

SENTENCED TO JAIL.

Gompers Mitchell and Morrison Convicted of Contempt.

THE JUDGE SCORES UNION MEN.

Declares They Have Openly Defied The Courts.—Gompers Says He Has Only Been Fighting the Battles of the Working Man—Union Men in Several Cities Protest.

Washington, Special. — Twelve months in jail for Samuel Gompers, President, nine months for John Mitchell, one of the vice presidents, and six months for Frank Morrison, secretary, all of the American Federation of Labor, was the sentence imposed by Justice Wright, of the Supreme Court of the District of Columbia, for contempt of Court in violating an order previously issued enjoining them from placing on the "unfair" or "we don't patronize" list the Bucks Store and Range Co., of St. Louis, Mo.

All three of the defendants were in court. Notice of an appeal to the Court of Appeals, of the District of Columbia, at once was filed, Gompers being released on \$5,000 bond, Mitchell on \$4,000, and Morrison on \$3,000.

With tears coursing down his own cheeks, President Gompers heard the order of the Court which condemned him to prison for a year. Both Mitchell and Morrison seemed stunned by what appeared to be least concerned. Asked if he had anything to say why sentence should not be pronounced, President Gompers declared that he had not consciously violated any law. There was much he would like to say, he said, but he could not do it at that time. He added, however, that "this is a struggle of the working people of our country, and it is a struggle of the working people for right. It is a struggle of the ages—a struggle of the men of labor to throw off some of the burdens which have been heaped upon them; to abolish some of the wrongs and to secure some of the rights too long denied."

Mitchell and Morrison Confess Themselves to an Endorsement of What Mr. Gompers Had Said.

The decision of Justice Wright, which consumed two hours and twenty minutes in reading was one of the most scathing arraignments that ever came from the bench in this city. He recited the conditions attending the injunction and referred to the fact that for twenty-five years the Bucks plant had been operated as a ten-hour shop and always had maintained an "open shop." The Court read extracts from numbers of resolutions of labor organizations bearing on the Bucks case as tending to show the methods of influencing members of unions, "and these methods," the Court remarked, "seemed to be known as persuasion." The customers of the Stove Company, the Court said, had been intimidated, brow-beaten and coerced out of their business relations with their customers "by direct interference with and boycott of their (the customers) trade relations with their own customers and the public generally." Following an exhaustive discussion in restraint of trade, Justice Wright said:

"From the foregoing it ought to be apparent to thoughtful men that the defendants to the bill, each and all of them, have combined together for the purpose of

"1. Bringing about the breach of plaintiff's existing contracts with others.

"2. Depriving plaintiff of property (the value of the good will of the business) without due process of law.

"3. Restraining trade among the several States.

"4. Restraining commerce among the several States.

The ultimate purpose of the defendants, the Court said, in this connection was unlawful, their concerted project an offence against the law and, it added, they were guilty of crime.

Coming to the question of violation of the Court's injunction Justice Wright said:

Violation of the Injunction.

"That Gompers and others had, in violation of the injunction, determined to violate it if issued, and had in advance of the injunction counselled all members of labor unions and of the American Federation of Labor, and the public generally to violate it in case it should be issued, appears from the following which references point out also the general plan and the mutual understanding of the various members."

The Court here read a mass of extracts from representatives of proceedings of conventions of the Federation, reports of President Gompers,

editorials from the columns of the American Federationist and the labor press generally in support of his statement that there was a pre-determination to violate. The Court after quoting at great length the attitude taken by Mr. Gompers since the injunction was issued, his writings, interviews and the public addresses, remarked: "All of which was done, all of which was published, all of which was circulated in wilful disobedience and deliberate violation of the injunction, and for the purpose of inciting and accomplishing the violation generally and in pursuance of the original common design of himself and confederates, to bring about the breach of plaintiff's existing contracts with others; deprive plaintiff of property (the good will of its business) without due process of law; restrain trade among the several States; restrain commerce among the several States."

As to Secretary Frank Morrison Court declared that he had full knowledge of all that was being done, took part in the preparation and publication of the American Federationist of April, 1908, with complete knowledge of its contents.

Concerning Mitchell the Court pointed to various acts which, he said, placed him within the pale of the law.

Vital Questions Involved.

Continuing as to all three of the defendants the Court said: "In defence of the charges now at bar neither apology nor extenuation is deemed fit to be embraced; no claim of unmeant contumacy is heard; persisting in contemptuous violation of the order, no defence is offered save these:

"That the injunction (1) infringed the constitutional guaranty of freedom of the press and (2) infringed the constitutional guaranty of freedom of speech."

In connection with the consideration of the contention that the injunction invaded the right of free speech and of the press the Court held in part:

"The position of the respondents involves questions vital to the preservation of social order, questions which smite the foundations of civil government, and upon which the supremacy of the law over anarchy and riot verily depend."

In the opinion of the Court even where a tribunal had fallen into error in the determination of a case which was invested with jurisdiction to "hear and determine," the duty and necessity of obedience remained nevertheless the same.

The Law Rendered Null.

"Before the injunction was granted these men announced that neither they nor the American Federation of Labor would obey it; since issued they have refused to obey it; and through the American Federation of Labor disobedience has been successfully achieved, and the law has been made to fail; not only has the law failed in its efforts to arrest a widespread wrong, but the injury has grown more destructive since the injunction than it was before. There is a studied, determined defiant conflict precipitated in the light of open day between the decrees of a tribunal ordained by the Government of the Federal Union and the tribunals of another Federation grown up in the law, one or the other must succumb, for those who would unlaw the law are public enemies."

In passing sentence on the defendants the Court said:

"It would seem not inappropriate for such a penalty as will serve to deter others from following after such outlawed examples, will serve to vindicate the orderly power of judicial tribunals, and establish over this litigation the supremacy of law."

History of the Case.

The Bucks Company prosecution of the officials of the Federation began in August, 1907. The original action was a test case wherein it was sought to enjoin the labor unions from using the "unfair" and "we don't patronize" lists in their fight against firms and individuals. Justice Gould of the Supreme Court of the District of Columbia, issued an injunction which was later made permanent forbidding the publication of the company's name in these lists. President Gompers in an editorial in "The Federationist" of last January, made known his intention not to obey the Court's order, contending that the injunction issued was in derogation of the rights of labor and an abuse of the injunctive power of the Courts.

Gompers, Mitchell and Morrison subsequently were cited for contempt, and this phase of the case has been before the Court for many months, the proceedings taking the form of a hearing of testimony before an examiner and many arguments.

Roosevelt Asked to Interfere.

Whether President Roosevelt will take any action, as he has been urged to do in telegrams received from different labor organizations throughout the country, in connection with Judge Wright's decision, has not been decided.

CANNOT AID GOMPERS

Appeals of the Labor Leaders Continue Their Case Before the Courts and the President Has No Power to Assist Them.

Washington, Special.—In an official statement issued at the White House Saturday in regard to presidential interference in the cases of President Gompers, Vice President Mitchell and Secretary Morrison, of the American Federation of Labor, now under sentence for contempt of court, attention is called to the fact that the cases are still before the courts and that no matter what the President's opinion may be as to the justness of the sentence imposed he cannot take any action looking to pardon or express any opinion as to the merits of the cases.

The text of the statement follows:

"Various appeals have been made to the President to interfere by pardons in the case of Mr. Gompers and his associates. Those making the appeals are unaware of the fact that the matter is still before the courts. It is a civil suit between private parties and there has been no way by which the government could have interfered even if it had desired to do so. Whether the President does or does not think the sentence of Mr. Gompers and his associates excessive is not at present of consequence because he cannot take any action or exercise any opinions while the case is pending before the courts. When the decision is made then the President can promptly consider whether the terms of imprisonment are excessive or improper.

"The President has already instructed the Department of Justice to keep him fully informed as to the progress of the case so that in the event of its becoming proper for him to act he may have at his disposal all of the facts which will enable him to decide whether there was justification for some punishment, whether the sentence is or is not altogether too severe. But at the present the President has no more to do with the case than with the case of the \$29,000,000 fine imposed by Judge Landis on the Standard Oil Company, which is also on appeal and concerning which the President has also been repeatedly asked to interfere by well meaning persons who did not know that he could not interfere while the matter was still before the courts on appeal."

The Evacuation of Cuba.

Havana, By Cable.—New Year's day will witness the beginning of the evacuation of Cuba by the army of pacification, which has been in possession of the island since the beginning of the provisional government, October, 1906. The first provisional regiment of marines, numbering about 900, will be among the first troops to leave. About half this regiment will sail from Havana on January 1st on the cruiser Prairie, which will return about the middle of the month and embark the remainder.

Headquarters and Companies A, B, C and D, twenty-eighth Infantry will embark on the United States transport Sumner at Matanzas, on December 31st. From there the transport will proceed to Havana and embark Companies F, G and H, stationed at Guanajay, and Company E, stationed at Guines.

From that time on, the transports Sumner and McClellan will be employed in the embarkation at intervals of the remainder of the year. Battery B, Third Artillery, and the Fifteenth Cavalry, will sail on February 2d. The headquarters and Eleventh Cavalry, the mountain artillery and Fifth Infantry; the Eleventh Infantry, and the Seventeenth Infantry will leave Havana about February 27th for Newport News. It is the intention to have all of these appear in the inaugural parade at Washington.

This leaves only two companies of engineers and two battalions of the Seventeenth Infantry. These troops will embark April 1st, which will complete the evacuation.

The embarkation of the troops will be effected with as little ceremony as possible. The purpose in deferring the departure of a portion of the Seventeenth Infantry until April 1st has been the subject of considerable speculation, but it is believed that this will be agreed upon at a conference between Governor Magoon and president-elect Gomez. It probably is for the purpose of keeping the barracks and quarters in good order until it is possible to turn over to the Cuban authorities a model camp.

Cubans, with the exception of a few who profess to fear that disorder will follow the evacuation of the island, are greatly pleased at the departure of the American forces as marking the complete establishment of independence. All show the kindest feelings toward the troops.

ALL CAN FLY NOW

Believes Aerial Navigation An Accomplished Fact

AIRSHIP BELIEVER OPTIMISTIC

All That F. S. Lahm Needs is the Wherewithal and Everybody Who Can Afford to Spend \$1,000 to \$5,000 Can Have a Machine to go Touring Through the Ether—Says the Wrights Have Solved the Problem of Aerial Navigation.

New York, Special.—Asserting that the problem of aerial navigation has been mastered and that within a few years airships will rival automobiles, Frank S. Lahm, one of the first of aeroplane pilots and the father of Lieut. Lahm, in command of the army's aeronautic experimental station, began his campaign to interest capital in the Wright aeroplane.

Mr. Lahm, though for thirty years a resident of Paris, is still a loyal American and believes and hopes that the Wright method will be adopted by the nations. He said that it was fitted for both commerce and war.

Mr. Lahm believes that the world will speedily recognize the fact that the age of aerial navigation has come. In speaking of his experiences with Wilbur Wright in France, Mr. Lahm said:

"I once went 100 feet above the ground with Mr. Wright. It was his first trip so high in the air, and did much toward converting many scoffers.

"The sounds of our whirring wings and the buzzing of the engine frightened many of the horses below us. It was a natural flight and we rose unaided by weight or monorail. I had the greatest pleasure of my life.

"It was as if we were in a steamship driving through a calm sea against a stiff wind, or as if we were sitting in a rocking chair and letting a gale spurt by us. When we came down at the rate of nearly a mile a minute I might have been disturbed if I had not seen Mr. Wright make so many landings without accident that it seemed preposterous that we should not land easily. I feared for a second that we might come down with a shock, but just as we got close to the ground—we had been rushing down spirally as if on a twisted toboggan slide—Mr. Wright so manipulated the machine that she landed easily.

"I have seen Mr. Wright go aloft without the aid of any propulsive weight. I have seen him parallel the earth no higher than a man's shoulder for miles. I have seen him take up a man weighing 208 pounds. I am confident that the Wright machine has solved the problem of aerial navigation. He can even with his present machine do whatever he wishes within the limits of the fuel he is able to carry.

"I expect to see a Wright machine make a flight across the English Channel and back before the end of spring. I believe that even in France, which is five years ahead of America in aviation, it will be difficult for the most optimistic to realize the possibilities in store for the aeroplane commercially and from the viewpoint of war."

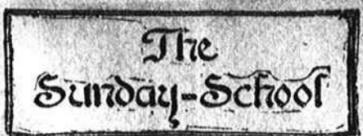
Mr. Bishop said that the Wrights had taken France by storm. He understood that Orville Wright, now recovered from his accident, would sail from here next week. He will establish a school of aviation at Pau. The brothers will manufacture aeroplanes in France on a large scale. The best machines will cost \$5,000 and the smallest about \$1,000.

Three Dead in Street Fight.

Ocala, Ga., Special.—Within a stone's throw of each other, their life blood making crimson the shaded streets of this quiet town, three men were instantly killed Tuesday night and an officer of the law received mortal wound. The dead are: Charles Moore, Virgil Moore, Leonard Smith. Fatally injured: Policeman Cain Walters.

Will Try Yankee Again.

Washington, Special. — Certainty that the cruiser Yankee, which sunk a second time off the Massachusetts coast after having been raised and was being towed to New Bedford, Mass., can be again floated and delivered safely at the New York navy yard, according to contract, is expressed by John Arbuckle, who successfully floated her the first time after the officers of the navy had given up the vessel. Mr. Arbuckle so telegraphed Secretary Newberry as the result of a survey of the Yankee with divers.



INTERNATIONAL LESSON COMMENTS FOR JANUARY 3.

Subject: The Ascension of Our Lord, Acts 1:1-14—Golden Text, Luke 24:51—Commit Verses 8; Exposition of the Lesson.

TIME.—Thursday, May 18, A. D. 30. PLACE.—Jerusalem and Olivet.

EXPOSITION.—I. The Risen Christ, 1-5. "The former treatise" is the gospel of Luke (Luke 1:1-4). The subject of the gospel was what Jesus "began" to do and teach. The subject of the Book of Acts is what Jesus continued to do and teach (after His ascension). Just before His ascension He had given the disciples commandments (cf. Matt. 28:19, 20; Mk. 16:15-19; Luke 24:45-49; ch. 10:40-42). He had given these commandments, after His resurrection, in the power of the Holy Spirit. What an honor this puts upon the Holy Spirit, and how it emphasizes the importance of His work (cf. 1 Cor. 2:4; 1 Thess. 1:5). Jesus was taken up "into heaven" (Luke 24:51; cf. 1 Peter 3:22). The all-sufficient proof that Jesus rose was that He was seen through forty days after His sufferings and death. He showed Himself alive by many proofs. "Forty days" is the period of thorough testing (Deut. 9:9, 18; 1 K. 19:8; Matt. 4:2). During the forty days there was one subject of conversation, "the things concerning the kingdom of God." As the days of communion with the risen Christ drew to a close Jesus laid a solemn charge upon them not to take up the commission of world-wide evangelization that He had laid upon them until they had received the all-essential fitting for the work, "the promise of the Father," the baptism with the Holy Spirit (vs. 4, 5; cf. Luke 24:49). They were to stay right there in Jerusalem and wait until "endued with power from on high."

II. The Ascending Christ, 6-9 (Luke 24:50, 51). The mention of "the promise of the Father" seems to have suggested to the disciples the restoration of Israel, so they ask Jesus if He is about to restore the kingdom to Israel. His answer implies that the kingdom is some time to be restored to Israel (cf. Is. 1:25-27; 9:7; Jer. 23:5, 8; 33:15-26; Ez. 36:23-28; 37:24-28; Hos. 3:4, 5; Joel 3:16-21; Am. 9:11-15). But in the most emphatic way He tells them that God has reserved the knowledge of times and seasons to Himself (cf. Matt. 24:36; Mk. 13:32. How vain and presumptuous then for any man to try to figure out the time of our Lord's return (Deut. 29:29). Jesus turns their attention from the vain attempt to discover times and seasons to their own present duty of witnessing for Him. When they should receive the kingdom He does not disclose; when they should receive power He does disclose (v. 8). This power would be theirs when the Holy Ghost had come upon them (R. V.). They would not have power until then. How foolish then for us to try to work for Christ until we have sought and obtained the baptism with the Holy Ghost. The power of the Holy Ghost was not merely for the purpose of making them happy, but for the purpose of making them "witnesses" (cf. 2:4; 4:8-12, 31, 33; 5:32; 9:17, 20). They were to begin their witnessing right where they were when the Holy Ghost was received—in Jerusalem. They were to go next to the immediately surrounding territory; then to the nearest neighbors, the despised Samaritans, and then on and on "unto the uttermost part of the earth." A true reception of the Holy Spirit by the church means world-wide missions. Immediately after speaking these words, while they were looking, His feet began to leave the earth. This was His parting message to us. How we ought to ponder it. He had lifted His hands to bless them as He finished the message (Luke 24:50, 51). He went up with His hands stretched out in benediction, and He has been blessing us ever since. They knew He ascended, for they saw Him clearly. They saw Him until the cloud the Shekinah glory, took Him out of their sight (cf. Ex. 19:9; 34:5; Is. 19:1; Ps. 104:3). We will be received up into that cloud some day (1 Thess. 4:17). He ascended to appear in the presence of God in our behalf, to prepare a place for us (Heb. 9:24; Jno. 14:2). His presence there makes us eternally secure (Ro. 8:34; Heb. 7:25) and His presence there now guarantees our presence there hereafter (Jno. 12:26; Rev. 2:21).

III. The Returning Christ, 10, 11. They strained their eyes to get another glimpse of Him and then stood there gazing. Two men in white (cf. Mk. 16:5; Luke 24:4, 23; Jno. 20:12; Acts 10:3, 30) stood by them. These angels were practical. "Why stand ye looking into heaven?" they ask. There are times when it is right to look up steadfastly into heaven (ch. 7:55), but there are times when duty calls to an earthward look. The right thing for the disciples to do just now was to do just what Jesus had bidden them (vs. 4, 12). The two in white gave a glorious promise to cheer the disciples and make it easy for them to leave that spot; Jesus was coming back again. Not another Jesus, but "this Jesus" which was taken up from them. He was to come just as He went, personally and visibly (the Greek is very emphatic and cannot be honestly reasoned away) (cf. Rev. 1:7; Luke 21:7; 1 Thess. 4:16; Phil. 3:20, 21; Heb. 9:28; Jno. 14:2; 2 Ti. 4:8; 2 Thess. 1:7-10).