

CONSTITUTION WAS VIOLATED DECLARE COLORADO STRIKERS

LABOR LEADERS POSITIVE THAT ARRESTS WERE MADE WITHOUT AUTHORITY.

CONTRADICTS TESTIMONY

Attorneys for Operators Bring Out That One Man, Who Professes Ignorance of Cause of His Arrest, Had Bought Arms—Employment Agents' Graft is Revealed.

Denver, Feb. 9.—Charges of peonage, illegal imprisonment and anarchy were met by counter-charges of violence and insurrection at a stormy session of the federal strike investigation committee today.

Ell Gross, superintendent of the Colorado free employment bureau, who previously had testified he believed peonage was practiced in the coal fields, continued his testimony with an attack upon the militia and the military methods of handling the strike situation in southern Colorado.

He said that Mario Zeni, arrested as a suspect, was kept awake five days and nights.

He testified that soldiers in front of his cell, he declared, "and those soldiers threw water on him and stuck him with their bayonets when he tried to go to sleep. Zeni afterwards was released."

Arrests Upheld. Cross-examined by Fred Herrington of counsel for the operators, he said he knew that the district court of Las Animas county had upheld the arrests made by the militia.

The house committee next called to the stand Adolph Germer, international organizer of the United Mine Workers of America. He testified that he was arrested at Walsenburg, held nine days, then released.

"What was the charge made against you?" he was asked.

"None that I know of," was the reply. He said some of his mail never was delivered and that all the letters he received while he was in jail had been opened by the military authorities.

Major Edward J. Boughton, judge advocate of the national guard of Colorado, cross-examined the labor leader.

Bought Arms. "Don't you know you were held on suspicion of importing arms after the disarmament order was issued? You did buy arms, as a matter of fact, didn't you?"

"I did buy arms," replied the witness. Representative Byrnes asked Germer how many guns he had purchased.

"I bought 25 or 30 rifles. I got them to protect our property after mine guards had shot down a large number of our people on the streets of Walsenburg and we had learned that they planned to raid our headquarters."

Some Graft. Edward V. Brake, deputy labor commissioner of Colorado, testified he had no personal knowledge of peonage in the mines. He declared that at the Colorado Fuel & Iron company's steel works at Pueblo a private employment agency charged workers \$1 a month for keeping them in employment and that the company deducted this amount from their wage checks.

"Why didn't you prosecute the company and stop this illegal practice?" asked a member of the committee.

"Most of these cases are in Las Animas and Huerfano counties," Brake said. "It's hard to explain to you gentlemen, but anybody who lives in Colorado knows you can't prosecute anybody in those counties. Furthermore, I can say without fear of consequences."

(Continued on Page Three.)

VILLA PROMISES MINES MAY REOPEN

Juarez, Feb. 9.—A resumption of mining and other industries in rebel territory was promised by General Villa here today, after he had conferred with many American business men whose interests are affected. Regular train service between this city and Chihuahua will be resumed in a few days, the general said, and the transportation of supplies to the mines will be facilitated.

COAL LEASING BILL IS INTRODUCED IN HOUSE

MEASURE WOULD PERMIT REVENUE OF ALASKA LAND IN RESTRICTED TRACTS.

Washington, Feb. 9.—A plan to open up the coal lands of Alaska through a leasing system was proposed in a bill introduced in the house today by Representative Ferris of Oklahoma as a part of the administration program for the development of the resources of the territory.

The measure would allow the secretary of the interior to lease for private development the government coal lands in Alaska in blocks of 40 acres, or multiples thereof, up to 2,650 acres. No single developer would be allowed to take up more than 2,650 acres, and no claims aggregating more than that amount could be combined under penalty of forfeiture.

The secretary of the interior would be authorized to lease the lands through competitive bidding, under conditions which would assure the government a royalty of 2 cents a ton on all coal mined. During the time the mining operations were being projected, the bill would enforce the payment of rent at the rate of 25 cents per acre for the first year, 50 cents per acre for the second, third and fourth year, and \$1 per year thereafter. Royalties paid on coal mined, however, would be credited to this rental account.

The leases would be indefinite, dependent on the working of the mine, but the secretary would be allowed to alter the conditions of the lease every 20 years. The funds secured by these leases would be applied to the "development, improvement and betterment of the territory of Alaska," particularly to the building of the government railroad planned in the bill which has already passed the senate and is now pending in the house.

CONCHA IS ELECTED.

Bogota, Colombia, Feb. 9.—Dr. Jose Vicente Concha, the candidate of the conservative party, has been elected president of Colombia. Dr. Concha was minister of war in 1901 and a year later became minister to Washington. He disapproved the proposed Panama treaty and retired as minister in 1903. The new president will take office on August 7, when the presidential term of Carlos E. Restrepo expires.

TOM SHARKEY COMMITTED.

New York, Feb. 9.—Thomas J. Sharkey, former heavy-weight prize fighter, was committed to the Tombs without bail tonight, for sentence on February 16 for maintaining a disorderly resort here. Sharkey, in testifying, said he ran "the most respectable place in New York." He was found guilty by three justices in the court of special sessions.

"I'll Vote Election Day," She Says



LEFT TO RIGHT—MRS. CARTER HARRISON, MAYOR HARRISON, MISS DINA DE VRIES, COOK, AND MISS MARY CONRAD, MAID, REGISTERING BEFORE MRS. MARY L. SHULZ, JUDGE, IN CHICAGO.

Nearly 154,000 women registered in Chicago last Tuesday in order that they might exercise their suffrage rights at the spring election. Among the women seen at the registration places were Mrs. Carter Harrison, wife of the mayor, and two of her domestics, Miss De Vries and Miss Mary Conrad. When Mrs. Harrison had registered, she said: "I shall certainly vote election day. I believe in equal rights for all and special privileges for none."

SMOOT IS LEADER OF SWINDLEHURST OPPOSITION

HE CONTENDS THAT COURT RECORDS ESTABLISH LIVINGSTON MAN AS UNFIT.

Washington, Feb. 9.—(Special.)—The senate today in executive session wrestled three hours over the nomination of Joseph E. Swindlehurst to be postmaster at Livingston, Mont., without reaching final action. Charges involving alleged acts of immorality had been filed against Swindlehurst. Despite the racy feature of the charges against Swindlehurst, their presentation failed to hold a portion of the senate and the case went over. The opposition to Swindlehurst's confirmation was led by Senator Smoot of Utah, who disclaims any personal interest in the matter, but contends that the showing made against the man by court records, should debar him from holding a responsible government position.

Senators Myers and Walsh submitted explanations of the damaging charges made against Swindlehurst and called attention to the excellent endorsements Swindlehurst had received from citizens of Livingston and other places in Montana. It is believed that when a vote is reached, Swindlehurst will be confirmed.

BANKER A SUICIDE.

Hazlehurst, Ga., Feb. 9.—Officers who went to the home of G. F. Armstrong today to arrest him for alleged shortage of \$12,000 in his accounts as cashier of the Farmers' State bank, found Armstrong dying with a bullet in his head. He died tonight. The Farmers' bank closed its doors on January 31. The dead cashier's son, W. O. Armstrong, is now in jail at Rentz, Ga., charged with being short in his accounts as cashier of the Bank of Rentz, which suspended on the same day.

INCORRIGIBLE GIRL IS TAKEN TO COURT

Butte, Feb. 9.—(Special.)—Sikne Maki, a 12-year-old school girl, must stand trial on charges of incorrigibility. A complaint was filed by Truant Officer Colligan today, and the girl will be tried before Judge Donlan tomorrow morning.

The girl, who had been missing for a week, was located through her photograph published in the newspapers. The baffling features of the disappearance became the talk of the city, the girl telling a rambling story which was proved to be false. She had been staying with a girl friend in a block.

TRADITIONS SPOILED BY UNIVERSITY'S AMAZONS

The co-ed basketball team from the university didn't lose to the Phillipsburg high school for lack of bravery. Yesterday it was discovered that the girls found a half-frozen mouse beside the track at Drummond, and though tradition calls these little creatures the pettiola's most terrible enemy, the quintet adopted the founding as a mascot. On the way to Phillipsburg, after a blow had set in, the mouse ran up a sleeve. Panic-monium was narrowly averted, but a string curbed the small explorer's zeal and the expedition continued, only to have its bravery outdone by the wrestling ability of the mountain girls.

TENNESSEE BANKER IS A MILLION SHORT

EMBEZZLEMENTS OF C. H. HUNTER RAINE OF MEMPHIS WILL TOTAL HIGH.

Memphis, Tenn., Feb. 7.—With the discovery tonight that \$527,867 listed as actual cash on hand when the bank closed its doors, \$110,000 was represented by personal checks of the president, C. H. Hunter Raine, now imprisoned charged with embezzlement, the amount of the apparent discrepancy in the accounts of the Mercantile bank advanced to more than \$1,000,000. The exact amount will not be known until the audit being made under the direction of E. L. Huffman, state superintendent of banks, is completed, which will require several days.

Raine maintains silence. When arraigned today on a warrant charging embezzlement, he entered a formal plea of guilty and elected to go to jail, declining the proffer of friends to arrange \$250,000 bail.

LOPEZ' RIFLE FOUND.

Bingham, Utah, Feb. 9.—Identification of a rifle found beneath a trestle near the Utah-Apex mine as the weapon Rafael Lopez took into the mine with him on the night of November 28, has convinced local authorities that the bandit escaped from the mine soon after he killed J. Douglas Hulsey and Tom Manderich. The rifle was found almost a month ago by a brakeman who took it to Salt Lake City without reporting its discovery. Returning to Bingham yesterday the weapon was identified through a private mark, by Mike Stefano, who gave the rifle to Lopez.

CAUSES OF STRIKE IN COPPER FIELD TO BE PROBED

INVESTIGATION OF TROUBLES IS STARTED BY THE HOUSE COMMITTEE.

Hancock, Mich., Feb. 9.—Federal investigation of the conditions in the copper country was formally instituted today by Representative Taylor of Colorado, Casey of Pennsylvania and Howell of Utah, members of the house sub-committee on mines and mining.

Chairman Taylor, in opening the inquiry, explained the purpose and invited all who could shed any light on the controversy to appear before the committee and testify. O. N. Hilton, who appeared for the Western Federation of Miners, asserted that inasmuch as the committee had decided that the strikers' side would be heard first, he would suggest that the causes leading up to the alleged conditions be the first subject of inquiry as necessary to determine the justice or injustice of the miners' contentions resulting in the strike.

Allen F. Reek, senior counsel for the mine companies, said the owners would do everything possible to aid the committee.

The committee decided to take up the subjects of inquiry in regular order. Chairman Taylor and Mr. Howell expressed the opinion that the existence of the conditions alleged should be proved before they could properly inquire into the causes.

William J. Richard, president of the Calumet local of the Western Federation of Miners, was the first witness. He gave his age as 44 years, and said he had worked for mining companies since he was 11 years old. He had barely begun his narrative when the committee adjourned until tomorrow morning at 9 o'clock.

AGGRESSOR IN FIGHT IS KILLED IN HELENA

Helena, Feb. 9.—(Special.)—Robert Lloyd invited his own death this evening when he sent 10-year-old John Goudy inside a Main street saloon to tell his father that Lloyd was outside. Goudy responded, and as soon as he stepped out Lloyd struck him with his fists. Goudy drew a revolver and shot Lloyd through the heart. He still had his left arm up as a guard from Lloyd's blows, and was so excited he shot himself. It is said Goudy telephoned to Lloyd a few minutes previously that he wanted to see him.

Goudy is a teamster and Lloyd was a restaurant man. Bad feeling existed between the two, caused by a woman. It is reported. Both have lived in Helena several years.

WILSON ASSURES CONGRESS THAT HE WON'T USE FORCE

CROSS IS PLANTED IN THE CUMBRE TUNNEL

Cumbre, Chihuahua, Feb. 9.—A rude wooden cross was planted at the south portal of the Cumbre tunnel today, where 51 persons perished in a train wreck last Wednesday. Smoke and gas and a fall of rock and earth delayed the progress of the force which is trying to penetrate the tunnel. They penetrated to the first baggage car from the south entrance and removed much debris.

IMMIGRATION BILL IS IMPORTANT MATTER

POLITICIANS MUST GIVE WAY TO DIPLOMATS IN ITS CONSIDERATION.

Washington, Feb. 9.—President Wilson's opposition to the literacy test as a restrictive measure on immigration has been communicated to the senate committee on immigration, which has before it the Burnett bill as passed by the house. The president's attitude was solicited by direction of the committee which authorized its chairman, Senator E. D. Smith of South Carolina, to confer with the chief executive.

The senator would not talk about his visit to the White House, but emphasized his own determination to steer carefully the bark of immigration legislation as launched by the house.

"In my judgment," Senator Smith said, "and it is a judgment held also by many democratic and republican senators, there is no more important legislation before congress than this immigration bill. What we do toward reforming our immigration laws is of utmost importance to the whole world."

"Every foreign nation is interested in this subject and our foreign relations must enter into our treatment of the subject. Every suggestion of immigration reform must and will be weighed carefully by this committee. Politicians cannot be substituted for diplomats in the making of an immigration law, and it is my purpose to see to it that this bill is thoroughly deliberated before the senate is asked to pass it."

As to the literacy test in the house bill, Senator Smith would make no statement either concerning his own or the president's views. Other members of the committee have let it be known, however, that President Wilson favors some other form of immigration restriction. Senator Lodge of Massachusetts, a member of the committee and staunch advocate of a literacy test for immigrants, intends to fight for retention of this provision in the bill.

GRACE VANDERBILT ILL.

New York, Feb. 9.—Taken ill in school, Miss Grace Vanderbilt, 15-year-old daughter of Cornelius Vanderbilt, underwent an operation for appendicitis late today. Miss Vanderbilt, an athletic girl, has been in the best of health until today.

GRAVEL MEN PROTEST.

Washington, Feb. 9.—Shippers of gravel and sand told the interstate commerce commission today that the five per cent increase in freight rates asked by the eastern railroads will mean serious loss.

MARTYR OF THE AIR IS LIEUTENANT POST

San Diego, Cal., Feb. 9.—Lieutenant Henry B. Post of the First Aero corps, considered one of the most skillful United States army aviators, plunged to his death in San Diego bay today when the right wing of his hydro-aeroplane crumpled. He was descending after establishing an American altitude record of 12,120 feet. Post fell 600 feet into shallow water and was dead when Francis Widman, a brother birdman, reached the scene in a flying boat.

Post left the North island hangars at 8:50 o'clock after having declared his intention to break the American altitude record for hydro-aeroplanes. Within an hour he had attained a height of 12,120 feet, the barograph showing this figure when recovered from the wreckage.

A series of wide spirals featured the descent, the machine appearing to be under perfect control. When within 600 feet of the water the plane was seen to collapse, then career.

HE'S ONLY TRYING TO "ADVISE" REGARDING CANAL TOLLS QUESTION.

CAUCUS WILL BE HELD

Senate Democrats Will Get Together to See Whether or Not They Shall Aid the President in Repudiating the "Joker" in the Platform Adopted at Baltimore.

Washington, Feb. 9.—Repeal of the provision of the Panama canal act exempting American coastwise ships from tolls, favored by President Wilson, is to be made a subject of consideration and action by a democratic caucus of the senate. That this would be a wise and necessary course in the interest of party harmony and the nation's foreign policy is the conclusion of administration senators who have discussed the subject with the president.

How soon the caucus will be called has not been determined, but several senators asserted today that the democrats would get together to weigh the situation as presented by the president and settle for themselves the whole controversy. The fact that the democratic party endorsed the toll exemption policy at the Baltimore convention, these senators and President Wilson hold should not be a subject of open controversy at this time, because conditions involved in the tolls question have changed since that time. The point to be settled is if the policy of tolls adopted by the nation through the action of congress should be reversed regardless of the declaration in the Baltimore platform.

Won't Force Congress. President Wilson has made it clear to the senate and house leaders that he is not attempting to force congress to reverse itself. He has outlined to them the country's situation with respect to foreign relations, and his belief that a renewal of the policy on the tolls question would be the best thing.

One senator said today that there is a general understanding in congress that the shaping of the country's foreign policy should be directed by the president, and that congress must give ear to him whenever legislation affects that policy. For this reason, the feeling is that the tolls question should be discussed in a party caucus.

As a forerunner of this step, Senator Stone of Missouri, who is confined to his home by illness, addressed some poignant comments on the controversy in a letter to Senator Kern, as chairman of the senate democratic caucus.

Not a "Joker."

Referring to the discussion on the question with reference to the toll plank of the platform as a "joker," Senator Stone called such a suggestion "utterly preposterous," though admitting that only a small percentage of the members of the convention had more than an "imperfect knowledge of the subject."

"It does not seem to me," the Missouri senator continued, "that there is the least occasion for starting a 'ruckus' about this platform declaration. The declaration is in the platform as the deliberate act of the national convention. That question might as well be taken as settled, and therefore, it is not a 'joker.' The trouble is that the time has come when many good men and good democrats think that the policy outlined in the platform was a mistake, and that the nation cannot in honor or good faith adhere to it. Manifestly the honor and good faith of the American people are of greater importance than a mere dogged adherence to a declaration in a party platform on a question of purely public policy. If those who drafted the platform or those who adopt it should be convinced that the nation cannot honorably and in good faith carry out the policy proclaimed in the platform, then those so believing could not well do

(Continued on Page Five.)

BITTER WATER WAR BRINGS ON A CLASH

Denver, Feb. 9.—The bitter campaign which will end February 17 at a special election when the voters will pass on two proposals involving Denver's water supply, passed from the stage of heated discussion today to that of personal encounter. The clash occurred between Thomas J. O'Donnell, prominent democrat of Colorado, and F. G. Bonifis, part owner of the Denver Post, as the two men entered the county courthouse to attend a hearing in the suit in which Bonifis, as a stockholder, sought to have the Denver Union Water company enjoined from using money for "political purposes."

O'Donnell was arrested on a capias issued in the criminal division of the district court, where direct information was filed charging him with assault with intent to kill. Bond was furnished in the sum of \$2,500. When the combatants were separated O'Donnell bore a bloody gash on his cheek, the result of a blow

struck by Bonifis. O'Donnell held a loaded but undischarged revolver, which was taken from him and handed to his son.

That O'Donnell had not drawn a revolver at the time he was first struck by Bonifis was the impression gained by Norton Montgomery, assistant attorney general of Colorado, who followed the men into the courthouse and assisted in separating them. Mr. Bonifis declares that he struck when he saw "O'Donnell pulling a revolver," while O'Donnell states that when struck by Bonifis he drew the gun "to protect himself."

For the last week the water campaign has been extremely bitter. Bonifis has made a vigorous campaign in favor of the city erecting a new municipal water plant, while O'Donnell has championed the so-called "retail association" plan whereby it is claimed the city may purchase immediately or at some future date the plant of the Denver Union Water company.