DARROW CONDONES STRIKE BLOODSHED

Tells Industrial Relations Commission It Is Only Way to Progress.

CROWDS OUT JOHN D., JR., FROM TESTIFYING

Says McNamara Was a Martyr and Deserves a Pardon

[From The Tribune Bureau.]

Washington, May 18.—Stray bits of philosophy, ranging from the necessity for bloodletting to the utter uttermost of things, were scattered into the Industrial Relations Commission's record to-day by Clarence S. Darrow, the labor lawyer. His testimony so completely consumed the commission's session that John D. Rockefeller, jr., was crowded out of his place on the day's programme and will not be called until to-morrow afternoon to testify on the charge that he practically dictated a letter from Governor Ammons of Colorado to President Wilson.

Aside from Mr. Darrow's philosophy, facts developed by questioning included that Darrow considers the McNamara brothers, convicted dynamiters, martyrs who should be pardoned, and that his fees in his biggest three labor cases totalled $80,000. He received $35,000 fees in the Heywood-Moyer-Pettibone case, but, he added, it cost him a year and a half time, his health and his law practice. In the McNamara case his fee was $48,000, but he had to spend all this defending himself from the jury bribing charge afterward. In the coal strike case he was paid $10,000, but, he explained, any corporation lawyer would have charged ten or fifteen times as much for the same service.

While he waited to be called to the stand Mr. Rockefeller heard himself and Standard Oil denounced vigorously by Darrow. "I believe Rockefeller and Standard Oil have a most evil social influence," said Mr. Darrow, "but Mr. Rockefeller thinks he is as innocent as any one and justifies himself unto himself. Everybody thinks himself innocent."

Darrow would never punish criminals. The theory of punishment was barbarous and founded upon vengeance and ignorance. The time would come when the jails and penitentiaries would be turned into hospitals, he declared.

The United States is not a free country, and "we don't enjoy civil liberty," he testified. "We aren't as free as the English and not as free as we were seventy-five years ago."

Darrow said resistance by labor to military or other authority was justified if such authority overstepped itself. He argued that no important forward step in the world's history has been unaccompanied by bloodshed.

The witness said he had found it difficult to persuade workingmen to stand together for their rights.

The McNamaras took their life in their hands without hope of reward because they struggled for a principle, in this respect they were martyrs like John Brown. They were also criminals like John Brown because they violated the law, Darrow said.

James A. Emery, of New York, counsel for the employers' associations, testified briefly.

ILLINOIS HITS TIP TRUST

Public Places Can't Be Used to Obtain Gratuities.

Springfield, Ill., May 18.—The Merritt bill designed to break up the so-called "tip trust" was passed to-day by the lower house of the Legislature. The vote was 117 to 0.

The measure prohibits the leasing of cloak rooms, shoe shining stands, washrooms and other public places for the purpose of obtaining gratuities. Tipping is not prohibited by the bill, which provides that employes may receive tips if they retain them and do not pay them over in whole or in part to any one else. The bill provides a maximum fine of $10,000.

ASKS REVIEW OF CASH REGISTER CASE

Government Asserts Decision Was Based on Mistaken View of "Monopolization."

[From The Tribune Bureau.]

Washington, May 18.—Asserting that the decision of the Circuit Court of Appeals, exonerating the National Cash Register Company, was based upon a mistaken view of what constitutes "monopolization" and "a conspiracy in restraint of trade," the Department of Justice to-day asked the Supreme Court to review that case. In its brief the government declares it to be one of the most important criminal cases ever brought under the anti-trust law.

"The indictment charged," says the brief, "that by the use of practically all known means of unfair competition the defendants had ruined and forced out of business a great number of competing cash register companies and acquired 95 per cent of the cash register trade of the United States. After an expensive and protracted trial all of the defendants were convicted, but this conviction was reversed by the Circuit Court of Appeals, which remanded the case for a new trial on the first count of the indictment and dismissed it as to the other two counts.

"The peculiarly aggravated nature of the defendants' conduct, as disclosed in the course of the trial, as well as the farreaching character of the questions of law involved, has aroused the most widespread public interest. The reversal of the conviction has been taken by many to indicate that the criminal provision of the anti-trust law, while in theory effective, in practice is unenforceable. General acceptance of this view, even if mistaken, will have the gravest consequences."

The brief adds that the government appeals with the hope that if another trial of the defendants must be held it shall be done "in the light of a clear and authoritative construction of the law on which the outcome of the trial must depend."

"It is also," says the brief, "of the greatest consequence to the Department of Justice in the conduct of pending and future litigation, and to the public generally, that no misunderstanding should exist as to the meaning of the anti-trust law."

In concluding the presentation of the case on the legal points involved, the brief declares that the testimony which the Circuit Court itself sets forth in its reversing opinion shows "that these men were steeped in a deliberate guilt; not merely technically guilty of technical offences, but knowingly guilty of the gravest offences that the man in the street would recognize as flagrantly and unmistakably wrong."

COURT CALENDAR

The missing of this line ( ) is venue or against. Cases will be called in the order given.

FEDERAL.

CIRCUIT COURT OF APPEALS.—LACOMBE, COXE, WARD and HOUGHTON—10.30 a. m.
Room 441, Post-Office Building.
GENERAL CALENDAR.

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DISTRICT COURT.

Admiralty Calendar—SMITH, J.—10 a. m.
Room 441, Post-Office Building.
Independent Steamship Co Inc Fr Mfg
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Harbor Tug H H Kenny Keller & Ann
Peter Tug John Rogge Weehawken D D Co Sum
MAWLBank Tug P R B J Nc
Ng P. T. Read Eq S. S. Fatile
Equity Calendar, 10 ARNED HAND, J.
Room 441, Post-Office Building.
Equity Calendar—HUNT, C. J.
Room 1, Woolworth Building.

NEW YORK COUNTY.

SUPREME COURT.

Appellate Term—1st Department.
Before INGRAHAM, P. J., CLARKE, SCOTT, DOWLING and HOTCHKISS, JJ.—Court opens at 10 a. m.
APPEALS FROM ORDERS.
GENERAL CALENDAR—At 10 15 a. m.

Special Term—Part I—GREENBAUM, J.
MOTION CALENDAR—At 10 a. m.

Special Term—Part II—PAGE, J.
MOTIONS.

Special Term—Part III—DONNELLY, J.
In parte matters.

Special Term—Part IV—GARLAN, J.
MOTIONS.

Special Term—Part V—FORSTER, J.
MOTION CALENDAR—At 10 a. m.

Special Term for Trials—BRADY, J.
No day calendar.

Trial Term—GIEGERICH, J.

Trial Term—Part I—BLANCHARD, J.
Trial Term—Part II—DELEHANTY, J.

Trial Term—Part III—DULANY, J.

Trial Term—Part IV—DUGRO, J.

Trial Term—Part V—COHALAN, J.

Trial Term—Part VI—FOILBIN, J.

Trial Term—Part VII—SELANGER, J.

Trial Term—Part VIII—FORD, J.

Trial Term—Part IX—FLATZEK, J.

Trial Term—Part X—Adjourned for the term.
Trial Term—Part XI—GOFF, J.

Trial Term—Part XII—Adjourned for the term.
Trial Term—Part XIII—Recess.
Causes remaining in this part transferred to Part IX for trial.
Trial Term—Part XIV—BIJUR, J.
INQUEST.

Trial Term—Part XV—Recess.
Causes remaining in this part transferred to Part XIV.
Trial Term—Part XVI—HENDRICK, J.

Trial Term—Part XVII—SELANGER, J.

Trial Term—Part XVIII—FORD, J.

Trial Term—Part XIX—Adjourned for the term.
Trial Term—Part XX—Adjourned for the term.
Trial Term—Part XXI—GOFF, J.
Set Down Action Fargo Clear.

SURROGATES' COURT CHAMBERS.

COHALAN, S.
WILLS FOR PROBATE—At 10.30 a. m.
Mary F. Wilso... Frank Fisher
Elizabeth Schaefer Elizabeth Meacrue
Trial Term—COHALAN, S.—At 10.30 a. m.
NO DAY CALENDAR.

CITY COURT.

Special Term—Part I—SCHMUCK, J.

Special Term—Part II—GUY, J.

Special Term—Part III—LEVENTRITT, J.

Special Term—Part IV—FINELITE, J.—Unfinished.
Causes to be sent from Part IIIa.
Part V—ALLEN, J.—Unfinished.
Part VI—RANSOM, J.—Unfinished.
Part VII—ZELLAR, J.—Unfinished.
Part VIII—SMITH, J.—Unfinished.
Causes to be sent from Part I to Parts II, V, VI, VII and VIII for trial.

REFEREES APPOINTED—SUPREME COURT.
By HENDRICK, J.
Matter of Sturm—David C. Broderick.
By DONNELLY, J.
Matter of Guggenheim—Alex. L. Shearman.
By GAVEGAN, J.
Tax Lien Co Souder—R. L. Maynard.

BRONX COUNTY.

SUPREME COURT.

Special Term—BRADY, J.
Motions and Special Matters.
MOTION CALENDAR.

Special Term for Trials—BRADY, J.
No day calendar.

Trial Term—GIEGERICH, J.

Trial Term—Part I—SCHMUCK, J.

Trial Term—Part II—DELEHANTY, J.

Trial Term—Part III—PLATZEK, J.

Trial Term—Part IV—FORDHAM, J.

Trial Term—Part V—GARRITSON, J.
Causes, irrespective of the time required for trial thereof, will be assigned on Fridays. If not finished that day, will be carried over to the following Monday.
Part VI—Adjourned for the term.
Part VII—Adjourned for the term.
Part VIII—Adjourned for the term.
Causes remaining in this part transferred to Part III for trial.
Part IX—Adjourned for the term.
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Part XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXV—Adjourned for the term.
Part XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXVI—Adjourned for the term.
Part XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXVII—Adjourned for the term.
Part XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXVIII—Adjourned for the term.
Part XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXIX—Adjourned for the term.
Part XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX—Adjourned for the term.
Part XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXI—Adjourned for the term.
Part XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXII—Adjourned for the term.
Part XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXIII—Adjourned for the term.
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Part XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX—Adjourned for the term.
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Part XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXII—Adjourned for the term.
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Part XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX—Adjourned for the term.
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Part XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXVI—Adjourned for the term.
Part XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXVII—Adjourned for the term.
Part XXXXXXXXXXXXXXXXXXXXXXXXXXXXX