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THE MARION DAILY MIRROR

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MARION, OHIO, THURSDAY, DECEMBER 14, 1911.

PRICE TWO CENTS

FIGHT GIVEN UP BY BRICEVILLE

No More Miners Expected to be Rescued From Mine.

SAM MILLER'S BODY FOUND

He Led Small Party For Days Through Mine Waiting For Rescuers.

Left Partial Story of Wanderings Written on Mine Walls.

Struggle For Life Took Place Within Two Miles of Mouth of Mine. Bodies of Men With Him Are Found Beside His Body.

Briceville, Tenn., Dec. 14.—Briceville today surrendered entirely to despair for Sam Miller and his four helpers, who had left messages on the walls of the Cross Mountain mine passages as they fled from the dread black damp, have been found dead.

If Sam Miller, who knew the mine better than any other man, succumbed, it is now held impossible that any one else escaped.

Five fires now raging in the mine are getting the embated men who escaped the afterdamp.

Although it was at first thought at least 150 men had been entombed by the explosion last Saturday, it is now believed the total death list will not greatly exceed 100. Including the bodies recovered the total known dead is 61, and at least 40 more are believed to be inside.

Even the government rescuers, the oxygen helmet men who penetrate the perilous gas, are doubtful whether any more living men will be found. The epic struggle of Miller and his companions for life took place within two miles of the mouth of the mine where their wives and babies were waiting for them.

Since last Saturday they had been groping their way through the mine, seeking the fresh air and running away from the fatal afterdamp.

The story of their wanderings in part is written on the walls of the mine in Sam's own hand. Miller and his four men made a compact to stick together, going on and on in search of the open air until their food was gone and Sam saying: "Well, boys, guess the jig's up."

Last night a rescuer stumbled over a body. His lantern showed four more bodies lying beside it. He recognized Sam Miller and next to him lay his boy, Emmett. It was plain that when they saw that further flight was futile, they lay down and waited for death to strike them.

Their clothes were searched for farewell notes, but none was found. There was also found last night the body of John Duff, who might have been alive today had he remained with the five men who were rescued from the mine after 61 hours' interment.

MIGHT HAVE BEEN SAVED. Briceville, Tenn., Dec. 14.—Briceville's widows and orphans and mothers are awake today to the realization that their loved ones in the Cross Mountain mine disaster might have been saved.

Mute evidence of this are the bodies of Sam Miller and crew of four and the body of John Duff, which were found a few hours after they had died following a vain struggle for life that lasted many hours within their mine tomb.

If there had been established at the Cross Mountain mine, scientific rescuers service by the coal company, such as exist in Pennsylvania and in some parts of Alabama, the men would have been reached before they succumbed. The government rescue crew which arrived here early, is small and was unable to explore the fifteen miles of area covered by the mines.

Dr. J. A. Holmes, director of the United States bureau of mines, left Briceville today and this fact is taken to indicate that the chances for recovering any more dead are very meager.

At 9 o'clock this morning Waldron entered his home, having passed through a cordon of police surrounding the house and nonchalantly asked his wife if any one had been looking for him. Mrs. Waldron again telephoned Judge Porterfield, who was then on his way to the Waldron home and the missing juror was arrested and examined by the judge before being taken to court.

Previous to Waldron's formal examination, Judge Porterfield said that if the man was insane he would immediately order a retrial of the entire case. He refused to be quoted as to whether Hyde has already been placed in jeopardy of his wife and is therefore entitled to his freedom.

Judge Porterfield then discharged the Hyde jury.

AMERICAN KILLED BY BANDITS SINGLE HANDED. Mexico City, Dec. 14.—Dispatches from Oaxaca today report that John Wilkenson, an American, single-handed killed seventeen of twenty-eight bandits who attacked him at the Golondrina mine. Wilkenson is reported to have used a shotgun and to have escaped unscathed.

30-Cent Egg Club. Cleveland, Dec. 14.—Women of Cleveland have organized a "thirty-cent egg club." Eggs, now at fifty cents, will be boycotted until they come down to thirty.

Some Potato Machine. Cleveland, Dec. 14.—An automobile has been built here for use in California which will plow, plant potatoes and then dig them and carry to the station for shipment.

OHIO WEATHER. Snow in northern, rain or snow in southern portion tonight and Friday.

MISSING JUROR TURNS UP TODAY

Harry Waldron Goes Home to Tell Wife He Didn't Kill Himself.

WORRY CAUSES HIS ACTION

He Left Hotel to Commit Suicide but Changed Mind.

Looks Haggard and Pale From 84 Hours Dodging of Police.

Physicians Declare He is Insane. Judge Porterfield Announced After Examining Waldron Jury Would be Dismissed—New Trial at Once.

Kansas City, Mo., Dec. 14.—After examining Waldron this afternoon, Judge Porterfield announced he would dismiss the entire jury on the ground of Waldron's mental incapacity. Another trial will, it is thought, be called immediately.

Kansas City, Mo., Dec. 14.—Judge Porterfield this afternoon announced that the next Hyde trial would commence January 2.

Kansas City, Mo., Dec. 14.—Eighty-four hours after he climbed through the transom over the door of his room at the Centropolis hotel and escaped from the custody of the deputy marshal, Harry Waldron, the missing Hyde juror, was brought into court at 11 o'clock today, pale and haggard from dodging the police of three cities. Physicians declared he was undoubtedly insane. Judge Porterfield examined the juror to determine whether the jury should be discharged on account of Waldron's mental condition.

Late last night Judge Porterfield received word from Mrs. Waldron that her husband was in Kansas City, Kan., the judge jumped into a taxicab and dashed across the river. After several hours fruitless search, aided by almost the entire police force of Kansas City, Kansas, it was discovered that Mrs. Waldron had meant that her husband was in this city and Judge Porterfield returned to the Waldron house arriving there a little after 9 o'clock this morning. Waldron, when he heard the judge coming, entered a closet and locked the door but was finally persuaded to come out and tell his story to the judge.

According to his statement he left his room at the hotel with the idea of committing suicide—business worries and homesickness having preyed on his mind so that he felt unable to bear it any longer.

When he reached the river, he changed his mind and went to Argentina, there taking a train for Emporia, Kan., where he remained until yesterday afternoon, shaving off his mustache, and having his hair cut so as not to be recognized.

He then read in a paper that he was supposed to have committed suicide and fearing the news would kill his wife, determined to return home. He arrived here late yesterday afternoon visiting at a home of a friend, Mrs. Anna McGarraugh, last night. Mrs. McGarraugh telephoned Mrs. Waldron, who rushed over to see her husband. The latter left, however, before his wife could get to the McGarraugh home. Then Mrs. Waldron telephoned Judge Porterfield that her husband had returned.

At 9 o'clock this morning Waldron entered his home, having passed through a cordon of police surrounding the house and nonchalantly asked his wife if any one had been looking for him. Mrs. Waldron again telephoned Judge Porterfield, who was then on his way to the Waldron home and the missing juror was arrested and examined by the judge before being taken to court.

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WEST THUNDERS AN OBJECTION

Insurgent Republicans Aroused Over Action of Committee.

STRONG HANDED ACTION USED

Serious Political Effects May Follow When Country Understands.

Primaries Can Even be Choked Off in States Having Primary Laws.

Washington, Dec. 14.—From the insurgent Republican states of the west came a ringing protest against the call for the national convention as adopted by the Republican national committee.

With a day in which to think over the action of the committee, the national progressive leaders have determined to go into the different states with the text of the national convention call as one of the important reasons why progressive Republicans everywhere should work against the renomination of President Taft.

The chief point of attack will be the stipulation of the committee which empowers the state committees, if they so desire, to defy the expressed will of the rank and file even in the states where presidential preference primaries have been provided by law.

Under the national convention call the presidential primaries will not be recognized unless the ruling state organizations give their sanction. And the progressive leaders indignantly pointed out that, pretending to defer to the state committees' judgment of local necessities, the national Republican executive authority has given state committees power to reject primaries even where these are provided by law, but no power to provide primaries where they seem desirable.

Anger Seems Redoubled. Analysis of the national convention call seemingly has redoubled the anger of the progressives. The Republican leaders, outside of the small circle that controlled the action of the national committee, apparently are just waking to the limits the committee want to place on any general popular vote expression on the presidential nomination.

Already fear is expressed, even in administration circles, that serious political effects may follow once the country fully understands the significance of the call.

That what appears upon analysis to be a strong handed action was deemed necessary, it is explained today, to insure the prevention of a primary scramble over the delegates-at-large from Ohio, the president's own state. Walter L. Houser, chairman of the national progressive Republican campaign committee today in a formal statement said that, in order to save its face in Ohio, the administration deliberately had offered an affront to the progressive Republicanism of the country. Then he made the remarkable declaration:

"Six states have presidential preference primary laws in Oregon, Nebraska, North Dakota, South Dakota, New Jersey and Wisconsin. In just one of these states is the state committee in sympathy with the law—Wisconsin. In the other five the state committees are entirely opposed to the law."

May Strangle All Primaries. "It is altogether possible that those hostile committees will simply allow their prejudices, revoke the state law, and by so doing arouse a popular resentment that will be most unfortunate for the party and the administration."

"But that is not all. Several other states, it is practically certain, will pass presidential preference primary acts at their legislative sessions this year. By next summer there may be twice as many states in this class as now. The spectacle is thus imminent of a half score of reactionary state committees refusing, with the sanction of the national committee, to follow the views of their states. Wait till you hear from the results at the polls, after the people think over what that means."

From California, with Gov. Hiram Johnson taking the lead, came the message that the Republicans of that state proposed to go ahead with a primary test for the presidential nomination in defiance of the national committee. The message said the national convention, if necessity required, would be given the opportunity to reject a delegation "selected by an overwhelming vote of the Republicans of California." Messages from other states were similar in tenor.

MICHIGAN FARMERS VOTE FOR LA FOLLETTE. Kalamazoo, Mich., Dec. 14.—It is believed by politicians throughout the state today that La Follette is the choice of the farmers of Michigan as the next Republican candidate for president as the result of a straw vote taken among delegates at the annual convention of the Michigan state grange. The Republican vote stood La Follette 215; Roosevelt, 75; Taft, 63. Among the Democrats it was: Wilson 26; Harmon, 6.

W. J. Burns to be Hired to Look Into Conduct of Defense. Four People Ready to Swear Defense Witnesses Did Not See Killing. Denver, Col., Dec. 14.—William J. Burns will be engaged by the Denver Bar association to investigate the conduct of the entire trial of Mrs. Gertrude Gibson Patterson on charge of murder.

At a meeting of the grievance committee of the association, it was stated that sufficient data regarding the defense had been gathered to warrant a complete inquiry. The principal investigation will be concerning the testimony of a witness for the defense, who alleged that he was an eye-witness to the shooting of Patterson by his wife. The grievance committee is said to have four witnesses who are ready to swear this witness for the defense was not near the scene.

YERKES HOUSE TO BE DENUDED. New York, Dec. 14.—Hundreds of articles today passed through the "house of mystery" and viewed with longing eyes the treasures set up there by the late Charles T. Yerkes, for his ward, Miss Emilie Grigby, the former Kentucky beauty who has taken up her residence in London.

The exhibition was to permit prospective purchasers to look over the paintings, antique furniture and rare lapidaries that adorn the mansion. The sale, it is said, will begin in January, and it is believed the furnishings will bring several hundred thousand dollars.

Mrs. Patterson Leaves Sandoval. Sandoval, Ill., Dec. 14.—Although the family of Mrs. Gertrude Gibson Patterson would give out no information today regarding her present residence, it is believed that she has gone to Cincinnati in visit relatives named Judge.

She left here yesterday on an east-bound train, presumably because she could not find in a small town the "peace and absence of notoriety" she said she desired.

TERRIBLE CONDITIONS IN OHIO RURAL SCHOOLS

Columbus, O., Dec. 14.—On his return from a tour of inspection of southern Ohio counties, State School Commissioner F. W. Miller, today told of terrible conditions in some of the rural schools. Many schools were found where no toilet facilities at all were provided for pupils, he said; others where window panes were out and boards put up in place of glass; others where the walls were filled up and no drinking water provided, and still others where the teaching force was entirely inadequate.

Miller says he was astounded and he will at once begin a campaign to better conditions. He says the remedy lies with the legislature which should strengthen the hands of the local school board in that the same time give the state school commissioner larger powers to enable him to force the betterment of conditions.

It is said that in one school, in Butler county, school is being held in a building formerly used as a sheep stable. Worst conditions exist in Meigs, Pike, Lawrence and Vinton counties, it is said.

STOKES DYING--TESTIMONY ALL IN

New York, Dec. 14.—It was reported in the office of the district attorney that William Earl Dodge Stokes, millionaire hotel owner, is dying in his apartments at the Hotel Ansonia. He passed an unusually bad night and today it was said his life was hanging by a thread. Information regarding Stokes' condition was refused at his apartments.

Stokes, who was operated on Tuesday night for abscesses of the kidney, is said to have sunk rapidly during the night and it was necessary to give him stimulants to keep him alive. He is said to have rallied slightly today, but it is known that he is in a serious condition. The last statement of his physicians, given out last night, admitted that he was dangerously ill. Today no information was forthcoming. In the criminal court building today it was said that Mrs. Stella Singleton, sister of Lillian Graham, was suffering from nervous prostration and was unable to take the stand in the trial of Lillian Graham and Thelma Conrad, charged with shooting Stokes' legs.

Before the trial opened it was expected the defense would call one of two unimportant witnesses and that all the addresses would be made today, the case going to the jury tomorrow morning.

When court opened, Assistant District Attorney Buckner called Police Inspector Russell, who repeated the story the girls told him on the day of their arrest. The state then closed and Attorney Robert M. Moore, in the defense, moved the dismissal of the indictment on the ground that the defense had not been permitted to complete its cross-examination of Stokes, because of his illness. This was denied. Moore then made the closing address for the defense.

TO INVESTIGATE PATTERSON CASE

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AS GARY WOULD HAVE IT



NEWS ITEM: Judge Gary, head of the United States Steel Corporation, told members of the congressional trust investigation committee while testifying in Washington that the only solution of the trust problem is governmental supervision.

NO INDUSTRY CAN BE NATURAL MONOPOLY

SAYS L. D. BRANDEIS

Trusts All Acquired Control, Not Through Efficiency, But by Buying Plants at Fabulous Prices and by Violations of Law—Economies of Monopoly are Superficial, Delusive and Temporary.

Washington, Dec. 14.—"Regulation is essential to preserve competition, just as regulation is necessary to preserve liberty," said Louis D. Brandeis to the senate committee on interstate commerce, today. "There are no natural monopolies in industry. Even the oil trust got control by ruthless violation of law, by criminal rebelling, bribery and corruption. The steel trust acquired control, not through efficiency, not by buying plants and ore supplies at fabulous prices. In dismembering trusts we are endeavoring to restore health by removing a cancer."

"The economies of monopoly are superficial and delusive; the efficiency of monopolies is at best temporary. Competition involves waste but what human activity does not? The unit of business may be too large or too small to be efficient. The danger is greater of monopoly producing too large a unit of efficiency, than of competition making the unit too small."

"Defective quality of product is one result of monopoly. In 1902 there were 72 defaulting of trusts, due to broken rails. In 1911, after a decade of the trust's control in rail making, there were 249. The efficiency of trusts would not justify their existence unless the community would benefit; and efficient trusts absorb these benefits to themselves. In ten years the steel trust accumulated or paid in dividends representing water, over \$459,000,000."

"A government commission to fix prices might prevent excessive profits but would be powerless to secure for the public the low prices attendant upon competition. No economic problem is so important as that of the money trust, the economic menace of past ages was the debt holding available lands; today's menace is the very live hand of financiers fast getting control of liquid capital. All big business is subject to their will."

"Nothing has contributed so much to this power as the trusts," continued Brandeis. "A generation ago Wall Street's power extended to little more than the railroads. Today it extends to every line of industrial activity."

"What have the trusts done for labor? In Pittsburgh the Steel trust has brought over fifty per cent. of steel workers under one employer. Has driven unionism out of the mills, has increased workinghours till the eight-hour day has practically disappeared. A majority of the steel workers work eighteen hours; many, seven days in the week. Degradation of the laborer was made possible by driving out the union. The same policy of suppressing trade unionism has prevailed in Standard Oil, Tobacco, shoe machinery, harvester, cash register, and other trusts."

"At a time when the American people are stunned by the crimes of high trade union officials it is fitting to recall the debt America owes to labor unions. To them we owe the rise in wages; shorter hours of labor; better conditions of employment; protection of women and children in industry."

"Industrial absolutism is undesirable and should be impossible. Neither our intelligence nor our characters can long stand the strain of unrestricted power. In our just indignation over the crimes disclosed at Los Angeles should not statements seek the cause of the outbreak of violence; is there not a causal connection between the development of those high and indomitable trusts and the horrible crimes now under investigation? Are not these it possible trusts important contributors to the factors of social unrest? Is it not irony to speak of equality of opportunity in a country cursed with their bigness?"

Brandeis appeared in behalf of the La Follette bill which proposes to strengthen the present anti-trust law with amendments more definitely defining "restraint of trade" and endeavoring to restore competition.

WILL VOTE BACK RECALL OF JUDGES IN ARIZONA AT ONCE

Phoenix, Ariz.—With election of all Democratic state officials and a big majority of the same party in the legislature, interest throughout Arizona today centered in how quickly it will be possible to vote back into the state constitution the recall of the judges, eliminated because congress and the president demanded it.

Governor-elect W. P. Hunt announced that he would make it one of his first duties to reinstate this clause. "I favor the recall and will not stand for anything less than the legislature carrying out the wishes of the people," he declared, today.

Advocates of the recall here declared that there was an overwhelming majority in the legislature in favor of putting back into the constitution the provision for recall of the judges. It was practically conceded today that the new legislature will elect Mark Smith and Henry P. Ashurst, Democrats, to the United States senate.

Davis to Die Tonight. Columbus, Dec. 14.—Thomas Davis, Brownsville negro, convicted of murdering two Hungarian laborers employed on a construction gang north of Clrevelle, in September, 1910, will die in the penitentiary annex at midnight.

After Governor Harmon refused yesterday to grant a reprieve for which he had been petitioned, preparations were made at the penitentiary for the execution. Davis' case had been turned down by the board of pardons. He had two trials in common pleas court. The negro received the news stolidly.

Cooks Forming Union. Chicago, Dec. 14.—A cooks' union is in process of formation here today and Chicago housewives are apprehensive that threats of a strike to secure a ten-hour day, voted at a meeting of cooks, may materialize.

REAL CHRISTMAS SPIRIT. Waupun, Wis., Dec. 14.—A bit of real Christmas spirit was exhibited by a convict in the Wisconsin state prison here today, when he asked Warden Woodward to send \$10 of his scant funds to make some family happy on Christmas day.

The warden sent the money to Chicago. The prisoner, whose name can not be given, under the prison rules, asked that the money be used "for a Christmas tree and a big dinner and presents for the children."

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