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IS TAKEN FROM LIVING GRAVE

Miner Hicks, Imprisoned for Sixteen Days in Caved In Tunnel, Rescued at Last.

PATHTIC SCENE IN THE EDISON TUNNEL

Doctor and Superintendent the First to Greet Hicks, Who Is Apparently None the Worse for Long Imprisonment.

By Associated Press. BAKERSFIELD, Cal., December 23. Hicks was released at 11:25 last night. The last cut on the second rail was made at 11:12 p. m. and no sooner was it removed and the way left open to remove Hicks than he began to scrape away the rocks and dirt and to crawl toward the opening. With arms in front of his head he went into the miniature tunnel and began to work his way out slowly through to the other side of the car. When he had progressed about half way he stopped and Superintendent Frank Miller, who stood at the tube at the mouth of the shaft immediately called and asked what was the matter.

Pulled Out of Tomb "Oh, nothing," Hicks called back. "I'm just going to stop. I'm out of wind; my mind is very short, you know." Then the man of iron moved a few inches further towards freedom and his arms were seized by Dr. Stinefield and Miner Gents. The two exerting all their strength pulled the miner out into the tunnel, where he was placed in a sitting position. The blindfold had been removed, as the tunnel was lighted by candles and the light was very dim.

"How Are You, Old Boy?" And there a hundred feet from the face of the mountain and within a step of where the miner had lain entombed for nearly sixteen long days there occurred a pathetic scene. Dr. Stinefield with tears in his eyes and with his hands laid affectionately on Hicks' shoulders, said, "Well, how are you, old boy?" and there were tears in the eyes of Hicks as well—the only tears that have been shown there in all the days and nights he was entombed—as he replied, "I am feeling fine. I can never thank you, doc, for what you have done."

A Pathetic Scene And then came Superintendent Gens, the man who has stayed by the work night and day, neglecting every interest, personal and of his company as well, to aid in the rescue of the miner. He came forward and took Hicks by both of his hands and said, "I am glad to see you again, old man." Hicks, with voice choked with emotion, attempted to thank him also for his efforts on his behalf.

The superintendent gazed steadfastly at Hicks for a moment and then, unable to speak further, he turned and walked out of the tunnel and up the mountain side.

First Chew Was Sweet Morsel BAKERSFIELD, Dec. 22, 8:15 p. m.—The physician at Edison has reached under the car which protects Hicks and has taken his temperature, which was found to be normal. His pulse is a little high.

When the first of the rescuing force shook hands with Hicks the miner said that the touch of human hands was the first sensation he ever felt. His satisfaction was great when a plug of tobacco was passed him and he pronounced the first chew a sweet morsel.

Superintendent Gens says it will yet take three hours to get Hicks into the main tunnel.

Hicks Calm and Clear Headed BAKERSFIELD, Cal., December 22.—At 10 o'clock tonight it is believed at Camp Edison that Hicks will be rescued by midnight. The work of sawing the rails of the track in two is proving to be a laborious and tedious job. The first rail has already been cut away, but in sawing the second one it was necessary to cut through the pipe that supplied Hicks with milk and which is located just under the flange of the rail. This impeded work somewhat and it is believed that it will yet require an hour and a half to get the second rail out of the way.

Of all gathered about the car, Hicks is the coolest. Looking beneath the car, one can see Hicks plainly, and he utters no sign of excitement. He speaks to the workmen deliberately and calmly, advising with them as to the best method of proceeding, and shows no trace of the excitement that a man must naturally feel whose life depends upon the outcome of the operation.

It is observed that Hicks' position is such that as soon as the opening is deepened he will be able to square himself with the hole and be drawn through head first. He is lying so that his head is close to the front wheel of the car.

A Store for Keystone C. B. Lawrence has completed arrangements for the erecting of a general store building at the Keystone mines on the Wightman property. The store will be a convenience for 250 people who are mining in that vicinity.

WANTED IN CHICAGO; CAUGHT IN NEVADA By Associated Press. OAKLAND, Cal., December 22.—Fred

Taylor of Chicago was arrested this morning at a camp near Altamont, sixty miles from here. A night's ride from Oakland to Altamont and the temporary arrest of Taylor's wife here preceded the alleged fugitive's capture.

Taylor is wanted in Chicago, according to detectives, where he is alleged to have embezzled \$31,000 from the Illinois Steel company while employed as a bookkeeper.

Editor on Trial Special to the Silver Belt. TOMSTONE, Ariz., December 22.—D. W. Semple, formerly editor of the Bisbee Evening Miner, is on trial here tonight for sending obscene matter through the mails, on an indictment brought by the federal grand jury. The case is attracting considerable attention in this section. Semple was arrested several months ago at Manhattan, Nev., whence he had gone after he had sold the Bisbee Miner.

Metal Market By Associated Press. NEW YORK, December 22.—There was no change of consequence in the metal markets today in the absence of London cables. Copper was firm. Lake quoted at 23.50 to 23.62½; electrolytic, 23.12½ to 23.32½; casting, 22.67½ to 22.12½. Lead was firm at 6.10 to 6.25. Spelter firm at 6.60 to 6.70.

STOPPED WATCH CAUSES WRECK

Two Trains Collide Head On at Harney, Nevada, Yesterday Afternoon.

TWENTY PASSENGERS FATALLY INJURED

Conductor Got Off Train to See What Time It Was—Both of the Trains Ditched and Engines Reduced to Scrap.

By Associated Press. RENO, Nev., December 22.—Twenty passengers were fatally injured in a head-on collision on the Southern Pacific railroad at Harney, Nev., at 4:45 o'clock this afternoon. A freight train had stopped on the main line while the conductor, who knew the tri-weekly special passenger was due, went to the office telephone. As he was in the office the passenger train going fifty miles an hour crashed into the freight. The engineer on the freight says the conductor's watch stopped and he did not know what the time was. The conductor was as yet not reported.

Most of Injured in Smoker SACRAMENTO, Cal., December 23.—The wrecked passenger train was due in this city at 12:50 o'clock today and the accident occurred at 3 o'clock in the afternoon. The latest report from Palisade, eight miles from the place where the wreck occurred, is that both trains were ditched and the engines totally demolished. Most of the passengers who were injured were in the smoker and first day coach. Five of the coaches of the passenger train left the rails and the track was torn up for a hundred feet.

ACQUITTAL FOR DAVIS AND SON

Found Not Guilty of Assault with Deadly Weapon—Anderson on Trial

The trial of John and Charles Davis, who reside near Miami Flats, for assault with a deadly weapon, was concluded yesterday morning when the case went to the jury. Late in the afternoon the jury returned to ask a question of Judge Nave. It is not known what the question was, but Judge Nave told the jurors that owing to a statute passed by some Arizona legislature he was not allowed to instruct the jury except at the time allowed by law. The jury again retired and in a few minutes returned with a verdict of not guilty.

The trial of W. R. Anderson, former road overseer for this district, on an indictment charging the presentation of a false voucher, took up the most of the day and was continued until Monday morning. This case is attracting considerable attention, owing to the prominence of the accused and the charge made against him. A large number of witnesses testified yesterday. The territory is represented by District Attorney Edwards and Attorney Henry and the defense by Attorneys Weinberger and Rawlins. The case will probably go to the jury Monday noon.

Henry B. Davis, the negro indicted for the murder of State Jones about two weeks ago, was ordered by the court to be taken to Solomonville, where he will be confined in the Graham county jail until the June term of court, when he will be tried. This action was taken on account of the condition of the Gila county jail, which is not considered safe for a desperate prisoner.

LATEST NEWS OF DISTRICT

Five Foot Vein of Sulphides Is Crosscut in Mallory Shaft of Globe Consolidated.

ARIZONA COMMERCIAL RAILROAD PROGRESSING

Three Thousand Feet of Track Already Laid—A Proposed Townsite Near the Mitchell Smelter—Rich Ore at Queen

A five-foot vein of sulphide ore was encountered in a new crosscut on the lowest workings of the Mallory shaft of the Globe Consolidated yesterday. No assays have been completed, but it is expected that the ore will run from 3 to 5 per cent copper and very high in sulphur. This is the same vein which was opened before under the old Globe-Boston management and its presence in the new crosscut on the 400 level was anticipated. President Hovind stated last evening that the strike is a source of much encouragement to him and that it will not be a great while before shipments are begun at the Mallory. The new boiler which is being installed will greatly expedite the work at the mine.

Road Nearing Completion With prompt arrival of material which is now wanting to complete the railroad being constructed by the Arizona Commercial company, the line will be in operation within a few weeks, according to Superintendent H. V. Snell. Work was begun on the steel laying last Tuesday morning and already 2,000 feet of track have been spoken to the ties. Yesterday the Shay locomotive which will haul ore trains from the company's mines was put in commission. No trial runs were made, but steam was gotten up and the gear put through its paces with good results.

Will Extend G. V. G. & N. Work is progressing rapidly at the Mitchell smelter site and it is understood that the Gila Valley, Globe & Northern will begin the construction this week of the extension to the smelter. It is very probable that a new suburb of Globe will arise in the vicinity of the smelter, as it has been unofficially given out that the purchase of the Fuller ranch Friday by Mose Drachman and other Tucson capitalists, in connection with several mining claims, was made with the ultimate view of converting the ranch into a townsite.

There is a good water supply on the ranch and it would make an ideal site for a town. It is within easy walking distance from the Mitchell smelter site.

Rich Ore at Queen Local stockholders of the Queen Mining company received letters during the last week from Superintendent Joe Bandhauer at Superior stating that he had struck two and one-half feet of solid glance in the shaft of the Queen and that he could ship a car of the ore to the smelter which would assay 60 per cent copper and one hundred ounces of silver.

Globe Mining Company There will be a stockholders' meeting of the Globe Mining company in this city January 8 for the purpose of electing directors and to take steps for the active development of the properties owned by the company. Judge J. F. Hechtman is president of the company and most of the stockholders reside in Illinois.

MURDERED AT LONG RANGE

Peter Hill Found Near Bisbee with Bullet Through His Forehead

Special to Silver Belt. BISBEE, Ariz., December 22.—Peter Hill, a familiar figure around the camp, was found dead on the hill east of South Bisbee Friday morning with a bullet wound in the center of his forehead. The bullet lodged in his skull. The theory is that Hill was murdered at long range or hit by a stray bullet fired in that vicinity. Hill recently returned from San Francisco and was well dressed when the body was found and money and his gold watch were on his person.

Murdered by Mistake BISBEE, Ariz., December 22.—Chris Hansen, who first reported the discovery of Hill's body to the officers was arrested on a charge of murder this evening after he had given his testimony before the coroner. A warrant was sworn out by Officer Humm at Lowell for Hansen's arrest.

The theory of the officers is that Hansen killed Hill, mistaking him for a Mexican whom he had suspected of stealing his burros. Hill was a man of dark complexion.

RUSSIAN COUNCILLOR IS ASSASSINATED

By Associated Press. TYVER, Russia, December 22.—Count Alexis Ignatieff, councillor of empire and formerly governor general of Kiev, Volynia and Podolia, was assassinated today in the refreshment room of the Nobles assembly hall. The man who killed him endeavored to commit suicide, but was overpowered and arrested. His identity has not been established.

TORREON, MEX., BANK ROBBED OF \$30,000

By Associated Press. EL PASO, December 22.—The Torreon branch of the Bank of Cosahuila at Torreon, Mexico, was robbed three days ago of \$30,000 in gold and bills. News of the robbery was concealed in the hope of apprehending the robber today. The bank officials will not talk for publication.

Mrs. Blaine Secures Divorce By Associated Press. YANCKTON, S. D., December 22.—Mrs. James G. Blaine, wife of a son of the late secretary of state, was granted a divorce here tonight. The grounds alleged in the complaint were non-support and desertion.

FOR VIOLATING EIGHT HOUR LAW

Government Contractor Fined \$500—Appeals to the Supreme Court

By Associated Press. BOSTON, December 22.—In the United States circuit court today Judge Dodge fined William H. Ellis, a contractor, \$500 for violating the federal eight-hour law in the construction of a pier in the Charlestown navy yard. The case will now go to the supreme court chiefly on the constitutional question, the defense contending that congress has no authority to regulate the hours of labor on public works.

Has Best Chess Player By Associated Press. NEW YORK, December 22.—Columbia won the championship today in the fifteenth intercollegiate chess tournament, in which Columbia, Harvard, Princeton and Yale were represented.

NEW DECISION IN NOTED CASE

Epes Randolph and Associates Secure Possession of Rich El Tigre Mine

Special to the Silver Belt. BISBEE, Ariz., December 22.—Today at noon the Mexican judge of the court of the first instance at Cananea rendered a decision in the case of the El Tigre Mining company vs. the Esenenda Mining company. The decision was absolutely in favor of the Esenenda company in every particular and the court ordered that possession of the mine be delivered to the Esenenda company within the next fifteen days.

The Esenenda company, which represents a majority of the original owners of the property, claim that certain payments due the original owners were not made in accordance with the contract of sale. At one time the Esenenda company seized the mines, but the Mexican court dispossessed this company and placed the El Tigre company in charge of the property. This last decision reverses the former order. An appeal will now be taken by the El Tigre company to the state supreme court at Hermosillo.

Epes Randolph of Tucson is the president of the Esenenda company. Two years ago the El Tigre Mining company bought the Tigre property from the original owners, the Suits brothers, B. F. Graham, Aex Grant and several others, for \$360,000, paying a certain sum of money at the time of the contract and contracting to pay the balance in installments at different times stated in the contract.

The original owners, who are also interested in the Esenenda Mining company, sold to the latter an option on the remaining payments due from the El Tigre people.

When the time came around for a final settlement, the El Tigre officials placed a sum of money amounting to upwards of \$225,000 in the Miners and Merchants bank of this city, as the final payment for the property. When the Esenenda people applied for the money a dispute arose, finally ending in the breaking off of all negotiations. The Esenenda company then seized the mine, but when the case was tried in the court of the first instance, the El Tigre people were given possession of the property, and their opponents immediately appealed the case to the supreme court of Mexico, where it came up several months ago, and the plea of the appellants for a reversal of the decree of the lower court and a new trial of the case was granted.

ALL NOW IDLE AT GOLDFIELD

Immense Loss May Result Because of Strike in the Big Nevada Gold Camp.

ONLY SEVENTEEN MORE DAYS TO LEASE

Leasers Getting the Worst of the Strike for \$5 Wage—Expected that New Schedule Will Be Agreed on Soon.

By Associated Press. GOLDFIELD, Nev., December 22.—There were no further developments today in the miners' strike for \$5 a day wage. On nearly all leases, apparently by mutual agreement, work was stopped this morning.

This brings about practically a complete cessation of mining operations on the Hayes, Monnette, Francis, Mohawk and several other leases on Mohawk ground, which have been working night and day. As they have only seventeen days more to operate under the leases, the shutdown may mean the loss of millions. There are no indications of violence and it is thought a conference will be held in a few days, when a compromise may be made whereby a new schedule will be held in a few days, when a compromise may be made that will be acceptable to both sides. No apprehension is felt in regard to a final pacific understanding.

SEEKING HIS ASSAILANT

Negro Who Attempted to Assassinate Captain Macklin Still at Large

EL RENO, Okla., December 22.—No motive has as yet been found for the shooting of Captain Macklin last night by an alleged discharged negro trooper. The negro who did the shooting is still at large. The officers at Fort Reno are loath to believe that the negro who did the shooting was one of the discharged men who sought revenge. The testimony of Captain Macklin in the Brownsville affair shows that he did not place the blame for it upon the members of his company.

Captain Macklin was not harsh to his men and has the reputation both here and at Fort Leavenworth, Kan., where he is well known to army officers for kind treatment of enlisted men under his command.

LORD KITCHENER TO MARRY AN AMERICAN

By Associated Press. COLORADO SPRINGS, Colo., December 22.—According to New York advices received here, Mrs. Samuel Sloan Chauncey, widow of the wealthy New York broker, is engaged to marry Lord Herbert Kitchener, commander in chief of the British army.

Livestock Market By Associated Press. CHICAGO, December 22.—Cattle: Receipts, 400; market steady. Hogs: Receipts, 18,000; market 5 cents lower. Mixed and butchers, 5.95 to 6.45; good heavy, 6.15 to 6.25; heavy, 5.80 to 6.00; light, 5.85 to 6.20; pigs, 5.40 to 6.10; bulk of sales, 6.05 to 6.20. Sheep: Receipts, 10,500; market was steady. Sheep, 2.75 to 5.90; lambs, 4.55 to 7.55.

TO SEND UTES TO ARIZONA

Commissioner Recommends that They Be Put to Work on Santa Fe Road

By Associated Press. WASHINGTON, December 22.—The commissioner of Indian Affairs Leupp has proposed to the war department that the Ute Indians of Utah who left their reservation some time ago because, as they alleged, they did not get enough to eat, be sent to Arizona and that the

men be put to work on the Santa Fe railroad and that their women and children be sent with them. The men will be furnished shelter and their accommodations and paid \$1.50 per day. In the spring if the Indians desire, they can be returned to Colorado, where the men, women and children can find work in the best sugar fields. The suggestion of Mr. Leupp has not yet been acted upon by the war department.

FIRE NEGRO TROOPS TO BE INVESTIGATED

By Associated Press. WASHINGTON, December 22.—Another investigation is to be made of the trouble at Brownsville, Texas, as a result of which the battalion of the Twenty-fifth infantry was discharged. This investigation will be made by Milton D. Parly, assistant to the attorney general, who talked with the president today. Mr. Parly will leave Washington at once for Brownsville.

NO LIGHT COLORED HORSES FOR CAVALRY

By Associated Press. WASHINGTON, December 22.—The war department has issued orders that in the purchasing of horses for the cavalry, white or gray animals must be excluded, because animals of those colors offset the work of the department in trying by means of dress equipment to make the men as inconspicuous as possible.

FRISCO BOARD IS POWERLESS

Reject Proposal to Arbitrate the Controversy in Regard to Japanese Segregation.

STATE ALONE CAN SETTLE THE AFFAIR

President of Board of Education Says Action in Segregating Jap Children Is Mandatory Under State Law.

By Associated Press. SAN FRANCISCO, December 22.—That the controversy over the segregation of the Japanese school children may be settled without bringing about a clash between the United States authorities and the municipal government is the hope of the federal officials. A movement has been inaugurated to bring about a compromise between the board of education and the Japanese. Today Aaron Altman, president of the board of education, was approached with a tentative proposal to arbitrate the entire controversy, the basis of arbitration being that the Japanese native born children be allowed to attend the same schools that American children do, provided they are of the same age as the latter.

Altman refused to consider the possibility of arbitration along these lines. He reiterated his contention that it was mandatory on the part of the board of education to segregate the Japanese children under the present state school laws.

Recognizing that the board of education will maintain its present position, these people who are striving to adjust the matter in behalf of the Japanese and the federal authorities are now planning to attempt to induce the next state legislature to repeal that action of the code dealing with the establishment of separate schools for children of Indian, Chinese and Mongolian descent and enact a law which will give the board of education scope to deal with the present situation in this city.

BISBEE MINES MAY BE CLOSED

Fuel Famine Becomes Critical and Coal Must Come Tonight to Save Shutdown

Special to the Silver Belt. BISBEE, Ariz., December 22.—Unless coal is received here tomorrow night the mines in this district will be closed down, as none of the big companies have enough fuel to run more than twenty-four hours. The Copper Queen company is already preparing for a shutdown, although Assistant Superintendent Gerald Sherman stated tonight that he hoped the situation would be relieved before Monday morning. Tomorrow only repair work will be done in the various shafts of the Copper Queen.

PRESIDENT DISTRIBUTES CHRISTMAS TURKEYS

WASHINGTON, December 22.—In accordance with the annual custom that has prevailed the married employees of the White House were today presented with turkeys with the compliments of the president.

BIG STRIKE IS CALLED TODAY

Brotherhood of Locomotive Firemen Delivers Ultimatum to President Harriman.

QUIT ENGINES THIS AFTERNOON AT FOUR

Differences Between Engineer and Fireman Brotherhoods Cause of Strike Which May Tie Up Southern Pacific.

By Associated Press. PEORIA, Ill., December 22.—Grand Master Hannahan of the Brotherhood of Locomotive Firemen and Engineers tonight issued an ultimatum to E. H. Harriman, president and chairman of the executive committee of the Southern Pacific railroad, notifying him that the engineers and firemen of the road will strike at 4 o'clock Sunday. In the ultimatum Mr. Hannahan says: "Eighty-five per cent of the switch engine engineers on the Sunset Route are members of this organization and a considerable number in road service are also members. They will practically include every locomotive man in the service, and it is determined that your company shall not force them to withdraw from the organization and join the locomotive engineers in order to have their grievances adjusted. Every official of the company is thoroughly familiar with all the details of the matter and it may be that there is an ulterior purpose on their part in bringing about the strike."

From information received at the grand lodge of the brotherhood here it is learned that nearly three thousand men will be affected by the order to strike, which was issued after the system had been pulled. The Southern Pacific officials refused to accept the offer of the brotherhood to submit the difficulties to arbitration.

Strike at Midnight Sunday HOUSTON, Texas, December 22.—At midnight tomorrow the members of the Brotherhood of Locomotive Firemen will withdraw from the service of the Galveston, Harrisburg & San Antonio, the Texas & New Orleans, the Morgan, Louisiana & Texas, the Iberia & Vermillion and the Louisiana Western railroads, composing the Atlantic system of the Southern Pacific company. This action is the result of a vote just completed.

Differences arose last May when the Brotherhood of Locomotive Engineers secured of the management of the road an agreement that grievances of the engineers should be handled by that organization.

The Brotherhood of Locomotive Firemen contended that as many of the members were engineers and did not belong to the engineers' organization, the latter could not properly present their grievances; but that the firemen should handle all matters pertaining to the membership which appear in reference to firemen or engineers.

The management declined to arbitrate the agreement with the engineers, contending that differences between engineers and firemen should be settled by them. However, the management agreed to decide if either party would agree to abide by the decision. The firemen declined to agree to this.

About four hundred men will be affected by the order. Timothy Shea, second vice grand master of the Brotherhood of Locomotive Firemen, is in the city in charge of the interests of the firemen. He has given out no statement since the decision.

Knows Nothing of Strike SACRAMENTO, Cal., December 22.—Division Superintendent T. R. Jones says the story that there is to be a strike of trainmen on the Southern Pacific system tomorrow is news to him. He never heard anything to indicate that a strike was imminent and he does not believe the story.

At San Francisco, Think Mistake SAN FRANCISCO, December 22.—All efforts to reach any of the higher officials of the Southern Pacific tonight failed. Assistant Superintendent of the Western Division W. E. Scott, whose headquarters are at Oakland, said he had not heard anything about Grand Master Hannahan's ultimatum and believed there was some mistake. He stated that the engineers and firemen of his division declare they have received no orders to strike tomorrow.

PERSIAN SHAH SICK; HEIR APPARENT REIGNS

By Associated Press. TEHERAN, Persia, December 22, 7:15 p. m.—The shah has again had a relapse. His condition took a turn for the worse last night and the physicians now report his condition to be very bad.

The shah signed a decree formally appointing the heir apparent, Prince Almirza, as regent, and the latter has assumed charge of the government affairs.

The new time schedule for the G. V. & N. goes into effect Wednesday morning. The passenger train will leave here at 7 o'clock each morning, arriving in Bowie at 11:40; leaving Bowie on the return trip at 3:45 and reaching Globe at 5:30.