

THE BARNWELL PEOPLE.

VOL. XXVII.

BARNWELL, S. C. THURSDAY, JANUARY 7, 1904.

NO 15

AN AWFUL CALAMITY.

Nearly Six Hundred Human Beings
Burnt in a Theatre Fire.

WORST HORROR OF CENTURY.

Began With a Panic Caused by a
Fire that Started on the Stage.
The Bodies Were Piled
Twelve Deep.

The city of Chicago was the scene of one of the worst calamities of the century on last Wednesday, when over six hundred people were burned to death in the Irigoien theatre, the newest, the largest, and as far as human power could make it, the safest theatre in Chicago. Estimates of the fatalities vary. The police account of the dead is 536. The estimate of the newspapers is 500. Besides this there are 55 people missing at midnight, the majority of whom are probably among the dead in the morgue and various undertaking establishments.

A few of these people were burned to death by fire, many were suffocated by gas, and scores were trampled to death in the panic that followed the mad-plunge of the frightened audience for exits. It was many hours before the number of dead was known and will be many days before all of them will be identified. There are bodies lying by the dozens in the undertaking rooms, in the police stations and in the hospitals from which nearly everything that can reveal their identity to those who knew them best is gone. Their clothing is torn to rags or burned to cinders and their faces have been crushed into an unrecognizable pulp by the heels of the crowd that trampled them down as they fled for safety.

BURNED IN THEIR SEATS.

The fire broke out during the second act of the play "Mr. Bluebeard," which was the first dramatic production placed in the theatre since its erection. The company, which was very large, escaped to the streets in safety, nearly all of them, however, being compelled to flee into the snowy streets with no clothing but their stage costumes. A few members of the company sustained minor injuries but none were seriously hurt.

The accounts of the origin of the fire are conflicting and none of them certain, but the best reason given is that an electric wire near the lower part of a piece of drop scenery suddenly broke and was grounded. The fire spread rapidly toward the front of the stage, causing the members of the chorus, who were then engaged in the performance, to flee with screams of terror. The fire in itself up to this time was not serious and possibly could have been checked had not the asbestos curtain failed to work. As soon as the fire was discovered Eddie Foy, the chief comedian of the company, shouted to lower the curtain, and this was immediately done. It descended about half-way and then stuck. The fire thus was given practically a free through which a strong draft was setting, aided by the doors which had been thrown open in the front of the theatre. With a roar and a bound the flames shot through the opening over the heads of the people on the first floor and reaching those in the first balcony caught them and burned them to death where they sat. Immediately following this rush of flames there came an explosion, which lifted the entire roof of the theatre from its walls, shattering the great skylight into fragments.

THE GAS.

As soon as the flames first appeared beyond the curtain a man in the rear of the hall shouted "Fire, fire," and the entire audience rose as one person and made for the doors. It is believed that the explosion was caused by the flames coming into contact with the gas reservoirs of the theatre, causing them to burst. Will J. Davis, manager of the theatre, said after the catastrophe that if the people had remained in their seats and had not been excited by the cry of fire not a single life would have been lost. This is, however, contradicted by the statement of the firemen, who found numbers of people sitting in their seats, their faces directed towards the stage as if the performance was still going on. It was the opinion of the firemen that these people had been unconscious at once by the flow of gas which came from behind the asbestos curtain.

As near as can be estimated at the present time about 1,300 people were in the theatre. Three hundred of these were on the first floor, the balcony being in the two upper balconies and back of them. The theatre is modeled after the Opera Comique in Paris and from the rear of each balcony there are three doors leading out to passage ways toward the front of the theatre. Two of these doorways are at the end of the balcony and one in the center. The audience in its rush for the outer air seems to have for the greater part chosen to flee to the left entrance and to attempt to make its way down the eastern stairway leading into the lobby of theatre. Outside of the people burned and suffocated by gas, it was in these doorways on the first and second balconies that the greatest loss of life occurred. When the firemen entered the building the dead were found streched in a pile reaching from the head of the stairway at least eight feet from the door back to a point about five feet in the rear of the door. This mass of dead bodies in the center of the doorway reached to within two feet of the top of the passage way.

MANY WOMEN AND CHILDREN.

All of the corpses at this point were women and children. The fight for life which must have taken place at these two points is something that is simply beyond human power adequately to describe. Only a faint idea of its horror can be derived from the aspect of bodies as they lay. Women on top of these masses of dead bodies had been overtaken by death as they were crawling on hands and knees over the bodies of those who had died before. Others lay with arms stretched out in the direction toward which life and safety, holding in their hands fragments of garments not their own. They were evidently torn from others whom they had endeavored to pull down and trample underfoot as they fought for their own lives. As the police and firemen removed layer after layer of dead in these doorways, the sight became too much even for them, jaded as they are to such scenes, to endure. The bodies were in such an inextricable mass, and so tightly were they jammed between the sides of the door and the walls, that it was impossible to lift them one by one and carry them out. The only possible thing to do was to seize a limb or some other portion of the body and pull with main strength. Men worked at the task with tears running down their cheeks, and the sobs of the rescuers could be heard even in the hall below where this awful scene was being enacted. A number of the men were compelled to abandon their task and give it over to others whose nerves had not as yet been shaken by the awful experience. As one by one, the bodies were dragged out of the water-soaked, blackened mass of corpses, the spectacle became more and more heartrending.

SCENES OF HORROR.

There were women whose clothing was torn from their bodies above the waist, whose bosoms had been trampled into pulp and whose faces were marked beyond all power of identification. Bodies lay in the first and second balconies in great numbers. In some places they were piled up in the aisles three and four deep, where one had fallen the others tripping over the prostrate forms, and all had died where they lay, evidently suffocated by the gas. Others were bent over backs of seats where they had been thrown by the rush of people for the doors and killed with hardly a chance to rise from their seats. One man was found with his back bent nearly double, his spinal column having been fractured as he was thrown backward. A woman was found cut nearly in half by the back of the seat, she having been forced over it face downward. In the aisles nearer the doors the scenes were harrowing in the extreme. Bodies lay in every conceivable attitude, half naked, the look on their faces revealing some portion of the agony which must have preceded their death. There were scores and scores of people whose entire faces had been trampled completely off by those who ran over them, and in one aisle the body of a man was found with not a vestige of clothing, flesh or bone above the waist.

PUSH TO THEIR DEATH.

The theatre had been completed but a short time and all of its equipment was not yet in place. This was unfortunately the case with a fire escape in the rear of the building. The small iron balconies to which the iron ladder was to be attached were up but the ladder had not yet been completed. When the panic was at its height a great number of women ran for these fire escapes only to find as they emerged from the doorway upon the little iron platform that they were 30 to 50 feet from the ground, a fire behind and no method of escaping in front. Those who reached the platform first endeavored to hold their footing and to keep back the crowd that pressed upon them from the rear. The effort was utterly useless and in a few moments the iron ladders were jammed with crowds of women who screamed, fought and tore at each other like maniacs. This lasted but a brief interval, and the rush from the interior of the building became so violent that many of them were crowded off and fell to the ground in the alley below. Others leaped from the platform, fracturing legs and arms, and two were picked up at this point with fractured skulls, having been killed instantly.

George H. Elliott, secretary of the Orden Gas company, was in a building directly opposite from the theatre across this alley, and noticing smoke went down to ascertain its cause. When he reached the streets the women were already dropping into the alley and Elliott immediately rushed for a ladder in the effort to save as many as possible. No ladder was available and the only method of assistance they were able to devise was to hurriedly lash some planks together and throw them across the end firmly on the iron framework. Before this could be done, a fearful loss of life ensued, the women were being pushed over every instant into the alley and by the time the bridge was completed but few remained to take advantage of it. However, about two dozen, it is believed, made their way across this narrow causeway.

FIREPROOF CURTAIN FAILED TO WORK.

In describing the commencement of the fire Foy attributed the extent of the catastrophe to the failure of the fire proof curtain to work properly. Because of this, he said, the flames readily obtained access to the main part of the theatre and were by the draft, carrying with it gas as well as fire, swept up to the two balconies, where the loss of life was greatest. "The fire began in the middle of the second act," said Mr. Foy. "An electric wire broke, was grounded, and from this the flames were started in

the rear of the stage. The stage is unusually wide and there was a great draft the flames spread rapidly. They soon had attacked all the scenery in the rear of the house. I never believed it possible for the fire to spread so quickly. When it first started I went to the footlights, and to prevent alarming the audience said there was a slight blaze, and that it would be better for all to leave quietly. Then I stepped back and called for the asbestos curtain to be lowered. This, when about half way down, refused to go further, and thus an additional draft was created. This swept the flames out into the auditorium and I knew that the theatre was doomed. I hurried back to the stage and aided in getting the women members of the company into the alley. Some of them were in their dressing rooms and were almost overcome by smoke before they could get down to the stage and to the doors.

"The simple fact that the curtain didn't descend entirely was what saved the lives of the company although it caused such a horrible catastrophe in the front of the house. After the curtain had refused to descend, there came the explosion of the gas tanks and with the curtain down all the fire and gas would have been confined between the rear wall of the theatre and the fire proof curtain in front. Under these circumstances it would not have been possible for a single member of the company to escape alive unless he or she had been standing immediately in front of the door leading to the alley. As it was the draft carried the gas and fire out beneath the curtain and the company was saved, although their salvation was the death of so many poor people in front."

A FEARFUL DISCOVERY.

The first newspaper men on the ground also carried out many dead and injured. The building was so full of smoke when the firemen first arrived that the full extent of the catastrophe was not immediately grasped until a fireman and a newspaper man crawled up the stairway leading to the balcony, holding handkerchiefs over their mouths to avoid suffocation. As they reached the doorway the fireman, whose vision was better trained in such emergencies, seized his companion by the arm and exclaimed: "Good God, man, don't walk on their faces."

The two men tried vainly to get through the door which was jammed with dead women, piled higher than either of their heads. "All the lights in the theatre were necessarily out and the only light came through the clouds of smoke in the interior of the theatre. The two men immediately hurried to the floor below and informed Chief-Musham of the fire department that dead bodies were piled high in the balcony and prompt assistance must be rendered if any of them were to be saved.

The chief at once called upon all of his men in the vicinity to abandon work on the fire and come at once to the rescue. The building was so dark and the smoke so thick that it was found impossible to accomplish anything until lights had been secured. Word was at once sent to the O. R. & Lockett Hardware company, two floors east of the theatre, and that firm at once placed its entire stocks of lanterns at the service of the department. Over 200 lights were quickly carried into the building and the work of rescue commenced. So rapidly were the bodies brought down that for over an hour there were two streams of men passing in and out of the doorway, the one carrying bodies, the other composed of men returning to get more. They were carried into Thompson's restaurant, which adjoins the theatre on the east, where all the available space was given by the proprietors.

THE WORK OF RELIEF.

The dead and wounded were placed upon chairs, tables and counters, one woman even being placed for lack of a better place on top of a cigar case. Because of the tremendous heat which surrounded the block in which the theatre building stood, it was not possible for the police to carry the dead and wounded any distance, and they were compelled to wait for ambulances at the theatre.

Although all the patrol wagons and every ambulance owned by the city was pressed into service, they were utterly inadequate to carry away the dead and in a short time there was a line of corpses 50 feet long piled two and three deep on the sidewalk in front of the theatre. It was found necessary in order to convey the bodies rapidly to the morgue, and to the various undertaking establishments, to impress trucks into service, and in these, upon costly blankets furnished by the dry goods stores in the vicinity, and covered with the same material, the dead were hauled away practically like so much cord wood. The merchants in the vicinity of the theatre sent wagon loads after wagon loads of blankets, rolls of linen and packages of cotton to be used in binding up the wounds of the injured and to cover the dead. The drug stores furnished their stock to anybody that asked for it in the name of the people hurt in the fire. Doctors and trained nurses were on the ground by the score within half an hour after the extent of the calamity was known, and every wounded person who was carried from the building received prompt medical aid. A number of doctors waited at the entrance to the theatre with stethoscopes in hand, and as soon as a body which looked as though it might have life was carried out it was at once examined and if dead placed on the pile lying on the sidewalk. The others were at once placed in ambulances and wheeled

away to hospitals or to the offices of physicians in the immediate neighborhood.

CHILDREN TRAMPLED UNDER FOOT.

A man who was in the theatre said "there were few men in attendance, but I saw several of them pulling and pushing women and children aside as they fought like maniacs to reach the exits. I saw a number of little children trampled underfoot and some of them arose again. In the balcony the scene was beyond my power to describe. There was a big black crush of human beings, each one apparently fighting everybody else. The balcony was so steep that many fell in the first four rows of seats. The exits to the fire escapes were choked and those in the rear rushed with all the strength they possessed upon those who were nearer to the door-way.

"It was almost incredible the speech with which the flames ran through the scenery, and although it was but a second after Miss. Elmore jumped over the railing of our box to the aisle in front of the stage was a mass of flames. As I started up the aisle a man rushed into me and knocked me down. I was so terror stricken that I grew weak and sank into one of the orchestra chairs, and after that I hardly remember anything. In some way I reached the main entrance, where men were kicking against the doors and shattering the glass and panels in their attempt to afford a larger space for the exit of the people.

"Many fell as they reached the doors, where a few steps more would have carried them to fresh air and safety. As I look at it now I must have been walking on prostrate bodies as I struggled through the opening. All of our party, escaped in about the same manner as I did, but all of them suffered so terrible in the matter of clothing that the first thing they did was to rush to the stores to buy wraps to cover them."

Wanted Ten Million.

The New York American says Cashier Flandreau, of the New Rochelle City Bank, was astonished Wednesday morning when a man walked up to the window and threw down a check for ten million dollars.

"Give me the money quickly," said he. "I have no time to wait. I'm on my way to the North Pole, and my automobile is waiting for me outside."

Flandreau thought the man was joking, but when he refused to budge until he got the money, the cashier sent for the police. At the police station the man said to Edward Hayes, who declared his automobile was so hot it could burn his way through the ice and reach the Pole, but if there was too much delay it would cool off, and he would have to postpone the expedition. He offered to take all the police with him if they would let him out. Hayes's wife appeared and said that he was crazy. Judge Phelps held him for examination.

Murdered His Wife.

A dispatch from Harrell Hill to The State says Bob Fields, a well-known negro of this vicinity, committed an awful crime near here several days ago. He and his wife, Emma Fields, had several fights and quarrels recently, but it seems that on this occasion he had fully made up his mind beforehand to commit the awful crime. It appears that "Bob" and Mr. Daniels had been out on a squirrel hunt and on returning stepped into a neighbor's house where he and his wife became engaged in a desperate fight. His step child, who is both of age, joined in the fight with their mother and were about to whip their father, when he ran out, seized his shotgun and shot his wife in the left side, causing death immediately. He has escaped. It was reported last Wednesday night that he was seen at a "frolig" near Eastover.

Regarding Suffrage Law.

The secretary of state has received from Ind ana several requests for information regarding the suffrage requirements in the state. The trend of the letters indicates that the subject is being used as queries for school and college debates. Among the points upon which information is desired are: What per cent of the taxes are paid by the negro population; has there been any increase in the appropriation for educational purposes since the adoption of the present suffrage laws. The secretary of state gave to some of the applicants such information as could be obtained without any great amount of research, while others were referred to Senator Tillman's speech which was delivered about two years ago in the senate.

Goes Over Falls.

At Niagara Falls a rowboat containing a man who was waving his arms wildly was carried down the river and over the Horseshoe Falls Thursday afternoon. The little craft and its solitary occupant were noticed first at some distance above the cataract. The man was gesticulating frantically all the time, but persons who assembled along the shore and ran toward the falls were as helpless as the doomed passenger. With bated breath they watched as the boat tipped on the brink and disappeared in the waters below. The man went to his death crying his despair. No one has reported a missing boat, and the name of the man has not been learned.

Four Thousand Idle.

A dispatch from Philadelphia says as a result of the high price of cotton 4,000 men, women and children employed in textile mills in that city have been laid off indefinitely. This enforced idleness will continue until cotton quotations tumble. Several other textile employes have been idle since Christmas while the mills and machinery are being repaired.

HE WAS FIRED.

James A. Lunn Was Fired from the
Customs Service.

A SCHEME TO ROB CHINESE.

Recent Attempt at Blackmail of
Celestials in Charleston Be-
lieved to be Cause of
Lunn's Dismissal.

James A. Lunn, one of the inspectors of the United States customs department, has been dismissed from office by the Treasury Department. It is understood that the dismissal grew out of the recent attempt by a number of Chinamen in this city. It is said that there is at least one other Federal employe who was connected with the scheme that was practiced upon the celestials, and that he will probably also lose his job.

It will be recalled that some weeks ago several Chinamen appealed to Magistrate Orlando Levy for protection, believing that they were being forced to pay money illegally to certain agents, on the threat that they would be deported to China, if the money was not paid. It was shown that about fifteen Chinamen had paid sums, varying from \$10 to \$20 each, for certain papers, which they had been told would continue their residence in this country. The charges for the papers ran up to \$100, in some cases, but it is not known whether any of the Chinamen were molested to this extent. Magistrate Levy pronounced the matter a swindle and told the Chinamen not to pay any money to the agents. He explained to them that the papers which had been given to them were not authorized by the government, and that there was no intention of the government to deport them, if they could not produce the papers. The magistrate further advised them to take the matter up with Mr. Rennie, the representative of the commissioner of immigration, as he was powerless to give them any relief.

It appears that the Chinamen did carry their troubles to Mr. Rennie, and according to the understanding which Mr. Rennie refuses to affirm or deny, he reported the matter to the department at Washington, with the result that a secret service man was sent to Charleston to investigate the fraud. His report was filed last week in Washington, and on Christmas Eve a telegram was received by Collector W. D. Crum, instructing him to take up the badge of office from Lunn. This was followed by an official communication through the mail on Saturday afternoon, dismissing Lunn from office.

Deputy Collector Withers stated Tuesday that the department at Washington had acted on its own information throughout the entire matter. He said that the badge was first taken up and he presumed that an opportunity had been given to Lunn to explain his connection with the matter with which his name was mentioned, and for reasons which the department considered sufficient, the matter was considered as received at the custom house, dismissing him from the service.—Charleston Post.

TO AVOID FREEZING.

Two Men in a Boat Boxed Each
Other All Night.

The New York World says William Donaly, proprietor of a shorefront hotel at Lindenhurst, L. I., and John Laplig, of New York, left Lindenhurst before sunrise on Saturday for a day's gunning on the Great South Bay. Early in the forenoon they started for home, snow squall having set in, with every indication that the day was going to be rough.

They had gone but a short distance when the east of the little boat snapped, with great difficulty they rescued the sail, and reshipped the mast; but the gale soon whipped the sail to ribbons and they were forced to scud east before the breeze. At nightfall the ice closed in around them and prevented the boat from drifting further. The mercury dropped below the zero mark. The men had not the slightest shelter, and for twelve hours they had to jump up and down and spar with each other to keep from freezing.

At daybreak Sunday Donaly hoisted a flag distress on an oar. The signal was recognized by Capt. Philip Sammis, who, with his brother Andrew, went to the rescue. When they reached the men Laplig was nearly dead, but Donaly was not much worse for the exposure. Chester O. Ketcham, of Babylon, and Capt. "Taid" Sammis were shooting on the bay on Saturday in their yacht "Virginia." In trying to make harbor they found their sheet rope frozen and the blocks choked with ice. They abandoned the boat and with difficulty got ashore in a small boat. The ice cut the Virginia's cable and she drifted high up on the ice and, it is feared, will be a total wreck.

Much Small Pox.

A special dispatch from Gordon, Ga., to the Augusta Chronicle says the small pox situation there is assuming a critical aspect. As yet no steps have been taken to quarantine the town, though the postoffice is practically closed an account of the mail clerks on the train refusing to exchange mails with the postmaster. The postmaster and several members of his family are down with the small pox. Up to this time only ten cases have developed.

IMPORTANT DISCOVERY.

New Treatment that Will Make Cotton
Absolutely Waterproof.

The Saturday Evening Post says the recent discovery of a method by which any ordinary cotton cloth can be made as waterproof as sheet tin is regarded as a marked achievement in chemistry. Subject to the new treatment the flimsiest of fabrics becomes so impervious to water that a bowl or pocket it will hold water for days without letting a drop escape through its meshes.

The significant process in the new treatment is liberation of a gas, such as carbonic dioxide, simultaneously with the precipitation upon the fabric of various chemical reagents. The result is that this gas, in a finely divided state, merges with the insoluble compound employed and is held fixed in this chemical coating in such a way that water, even under pressure, cannot pass through it.

In the tests cotton cloth was passed through two baths. The first of these was prepared by adding to 100 parts of water 10 parts of stearic acid, one and one-half parts of sodium hydrate and two parts of sodium bicarbonate. This mixture was then boiled until it was in complete solution. Then 500 parts of water were added and acetic acid comprised the second bath.

In the reactions caused by the meeting of the ingredients of the two baths two insoluble compounds, aluminum stearate and aluminum hydrate, were precipitated upon the fabric, while at the same time carbonic dioxide was liberated and was found to be distributed and held by the chemical coating that, as stated, water could not pass through the fabric.

It is predicted that the new process, which is protected by patent, will work a revolution in the manufacture of water-proof garments, inasmuch as it will enable the people engaged in this industry to turn out a much greater variety of mackintoshes and other rain garments and at a lower cost than has been possible in the making of waterproof clothing at present.

Free from Sentimentality.

Stories of betrothed lovers marrying when one of them was going to die immediately have always a good deal of pathos and romance in them, but nothing like the practical prudence and wisdom of the one in which a Hoboken girl recently moved as the principal figure. She went to the Philippines to marry her soldier boy lover, found him pretty nearly dead from consumption, took the first steamer back, and on her way found another wooer, whom she espoused as soon as they came ashore. Starting off with such a fund of good sense and freedom from sentimental notions, they ought to "live happily ever after" according to the formula of story books, which oftentimes take things for granted with more liberality than the general run of experience justifies.

A Big Save.

The State says: "It seems that every variety of graft has prospered in St. Louis. The city has been paying \$130,000 a year to a political contractor for the removal and reduction of garbage and now, through the annulment of the contract by proceedings growing out of the celebrated bribery charges, it is found that the work can be done for nothing. A company that has been doing the work in Denver for several years proposes to take over the job in St. Louis on the same terms. A reduction of \$130,000 in a city's yearly expenses is no small item, and Circuit Attorney Folk's vigorous investigations have done that much at least."

The Way to Farm.

The Columbia State says: "The Orangeburg farmer—told of in The State—who got a check for \$17,046.01 for his cotton crop and has more than sufficient supplies to run him next year, all home raised, is as well fixed as a man can reasonably wish to be. The high price of cotton is of little advantage to the farmer who buys his supplies in town and gives a lien on his crop in advance, but it is a fine thing for the fellow who first raises his own supplies and plants cotton as a money crop. If the price high or low, he is on the safe side of the market, and stands to win."

An Engineer's Error.

At Fort Wayne, Ind., one was killed, two seriously injured and seven others more or less hurt in a head-on collision between Pennsylvania limited train No. 5, westbound, and east-bound freight train at Larwill, station last Wednesday. The wreck was due to a mistake by Engineer Crowell, of the freight train, in reading orders. He had been given orders to meet the limited at Larwill at 5.30 but misread his orders as 6.30 and was taking his time to make the meeting point.

Killed His Sister.

A dispatch to The State says while a little son of Mr. M. A. Chapman of Cross Hill in Laurens County was loading a parlor rifle Saturday afternoon last, the gun was accidentally discharged, killing his 3-month-old sister, who had just been put in her bed the room a few moments before by the mother. It was a deplorable tragedy and such sympathy is felt for the afflicted family.

A Freak Prisoner.

The State says the authorities of Cross Hill, Laurens County, have sent Henry Brown, a footless negro farmer of that section, to the county jail to serve a sentence of 30 days for being drunk and disorderly and resisting arrest. Brown is about 35 and lost his feet several years ago in a railroad accident. He walks on his knees and is a rough character when drinking.

THE MILL TROUBLE.

The Reorganization of the Columbia
Mills Is Now Proceeded.

DECISION FILED WEDNESDAY.

What the Olympia Mill Management is Required to Do.
No Receivability for
The Present.

In the United States circuit court at Charleston Wednesday Judge Simonton and Brawley rendered their opinions in the suits against the Columbia cotton mills, which were argued last week, the opinions allowing the plan of reorganization of the mills to continue.

In the first case, commonly spoken of as the Dearing's suit against the Granby and Olympia mills, which provided for the Granby and the Richland mills to be re-recognized as creditors of the Olympia, the judges signed the compromise agreement drawn up by the attorneys representing the Dearing's and the defendants, providing for the setting aside of 50 per cent of the mills' holdings of Olympia stock, \$150,000 in the case of Granby and \$75,000 in the case of Richland mills, in the first mortgage bonds, which are to be issued according to the plan of the reorganization, the same to be held by the court, pending the adjudication of the claims and differences between the mills, which are in process of adjustment, the mills to share like all other creditors in all further proportionate distribution of bonds and settlement of the pending claims.

In the Phinizy suit, for a receiver for the Olympia mills, the court reserved its opinion on the appointment of a receiver but will grant the temporary injunction, unless the defendants enter a bond to the sum of \$20,800, the amount of the holdings of stock by Phinizy and Hull, for the performance of such decrees as may be issued in the case, which is now to be given a full hearing.

The decision of the court allows the plan or reorganization to proceed and the promoters of the scheme are given the opportunity to demonstrate its successful working.

The decision in the Phinizy case read as follows: "This case comes up on a bill for an injunction and receiver, a rule to show cause, the return thereto, and affidavits filed on both sides.

The case as made by the bill is that the complainants purchased preferred stock in the Olympia mills from the agent of the mills in Augusta, that is to say, Leonard Phinizy 12 shares for \$12,480, and Mrs. Alice S. Hull eight shares for \$8,320; that before they would purchase these required assurances that the Olympia mill company would never execute a mortgage of its property so as to create a lien antecedent to the preferred stock. That this assurance was given by the production of a certified copy of a resolution of the stockholders of the Olympia mills to this effect, fortified by the opinion of W. H. Lyles, Esq., counsel for, and a director in the mill company, as to the binding force of the resolution and its enforcement by injunction were it violated. This having been shown them, and in consideration thereof, they paid their money which went into the treasury of the company. The bill then charges that notwithstanding this resolution and contract on the faith of which alone complaints purchased and paid for their stock, the directors proposed to the stockholders and the stockholders resolved to execute a mortgage on all the property of the Olympia mills for the purpose of funding its debts to the amount of \$1,750,000.

The bill does not deny the solvency of the company. It charges gross mismanagement on the part of the directors, all of whom, but two, have resigned, and others have been appointed in their stead.

The return is voluminous. It denies the allegation of the bill as to the purchase of the stock from the company, and denies the validity of the resolution and contract under which the stock was purchased.

To go into a detailed statement of the affidavits would be as tedious as it would be unnecessary.

It is enough to say that complainants prima facie have made out their case as to the purchase of the preferred stock from the company, the assurances under which it was purchased, the production of the resolution of the meeting of the stockholders agreeing not to put any mortgage upon the property of the mills, so long as any preferred stock was outstanding; that this was the moving consideration for the purchase by them, and that the money they paid went into the treasury of the company.

Under these circumstances, as the matter now presents itself, they are entitled to a temporary injunction unless they are protected from loss on their purchase.

It is, therefore, ordered, adjudged and decreed, That a temporary injunction as prayed for in the bill do issue, unless the defendant, the Olympia cotton mills, do, within 15 days from the entry of this order enter into bond, approved by a judge of this court, to stand to, abide by and perform such decrees as may be entered in favor of the complainants, and each of them, as the result of a full hearing of this case.

The matter of the appointment of a receiver is reserved.

CHARLES H. SIMONTON,
Circuit Judge.
WM. H. BRAWLEY,
U. S. District Judge,
Dec. 29, 1903.