won by Prince Hatzfeldt Ascetic Silver. Red Lad was second and Aunt May was third. Twenty-three horses started.

## NO DECISION IN NORRIS CASE

### Magistrate Separk Delays it Until April 11

## HUNTING FOR THOMAS

### Court Declines To Render Verdict Until Important Witness Can Be Brought Here To Make Further Statement.—Will Attack Character of S. M. Upchurch.

At 1:45 o'clock this afternoon Justice of the Peace Separk continued the further hearing in the case of the state against M. T. Norris on the charge of setting fire to the W. J. Norris house on the Avenet Ferry Road on account of the absence of J. J. Thomas, the man by the defendant's affidavit submitted by the defendant and others, has admitted that at the former hearing of the case he testified falsely as to seeing a light in one of the windows of the house that was burned on the night of the burning.

At first the magistrate set next Wednesday at 1 o'clock, but later, to accommodate the attorneys, he changed the date to a week from next Wednesday, April 11.

The magistrate decided, after some argument of counsel, to admit at the postponed hearing evidence of witnesses introduced by the defense as to the character of S. M. Upchurch, one of the state's witnesses.

It was after 1:30 before the case was taken up today in the city police court. Mr. Norris was in court with his attorneys, Col. J. C. L. Harris, Major S. G. Ryan and Mr. J. N. Holding. Solicitor Armistead Jones represented the state, and with him were Col. J. W. Hinsdale and Mr. F. S. Sprull of Louisville.

There was no answering voice when Col. Harris called John J. Thomas, and then Col. Harris stated briefly that the subpoena had been served on Mr. Thomas on March 28, that counsel for the defense understood that Mr. Thomas had been seen yesterday in good health, take a train at Merry Oaks, and that he was believed to be in Durham today.

Colonel Harris asked for an instant capias for Mr. Thomas, and that the hearing be continued for a reasonable time, so that Mr. Thomas could be gotten here.

Mr. Sprull said they had never thought the testimony of Mr. Thomas was sufficiently essential for his honor to have him here to contradict his former statement. It could not be material whether one or more persons saw it or not. The house was burned and they considered there was abundant evidence of probable cause. He considered that it had been shown that Mr. Norris had ample opportunity and motive to commit the crime.

Mr. Holding said if Mr. Thomas' evidence was not essential, it was very strange that counsel had dwelt upon it so strongly. "Are you willing to strike it out altogether?" asked Mr. Holding.

Solicitor Jones said the state was perfectly willing to have the hearing continued.

Magistrate Separk said he wanted to hear what Mr. Thomas had to say, and set Wednesday at 1 o'clock for further hearing.

Mr. Holding gave notice that he would have character witnesses to show that S. M. Upchurch is known to be an untruthful man, and had been arrested and put in jail for incest with his own daughter.

Col. Harris opposed the reopening of the case. Solicitor Jones also said they had understood that the defense would have no witnesses to introduce, and the case was closed with the exception of Mr. Thomas coming here to be examined. "Are you going to continue this case, and keep on continuing this case until Christmas?" It was not according to court practice to reopen and reopen a case in any such way.

Col. Harris said he saw mighty little difference between trying to prove that Mr. Upchurch had testified falsely and trying to prove that Mr. Thomas had told untruths.

Col. Harris warmly contended that if it did take until next Christmas to vindicate the character of a citizen of North Carolina, it would be well worth it.

Mr. Sprull submitted that it was not right for the defense to come back with another crack after they had been so disappointed because a decision was not rendered at once. The state had no disposition whatever to suppress evidence of any kind. Mr. Sprull thought the only mistake made had been in not deciding the case at once, but he submitted that it would not be right to reopen the case. He said the defense had had every opportunity to know what evidence the state was going to introduce, and that the defendant had interviewed all the witnesses, a proceeding (Continued on page six.)

## STOP PRINTERS BY INJUNCTION

### Union Must Let Non-Union Employees Alone

## CASE IN WASHINGTON

### Injunction Granted On Petition of Typothetae, Court Holding That a Free Day and Free Labor is More Important Than an Eight Hour Wage Scale—No Word of Boycott.

(By the Associated Press.)  
Washington, Mar. 30.—In the supreme court of the District of Columbia today, Justice Stafford, on the petition of the Washington Typothetae granted a temporary injunction against the union printers of this city who are on strike for an eight hour day, restraining them from interfering in any way with the non-union employees. The court, however, refused to issue an order regarding a boycott of the open shops holding that there was not sufficient grounds for the same.

The question of making the injunction permanent will be decided later.

Justice Stafford entered into an exhaustive analysis of the contentions of the parties to the complaint and of the law applicable to the case, and prefaced his decision as follows:

"There is something more important than fair wages, and that is the right to work for any wages the workman is willing to accept. There is something more important than an eight hour day, and that is a free day. Any enhancement of wages, any lessening of the hours of labor, any improvement in the conditions of employment would be too dearly bought by the surrender of the smallest fraction of individual liberty."

## ROBBED BANK FOR 25 YEARS

### (By the Associated Press.) New York, March 30.—Joseph A. Turney, note taker of the National Bank of North America, was arraigned in police court today on the charge of stealing \$34,000. Cashier Wire, of the bank appeared in court and said that the note taker had confessed to taking the money. He said that \$25,000 of the amount alleged to have been stolen was taken before 1900. The money is said to have been used in speculating. Turney was remanded without bail until Monday. Turney, according to the bank officer, had secured much of the money by keeping checks which came into his possession. He is fifty years old and has been in the employ of the bank for about thirty years.

## SUITS AGAINST JOHN S. HUYLER.

### (Special to The Evening Times.) Asheville, N. C., March 30.—Three suits were instituted by Black Mountain citizens yesterday against John S. Huyler, the New York candy maker. The suits are the result of the breaking of the Montreat dam during the floods of this year. Much property damage was done by the breaking of the dam and although the complaints in the suit have not been drawn and the damages to be demanded not stated, it is said that the courts will be asked to award considerable sums of money to the plaintiffs.

## TO DEVELOP TIMBER LANDS.

### (By the Associated Press.) Norfolk, Va., March 30.—The Elizabeth River Railroad Company has been established to run new lines of railroad from Norfolk to the Dismal Swamp and bridge permits for the beginning of building operations will give outlet to millions of feet of lumber to be cut and manufactured by plants now established and others to be established, and will mean vast development in the rich timber lands through the Dismal Swamp section in Virginia and North Carolina.

## FOURTEEN MINERS TAKEN ALIVE FROM TOMB UNDER RUINS

### WITTE HOLDS THE KEY

### His Fall Now Would be Like a Catastrophe

### Premier Has Not Attended Sessions of Council Since His Statement and His Retirement is Expected—Moderate Circles Deplore That Event.

(By the Associated Press.)  
St. Petersburg, March 30.—Since the sitting of the council of the empire March 19 at which Premier Witte made an enigmatical statement which was interpreted by many members of the council as a virtual declaration that his career as premier was ended and that he would be succeeded by Privy Councillor Kokovsov, former minister of finance, the premier has not attended the sessions of the council and his continued absence adds color to the rumors of his retirement at an early date. The Associated Press is positively informed that the premier's resignation, based on the grounds of ill health, is before the emperor. This, however, is not admitted at the premier's chancellery. The general belief in high quarters is that if Count Witte retires it will not be M. Kokovsov but M. Goremykin, former minister of the interior, or General Count Ignatieff, leader of the reactionary party, who will succeed him. The combination of the reactionaries is understood to be M. Goremykin for premier and General Ignatieff for minister of the interior.

In moderate circles the fall of Count Witte at the present juncture would be regarded as a catastrophe.

They Had Been Imprisoned for Twenty Days and Ate Horse and Dry Hay

## SUDDENLY BLINDED BY DAZZLING LIGHT

### Sudden Appearance of Victims Caused Stupefaction Among the Rescuing Bands—Lived On Earth and Bark for Eight Days and Then Feasted On Dead Animal Found in the Ruins—Draft of Fresh Air Guided Them to Opening Through Which They Escaped.

(By the Associated Press.)  
Lens, France March 29.—Fourteen of the 1,200 miners who were entombed in the Coeurres twenty days ago, were taken from the mine alive and well today. They had lived on hay found in one of the underground stables and the morsels of food which they took into the mine with them nearly three weeks ago. All attempts to rescue the entombed men had been abandoned more than two weeks ago.

The sudden appearance of the imprisoned men caused stupefaction. A gang of salvagers had just completed their night's work when they were startled to see a group of miners, terribly haggard and exhausted and with eyes sunken, appear from a remote part of pit No. 2. The strongest of the party said they had broken out of a distant gallery where they had been entombed since the disaster of March 10. The rescued men were taken up the elevator, but were unable to see, owing to the dazzling daylight. The mine officials were deeply affected as the weeping survivors were taken to a hospital. The men were able to talk freely but sensibly. It is said that others of the entombed miners are alive and about to be brought out, their signals having been heard.

One of the men rescued today, a man named Nemy, said that for the first eight days the party ate the bark of the timbering of the mine. Later they found the decomposed body of a horse which they cut up and ate with hay.

The survivors brought up portions of the decomposed horse meat. Nemy, who was the most lucid of the miners who escaped, graphically described their imprisonment as follows: "After the explosion I groped my way about, stumbling over bodies and seeking refuge from the gases. I found comrades sheltered in a remote niche. We ate earth and bark for eight days and then these provisions gave out. "We continued to grope among the bodies seeking for an outlet from our prison, but were forced back time and time again. We found some hay which we ate and two days after we found a dead horse which we cut up and ate with the hay and bark. We suffered most for want of water. Finally we became desperate and separated into three parties and communicated with each other by shouts. "Last night we felt a draft of fresh air which finally guided us to an opening. "The doctors have forbidden the survivors to do any further talking. Vast crowds of people surround the hospital where the escaped men are being treated."

## BOND GRANTED ABEL BROTHERS.

### (Special to The Evening Times.) Asheville, N. C., March 30.—Policeman Abel of Waynesville, charged with the killing of Sam Ray at that place this week, were held by the coroner's jury. The men have been allowed bond in the sum of \$1,500. The opinion prevails in Waynesville that the killing of Ray was justifiable.

## LANDSLIDE DELAYS ASHEVILLE TRAINS

### (Special to The Evening Times.) Asheville, N. C., March 30.—A heavy land slide occurred on the Asheville division of the Southern Railway at midnight just east of Swannanoa tunnel, 20 miles from here. Superintendent Ramsey, with a great gang of men, went to the scene at 1 o'clock this morning. The first reports said that three days would be necessary to remove the obstruction, but later reports are to the effect that trains will probably pass tomorrow morning.

## COLLEGE BUILDING WRECKED BY FIRE

### (By the Associated Press.) Moscow, Idaho, March 30.—The main building of the University of Idaho was completely destroyed by fire early today. Other buildings composing the institution were not damaged but owing to the limited fire fighting apparatus had narrow escapes.

The building destroyed contained 75 rooms, including the offices of the president and registrar and the director of the agricultural experiment station and the chemical laboratory and was one hundred feet square. The building was crowded last night with students who had listened to a debate between the University of Washington and the University of Idaho. One man was asleep in the building at the time of the fire, but escaped injury. The origin of the fire is not known.