

The Watchman and Southron.

THE SUMTER WATCHMAN, Established April, 1850.

"Be Just and Fear not—Let all the ends Thou Aims't at be thy Country's, Thy God's and Truth's."

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DECLARES COAL STRIKE ILLEGAL

It is Beyond Pale of Law Declares Attorney General Palmer

PROOF OF THE FACT TO BE FURNISHED

Plan to Block Industry By Shutting Down the Mines Not Lawful

Washington, Oct. 29.—The government will establish the "illegality" of the strike of coal miners "without in any way impairing the general right to strike" as the "general right to strike is not an issue in any sense whatever in the present situation," it was declared in a statement issued tonight after a conference in the office of Attorney General Palmer at which he discussed the situation with Secretary Wilson, Director General Hines, Secretary Tumulty and Assistant Attorneys General Ames and Garvan.

The statement, which it was said fully represents the attitude of the government, declared that the impending coal strike "was ordered in a manner, for a purpose and with a necessary effect, which taken together, put it outside the pale of the law."

The government will act in the strike under the provisions of the Lever food control act, enacted as a war measure but still in force.

The position of the government in the impending coal strike was announced tonight by Attorney General Palmer as follows:

"There can be no doubt that the government has the power in the public interest, under the law, to deal with the projected strike of the bituminous coal miners, without infringing upon the recognized right of men in any line of industry to work where they please and quit work when they please. The illegality of this strike can and will be established without in any way impairing the general right to strike, and the general right to strike is not an issue in any sense whatever in the present situation. This is true because the circumstances differentiate this case from the case of any other strike that has ever taken place in this country.

"It does not follow that every strike is lawful merely because the right to strike is recognized to exist. Every case must stand upon its own bottom and be governed by its own facts. Therefore when the president said in his statement last Saturday that 'such a strike in such circumstances' is not only unjustifiable but unlawful reference was had only to the conditions in the impending situation.

"The proposed strike was ordered in a manner, for a purpose and with a necessary effect, which taken together, put it outside the pale of the law. After the war began, the production of fuel was regarded as one of the subjects of such peculiar public importance as to justify a special statutory enactment. The fuel administration was created to supervise the subject and matters of wages as well as prices were considered and sanctioned by the fuel administration. After the cessation of hostilities the fuel administration suspended certain of its orders but did not terminate them, and they are subject to reinstatement at any time upon the president's order and the statute under which the orders were made is still in full force.

"With this situation existing the convention of United Mine Workers at Cleveland, last September, decided to annul all wage contracts on November 1 and took the unprecedented step of deciding in advance of any opportunity for consultation either with the government or with the coal operators to strike on November 1, unless satisfactory new arrangements should be made.

"Without any expression from the workers themselves, their organization promulgated a demand for a 60 per cent. increase in wages, a six hour day and a five day week, and authorized a strike to be effective November 1, before the demands were even presented to the operators. The demand for a new wage agreement covered only a part of the coal fields where operators had been given no opportunity to even consider demands for increased wages or decreased hours. All this has been done while the miners in every field, through their right of collective bargaining had entered into a solemn contract, with the operators, fixing wages and hours for a definite period which has not yet expired. The operators upon the insistence of the president indicated their willingness to negotiate and arbitrate provided the strike is deferred while the miners rejected the president's request for arbitration as a means of settlement and refused to defer the strike.

"Some of the wage contracts were made with the sanction of the federal government, operating through the fuel administration, to run during the continuation of the war or until April 1, 1920. May others, however, run until a time still in the future without regard for the continuation of the war.

"While it is perfectly plain that the war is still on and any contract running until its conclusion is still in force, whatever weight may be given to the argument that the successful

COAL SUPPLY IS TO BE ALLOTTED

Fuel to Be Distributed to Essential Industries As Needed

CURTAILMENT MAY REACH FIFTY PERCENT

The Government Has Perfected Plans to Minimize Distress During Strike

Washington, Oct. 30.—The revival of the fuel administration to deal with conditions resulting from the coal strike will not be necessary, Dr. Garfield advised the cabinet today, holding that the war time powers of that body are now vested in the railroad administration which will have full authority to distribute coal to essential industries.

While the revival of the fuel administration is being urged by government officials to prevent hoarding and profiteering, the department of justice announced that it had power to handle the situation under the food control act.

An executive order restoring maximum prices for coal will be issued by the president, probably today. Officials would not say what maximum price has been determined upon.

Secretary Lane announced at a special meeting of the cabinet that the government would not hesitate to curtail the consumption of coal by industries fifty per cent, in order that coal on hand and that available from unaffected nonunion mines might be equitably distributed to essential industries. The curtailment list used by the war industries board during the war would be taken as a basis, Mr. Lane said. Plants engaged in the manufacture of munitions might be cut off entirely he stated.

operation of the war, no longer requires such contracts, it has no application whatever to the large number of such contracts, which expires at a fixed date without regard for the war period. The armistice did not end the war and the courts in many cases have held that the war emergency statutes are still in force; the same rule must apply to war emergency contracts. The congress had held to this position so late as October 22, when an act of congress was approved making even more effective the fuel and fuel control act.

"The suspension of the restrictions as to the price of coal is not necessarily permanent and conditions warrant a renewal of these restrictions at this time; and yet the government, if it reinstates the order fixing a maximum price, would be absolutely helpless to protect the people against exorbitant prices if the contracts made under its sanction should now be deliberately broken. This does not mean that a change could not be negotiated and either agreed upon or arbitrated if proper protection of the public be accorded in the settlement; but it does mean that the public welfare in the war-time emergency must still be same permanent interest to be served by both parties. The government is the protector of the public welfare.

"The proposed strike, if carried to its logical conclusion, will paralyze transportation and industry. It will deprive unnumbered thousands of men who are making no complaint about their employment of their right to earn a livelihood for themselves and their families; will put cities in darkness and, if continued only for a few days, will bring cold and hunger to millions of our people; if continued for a month, it will leave death and starvation in its wake. It would be a more deadly attack upon the life of the nation than an invading army.

"By enacting the food and fuel control act, Congress has recognized the vital importance in the present circumstances of maintaining production and distribution of the necessities of life, and has made it unlawful for any concerted action, agreement or arrangement to be made by two or more persons to limit the facilities of transportation and production, or to restrict the supply and distribution of fuel, or to aid or abet in the doing of any act having this purpose or effect. Making a strike effective under the circumstances which I have described amounts to such concerted action or arrangement.

"It is the solemn duty of the Department of Justice to enforce this statute. We have enforced it in many cases. We must continue to do so, irrespective of the persons involved in its violation. I hope it will not be necessary to enforce it in this case.

"Indeed, I am hearing from many sources that large numbers of miners themselves do not wish to quit work and will not do so if assured of the protection of the government, of which they properly feel themselves a part. It is probably unnecessary for me to say that such protection will everywhere be given, so that men may exercise their undoubted right of continuing to work under such terms and conditions as they shall see fit.

The facts present a situation which challenges the supremacy of the law, and every resource of the government will be brought to bear to prevent the national disaster which would inevitably result from the cessation of mining operations."

WAR ENDS WHEN TREATY IS SIGNED

Proclamation Will Be Issued As Soon as Senate Ratifies German Treaty

STATEMENT FROM THE WHITE HOUSE

Peace Will Not Wait on Consideration of the Austrian Treaty

Washington, Oct. 28.—War time prohibition will be brought to an end by presidential proclamation immediately after the senate ratifies the German peace treaty, it was stated today at the White House. Officials explained that the war time act provided that it be annulled by the president when peace had been declared and the army and navy demobilized. The White House announcement clears up any doubt whether the war will be legally ended with the ratification of the German treaty. Some officials had expressed the opinion that the war emergency would not pass until the Austrian treaty is acted upon by the senate.

New Haven, Oct. 30.—Mrs. Ella Wheeler Wilcox, author and poetess, died at her home in Branford where she has been ill for some months after a nervous collapse while engaged in war work in England.

GOVERNMENT TO USE IRON HAND

Steps Will Be Taken Promptly to Meet Coal Strike Situation

INTENDS TO ENFORCE CRIMINAL PENALTIES

Food and Fuel Control Law Will Be Enforced to Protect Miners Who Want to Work

Washington, Oct. 29.—The government moved swiftly tonight to meet the nationwide coal strike order for Saturday.

Refusal of the miners' organization at Indianapolis to withdraw the order calling off half a million men brought instant announcement that drastic action would be taken to keep the mines in operation.

As to those miners who go on strike and thereby curtail production the food and fuel control law with its recently added criminal penalties of fine and imprisonment will be enforced without regard to persons. This attitude of the government, Attorney General Palmer made clear, does not affect the right of workers to strike for redress of grievances in other cases where no violation of the law is involved.

Every resource of the government in the words of Attorney General Palmer, will be used to prevent the "national disaster" certain to follow the stoppage of work.

Adequate police protection, with troops as a last resort if necessary will be given those men desiring to remain at work. Reports from government agents show that a big part of the miners ordered to quit work will stay on the job.

Rights of the public will be protected through revival of price control regulations suspended when the fuel administration went out of existence February 1. This means an early drop in the price of soft coal and gives assurance against profiteering.

Mr. Palmer's announcement of the government's plans made after a consultation with Secretary Wilson, Director General Hines, Assistant Attorney General Ames, in charge of prosecutions under the food and fuel control law, Assistant Attorney General Garvan, directing criminal prosecutions and investigations of the department of justice, Secretary Tumulty, representing the president, and Dr. H. A. Garfield, former fuel administrator, did not mince words in dealing with the strike.

"The proposed strike," the announcement declared, "would be a more deadly attack on the life of the nation than an invading army. The facts present a situation which challenges the supremacy of the law."

Director General Hines later issued a statement showing that the production of coal this year has been below normal.

2 AUSTRIAN GENERALS BLAMED

Censured For Orders Issued Before Armistice Became Effective

CLAIM THEY LAID DOWN THEIR ARMS TO ITALY

Italians Captured Three Hundred Thousand Prisoners as Result

Vienna, Oct. 29.—Generals von Arz and Waldstaet, of the Austrian army, who have been severely censured for ordering the cessation of hostilities November 3, 1918, thirty hours before the armistice with Italy became effective were heard today in a secret session of the commission appointed to investigate the charges. It is claimed that the Italians concluded their offensive and captured more than three hundred thousand prisoners during the period mentioned, all Austrian posts having been ordered to stop firing.

J. F. Wise, member of the House of representatives from Charleston, has sent his resignation to Wilson Gibbs of Columbia, clerk of the house, and Mr. Gibbs Tuesday sent a letter to the Charleston legislative delegation, asking that they name a date for an election of Mr. Wise's successor.

WORLD LABOR CONGRESS OPENS

Secretary of Labor Wilson Selected to Act as Chairman of Conference

MANY LABOR ORGANIZATIONS ARE INVITED

Employees Association Also Asked to Be Represented by Delegates

Washington, Oct. 29.—The first move of the international labor conference, which formally opened here today, was to take steps to obtain the virtual participation of the United States in the conference although congress has decided against the appointment of delegates prior to ratification of the peace treaty.

On motion of Baron Mayo des Planches, Italian government delegate, United States employers' and workers' organizations were invited unanimously to send representatives to take part in the conference, which is still in a state of "being organized."

While no attempt was made to obtain the appointment of governmental delegates, as such action would have been in direct conflict with the decision of congress, the United States will be represented in the conference through Secretary Wilson, who opened today's session and probably will continue as conference during the major portion of its deliberations. Mr. Wilson will be proposed by the organization committee as permanent chairman during the period of organization at the meeting tomorrow, and in view of the universal custom of selecting chairmen of international gatherings from the nation acting as host, no objection is expected.

Secretary Wilson said that he would accept the nomination in view of his interpretation that the organization of the conference can not be completed until the league of nations is created, and that the United States is charged by the Versailles treaty with the organization of the conference.

The American Federation of Labor and the chamber of commerce of the United States were invited by the organization committee to name the worker and employer delegates, respectively, to represent this country. Samuel Gompers, veteran chief of the federation will represent the workers. Decision as to the choice of the chamber of commerce will await the arrival here tomorrow of Homer L. Ferguson, president.

BUBONIC PLAGUE IN NEW ORLEANS

New Orleans, Oct. 30.—Henry Dusenborfer, a fruit handler at the banana docks, died yesterday from what was diagnosed chemically and microscopically as bubonic plague. No other cases have been reported.

Cleveland, Oct. 29.—The discovery of a radical plot to spread terror throughout the nation by another series of bomb explosions next spring was announced by the police here today, following the arrest last night of five men and one woman suspected of planning the destruction of the city's main station here.

SENATE VOTES FOR PROHIBITION

Enforcement Law Passed Over President's Veto By Majority of Eight

CONGRESS FOR ANYTHING AGAINST LIQUOR

Law Makers No Longer Fear the Liquor Trust But Heed Anti-Saloon League

Washington, Oct. 28.—The senate passed the prohibition enforcement act over the president's veto today and made immediate effective machinery for preventing sale of beverages containing more than one-half of 1 per cent alcohol.

The vote was 65 to 20, or eight more than the necessary two-thirds majority. While there was a wrangle over taking up the measure in place of the peace treaty, which had the right of way, there never was doubt as to how the senate stood. It was overwhelmingly "dry" like the house, which repassed the bill within three hours after the president had vetoed it.

Before congress at 3.40 o'clock finally clinched enactment of the enforcement law, despite presidential objection to linking war time and constitutional prohibition acts, there came from the White House the announcement that war time law—which was put into effect after the cessation of hostilities—would be annulled the moment the senate formally ratified the German peace treaty.

It was the most definite of all official or semi-official statements bearing on the war time act. Prohibition leaders were plainly disturbed by the news, for they had counted firmly upon the country reaching the effective date of constitutional prohibition—January 16, 1920—without reopening of saloons.

Despite the clamor set up by wet and dry forces over the White House pronouncement, senate leaders said they would proceed with consideration of the treaty as heretofore. Senators who have taken an active part in the prohibition campaign branded as unfair and absurd reports that they would delay the treaty simply to keep the liquor traffic from getting a foothold in the comparatively short period remaining before the country will go dry for good.

Formal denial was issued from the headquarters of the Anti-Saloon league that its officers would take no part in any movement calculated to delay the treaty. League officers stuck to the opinion that it would be necessary to first ratify the Austrian treaty before lifting the war time prohibition ban, which was said to have been the ruling of Attorney General Palmer, and they declared their position was not altered by the fact that President Wilson prepared to cut through legal doubt and wipe out a law the necessity for which he believes to have passed.

With today's action by the senate the department of justice is ready to deal with any offenders against the drastic provision of the new act. At best heretofore, prosecutions were more or less haphazard and necessarily so, it was said, because of loosely drawn language of the act, but the new law gives ample means of breaking up the traffic.

So drastic is the enforcement act that a man, for instance, may be fined or put in jail for displaying a picture of a brewery or a keg, but his right to store liquor in his own home for his own use stood up against all attacks in committee and both houses of congress.

Warning went tonight to dealers selling 2-3-4 per cent beer, without apparent risk heretofore, that the new law fixed one-half of 1 per cent as the legal limit of alcoholic content.

The roll call in the senate follows:

For overriding the veto:
Republicans—Ball, Capper, Colt, Cummins, Curtis, Earnald, Frelinghuysen, Gronna, Halle, Hardin, Johnson of California, Jones of Washington, Kellogg, Kenyon, Keyes, Knox, Lenroot, Lodge, McCormick, McNary, Newberry, Norris, Page, Phipps, Poinsette, Sherman, Smoot, Spencer, Sterling, Sutherland, Townsend, Wadsworth, Warren, Watson—38.

Democrats—Ashurst, Bankhead, Dial, Chamberlain, Fletcher, Gore, Harris, Harrison, Henderson, Jones of New Mexico, Kendrick, Kirby, McKellar, Myers, Hugent, Overman, Owen, Pomerene, Shephard, Simmons, Smith of Arizona, Smith of Georgia, Swanson, Trammell, Walsh of Montana, Williams and Wolcott—27. Total for 55.

Against:
Republicans—Borah, Brandegee, McLean, Edge, Calder, Fall, France, LaFollette and Penrose—9.

Democrats—Gay, Gerry, Hitchcock, King, Phelan, Ransdel, Robinson, Shields, Thomas, Underwood and Walsh of Massachusetts—11. Total against 20.

Constantinople, Oct. 29.—Favorable criticism has been caused here by a dispatch from British and American societies to effect that the United States will accept either a Russian or Turkish mandate.

MARTIAL LAW IN KNOXVILLE

Governor Roberts Asks For Federal Troops to Keep Order in City

THERE IS FEAR OF STREET RIOTS

Strikers Threaten to Use Force to Prevent Operation of the Street Cars

Nashville, Oct. 27.—Following a conference by long distance telephone with Gen. Baxter Sweeney, adjutant general of the Tennessee National Guard, Governor Roberts tonight called for three companies of federal troops from Camp Gordon, Atlanta, with full equipment to entrain at once for Knoxville.

The following telegram was sent to Maj. Gen. E. M. Lewis, commanding officer of the camp:

"Please entrain two infantry companies and one machine gun company, total 300, for Knoxville, Tenn. E. B. Sweeney, my adjutant general, is there in charge.

(Signed) "A. H. Roberts, Governor of Tennessee."

The governor stated that this measure was taken simply as a precautionary move, not having been occasioned by any renewed rioting in Knoxville today. Acting, however, on the advice of General Sweeney, the mayor of Knoxville, the district attorney, Col. Carey F. Spence, and other citizens, the governor said that he wished to assure Knoxville adequate protection in case of disorder arising from the rumored sympathetic strike.

"It is generally understood in Knoxville," the governor said, "that a sympathetic strike, calling out over 8,000 workers, mainly in the textile industry, will be ordered at a huge mass meeting that is being held in Knoxville tonight. Labor agitators have been speaking in all the factories and shops today trying to inflame the workers to a point where the general strike order tonight will be obeyed.

"Acting, therefore, on advice from Knoxville, I decided to call out the federal troops as a precautionary measure. I deemed that course wiser than waiting until the city was reduced to a state of anarchy and then try to restore order. I am hoping that the situation will pass off without any need of these troops, but General Sweeney thought it wise for me to take this step before I left Nashville, as the labor meeting will be over and the general strike on if it is called before I leave here, in all probability.

Although it had been his intention to stay in Knoxville only over Tuesday to attend the meeting of the East Tennessee Law and Order organization, Governor Roberts announced tonight that he would stay in Knoxville as long as the situation seemed to warrant his presence. It is his intention to keep in the closest touch with the progress of affairs there.

ALL READY FOR GREAT STRIKE

Executive Board of Miners Union Making Final Arrangements

Indianapolis, Oct. 30.—The executive board of United Mine Workers of America met here today to finish the preparatory work incidental of the coming strike of soft coal miners. That no development could avert the strike was stated, but some change in the attitude of operators might result in shortening of the t leup, according to union men.

OFFICERS OF FAIR ARE RE-ELECTED

J. N. Kirvin of Darlington Again Made President

Columbia, S. C., Oct. 29.—J. N. Kirvin, of Darlington, and A. B. Langley, of Columbia, were re-elected president and vice president, respectively, of the State Agricultural and Mechanical Society, under the auspices of which the State Fair is held, at the annual meeting of the society held here tonight. The following executive committee was elected by congressional districts:

First, J. Swinton Whaley, of Little Edisto; Second, J. I. Johns, of Allendale; Third, T. J. Kinard, of Ninety-Six; Fourth, John D. W. Watts, of Laurens; Sixth, Bright Williamson, of Darlington, and Seventh, S. J. Simmers, of Cameron. The members of the executive committee, with the exception of J. I. Johns, were re-elected. The secretary and treasurer will be elected at a meeting of the executive committee to be held next spring. The present secretary is D. F. Eard, of Columbia, and the treasurer is David G. Ellison, of Columbia. The meeting instructed the executive committee to ask the General Assembly for an appropriation of \$12,500, of which \$5,000 will go toward prizes for agricultural exhibits, and \$7,500 towards defraying expenses.