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REPLY BY OPERATORS

Mitchell's Plan for Arbitration Rejected and Another Proposed.

ASK THAT OLD BOARD BE RECONVENED

Questions of Wages and Complaints Only to Be Considered.

AWARD TO BE BINDING THREE YEARS

Letter Says All Other Questions Raised Are Already Settled.

ADJOURNMENT TAKEN UNTIL THURSDAY

Mr. Mitchell Declines to Comment on the Proposition and at Once Calls a Meeting of the Scale Committee.

NEW YORK, April 10.—A counter proposition was made today by the anthracite operators at their meeting with representatives of the United Mine Workers of America. This proposition is the arbitration plan offered by John T. Hill, president of the United Mine Workers, and instead suggests the following:

The Anthracite Coal Commission of 1902 should be requested to reconvene and consider whether any circumstances have arisen since April 1, 1906, which would justify a modification of its award of that date in respect only to the following subject: First, wages. Second, as to adjustment of complaints through the conciliation board or otherwise.

Any new award by the commission shall be binding for a period of three years.

After the proposal had been read President Mitchell asked whether, under the plan, the anthracite operators would have the privilege of asking the commission to reduce the wages and be informed by the representatives of the operators that they are in reply to another question he was told that if the operators' plan is accepted, the first offer of the coal companies to renew and continue for three years the award of the strike commission would collapse.

The joint conference adjourned after having been in session about half an hour to meet again Thursday.

Reply of the Operators.

The reply of the operators to the arbitration of the United Mine Workers says in part:

Your proposal, as we understand, even involves the submission by anthracite mine operators of the United States to an agreement with the United Mine Workers of America to the exclusion of the non-union workers—a question which we do not submit to the anthracite strike commission for resolution.

Every question that you have presented, was some time ago heard and answered by the arbitration commission, which we were fully justified in that commission.

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We cannot assent to reopen the fundamental questions decided by the anthracite strike commission. They have formulated principles and rules of right to govern the relations between employer and employee which have been the basis of all good citizens of the land.

Moreover, the decision of these questions necessary to reopen the same, is the most important one of all, that is, increase in the price of coal.

A board of arbitration consisting solely of your representatives and ours would hardly be the best way of settling any issue to pass on this question.

The reply is signed by George F. Baer, W. H. Truesdale, J. K. Kerr, David Williams, Morris Williams, E. B. Thomas, J. I. Crane, committee members of the United Mine Workers of America, April 9, 1906.

President Mitchell would not comment on the answer of the operators, but said there would be a meeting of the scale committee tonight to consider it.

MOTHER TURNS ON THE GAS

Mrs. Raymond of Los Angeles Kills Her Son, but Attempt at Suicide Is Unsuccessful.

LOS ANGELES, Cal., April 10.—Mrs. Kate Raymond, wife of Frank Kellogg Raymond, a clerk in the Interior department at Washington, early this morning turned on the gas in a room at her home at 611 Selma street, Hollywood, a suburb of this city, and after carefully locking all doors and windows, asphyxiated her 14-year-old son, Frank, who was sleeping in the room, and very nearly ended her own life. Neighbors detected the odor of escaping gas and the police were notified and the room broken into.

The body of the boy lay on a small cot where he had retired, and with a smile still on his lips. The mother was in a half kneeling posture beside the cot with her fingers interlaced as if in prayer. She was unconscious and her breathing scarcely perceptible. It was not until the police could not survive, but tonight the physicians who are attending her have hopes that she will recover.

The dead had been carefully planned. The woman left two letters, one addressed to her mother, Mrs. Martha Cooper of San Diego, Cal., and the other to a neighbor, Mrs. Cromblet. In her letter to her mother she hinted at her unhappy life and said she and her son would be better off dead. Mrs. Raymond had but lately returned from a visit to her husband in Los Angeles, where she had lived several months and had entertained a great deal.

WASHINGTON, April 10.—Frank Kellogg Raymond, the husband of Mrs. Raymond, who, with her child, was asphyxiated in his home in Hollywood, Cal., has received a dispatch from that place announcing the death of both mother and child. This telegram was signed by P. C. Cromblet, and said:

"Mrs. Raymond killed herself and little boy last night. Very instructions or come on."

Mr. Raymond leaves here for Hollywood tonight.

Mr. Raymond is a clerk in the stationery division of the Interior department. He is a native of Indiana, but was appointed to the government service from Kansas.

Speaking of the tragedy tonight Mr. Raymond said he was unable to account for it. His wife was in excellent health, so far as he knew, and he doubted the suicide theory. He was prostrated by the news.

BAILEY ON RAILROAD CONTROL

Texas Senator Speaks Four Hours on His Court Review Amendment.

NEW RATES VALID PENDING APPEAL

Mr. Hale Agrees with Him that Supreme Court Only Should Have Power to Set Aside Findings of Commission.

WASHINGTON, April 10.—For more than four hours today Mr. Bailey held the undivided attention of the senate with a speech in reply to Mr. Spooner and Mr. Knox, and just before his conclusion there came a significant declaration from Mr. Hale indicating the possibility of an understanding and an early vote on the railroad rate bill.

The day was the most notable in the recent history of the senate. Very few senators were absent at any time during the day and every eye was turned to the speaker in view of establishing the soundness of his contention that congress has power to deny to the inferior United States courts the right to suspend the order of the Interstate Commerce commission pending the final decision of cases arising under the proposed law. This he undertook to do in a series of brilliant and comprehensive quotations from the records of the commission. He spoke of the division of authority among the various branches of the government, but said that he could not follow those utterings of recent years which seem to proceed on the theory that the senate is to exercise its power upon the judiciary. "This," he said, "is the first government that ever conferred upon the judiciary the power to annul legislation. God knows that ought to be power enough to confer upon nine men; we are ninety." He said that he would not encroach upon their power; "I would not encroach upon mine."

Referring to Mr. Knox's quotation from the text books on Jurisprudence, he said that "the senate forgets that it was created by the people, and it is not to be discussed in the law at all and that it is because congress wills it so."

The point being that the legislative branch of the government is supreme in the law-making and court regulating function.

"Happily," he said, "the Pennsylvania railroad refused the whole question of an appeal when he says congress can say when, but not how, the judicial power shall speak."

Mr. Bailey continued and then said he was willing to accept that view.

"If," he said, "the senate forgets that it was created by the people, and it is not to be discussed in the law at all and that it is because congress wills it so."

He asserted that in more than one decision the supreme court had held that the inferior courts have no inherent function. He cited the case of *Ex parte*, and quoted an opinion in which was made the statement that congress had withheld jurisdiction. "How in the name of common sense can congress withhold from a court jurisdiction of a subject and not withhold judicial power?" he asked to further support his contention that the phrase "judicial power" and the word "jurisdiction" are used interchangeably by the courts.

Coming then to the consideration of Mr. Hale's question relative to the final decision of railroad cases by the supreme court of the United States, Mr. Bailey said that he did not believe that the courts were the best tribunal for the settlement of these questions, but that under the constitution he did not believe that the right to such adjudication could be denied the carrier.

"If," he went on, "a railroad can take my property and pay me nothing, and the court says it is right, why can't you permit me to take the property of the railroad company and hold it, until it is finally decided?" He would not have senators violate their consciences to please walking delegates, but would have men done to all, both to the railroad and the patrons. This, he argued, could be accomplished by the adoption of the amendment to the railroad bill offered by himself requiring that "just compensation" be made the standard of railroad charges in accordance with the language of the constitution.

He only demanded that the findings of the commission should stand until a final decision should be reached. He believed the adoption of the amendment would have the effect of forcing the railroads to assist in getting an early trial.

UNEARTH SOFT COAL COMBINE

Pool of Six Railroads Controls Shipments of This Class of Fuel to Atlantic Seaboard.

PHILADELPHIA, April 10.—That the bituminous coal traffic is divided among six railroad companies developed today at the first hearing of the Interstate Commerce commission held here for the purpose of determining whether the railroad companies are interested directly or indirectly in the oil or coal which is transported over their lines.

The principal witnesses today were Upson H. White, statistician of the Tidewater Steam Bituminous Coal Traffic association; W. W. Axtworthy, general manager of the Pennsylvania railroad; Joseph G. Seavler, traffic manager of the same company, and Theodore Voorhees, vice president of the Reading company. Through these witnesses it was brought out that the Pennsylvania Railroad company, the Reading company, the Pottsville and Reading Railroad, the Central railroad, the Baltimore & Ohio, the Chesapeake & Ohio and the Norfolk & Western railroad companies are members of the Tidewater Steam Bituminous Coal Traffic association, which was organized in 1896.

The members of the association, it was shown, have an agreement by which each is allotted a certain percentage of the soft coal tonnage. It is the duty of Mr. White to compute the percentage of coal carried by each company and to make a monthly report of the same. The documentary evidence produced at the request of the commission included the by-laws of the association.

The commission also brought out the fact that by means of the private car system large mining companies are able to enter into contracts for the delivery of coal at special periods, while smaller companies who own no such cars are unable to guarantee the exact time when their coal will be delivered.

The Pennsylvania railroad, it was learned, declines to handle private cars unless the owner guarantees to have at least 50 cars, the possession of which would involve an outlay of \$50,000.

NO MORE FOREST RESERVE

Department Assures Congressman Kinkaid Boundaries Will Not Be Extended.

WASHINGTON, April 10.—(Special Telegram.)—Considerable agitation has been going on in the Sixth Congressional district over rumors that the bureau of forestry contemplated the establishment of additional reserves in that district or adding to the districts already established. Judge Kinkaid, in response to a number of letters received from constituents, today had a conference with Chief Forester Clifford Pinchot with a view of ascertaining what the department's intention was in the matter. As a result of that interview it is safe to say that no more forest reserves will be established in the Sixth Nebraska district until there be any additional lands to the reserves already established. Judge Kinkaid in addition called on the president in relation to the same matter.

General Quartermasters Depot Bill.

Mr. Kennedy today introduced a bill providing for the establishment of a general depot quartermasters department at Omaha and appropriating \$100,000 for the same to be expended under the direction of the secretary of war.

Bids on Indian Cattle Supply.

The clerical force of the finance division of the Indian bureau today completed an examination of bids recently received for the purchase of 3,000 steers, cattle for the Indians on the Rosebud reservation, and all papers in the case are now before the secretary of the interior for decision. It is thought the contract may be awarded to some firm or series of firms tomorrow, though that is by no means certain, as Assistant Justice Ryan, who has direct charge of this class of work, has been ill for several days. Stockmen who have replied to the request for bids assert that they cannot supply cattle up to the full weight called for in the specifications, because the season just closed has been rather disastrous in that this spring their calves, which should normally be fat and sleek; are not up to weight and to sell at the prices required by the government would entail considerable loss. The contract is quite a large one, involving as it does an expenditure of \$100,000.

NEBRASKA WEATHER FORECAST

Cloudy Wednesday and Showers in West Portion, Thursday Fair in West and Showers in East Portion.

Hour	Temp	Wind	Rel. Hum
8 a. m.	49	1 p. m.	57
9 a. m.	41	2 p. m.	59
10 a. m.	41	3 p. m.	59
11 a. m.	41	4 p. m.	61
12 a. m.	40	5 p. m.	62
13 a. m.	52	6 p. m.	61
14 a. m.	53	7 p. m.	61
15 a. m.	55	8 p. m.	57
		9 p. m.	55

MORE CASES AGAINST PACKERS

Federal Officials Busy Securing Evidence to Be Used as Basis of New Complaints.

CHICAGO, April 10.—The Chronicle will say tomorrow that President Roosevelt has once more taken a personal hand in the prosecution of the packers and the result is apparent in a resumption of activity on the part of the local federal officials. It has been announced that the effort to punish the packers as individuals will be renewed with promptitude and vigor.

This is under direct instructions to District Attorney Morrison from the president and Attorney General Moody. Attorney Morrison has been directed to prosecute the packers under the injunction of Judge Grosup, of the United States circuit court and also to seek new indictments before the next federal grand jury.

The government agents are now at work securing information which is to be used in indictments against the packers during July next month. This evidence, it is said, will sustain a charge by the government that the packers as individuals have violated the injunction of Judge Grosup. Several railroad officials have responded to questions put to them by government agents and information secured from the railroad men, together with information volunteered by former and present employees of the packers, was declared tonight by one of the federal officials to be sufficient to warrant the return of indictments against certain of the packers.

MAN BURIED UNDER RUNS

Roof of Market House in Naples Collapses Under Weight of Ashes.

STRUCTURE CONTAINED 200 PERSONS

Most of Them Were Either Killed or Injured.

ACTIVITY OF VESUVIUS IS INCREASING

Rain of Sand and Ashes Continues Over a Wide Area.

MANY CITIES AND VILLAGES ARE DESERTED

Twenty-Six Bodies Taken from Ruins of Church in San Giuseppe—Ninety-Nine Seriously Injured.

BULLETIN.

ROME, April 10.—A dispatch from Naples, to the Tribune reports that 200 persons have perished in the district between Ottaviano and San Giuseppe.

NAPLES, April 10.—The volcano is re-animating activity, and especially at Cercola. The stream of lava which started on the direction of Torre Annunziata reached the cemetery of that town and then turned toward Pompeii.

The troops are conveying provisions, surgical accessories and other material for the relief of the victims near Ottaviano. A violent storm of sulphurous rain occurred today at San Giuseppe, Veuviana and Savello.

When morning broke today the outlook was promising for an amelioration of the conditions consequent upon the activity of the volcano. The hopefulness of the populace, however, was short-lived and the Neapolitans were plunged into a condition bordering on frenzy by the collapse of the Mount Oliveto market, which covered a plot of ground 600 by 200 ft., the structure falling upon 30 or more persons, of whom twenty were killed, two mortally injured, twenty-four dangerously and 100 less seriously injured. Several of the dead were crushed and mangled beyond recognition. The scenes in the vicinity of the ruins were agonizing, relatives of the victims clamoring to be allowed to go to their dead or dying. Only by the firm intervention of the police and carabinieri was it possible to keep back the crowd from overwhelming those who were engaged in the work of rescue.

Very early in the day the volcanic activity of Mount Vesuvius appeared to be diminished, as night approached the prospect of immediate relief faded and the volcano seemed more hopeless. Instead of the usual "falling sand" and ash falling from the crater a dense shower of rain with the sun shining high in the heavens the light was a dim yellow, in the midst of which the few people who remained in the stricken towns, their clothing, hair and beards covered with ashes, moved about in the awful stillness of desolation like gray ghosts.

Many Villages Deserted.

The case of Torre Del Greco was typical. For thirty hours the place has been practically deserted, but amid the ruin and semi-darkness illuminated from time to time by vivid flashes of lightning a few of the inhabitants go about hungry and with throats parched with smoke and dust, seemingly unable to get any provisions away from the ruins of what so recently were their homes. Communication by rail or tramway with Torre Del Greco and Torre Annunziata is impossible, owing to the cinders, sand and ash deposits. Railway travel to and from Naples is most hampered by the same conditions and the fall of volcanic ejecta in the Vesuvian communities has been enormous. It is feared that the weight of ashes on roofs will cause the collapse of many more buildings both here and in the towns and villages near the volcano.

Great Subterranean Agitation.

Director Matteucci, who continues at his post in the observatory telegraphed tonight that the volcano was generally quiet last night, with occasional sharp explosions, these becoming more violent towards morning. Director Matteucci says his seismic instruments indicate great subterranean agitation.

King Victor Emmanuel and Queen Helena have forwarded to Premier Sonnino, who is here, \$20,000 to be applied towards the relief of the sufferers by the volcano.

The prefect has removed the mayor of San Giuseppe from office because in the face of danger he left his village without informing his superior.

Cardinal Frisco, archbishop of Naples, who today visited the people wounded by the fall of the Mount Oliveto market, brought to these unfortunate the benediction of the pope.

The Duchess of Aosta was a veritable angel of mercy to the sufferers by the market house disaster. She spent the entire day at the hospital, comforting the bereaved and assisting the injured. As the duchess bent over a cot to give a cooling drink to a child who was bruised and battered, she felt her hand pressed by a kiss imprinted upon her hand. Looking down, the duchess' eyes met those of a woman kneeling at her feet, who said: "Your excellency, she," pointing to the suffering child, "is all I have. I am a widow. May God reward you."

The troops on guard in the volcanic zone are utilizing the railway carriages at different localities as camp hospitals. The Red Cross society has established a hospital in the vicinity of San Giuseppe.

All the bodies of those who were killed in the church at San Giuseppe on Monday have been recovered, the number being 106. Search is being made of the houses at Ottaviano, where fifty corpses have already been found. It is believed that there are still many to be recovered.

CABINET CRISIS IN RUSSIA

Well Defined Rumor that Both Witte and Durnovo Are to Be Retired.

ST. PETERSBURG, April 10.—Rumors of a complete reorganization of the cabinet are everywhere current tonight. Many well-informed persons believe that the fight between Premier Witte and Interior Minister Durnovo will result in the retirement of both, but that no change will take place until the pending loan negotiations have been concluded. Finance Minister Shupoff and Minister of Commerce Fedoroff are thought to be slated for the cabinet. Witte's successor in the premiership.

In the midst of these sensational reports of a complete reshuffle of the cabinet, the Russian Gazette, the most authoritative newspaper, strikes a very monotone note in a remarkable article entitled "At the Rubicon," laying the onus of the attempts to prevent the convocation of the national parliament on the revolutionists and appealing to the representatives to come together, not as extremists, but in a sober, constructive spirit. In this case, the article says, reforms may be accomplished, as the parliament will not be gagged; but the warning is given that a discordant tone will spoil the music and lead to the dissolution of the parliament.

The article, advertising to the recent assassination of the governor of Tver, holds that that event constituted a justification for continued repression, "not as a hard government's caprice, but as a hard necessity."

FLOORS FALL AT PITTSBURG

Workmen Go Down in Ruins of House and Some May Be Dead.

PITTSBURG, April 10.—Three floors of a five-story building at 62 Liberty avenue collapsed this morning, bringing down a number of workmen in the ruins.

At 12:30 p. m. two men had been taken from the ruins and they were not seriously injured. It is believed five men and a team of horses are still buried.

CARNEGIE SCHEME WIDENED

Foundation Trustees Arrange to Pay Pensions to Widows of College Professors.

NEW YORK, April 10.—An announcement that the widows of college professors may be pensioned under the terms of the \$10,000,000 gift of Andrew Carnegie to the Carnegie foundation was made today by the trustees of the foundation. A pension not to exceed one-half the pension of a professor may be paid to his widow, but we are ninety. Mr. Carnegie recommended the wife of a professor during the term of his active service. The pension is to cease on her remarriage.

It was also announced today that no pension shall be given to a professor who retired from active service before April 16, 1906. This was the date upon which Mr. Carnegie established the pension fund.

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ITALIAN ANARCHISTS COMING

Foreign Consuls Will Give Information on Which Arrests May Be Based.

WASHINGTON, April 10.—According to official information received in this city, Italian anarchists are arriving in the United States in great numbers at both Pacific and Atlantic seaports. The diplomatic representatives of the Italian government have positive information to this effect and have brought the matter to the attention of the United States. Through their representatives at San Francisco and Baltimore the immigration officers have been advised of the recent landing of a number of anarchists from Italy. The city government has positive information to this effect and have brought the matter to the attention of the United States. Through their representatives at San Francisco and Baltimore the immigration officers have been advised of the recent landing of a number of anarchists from Italy. The city government has positive information to this effect and have brought the matter to the attention of the United States. 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