

MANY KILLED BY GAS COMBUSTION IN BIG COLLIERY

Coal Mine at Drakesboro, Ky., Scene of Appalling Disaster

OVER 35 MEET DEATH Seventeen Still Missing. Others Are Believed to BE Entombed

DRAKESBORO, Ky., Feb. 1.—Sixteen bodies have been recovered, eight of which have been identified, ten others have been rescued alive and from 25 to 60 men are supposed to be still entombed in the Browder mine, in which there was an explosion today. It is believed the dead will number 35.

Rescuers are working desperately to save the miners who may be alive and to recover the bodies of those killed. Of the ten men taken out alive five were seriously injured. There is no fire in the mine and both the fan and airshaft remain intact.

Nineteen corpses were removed from the mine; ten bodies were in sight of the workings, and six others were known to be dead at 1 o'clock this (Wednesday) morning.

Nearly a score of men were mangled by the explosion and many of these probably will die.

DRAKESBORO, Ky., Feb. 1.—Ten men are known to be dead and seventeen others are missing, presumed to be penned up in entries by falls of slate, as a result of a gas explosion in the Browder mine, one and a half miles from Drakesboro, at noon today.

At 3 p. m. eight bodies had been recovered, all horribly mutilated and some past identification. Because of the accumulation of gases in the entry where the explosion occurred, 170 feet beneath the ground and 700 feet below the mine shaft, it was impossible to begin active rescue work until six hours after the disaster occurred.

Damage to the mine, investigating parties report, was not material, as it is confined to the east entry.

One Hundred Men in Mine At the time of the explosion, more than half in the west entry. All hastened to the cages and were quickly drawn to the top. Later all in the east entry, except the unfortunate, fought their way to the shaft and were raised to safety.

As soon as it was safe to begin the rescue work miners were sent down in relays under direction of J. Abernethy, foreman of the mine, and G. Reynolds, mine superintendent.

In the immediate vicinity of the explosion ten men had been working. The concussion threw the bodies many feet. What caused the explosion of the gas has not been ascertained.

The other men were in entries only a few feet from the workings where there was the greatest known loss of life, and searching parties have been unable to find any entries.

It is believed all the men entombed there are dead. At the pit mouth wives of the dead and missing miners crowd about, waiting for the rescuers.

Jesse Jonathan was rescued alive, but is probably fatally burned. It is believed that the explosion was caused by a rock regulator going into an abandoned room with an uncovered lamp.

The room is shattered almost to atoms, and the body of the miner is nowhere to be found. The mine is not on fire, and the fans are working. This gives rise to the hope that all the bodies may be recovered by daylight.

INDEX OF HERALD'S NEWS TODAY

FORECAST For Los Angeles and vicinity: Fair, colder Wednesday; heavy frost in the morning if wind lulls; moderate north winds. Maximum temperature yesterday 54 degrees; minimum temperature 47 degrees.

LOS ANGELES

Bridesmaid appears as witness for wife in Hissel divorce case. PAGE 5. Encores delights English vaudeville singer who declares recognition of merit inspires an actress to do her best. PAGE 5. Polish political leader of Vernon claims grand larceny charge against him is in Hissel divorce case. PAGE 5. Public service commission protest and statement of corporations is referred to utilities committee. PAGE 5. Council creates benevolent fund to use in helping poor city. PAGE 5. Hotel men protest against garbage disposal regulations and may take matter into court. PAGE 5. Dolph M. Greene arrested for third time in week; two alleged confederates in "partnership" game go with him. PAGE 5. Another chess finishes work; high school students will present class play this evening. PAGE 6. Graduates of winter '10, at Polytechnic high school hold merry class day exercises. PAGE 6. B'nai B'rith order gives brilliant ball; five hundred members present at midwinter function. PAGE 6. One hundred thousand dollar sale made to Iowa investor. PAGE 6. Funds in excess of expenses of aviation club given to charity. PAGE 6. Los Angeles Episcopals will strive to control general convention of Anglican communion to be held in Cincinnati. PAGE 6. Man under arrest had cheap degree to be sworn in haste; could make "Action" in an hour. PAGE 6. J. McCauley ousted by Acting Chief of Police Dixon. PAGE 6. City board of health decrees filth of Chinatown must give way to sanitation. PAGE 6. School for adult foreigners opened; American citizenship will be taught adult aliens. PAGE 6. Daughters of aged eccentric declines to obey provisions of his remarkable will. PAGE 6. Robber enters butcher shop and riffs cash register. PAGE 6. Honor awarded young attorney; G. Ray Horton appointed assistant United States district attorney. PAGE 6. All in readiness for opening of society rooms at Temple Auditorium tonight. PAGE 6. Prelates hold solemn services led by Bishop Conaty. PAGE 6. Editorial, Letter box, Haskin's letter. PAGE 6. Marriage license, births, deaths. PAGE 6. Society. PAGE 6. News of the courts. PAGE 6. Municipal affairs. PAGE 6. Mines and oil. PAGE 6. Markets and financial. PAGE 6. Theaters and dramatic criticism. PAGE 6. Sports. PAGE 6. Citrus fruit report. PAGE 6. Building permits. PAGE 6. Shipping. PAGE 6. City brevities. PAGE 6. Classified advertising. PAGE 6-15.

SOUTH CALIFORNIA

San Pedro residents will petition for removal of Nob Hill; new water front territory involved in improvement. PAGE 14. Alleged grandson demands shares of estate of John Lane of Santa Ana. PAGE 14. San Bernardino mechanics win fight for lower freight rates. PAGE 9. Pasadena board of education considers site for new high school. PAGE 14.

COAST

Honey will grill Burger Hermann today at trial for alleged fraud in Portland; former commissioner of land office denies guilt. PAGE 2. Courts must settle row over health of inmate in San Francisco. PAGE 9. Police search for bandit near San Jose and find wounded man in shack. PAGE 2. Spectacles and Hellman are freed from charge of contempt of court at San Francisco. PAGE 3.

EASTERN

"Woman's fight" says naval man; court martial of Paymaster Auld attracts attention in society. PAGE 3. Savage attack made on forestry services in house of representatives. PAGE 2. Million dollar Wall street bond company forced to close doors. PAGE 9. Reports in Washington show increase for 1909 in imports and loss in exports. PAGE 11. Attorney for Mrs. Ford, accused of blackmail by defaulting treasurer of Western of Big Four road asks that case against her be dismissed. PAGE 3. Plan to withdraw large section of coal lands in Alaska placed before senate. PAGE 2.

Seal is taken from coal mine at Cherry and work of taking out bodies of the miners killed in explosion will begin when gas is pumped out. PAGE 1. Mine explosion in Primero, Colo., which killed 73, traced to fire damp. PAGE 6. Twenty-seven men meet death in mine explosion in Kentucky; ten bodies taken out horribly mutilated. PAGE 1. Ways and means committee of congress to investigate high cost of living. PAGE 2. Prices of meat in Chicago move upward and dealers notified to expect a rise. PAGE 2. Crowds go mad at flight made by Paulhan in Denver. PAGE 1.

FOREIGN

Tail of Halley's comet will envelope earth May 13, according to statement made by noted French astronomer. PAGE 9. Generous financial aid is sent by people of United States to French food sufferers. PAGE 3. Son of Spanish dancer claims title to estate of Lord Shackville-West. PAGE 6.

MINING AND OIL

Crown Oil company, operating in Sepe district, Ventura county, lets contract for first derrick and well drilling. PAGE 13. Austin Manhattan, at Austin, Nev., will have first unit of ten stamps working on local ore by early summer. PAGE 13. Bi-Metals mine of Kingman, Ariz., pending deal with J. H. Williams. PAGE 13. Tex Richard and Jack Gleason confer today in Salt Lake City regarding litigation. PAGE 10.

MEXICO AGREES TO DECIDE COOK CASE TOMORROW

American Conductor Will Know Soon if He Is to Be Given Trial

PROSECUTOR TO ACT After Long Delay Appeal for Consideration Will Be Answered

(Special to The Herald.) MEXICO CITY, Feb. 1.—The public prosecutor of the criminal court here announced today that next Thursday he would formulate his opinion containing a request for sentence or acquittal of James A. Cook, American conductor, who has been held in the Jalisco state penitentiary for five months charged with contributory negligence in connection with freight train robbery of the Guadalupe division of the National railways. Papers in the Cook case were delivered to the public prosecutor for review a month ago, after Judge Palafo of the third criminal court had spent three months taking evidence. Cook meanwhile, it is said, has been unable to receive any information concerning his trial, and has not been taken to the courtroom since September, when he verified his own testimony given a day or two previously. Cook is confined in the holdover department of the penitentiary, which always is crowded with several hundred Mexicans of the lowest type awaiting action of the courts.

The Guadalupe division of the Order of Railway Conductors has been advised that the grand division of the order at Cedar Rapids, Iowa, has remitted \$500 in gold to liquidate lawyer's fees and printing bills, with the stipulation that none of that sum was to be used in paying Cook's bond. Cook's name is being carried on the list of the regular conductors by officials of the National Railways, and he will be entitled to resume service as a passenger conductor as soon as he is released. Four Mexican brakemen, arrested a few days before Cook was, are still imprisoned, but, like their conductor, have not been sentenced.

Status of Case There are several features in the celebrated Cook case which, due to ignorance of the law by jurists here, are not generally understood in the United States. In the first place, Cook is not being held without trial, and secondly, the jurisdiction is more that of a witness than that of an indicted criminal. Peculiar as such a law may appear to people in the United States, it may be seen from article 272 of the penal code of the state of Jalisco that it is perfectly legal to keep a suspect imprisoned for a period of six months, and even longer, with the proviso that all confinement exceeding six months shall ultimately be deducted from any term of imprisonment the court may impose.

The article reads: "The investigation shall be carried on with all the brevity possible, to the end that, at the latest, it may be concluded within a period of six months; but if by inevitable circumstances it is prolonged for a greater time, the judges and tribunals when pronouncing sentence shall direct the excess of the punishment to be suffered by the person under sentence." Conductor Cook was imprisoned on August 30, 1909, and for this reason the authorities here estimate that the final disposition of his case will be made in a few days. It is understood that the state has finished its case and that a final decision will be arrived at in a few days. Cook was arrested by the Mexican authorities on a charge of implication in a series of freight train robberies. He was refused bail, although three foreign merchants in whose possession some of the stolen goods were found were admitted to bond privileges.

CONFESION OF DYING MAN TAKEN AS EVIDENCE

Murdered Sweetheart Describes in Last Statement Manner in Which Girl Committed Crime

WATERBURY, Conn., Feb. 1.—In the trial of Sophie Critchman for the murder of Bronislaw Kulvinskis, the court admitted as evidence the dying declaration of the murdered man. The statement follows: "On Friday, Feb. 17, Sophie Critchman, at whose mother's home I boarded, asked me to take a walk with her in the country. When we arrived at the spot in the woods she told me to lay down and she said, 'I will cover your face with a handkerchief and go and see who is coming.' A minute later she said, 'Damn you, I am going to kill you.' Then she shot me five times. At 5 o'clock Friday afternoon she came back and cut my throat. "On Saturday she came back and threw a stone at me. Then Joe Mitchell shot me in the head. "BRONISLAW KULVINSKIS." Mitchell is said to be the girl's accomplice.

STRIKE OF 5000 RAILWAY MEN IMPENDS IN GOTHAM

Rapid Transit Employes Will Quit Work if 40 Discharged Men Are Not Reinstated

NEW YORK, Feb. 1.—Conferences were held today in an effort to avert a strike of 5000 motormen, conductors and guards of the Brooklyn Rapid Transit company's elevated system, threatened because of the recent discharge of forty men. The men say they were discharged because they joined a union. The management denies this and declares the men yielded to the influence of agitators. Following a meeting of several hundred employes it was declared that a strike would be inaugurated Thursday unless the men were reinstated.

SCENE DURING INVESTIGATION OF BALLINGER-PINCHOT CONTROVERSY, WITH COMMITTEE READY TO PROCEED



In the foreground is Representative James M. Graham of Illinois, the Democrat chosen by the house to fill the place left vacant by the action of Representative Lloyd of Missouri, who refused to serve. The other members of the committee shown in the picture, reading from left to right, are as follows: Representative Denby, Representative McCall, Representative Olmsted, behind whose head Mr. McCall can just be seen; Representative Madison, Senator Nelson, chairman, in the background; Representative James, Senator Flint, Senator Sherman and Senator Root, Senator Fletcher and Senator Paynter. The man on the right is the clerk of the committee, James Wicksham, who is the delegate in congress from Alaska.

BALLINGER CASE PUZZLES SOLONS

INQUISITORS AT SEA AS TO HOW TO PROCEED

Senator Nelson Thinks Committee Ought to Have Legal Adviser. Pinchot Probably Will Be Next Witness Called

WASHINGTON, Feb. 1.—Henry S. Graves today actively assumed the role of forerunner of the United States as the successor of Pinchot.

WASHINGTON, Feb. 1.—With the congressional investigation committee's hearings in the Ballinger-Pinchot controversy adjourned over until Friday morning, interest in the inquiry centers today in the probable course to be pursued.

The cross-examination of Louis R. Glavis yesterday afternoon developed the fact that the committee has no fixed program. The questions were put to the witness at random, and Senator Nelson, chairman of the committee, rather intimated it was an impromptu "hot side," as he expressed it, "had no attorney present to take the witness in hand." Mr. Glavis, Mr. Pinchot and the other officers of the forest service who were dismissed with him have three attorneys constantly in attendance. The attorneys have combed the evidence closely and are bringing out strongly the points which they contend make their case against Secretary Ballinger and Fred Dennett, commissioner of the land office. No one as yet has appeared in behalf of either of these officials.

It seems to be pretty well understood that the "prosecution" will offer Clifford Pinchot as its second star witness, and he may take the stand next Friday. Glavis has been held until next Friday morning, when it is expected his cross-examination will be finished. An executive meeting of the committee will be held either tomorrow or Thursday.

MORGAN CHARGED WITH FORMING PHONE TRUST

Direct Questions Asked Financial Operators in Amendment Filed to Schwer Suits

CLEVELAND, O., Feb. 1.—J. P. Morgan, his son, J. P. Morgan, Jr., and J. P. Morgan & Co. were charged with being agents of the Bell telephone interests in their purchase of control of the United States Telephone company in a petition filed in court today by Samuel J. Schwer of St. Louis. The petition is an amendment to suits brought against James S. Bralley, Jr., and voting trustees of the United States concern last November. Interrogatories addressed to J. P. Morgan were attached to the petition, asking if he were not recently the agent of the Bell Telephone company in the sale abroad of \$125,000,000 in bonds, and demanding what interest in the American Telephone and Telegraph company he still retains as a result of the bond deal.

BISHOP FOSS BURIED

PHILADELPHIA, Feb. 1.—Several bishops, hundreds of clergymen and laymen, some from distant parts of the country, attended the funeral services today of Bishop Cyrus D. Foss of the Methodist Episcopal church who died last Saturday. Bishop Luther B. Wilson of Philadelphia officiated, assisted by Bishop W. F. McDowell of Chicago and Bishop Earl Cranston of Washington.

WOMAN'S SNEEZE BURSTS HER TIGHT FITTING GOWN SHE SUES THE TAILOR

Mrs. Olga Wallace Tells the Court of the Efforts to Get Her Person Into Skin-like Garment

It required one hour's time and the united efforts of two men and a woman to fit a new dress to the form of Mrs. Olga Wallace, according to her story in Justice Ling's court yesterday, when she testified in her action against Abraham Gramas to recover \$45 paid for the clothing. An hour after the dress was donned, Mrs. Wallace said, she was compelled to sneeze while walking along Broadway and the seams in the jacket opened. Then Mrs. Wallace took the dress to her attorney, and he carried the case into court in the suit for recovery. Justice Ling took the matter under advisement.

CROWDS GO MAD AT FLIGHT OF PAULHAN

PEOPLE TEAR DOWN FENCES AND SWARM INTO FIELD

Police Have Difficult Task to Clear Sufficient Space to Give Aviator Room to Start His Aeroplane from the Ground

DENVER, Feb. 1.—Thirty thousand people swarmed into Overland park today to see Louis Paulhan in an exhibition flight in his Farman biplane. After three preliminary attempts Paulhan twice circled the mile track. That the exhibition was not more successful was due to the crowd itself. They broke down fences, swarmed over the field, and the police with difficulty cleared sufficient space to allow the machine to start. The instant he rose in the air the mob spread over the course, and he was forced to cut short his flight. Paulhan will give another exhibition flight tomorrow.

HAMILTON GIVES AN EXHIBITION AT FRESNO

FRESNO, Feb. 1.—Charles K. Hamilton, the aeronaut, today drove a Curtiss biplane twice over almost identically the same course over about 1000 feet here with the vertical rudder of the plane sealed, to demonstrate that this rudder is not necessary to the lateral stability of the Curtiss type of machine. The records of the flights will be forwarded today to New York, to be produced in the New York circuit court of appeals on Wednesday, at the hearing of the appeal from the preliminary injunction recently granted the Wright brothers and prohibiting the manufacture, sale and use of the Curtiss aeroplane. The flights were made in the teeth of a ten-mile breeze. Hamilton is in Fresno to fly Friday, Saturday and Sunday, together with Charles F. Wingo. In an aviation meet to be held under the auspices of the Chamber of Commerce, he will sail a three-mile race around the track here on which Barney Oldfield made automobile records that stood for years, against a racing automobile driven by a local expert, for a \$500 side bet. One lap of each race will be run off each day of the meet.

THREE HURT IN COLLISION

TACOMA, Feb. 1.—What officials believe was a deliberate attempt to wreck a Northern Pacific passenger train running from Tacoma to Portland, was made at Chehalis at 8:35 last night when the engine ran into an open switch and collided with a string of construction cars occupied by a bridge crew, three of whom were injured.

MILLION DOLLAR BOND CO. FORCED TO CLOSE DOORS

Important Wall Street Concern. Fails—Interests Extensive

HIGH PRICES BLAMED Exorbitant Cost of Living Compels Big Firm to Suspend

[Associated Press] NEW YORK, Feb. 1.—Flisk & Robinson, bond dealers and members of the New York stock exchange, failed for a million dollars today.

An involuntary petition in bankruptcy was filed by creditors in the United States district court and Bronson Winthrop was appointed receiver. Shrinkage in the value of Buffalo and Susquehanna railway stocks and bonds held by the firm caused the failure. The failure is one of the largest since the panic of 1907, not so much as liabilities are concerned, but in view of the importance of the firm, which has branches in Chicago, Boston and Worcester.

The firm was founded in 1899 by Harvey Edward Flisk, elder son of Harvey Flisk, a banker, and by George Robinson, who had been in the employ of the banking firm of Harvey Flisk & Sons. Mr. Robinson is a member of the stock exchange, but the business of the firm was principally banking and the floating of bonds. The petition in bankruptcy was filed with the full consent of the firm's attorneys, holding concluded this was the only way to avoid further losses for itself and its creditors.

High Prices Blamed A statement issued by the receiver tonight says the firm's secured obligations will approximate \$2,000,000 and that the unsecured debts will exceed \$10,000,000.

Little surprise at the failure was manifested in banking circles, where it was said the firm had received several extensions of credit in the past year. In addition to the securities mentioned the firm also was identified with a number of small railways and several independent telephone companies in Pennsylvania and Ohio.

Among the roads whose bond issues it endeavored to float were the Louisiana & Arkansas railway, San Antonio & Arkansas, and Arkansas Pass, and Gulf & Ship Island. These issues have had no satisfactory market. The high cost of living indirectly caused the failure, according to Joseph Stanley Brown, manager of the New York office.

He said it became more difficult every day to sell bonds, because the high cost of living has driven investors to search for securities that bring a higher income than that offered by bonds.

CENSORSHIP EXTENDED TO NICARAGUAN MAILS

No Letters Received from Managua by Washington Business Men for Over Month

WASHINGTON, Feb. 1.—The censorship imposed by President Madriz on the cables at San Juan del Sur has been extended to the mails from Managua. Business men in Washington have received no mail from Managua for more than a month.

According to advices received through special messengers sent through the Madriz troops and into Managua, the city is becoming restless under military rule. It is said the delay of the rebel general, Chamorro, in forcing a fight at Acayote is part of a plan with two ends. Chamorro is said to be playing a waiting game within striking distance of Managua while the revolutionist party in the city awaits an uprising there.

It seems to be understood that the United States has no further interest in former President Zelaya's movements so long as he keeps out of Nicaragua.

SHERMAN TAKES HAND IN SENATORIAL FIGHT

Vice President Injects His Influence into West Virginia Campaign to Aid Scott

WASHINGTON, Feb. 1.—Vice President Sherman today injected his influence into the senatorial contest in West Virginia, where Senator Scott's re-election is being opposed by Representative Hubbard. The proceeding is so unusual that it probably will attract much attention in political circles. The vice president issued a statement in which he says: "West Virginia would, indeed, be short-sighted if she failed to avail herself of the opportunity to retain the services of a business man who at all times has looked after the interests of the state in every possible way to advance the great development that is now taking place. Such a senator is Mr. Scott, and, in my opinion, it would be a misfortune not to continue in the senate such an earnest Republican and so influential a legislator."

JURY AWARDS GIRL \$2000

ST. PAUL, Minn., Feb. 1.—For being frightened until she became bald-headed, Thelma Ominsky, a factory girl, was awarded \$2000 by a jury in the circuit court here yesterday. Thelma was employed a little more than a year ago at a machine which elevated paper boxes to the floor above. In some manner her waist caught in the wheels and shafting and she was drawn tight against the machine.

COOK'S ARREST NOT DEMANDED

MANNHEIM, Baden, Feb. 1.—The request that the American consul demand the extradition of Dr. Frederick A. Cook is false.