NEW LOCATION
THE BEE BUSINESS OFFICE
Ground Floor Corner
The Bee Building - 17th and Farnam

THE OMAHA DAILY BEE.

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The Bee Building - 17th and Farnam

ESTABLISHED JUNE 19, 1871. OMAHA, THURSDAY MORNING, MARCH 22, 1906—TEN PAGES. SINGLE COPY THREE CENTS.

MINERS IN SESSION

Joint Scale Committee Continues Its Deliberations All Day.

SHOT FIRERS LAW UNDER CONSIDERATION

Illinois Operators Say it Adds to Expense of Mining.

MINERS REFUSE TO STATE POSITION

Adjournment Taken to Allow Them to Confer Among Themselves.

ANTHRACITE OPERATORS MAKE STATEMENT

Allege that Demands of Men Means Revolution in Conditions of Work in the Collieries.

INDIANAPOLIS, March [illegible] joint scale committee of the joint [illegible]nce of the coal operators and miners [illegible] central competitive and southwest distr[illegible] in session almost the entire day, b[illegible] was accomplished toward arrivin[illegible] agreement.

The committee of the central comp[illegible]teld, composed of Illinois, Indiana, and western Pennsylvania, devoted its [illegible]sions to discussion of the Illinois shot-fire[illegible] law, which the operators of that state claim puts an additional expense of from 2 to 10 cents on each ton of mined coal. The miners' representatives on the committee refused to make any declaration upon the subject and asked for a recess until tomorrow morning that they might caucus. Their caucus was devoted to discussion as to the best means of getting the argument in the joint committee away from the shot-firers proposition and getting before the committee the general proposition of wages, run of mine basis, differential and other matters contained in the demands made by them in the former joint conference, which adjourned February 2. They regard these as more important and desire that they shall be settled first. These demands were placed before the joint committee today as the bases for argument, and no other proposition or motion was made during the day.

The operators and miners attending the joint conference spent the day amusing themselves. The committees of both districts will report to their several joint conferences as soon as they have reached a definite understanding. Any agreement reached must be ratified by these several conferences, the members of which are awaiting the action of their committees.

Illinois operators held a caucus and reiterated their firm position in their demand for relief from what they consider an unjust situation caused by the expense entailed by the shot-firers law.

Compromise Under Consideration.

It was stated tonight that the miners' representatives on the joint scale committees of the central and southwest districts at their joint meeting tonight decided to ask for the submission of the wage scale matter to subcommittees tomorrow. These subcommittees will, it is stated, be presented with a proposition from the miners to restore the scale of two years ago in the central competitive district and a relative advance in the southwest district.

It is further stated that a movement is on foot among the officials of the Illinois miners to propose to the Illinois operators that if they agree to the restoration of the scale of two years ago, which is equivalent to an increase of 5.55 per cent, the shot firers' question will be taken up and some arrangement made after the present joint conference adjourns.

Southwest District Conference.

The joint conference of the southwest district named a joint scale committee and took an adjournment pending its action.

President Mitchell of the Mine Workers said today he had not received a letter from President Baer in reply to his proposition for another anthracite meeting, and until he had received it and submitted it to the miners' anthracite committee, the members of which are here, he could not discuss the time and place for the meeting.

The entire wage matter of the southwest district was referred to the following joint scale committee:

For the miners:

Kansas—W. H. McCloskey, Alex Howatt, John Hoy and John Billings.

Missouri—James Mooney, J. T. Mussell, Grant Parker and Thomas Rosewell.

Indian Territory, Texas and Arkansas—J. M. Morgan, Gomer Gowar, Peter Stewart and John Ingram.

For the operators:

Kansas—. H. Shaw, Peter McCall, S. J. Tonkin and Ira Fleming.

Missouri—J. H. Bovard, J. C. Tarsney, Edward Nevis and George W. Kierstad.

Indian Territory, Texas and Arkansas—H. F. Bush, William Busby, F. Bache and W. R. Gordon.

Statement of Anthracite Operators.

NEW YORK, March 21.—The demands of the anthracite workers for a readjustment of wages and conditions in the anthracite fields would, if granted by the operators, mean a veritable revolution in mining conditions, according to a statement issued by the operators' committee of seven today. The statement declares it to be a mistake to assume that an eight-hour day and a 10 per cent wage increase represents the sum total of the demands of the miners. "This new and uniform scale," says the statement, "would place every man on the same basis, increasing the wages of some men as much as 150 per cent. The average increase under the uniform scale would be nearly 30 per cent for outside men. The proposed schedule would mean a veritable revolution in mining conditions. The statement says that the miners insist upon a uniform wage scale for 146 separate and distinct classes of workmen about the mines.

"For years," it continues, "the operator and employe have recognized the different value of labor in different localities and even in different sections of the same colliery. Yet, now the miners' committee demands equal pay for the engineer who runs a little ten-horse power engine and the man who has a giant engine in his charge. They allow no more for the men working under the difficulties and dangers than for the same class of workers at posts of ease and simplicity."

According to the statement, masons in the Mahoning and Shamokin division would have their wages increased 111 per cent under the new rate proposed by the miners' committee. They now receive 17.4 cents per hour and demanded 37½ cents. Some screen tenders in the Sioux mine in the same division who now receive 12.9 cents per hour would receive an increase of 117 per cent under the new rate. The wages of blacksmiths would be increased 61 per cent, dumpers would receive 38 per cent increase and plate men would get within 1 cent of double the wages they now command. The statement adds:

"Other similar instances are numerous.

(Continued on Second Page.)

INSURANCE ELECTION BILL

New York Legislature Will Take Up Measure Regulating Mutual Companies Today.

ALBANY, N. Y., March 21.—The assembly committee on insurance in executive session tonight voted to report favorably to the assembly tomorrow with amendments assembly bill No. 964, introduced by the joint special investigating committee, which legislate out of office on November 15 next all the directors and trustees of the mutual insurance companies and would nullify all proxies hitherto secured by the companies themselves or by any person or committee. The most important amendment provides that no proxy executed prior to September 15 next will be valid or can be voted at the reorganization election, which the bill sets for November 15. It was stated that the amending and reporting of the bill were at the instance of the investigating committee on insurance.

It is said upon reliable authority that the reason for the pushing of the particular bill is the fact that the election of trustees of the New York Life Insurance company would take place on April 11 and it is the desire of the committee that there may be no question that this election shall be among those postponed by the act.

According to the same authority the amended bill will be reported also in the senate tomorrow in behalf of the Armstrong committee and the effort will be to press the bill to passage with all possible speed so that it may be enacted and placed in the hands of Governor Higgins early next week.

The bill affects "every domestic mutual life insurance corporation whether incorporated by a special act or under a general law," and provides that the annual election of every such company which under its charter or bylaws would be held "hereafter and prior to November 15, 1906," shall be postponed and held on that date. All present directors shall hold office until then and until their successors are elected.

ST. JOHN HELD WITHOUT BAIL

Idaho Miner Extradited to Colorado Arraigned for Murder of Ben Burnam.

TELLURIDE, Colo., March 21.—Vincent St. John, president of the Miners' union at Burke, Idaho, who was brought to Colorado from Boise on requisition to answer to the charge of being implicated in a conspiracy to murder Ben Burnam, was today bound over without bail to the district court. Burnam was killed in the labor riots at the Smuggler-Union mine on July 2, 1901. At that time St. John was president of the local miners' union, which is affiliated with the Western Federation of Miners. Before the hearing of testimony today attorneys for St. John filed a motion for a change of venue, charging that Justice L. M. Brown was not qualified to sit as an examining magistrate because of his former relations with the Citizens' alliance and Mine Owners' association. This motion was denied and Justice Brown took occasion to refute the charges of favoritism against him. Testimony of nearly a score of persons was taken, all saying that St. John was present at or soon after the battle in which Burnam was killed, and a written agreement signed by the assistant manager of the mine and St. John arranging for a truce was also offered in evidence.

SEARCH FOR SNOW VICTIMS

Large Parties Digging for Bodies of Men Killed by Shenandoah, Colo., Snowslide.

SILVERTON, Colo., March 21.—News reached here today that the Mountain Queen mine was swept by a snowslide last Saturday and all the buildings, including the compressor house, were destroyed. A force of twenty men escaped without injury. The financial loss is not heavy, as the company had not installed the expensive improvement planned.

The Mountain Queen is situated in California gulch, over the ridge from the Sunny Side and Gold Prince properties.

A large party of men left today on snow shoes for the Shenandoah mine, in Arastra gulch, above Howardsville, to assist in digging for the bodies of the twelve miners who were swept to their death by a snowslide.

Still another party is on its way to the Green Mountain mill to search for the body of Foreman D. R. Hickey.

Alarm is felt for the members of these rescue gangs, as they will be compelled to go over trails where slides are known to run frequently.

MOVE BY NEW YORK CENTRAL

Stockholders to Vote on Proposition to Increase Capital Stock $100,000,000.

NEW YORK, March 21.—A circular was issued to the stockholders of the New York Central & Hudson River Railroad company yesterday by President W. H. Newman calling on them to attend a special meeting at Albany April 18 to vote on a proposition to increase the capital stock of the company from $150,000,000 to $250,000,000. The proposed increase is designed "to provide additional capital for such corporate purposes of the company as the board of directors may determine and may be issued when the directors deem it advisable."

It will comprise 1,000,000 shares at $100 each.

It is announced that this action is taken pursuant of a resolution adopted by the board of directors on February 16.

The market price of New York central stock was unfaverably affected in the Stock exchange by the announcement of the proposed stock issue. Late in the day it declined from its high point of 145¼ to 141¼ and closed at 143½.

OREGON DEVELOPS WEAKNESS

Structural Defect is Discovered Under the Heaviest Cannon of American Battleship.

HONOLULU, March 21.—The battleship Oregon, which is returning to Bremerton for repairs, has arrived here from the Orient.

It is reported that a structural weakness has developed under its heavy guns. For some time there has been an order not to use the 13-inch guns except in case of dire necessity.

WASHINGTON, March 21.—One of the keelplates of the Oregon was found to be somewhat destroyed six or eight months ago, but the condition was thought to be due to docking. Orders were given at that time not to fire the big guns of the vessel. It is on its way home for an overhauling. No reports have reached the ordnance officer of any weakness to the gunmounts of the battleship.

ROOSEVELT TO LABOR MEN

Delegation of One Hundred from American Federation at White House.

URGE ENACTMENT OF LABOR MEASURES

Chief Executive States His Position on Injunctions, Eight Hour Law and Chinese Exclusion.

WASHINGTON, March 21.—President Roosevelt received a large body of representatives of organized labor this afternoon at the White House and talked to them about their urgent request for the enactment of labor measures now pending before congress.

Samuel Gompers, president, and Frank Morrison, secretary of the American Federation of Labor, headed the delegation, which consisted of about 100 members of the executive council of the American Federation of Labor and officials of the organizations which comprise the federation. Practically all of the important labor organizations of the country were represented.

Secretary Morrison read to the president a memorial of the executive council of the American Federation urging action on the various demands for legislation being made by the organized labor interests of the country. The memorial dwelt particularly on the eight-hour law and its enforcement on government works, including the Panama canal, and the immigration laws, especially the Chinese exclusion laws.

President Gompers and James Duncan of Quincy, Mass., first vice president of the federation and president of the Granite Cutters' union, followed with brief addresses on the lines of the memorial. President Roosevelt, after listening to the statements, replied in an extended address. On the subjects of general immigration and the exclusion of Chinese labor, the president indicated that he was in practical accord with them, but on some other matters he differed from them radically. The text of the president's remarks as given out at the White House this evening follows:

Address of President Roosevelt.

Mr. Gompers: If your body objects to the passage of the proposed anti-injunction bill I have no doubt that you can stop it, for there is not a capitalist concerned, who, simply as a capitalist, is not against it, though I believe that a goodly number both of capitalists and wage workers who are concerned primarily as citizens favor it. The claw was worked over and substantially whipped into its present shape at a number of conferences between representatives of the railroad organizations, of the Department of Justice and with the bureau of corporations with me. It goes as far as I personally think it should go in limiting the right of injunction; at any rate, no arguments have hitherto been advanced which make me think it should go farther. I do not believe it has any chance of passing, because there has been great criticisms in both houses of congress against the attitude of the administration in going so far as we have gone; and if you think it is not far enough, why, you will have no earthly difficulty in killing the bill. Personally, I think the proposed law a most admirable one and I very sincerely wish it would be put through.

As for the right of injunction, it is absolutely necessary to have this power lodged in the courts, though of course any abuse of the power is strongly to be reprobated. During the four and a half years that I have been president I do not remember an instance where the government has invoked the right of injunction against a combination of laborers. We have invoked it certainly a score of times against combinations of capital. I think possibly oftener. Thus, though we have secured the issuance of injunctions in a number of cases against capitalistic combinations it has happened that we have never tried to secure an injunction against a combination of labor. But, understand me, gentlemen, if I ever thought it necessary, if I thought a combination of laborers were doing wrong, I would apply for an injunction against them just as quick as against so many capitalists.

Enforcement of Eight-Hour Law.

You speak of the eight-hour law. Your criticism, so far as it relates to the executive, bears upon the signature of the appropriation bill containing the money for expenditure on the Panama canal, with the proviso that the eight-hour law shall not there apply. If your statement is intended to mean that no opportunity was given for a hearing before, then the statement is not in accordance with the facts. There was ample opportunity, but not a single request for such a hearing came to me. I received, however, some hundred of telegrams and letters requesting the veto of the entire appropriation bill because it contained that proviso. Frankly, I found it difficult to believe that you were writing and telegraphing with any kind of knowledge of the conditions in the case. I believe emphatically in the eight-hour law for our own people in our own country. But the conditions of labor, such as we have to work with in the tropics, are so absolutely different that there is no possible analogy between them, and an eight-hour law for the Panama canal is an absurdity. The conditions that make the eight-hour law proper here have no possible reference to the conditions that make the eight-hour law entirely improper there. You hamper me in the effort to get for you what I think you ought to have in connection with the eight-hour law when you make a request that is indefensible, and to grant which would mean indefinite delay and injury to the work on the isthmus.

Chinese Not a Menace to Labor.

Now, about the Chinese exclusion. The number of Chinese now in this country is, if I remember aright, some 60,000 or 80,000. So far from there being a great influx of Chinese the fact is that the number has steadily decreased. There are fewer Chinese than there were ten years ago, fewer than there were twenty years ago, fewer than there were thirty years ago.

The delegation remained with the president about three-quarters of an hour and the subjects suggested were considered informally after the address had been delivered. It was agreed that on points of difference the executive council of the Federation should appoint a committee of three which should draft the views of the organization and submit to the president at a later date. It is likely that President Gompers will be chairman of that committee.

Memorial Presented to Cannon.

Earlier in the day the delegation called on Speaker Cannon and Senator Frye of Maine, president pro tempore of the senate, and laid before them the same memorial which they presented to the president. The document expresses the opinion that the eight-hour law is ineffective and insufficient and deplores the government's attitude towards the law, as affecting work on the Panama canal. It complains that the workingmen has not been protected against convict labor; and that appeals for relief from undesirable immigration have been without result.

"Recognizing the danger of Chinese immigration," says the letter, and responsive to the demands of the people, congress years ago enacted an effective Chinese exclusion law; yet, despite the experience of the people of our own country, as well as those of other countries, the present law is flagrantly violated, and now, by act of congress, it is seriously proposed to invalidate that law and reverse the policy."

As to Navigation Laws.

The letter then goes on to state that laws for the protection of seamen are inadequate.

Such disasters as the burning of the Slocum and the wreck of the Rio de Ja-

(Continued on Second Page.)

SHIPPERS FORCE REBATES

Interstate Commerce Commission Promises Interesting Developments at New York.

WASHINGTON, March 21.—The Interstate Commerce commission today gave out for publication the following notice:

"Upon reports to the commission that many shippers in and about the city of New York have been persistently underbilling and misrepresenting freight shipped by railroads from that city and other points in eastern territory the commission has ordered an investigation and set the matter down for hearing at United States court rooms, New York City, on Friday, March 23, at 10:30 a. m. It is expected that some highly interesting developments will take place indicating fraud on the part of the shippers which amount to forced rebates from published tariff rates.

The members of the commission were loath to give any of the details which led to the decision to conduct the investigation, but the information was imparted that beyond question the underbilling was intentional and that the shipments were deliberately misclassified in order to secure the lower freight rates. No one at the offices of the commission was willing to admit that the railroads were a party to the alleged frauds. Many witnesses have been subpoenaed to be present at the hearing.

A member of the committee stated today that the commission proposes to go to the very bottom of the alleged frauds and false description of property. They will see, he said, what the investigation developed before entering into consideration the question of criminal prosecution.

"In this instance," said the member, "we will most assuredly apply the corrective of publicity.

"The inquiry in New York will have special reference to merchandise traffic shipped from that city usually in less than carload quantities.

"It is reported to the commission that in numerous instances shippers actually sending articles that belong in one of the higher classes described by a different name, which would place them in a lower class and so get the advantage of the lower rate. This operates not only to defraud the carriers of revenues to which they are entitled, but also has the effect of a serious discrimination against the honest shipper who must meet his competitor in common markets."

MRS. HUNTINGTON FILES SUIT

Wife of Nephew of Builder of Southern Pacific Railroad Asks for Divorce.

SAN FRANCISCO, March 21.—Mrs. H. E. Huntington today filed a suit in the superior court praying for a divorce from H. E. Huntington, the well known railroad man and nephew of the late Collis P. Huntington.

Mrs. Huntington's complaint is very brief, simply alleging desertion since the year 1900. The case has been set for hearing before Superior Judge Graham tomorrow. It is understood that there will be no contest, a satisfactory arrangement of property interests having been made.

Mrs. Huntington has prepared to sail for the orient tomorrow, immediately after obtaining an interlocutory decree of divorce. Mr. Huntington left the city for Los Angeles today. Mr. and Mrs. Huntington have two grown daughters and one son.

NIGHT OPERATOR IS ARRESTED

William Vandeusen Taken Into Custody, but Released Pending Service of Subpoena.

PUEBLO, Colo., March 21.—William Vandeusen, the night operator at Swallows for whom Operator Lively was working on the night of the Rio Grande collision near Adobe, was taken into custody by police here last night, but subsequently was released by order of the sheriff of Fremont county. Vandeusen says no subpoena to appear at the coroner's investigation has been served upon him. He will remain here until this afternoon, when the sheriff of Fremont county will arrive and serve a subpoena on him. Vandeusen says he knows nothing of the whereabouts of Lively.

Help the Omaha Y. W. C. A. build their new home

by getting your friends to subscribe for The Bee

Twenty-five per cent. on all new subscriptions goes to the Y. W. C. A. fund

A new building means a home for the working girls, a pleasant noon hour and a warm lunch, instead of a cold one.

Are not the girls whose daily work is in the factory and shop entitled to a home as much as the boys. Omaha has given the boys a Y. M. C. A. home, let us not be "weary in well doing" until we have gallantly done the handsome thing for our girls. We owe them much. Remember they are to be the wives and mothers of our boys and children. The home-makers and builders of the coming generation, and early home influences and associations should be more their necessity than privilege. Let everybody help a little—just a little, and the girls are assured a handsome home. Will you do your part?

For the Fiscal Year, 1904-05

Paid-up membership	1,653
Total number lunches last year	166,142
Daily average	559
Employment found for	151
Boarding houses found for	145
Enrollment in gymnasium	193
Enrollment in educational classes	204
Enrollment in Bible classes	228
Gospel meetings and noon meetings	52
Factory meetings	78
The amount expended in this work last years was	$18,766.45

The Omaha Bee Offer:

We will give toward the Y. W. C. A. building fund 25 per cent of all cash in the sums of $1.00 or more received for new subscriptions to The Omaha Bee—morning, evening or Sunday editions—and 10 per cent of all prepaid subscriptions in amounts of $1.00 or more from our old subscribers. No payment will be accepted as prepayment until all arrearages have been paid to date.

A $6.00 payment on a new subscription yields $1.50 to the Y. W. C. A. fund.

LET EVERYBODY HELP

SHAW GETTING INTO GAME

Secretary Returns to Iowa to Look After the Political Situation.

EXPECTED TO SPEAK AGAINST CUMMINS

Senate Committee Favorably Reports House Resolution for Postponement of the Opening of the Shoshone Reservation.

(From a Staff Correspondent.)

WASHINGTON, March 21.—(Special Telegram.)—Secretary Shaw has gone home for the purpose of taking a hand in the campaign against Cummins. On Friday evening the secretary of the treasury will deliver an address on "Republicanism" before the Polk County Republican club at Des Moines. It is the opinion in Washington that the fight between the Cummins and anti-Cummins force is the bitterest that has been waged in Iowa politics for many years. Efforts have been made to bring the entire Iowa delegation in the lower house into line against Cummins, but Congressmen Haugen, Birdsell, Connor and Dawson refused to take any hand in the Cummins fight on the theory that their fight for renomination as congressmen had no bearing on the gubernatorial situation. The fact is that all of the gentlemen mentioned recognize that they are in so-called Cummins territory. Other members of the delegation are in doubt as to their position in the game now being played and in frankness it may be truthfully said they do not know where they stand. Congressman Hull of the Des Moines district has gone post-haste to Iowa to rehabilitate his machine, because one of his old-time political managers, George L. Dobson, has come out as a candidate against him. Hepburn has troubles of his own. Congressman Hedge has not made up his mind whether he will be a candidate for renomination, and altogether the Iowa delegation is in a chaotic condition over the reports from Hamilton county, which yesterday sounded the note for Cummins' renomination as governor.

Menace to Shaw Boom.

Secretary Shaw's presidential boom is one of the political institutions of Iowa that are conceived to be endangered by the success of Cummins. It is expected that in his address at Des Moines on Friday night the secretary will stick some pins into Cummins and the Cummins movement, and that his appearance will give a new turn to the contest.

Postmasters Reappointed.

Judge Norris today recommended the reappointment of G. M. Prentice as postmaster at Fairfield. He also recommended the reappointment of J. C. Mitchell as postmaster at Alma.

Judge Norris was informed today that the Postoffice department would reappoint J. H. Tower as postmaster at Sutton. Mr. Tower was originally appointed under the second Cleveland administration and has been continuously in office since that time. His appointment will mean his fourth term in office.

Distribution of Tribal Funds.

Representative Burke of South Dakota today introduced a bill to restore to the Sisseton and Wahpeton Indians in the Dakotas their annuities and gives the president authority to say to whom these annuities shall be paid. The Burke measure is intended to separate certain Indians entirely from their tribal relations, making them independent American citizens. The proposed bill is in line with the measure passed by the house ten days ago for patenting lands to them. It authorizes the president to apportion and pay such Indians as are capable of managing their own affairs their pro rata of the tribal funds. Before, however, any payment is made each Indian is to sign an agreement releasing the government from the payment of any further money to him.

Senator Kittredge today gave notice of an amendment to the Indian bill which he proposed to push for the further improvement of the insane asylum for Indians at Canton, S. D. He wants $6,000 for a laundry and $3,500 for an improved water system.

Public Building for Plattsmouth.

A favorable report was ordered today by the senate committee on public build-

(Continued on Second Page.)

NEBRASKA WEATHER FORECAST

Fair Thursday, Except Rain or Snow in Southwest Portion. Friday Fair.

Temperature at Omaha Yesterday:

Hour.	Deg.	Hour.	Deg.
5 a. m.	25	1 p. m.	37
6 a. m.	26	2 p. m.	36
7 a. m.	26	3 p. m.	36
8 a. m.	28	4 p. m.	35
9 a. m.	32	5 p. m.	34
10 a. m.	34	6 p. m.	30
11 a. m.	37	7 p. m.	28
12 m.	38	8 p. m.	26
		9 p. m.	23

FINLAY'S MEMORY IS POOR

Vice President of Waters-Pierce Oil Company Remembers Little About Important Transactions.

ST. LOUIS, March 21.—The oil hearing in the ouster case of the state of Missouri against the Standard, Republic and Waters-Pierce oil companies, which was resumed Monday, adjourned today until April 5 and Attorney General Hadley, accompanied by Assistant Attorney General Rush C. Lake, immediately departed for New York to attend the oil hearing there on Friday. The illness of H. Clay Pierce, formerly president of the Waters-Pierce Oil company, who was expected to be the principal witness of the session, prevented his appearance.

Charles M. Adams, secretary-treasurer of the Waters-Pierce company, was recalled to the stand briefly and was followed by Vice President Andrew M. Finley, who testified that he had gone to New York and talked with H. M. Tilford of the Standard Oil company, but could not remember what they talked about. He was severely cross-examined on the subject of whether Waters-Pierce company reports were made to the Standard Oil company in New York, but the majority of his answers were to the effect that he could not remember. In the middle of his testimony adjournment was taken and he was admonished to be ready to continue his testimony on April 5.

"I regret to be informed that Mr. Pierce is still ill. I will call for him as a witness the first thing this morning. If he is unable to appear today I will not be able to hear his testimony at this hearing, as I must leave for New York this evening to attend the hearing there. Mr. Findlay, vice president of the Waters-Pierce Oil company will probably be the only witness today."

"Will you hear the testimony from Mr. Pierce at a later day?" was asked.

"Oh, certainly," replied the attorney general. "He is regularly sworn as a witness and must appear and give testimony. I can't say just when the next hearing will be held here. That, of course, will depend upon how long I remain in New York, but I trust Mr. Pierce will have recovered his health in the mean time. Today's proceedings will close the present session of the hearing."

BANK PRESIDENT IS CALLED

Cincinnati Prosecutor Will Have "Gratuities" to Officers Probed by Grand Jury.

CINCINNATI, March 21.—George B. Cox, who announced his retirement from the republican leadership in Hamilton county at the close of the last campaign, was one of the bank presidents summoned to appear before the grand jury here today to testify in regard to the payment to county treasurers of interest, or "gratuities" for the deposit of public moneys. The other bank officials summoned included the heads of all banks in which county funds have been deposited during the past few years.

This action was taken by County Prosecutor Rullison, following up the investigation by the Drake commission of the state senate by which County Treasurer Hynicka and others testified that the banks had been paying what amounted to 2 to 2½ per cent on funds deposited with them, such payments being made personally to some one in the county treasurer's office and that deposits would not be made in any of the banks until an understanding as to the payment of these "gratuities" had been reached. Checks for $25,000 and $35,000 to cover the amount of interest estimated to have been paid by them were yesterday turned over to Mr. Rullison by County Treasurer Hynicka and former Treasurer French, respectively, both of whom promised to pay any additional amount if this was insufficient, the money to be held until the courts had decided whether it belonged to the county or to the officials personally.

METAL TRADES IN SESSION

Strikebreakers May Be Protected by Standing Force of Guards as at Mines.

CLEVELAND, March 21.—The eighteenth annual convention of the National Metal Trades association met here with about 300 members from all parts of the country in attendance.

One of the questions to be considered during the holding of the convention is the protection of strike-breakers. In this connection the association may, it is said, be asked to sanction the maintenance of an enlarged force of guards, resembling the coal and iron police of Pennsylvania. The men, it is asserted, would be armed and drilled for service at the point of any member who might have a strike on hand.

The uniting of the association with the National Founders' association, for the purpose of being able to more successfully combat labor strikes is recommended in the report of a special committee, and the matter was taken up during the afternoon.

BANKER PREACHER INDICTED

Rev. Louis Kelley of Peoria Charged with Receiving Deposits When Bank Was Insolvent.

PEORIA, Ill., March 21.—Rev. Louis Kelly, the Baptist minister who was a partner with the late Rev. George Simmons in the defunct Peoples Savings bank, was indicted for embezzlement by the grand jury this afternoon. The indictment charges that Kelly received deposits on Monday, February 5, the day before Dr. Simmons committed suicide, when he knew that the bank was insolvent. Recent developments in the case have shown that the bank held notes signed by Kelly and Simmons with a face value of $121,000.

TRAIN IS DUG FROM DRIFT

Passengers on the Illinois Central Arrive at Champaign Two Days Late.

BLOOMINGTON, Ill., March 21.—The Illinois Central train, marooned in the drifts near Argenta, twelve miles from Decatur, has been released and reached Champaign two days late. Neighboring farmers supplied the passengers with food. All roads are now open, though not running on schedule time.

PACKERS WIN FIGHT

Judge Quashes Indictments So Far as Individuals Are Concerned.

CORPORATIONS MUST STAND TRIAL

Court Finds that Individuals Were Compelled to Furnish Evidence.

ACTION OF GOVERNMENT NOT DETERMINED

Attorney Morrison Will Look Up His Right to Appeal.

GREAT JOY AMONG THE DEFENDANTS

Among Men Affected Are Edward Cudahy, J. Ogden Armour, Louis F. Swift, Edward Morris, Arthur Meeker, P. A. Valentine.

CHICAGO, March 21.—All of the packers who were indicted by the federal grand jury last summer upon charges of being in conspiracy in restraint of trade and commerce were today granted immunity from criminal prosecution under the indictment. While the individuals are to go free the indictments found against the corporations of which some of the indicted individuals are members and others are employes, are to stand.

A decision to the above effect was handed down this afternoon by Judge J. Otis Humphrey in the district court. The arguments in the case were concluded shortly after 3 o'clock. Judge Humphrey soon commenced the delivery of his opinion. It was oral and the judge spoke for nearly an hour before giving the slightest indication of what the ultimate decision would be. He reviewed the case at length in all its bearings, cited all the essential facts which had been brought out and concluded as follows:

Under the law in this case the immunity pleas filed by the defendants will be sustained as to the individuals, and denied as to the corporations, the artificial persons, and the jury will find in favor of the government as far as the corporations are concerned, and against the government, as far as the individuals are concerned.

During the rendition of the decision the court was crowded by the defendants and numerous spectators. Edward Morris and Edward Swift were in court and both smiled happily when the decision was announced.

Joy Among Defendants.

J. Ogden Armour was not present, but some of the men prominent in the employ of Armour & Co., who were named in the indictment, were there and their joy was great. When the judge announced that the indictments would not lie against them they crowded together and commenced to shake hands in mutual congratulations. The attorneys for the defense were also highly pleased, and when the decision had been announced they shook hands all around, and hastened to the jury box to shake hands with the jurors, who had been excluded from the court room during all of the arguments made in the case, and had rendered a verdict in accordance with the directions of the court.

District Attorney Morrison, who has handled the case alone with the exception of the arguments by Attorney General Moody, sat with bowed head for a short time after Judge Humphrey had concluded, and then walked over to the jury box and also shook hands with the jurors.

Immediately following the dismissal of the jury, District Attorney Morrison raised the question of the date of the trial of the corporations. He asked that the case be set for trial and that it commence within two weeks. This met with a storm of protest from the attorneys of the packers, who insisted that they would be unable to prepare for the case before the fall of the year, pleading the number of witnesses which it would be necessary to bring to Chicago, the strain of the present trial and various reasons.

Lawyers to Agree on Date.

Judge Humphrey directed that the lawyers agree among themselves on a date and notify him of their decision next week. It is expected that the total number of witnesses in this trial when it begins will be at least 1,500. The attorneys for the packers declared today when asking for a postponement of the trial that their witnesses would number 1,500, and the government has already said that it would have 100 or more.

The court proceedings for the day were commenced by the argument of Attorney John S. Miller, who had waived a portion of his time in favor of Attorney General Moody. He scouted the contentions of the attorney general, saying that it was evident to the most casual reader of the interstate commerce law that no distinction existed in fact between evidence given voluntarily or evidence given under compulsion. He declared that there could not be the slightest doubt but that the defendants in the present case were entitled to immunity.

Decision of the Court.

Attorney Miller concluded his argument shortly after 3 o'clock and Judge Humphrey shortly after commenced speaking from the bench, announcing his decision.

Part of the decision was as follows:

The defendants are indicted under the Sherman act, charged with a conspiracy in restraint of trade. They have pleaded that as to them that act should be suspended because they should not be compelled to furnish evidence concerning the matter in the indictment, and under the law, such furnishing of evidence gives them immunity. The law under consideration which the court is called upon to decide is the commerce and labor act. It is clear that the primary purpose of this act was to enable congress to provide, through the channel of officials charged with the execution of laws, remedial legislation. The act is a substitute for one of the most cherished rights of the American citizen which is the right to remain silent when questioned about any subject the answer to which might incriminate him. It is conceded that the privilege amendment to the constitution cannot be taken from the citizen without return, giving to him something equally valuable. The privilege of the amendment permits a refusal to answer a question relating to the offense. The privilege must be claimed by the witness at the time. The immunity flows to the witness without any claim on his part.

It is contended that the defendants in this case were volunteers because they haggled with Garfield at times, debated, resisted, gave less than he asked and withheld some things. The record does show that, but the fact remains that every approach was made by the government. Garfield made his demands and it does not to my mind destroy the character of the compulsion under which they acted that the defendants after having considered the law and after having decided that they had no legal right to resist, still debated with the commissioner in the hope of inducing him to take something less than he originally demanded. Garfield came to the defendants and held up before them the powers of his office. They did not go to him and volunteer anything. Now since the defendants volunteered nothing, but gave only what was demanded by an officer who had the rights to make the demand and gave it in good faith under a sense of legal compulsion, I am of the opinion that they are entitled to immunity.

Judge Humphrey then entered upon an elaborate discussion of the contention by