

## SPECULATE ON TURN IN COAL MINERS' CASES

Will Evidence Palmer Ordered Withheld Be Used in Prosecution?

### 'GOOD FAITH' AT ISSUE

Interest in the Federal prosecution of 125 coal miners and operators under an indictment charging them with violation of the Lever act centered today in speculation as to whether the local Government attorneys will use the evidence which Attorney General A. Mitchell Palmer ordered withheld and whether statements of Judge A. B. Anderson in court yesterday preface prosecution of the attorney general. The case was continued until Jan. 10, and the miners, awaiting the court's final decision, mean while to find out if what he termed as a "good faith" prosecution may be made.

Before granting the government's motion for continuance on the ground that it is unprepared, Judge Anderson said the action of the attorney general in ordering the suppression of vital evidence after a grand jury had returned an indictment based in great part upon it was "strangely near" to compounding a felony and "very close" to being contempt of court.

**HIGHLIGHTS ON REQUEST**  
Mr. Palmer stated that he will endeavor to ascertain if a "good faith" prosecution can be made is taken to mean he will find out if the evidence which it is alleged the attorney general wants suppressed is to be used.

Dan W. Simms, former special assistant to the attorney general and assistant to the attorney general, resigned when Mr. Palmer, on Sept. 29, instructed him not to use in the present prosecution any facts which were connected with the injunction and contempt proceedings against members of the United Mine Workers in October and November, 1919. Mr. Simms said after the hearing closed yesterday that he will not return to the prosecution.

Judge Anderson, in considering the procedure in the case, said: "Would it not be contempt of court for a prosecuting officer to bring about a prosecution which, from the beginning, would be a farce?"

### JUDGE DISCUSSES CONTEMPT PHASE.

Bearing upon the point of possible contempt proceedings the judge said: "I am not sure that the man who occupies my position dislikes it is contempt proceedings, but let's see just how close this gentleman, Mr. Palmer, comes to contempt of this court. I'm not saying what will happen in the future. I admit that I am bound to have a certain amount of consideration for his position if not for the man himself."

He continued to protest and to quote authority to show that in cases which he considered parallel such alleged interference with the processes of justice has been held to be contemptuous.

Saying he desired to further "clear the atmosphere," Judge Anderson continued: "The question is not exactly whether an attorney general can in certain cases do certain things." Whether the attorney general after a grand jury has returned a bill can come into this court and stop a prosecution whether the court thinks it should be stopped or not I am not now going to decide. But the attorney general can do this after a general after the return of a bill, following an investigation made under instructions of the court, whether the attorney general can then direct the officers under him to leave out certain important details and omit the requisites of the defendant. This is quite another matter. No attorney general and no district attorney can do that."

The court quoted law to back up his statement that the attorney general can "strangely near" to compounding a felony.

### QUESTIONS AGREEMENT.

"Can the attorney general, in a meeting with people who have already been charged in a sense with the violation of a statute before a judge who has called a grand jury to investigate, enter into an agreement that if they will be good and not harm him of the embarrassment of enforcing an injunction he will see to it that certain evidence is suppressed?"

Much was made in the hearing of statements which were taken to show that the attorney general made some sort of an agreement with the striking miners relating to future prosecutions.

Mr. Simms, when he took the stand and the court, saying he understood the attorney had said he now had more of an insight into a statement of the miners' attorneys at the time the indictment was returned, asked him who made the statement and what it was.

Mr. Simms said that Henry Warren, their chief counsel for the miners, observed in the hall outside the courtroom that somebody had handed the miners a gold brick.

"Referring to the indictment?" Judge Anderson asked, and received an affirmative reply.

"Mr. Warren, do you want to explain that statement?" the judge asked.

Mr. Warren did not arise.

### DISTRICT ATTORNEY FOR COAL MINERS.

Judge Anderson then asked District Attorney Fred Van Nys to produce certain telegrams which passed between him and Attorney General Palmer about Sept. 30.

The messages, which Mr. Van Nys read, showed that on Sept. 30, the day after Mr. Simms received the order to proceed against the injunction and contempt testimony from the present case, Mr. Palmer informed him it was true that further indictments against coal men were being considered; that Mr. Van Nys replied in the affirmative and that one of Mr. Palmer's assistants wired instructions that the attorney general's office should be consulted before such action was taken.

The judge indicated that no matter how Mr. Palmer felt, if the facts warranted further indictments, he would see that they were brought.

"Is it possible that this court can not proceed unless the attorney general approves?" Judge Anderson questioned.

"It is understood now that this prosecution shall go through to the end?"

"Give you confidence in your old friends. Slack and Simms?" Mr. Palmer replied, Judge Anderson said.

"Yes," the court said he answered.

"They have instructions to go through to the end," said the attorney general's rejoinder, the court agreed.

Mr. Slack would not discuss his plans for the future, merely stating: "I've done all the talking about this case that I'm going to for awhile."

### Risk Agents to Meet

MARION, Ind., Nov. 9.—Fire insurance agents from all parts of the State will gather Nov. 18 for the annual convention of the Conservation and Fire Prevention Association of Indiana. All fire hazards in the city will be inspected by the visitors, including factories, business houses and as many residences as possible.

Arrangements for the meeting have been completed by John H. Engle, Winton, president of the association, and E. D. Weaver, Indianapolis.

## FOOD PHASE OF NEW LAW FAILS IN EXECUTION

(Continued From Page One.)

## ACTION IN DEBS CASE INDORSED

Wilson Commended by Legion Adjutants.

Investigation is doubtful, unless between now and the time the request is made, should it be made, some action is taken by the commission for obtaining funds, through license fees or otherwise, to conduct such an investigation.

### BLAME LAID TO LEGISLATURE.

The blame for the tied hands of the commission is not being laid at the door of the commission, but rather is being placed on the door of the Legislature. Those who are questioning the motives of the act are wondering why, when the bill was passed, the General Assembly did not provide for some means to gather funds for conducting an investigation of food profiteering, or why it did not make a specific appropriation for the use of the commission for its investigation of both coal and food conditions in the State.

The period of operation of the special coal and food commission expires March 1, 1921, when, unless the regular session of the Legislature prolongs it, it will pass out of existence.

With colder weather practically here, and with the coal situation becoming more and more serious daily, it is reasonable to presume that no time will be wasted in the continuation to investigate any profiteering in food, at the time and personnel of the commission is now occupied entirely in investigation of the coal situation.

### Marriage Licenses

Eliza Hawkins, 952 S. Delaware st., 28

Chloe True, 418 W. Henry st., 20

Clifford Smith, 2330 N. La Salle st., 20

Flora Lombard, 2726 N. La Salle st., 20

Charles Massingill, 3705 Brightwood st., 21

Lee Yocom, 103 W. New York st., 28

Irene Gowens, 848 Camp st., 21

Oliver J. Karger, 510 Louis st., 19

Elsie C. Harper, 2304 N. Delaware st., 23

Bethel Porter, 138 N. Blackford st., 23

Wilber S. Harris, Hamilton Co., 20

Frederick King, 2620 W. Washington st., 24

Blanche White, 824 N. Capitol ave., 19

David Curran, 1228 Hoyt ave., 26

Margaret Fitzpatrick, 1415 S. Alabama st., 22

Harold Williams, Indianapolis, 27

Harley Bunnell, Webster, Ind., 27

Harley Wilson, 219 E. McCarty st., 21

Twilla Baker, 823 S. Delaware st., 18

Ralph McPeak, 551 Bradshaw st., 21

Irtha Howard, 1314 English ave., 18

Ralph Hunter, Putnam Co., 20

Frederick Wilson, 2425 Rockwood ave., 20

Edgar C. Thompson, 210 W. Ohio st., 24

Amy Moran, 418 S. Missouri st., 23

Christ Mentis, 423 N. Pennsylvania st., 23

Edna Rodgus, 696 Ogden st., 23

Walter Smith, Louisville, Ky., 23

Maud Musgrave, Frankfort, Ind., 23

Layman Yancey, New York, 23

Herschel Thirton, Bloomington, Ind., 23

Marie Smedley, Bloomington, Ind., 23

William Dandridge, 903 N. Senate ave., 23

Pearl Lacy, 1133 N. Senate ave., 23

John Smith, 905 W. Eleventh st., 23

Clara Bostick, 914 N. Eleventh st., 23

Jessie Taylor, 223 Madison ave., 23

Tempy Day, Irving Place, 23

Rush Johnson, Shadyside, Ind., 23

Oliver Trout, 47 N. Bradley st., 23

Claude Jones, Jr., 2328 Central ave., 23

John Gilson, 735 E. Minnesota st., 23

Charles and Agnes Yeager, 2188 Olney, 23

William and Fernie Hood, 2512 Hul-  
sizer, boy, 23

William and Kate Lymonds, Metho-  
dist Hospital, girl, 23

Lonnie and Mary Field, Methodist Hos-  
pital, girl, 23

Henry and Minnie Letcher, Methodist  
Hospital, girl, 23

James and Ethel West, Methodist Hos-  
pital, girl, 23

and Marie Close, Methodist Hos-  
pital, boy, 23

Oliver and Ruth Bittler, Methodist  
Hospital, girl, 23

Carroll and Nannette Kalm, Methodist  
Hospital, boy, 23

Paul and Blanche Coddy, Methodist  
Hospital, girl, 23

Hospital, girl, 23

and Besie Lorenz, Metho-  
dist Hospital, girl, 23

Byron and Jessie Cox, Methodist Hos-  
pital, girl, 23

Robert and Mildred Bulard, 2854 Paris,  
Ind., 23

Harry and Mabel Brunner, 1241 West  
Hoyt, boy, 23

William and Ollie McClinton, 125  
North Pleasant, boy, 23

William and Hattie Mathews, Long  
Hospital, boy, 23

Louis and Sophie Albaker, Long Hos-  
pital, boy, 23

Rose and Phyllis Kent, 1235½ Madison,  
boy, 23

Wilmett and Fannie Langley, 1347 Kin-  
sey, girl, 23

Wendy and Vonnie Burton, 810 Bates,  
girl, 23

Walter and Helen Schell, 2148 North-  
western, girl, 23

Levi and Mary Walker, 241 Puryear,  
boy, 23

Dale and Letta Chandler, 2135 Pleasant,  
boy, 23

John and Myrtle McLinn, 2500 South  
Orange, boy, 23

### Deaths

Clara West, 23, Methodist Hospital,  
cerebral spinal meningitis.

Dickie, 20, Methodist Hospital, car-  
cinoma.

Aila Cain, 41, 950 N. Sheffield, pul-  
monary tuberculosis.

Howard Harvey Boswell, 5, 1125 Udell,  
cerebral meningitis.

William Woessner, 47, Central Indiana  
Hospital, paroxysmal.

John, 10, pulmonary tuberculosis.

Martin V. Toney, 88, Central Indiana  
Hospital, pulmonary tuberculosis.

Catherine Hyde, 7, City Hospital, scar-  
let fever.

George W. Beam, 69, Methodist Hos-  
pital, carcinoma.

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## To Land Big Tarpon Now Harding's Chief Ambition

Adjutants.

In accordance with unanimous vote at today's session of the conference of department adjutants of the American Legion, at the Washington hotel, the following telegram was sent to President Wilson:

Unanimous endorsement of the proposed legislation.

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Those who are questioning the motives of the act are wondering why, when the bill was passed, the General Assembly did not provide for some means to gather funds for conducting an investigation of food profiteering, or why it did not make a specific appropriation for the use of the commission for its investigation of both coal and food conditions in the State.

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